

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE PURCHASE OF A KUBOTA UTILITY VEHICLE FOR THE PARKS AND RECREATION DIVISION**

**WHEREAS**, the Parks and Recreation Division relies upon utility vehicles to remove trash, remove snow, apply salt to streets and parking lots, and maintain baseball fields; and,

**WHEREAS**, Meyer Equipment provided a quote for a Kubota RTV-X1100CWL-HS 4x4 at a price of \$39,570.85; and,

**WHEREAS**, Council finds that this purchase will improve efficiency and the conditions at City parks;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City Administrator is directed to award a contract to Meyer Equipment for one (1) Kubota RTV-X1100CWL-HS 4x4 utility vehicle at the price quoted above.

**Section 2:** The Finance Director is authorized to pay the contract price from the following line items of the 2021 annual budget:

- Line 403-901-52-978090: \$37,061.00;
- Line 101-751-52-730005: \$1,500.00; and
- Line 105-751-52-730003: \$1,009.85.

**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 4:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2021 \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2021 \_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 8208 BY APPROVING A CHANGE ORDER TO AN ENGINEERING SERVICES CONTRACT AND DECLARING AN EMERGENCY**

**WHEREAS**, Council approved the award of an engineering services contract to Strand Associates, Inc. ("Strand") in Ordinance No. 8208 on March 10, 2020 in order to help the City prepare its Integrated Watershed Improvement Plan ("IWIP") submission to the Ohio Environmental Protection Agency ("OEPA") by November 1, 2021; and,

**WHEREAS**, the submission of a satisfactory IWIP is necessary to comply with the Second Amended Consent Order that the City entered into with OEPA on February 28, 2020; and,

**WHEREAS**, Strand identified the need for the asset risk ranking of the City Water Pollution Control facilities to help determine when capital assets will require replacement over the next twenty years; and,

**WHEREAS**, knowledge of the life expectancy of these assets will aid the City in the Financial Capability Assessment section of the IWIP; and,

**WHEREAS**, the change order request for this addition to the engineering services contract is for an additional \$35,800.00;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The total amount approved for expenditure in Section 1 of Ordinance No. 8208 is hereby amended to reflect a total cost of \$430,300.00.

**Section 2:** The City Administrator is directed to execute the proposed change order with Strand on file with the City Engineer in the amount of \$35,800.00.

**Section 3:** The Finance Director is authorized to pay the change order amount of \$35,800.00 from Line 589-540-52-977015 of the 2021 annual budget.

**Section 4:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 5:** This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that time is of the essence to assemble the data for the November 1, 2021 IWIP submission deadline. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: \_\_\_\_\_, 2021 \_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_  
Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2021 \_\_\_\_\_  
Mayor

# Ordinance No. \_\_\_\_\_

## **AN ORDINANCE CONSENTING TO IMPROVEMENTS TO STATE ROUTE 66 BY THE OHIO DEPARTMENT OF TRANSPORTATION WITHIN THE MUNICIPAL BOUNDARIES, AUTHORIZING NECESSARY REIMBURSEMENT AGREEMENTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Ohio Department of Transportation ("ODOT") plans to pave State Route 66 from Elliott Road north to the Fulton County Line during the construction year 2022; and,

**WHEREAS**, ODOT is seeking City participation on this project that would allocate a portion of the construction costs within the municipal boundaries to the City; and,

**WHEREAS**, the estimated costs for the City share of these improvements is \$9,000.00; and,

**WHEREAS**, Council finds that the ODOT proposal will enhance the Connectivity Pillar of the Defiance Community Strategic Plan by maintaining a reliable transportation infrastructure network on State Route 66 from Elliott Road to points north of the municipal boundary;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** Council gives consent to the Director of Transportation to complete the above-described project within its boundaries.

**Section 2. Cooperation Statement:** Council shall cooperate with the Director of Transportation in the above-described project as follows:

ODOT and the Federal Highway Administration ("FHWA") shall assume and bear 100% of the necessary costs of the State's highway improvement project except for areas inside city corporation limits, where ODOT will be responsible for 80% of the following costs associated with the project, including: paving of asphalt, milling the existing pavement, maintenance of traffic, mobilization, painting of longitudinal pavement markings (centerline and edge lines) and construction engineering costs. The City will be responsible for the matching 20% of the costs for these items, as well as 100% of the construction and construction engineering costs for the following items, if they are deemed necessary: auxiliary pavement markings (stop bars, pedestrian crossings, railroad markings, turn arrows, etc.), handicap curb ramps, curbs, sidewalks and partial and/or full depth pavement repairs. In the event that Council requests certain features or appurtenances to be included within the State highway improvement project's design and/or construction, and which features and appurtenances are determined by the State and FHWA to be not necessary for the State's project, Council shall contribute 100% of the cost of those items.

**Section 3. Utilities & Rights-of-Way Statement:** Council agrees that all right-of-way required (if applicable) for the described project will be acquired and/or made available in accordance with current State and Federal regulations. Council also understands that right-of-way costs include eligible utility costs.

Council agrees that all utility accommodations, relocations and reimbursements will comply with the current provisions of 23 CFR 65 and the ODOT Utilities Manual.

**Section 4. Maintenance:** Upon completion of the project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S. Code, Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 5. Authority to Sign Agreements:** The City Administrator is hereby empowered on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above-described project.

**Section 6:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 7:** This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that Council desires to expedite these highway improvements and ODOT has given a February 19, 2021 deadline for this participatory legislation. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_

Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE PURCHASE OF POLICE  
CRUISERS AND EQUIPMENT**

**WHEREAS**, the City budget provides for the annual rotation of police vehicles in order to ensure reliable emergency vehicles and prevent large and sudden costs for the City; and,

**WHEREAS**, the 2021 capital improvements budget provided for the replacement of two police cruisers; and,

**WHEREAS**, the City Police Department received bids from local automobile dealers for replacement vehicles and found an offer to sell one fully equipped 2021 Ford Interceptor sport utility vehicle for a total price of \$32,850.00 from Mark Moats Ford and one 2021 Dodge Charger all-wheel drive vehicle for a total price of \$32,990.00 to be the lowest and best bids to the published specifications;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City Administrator is directed to purchase one 2021 Ford Interceptor sport utility vehicle from Mark Moats Ford and one 2021 Dodge Charger all-wheel drive vehicle from Derrow Automotive, plus any equipment and build, for a total cost of \$65,840.00.

**Section 2:** The Finance Director is authorized to pay the total cost of purchasing and equipping the police cruiser in the amount specified in Section 1 from Line 403-901-52-976054 of the 2021 annual budget.

**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 4:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2021 \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2021 \_\_\_\_\_  
Mayor