

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF A CRANE AND UTILITY BOX FOR THE WATER POLLUTION CONTROL DIVISION AND DECLARING AN EMERGENCY

WHEREAS, Council authorized the purchase of a new maintenance truck for the City Water Pollution Control Division in Ordinance No. 8336 on September 28, 2021 and the City plans to take delivery within the next few months; and,

WHEREAS, the Water Pollution Control Division uses this vehicle to make repairs to pumps and other field equipment; and,

WHEREAS, a crane and utility box are necessary components to this vehicle and are available from Lindco Equipment Sales of Merrillville, Indiana at a total cost of \$64,744.00; and,

WHEREAS, Council finds that the City met the competitive bidding requirements for the item required by §151.03(a) by locating and selecting the item through the Sourcewell cooperative purchasing platform;

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 for a utility box, crane, and mounting equipment to Lindco Equipment Sales conforming to the specifications on file in the office of the Water Pollution Control Superintendent at the quoted price of \$64,744.00.

Section 2: The Finance Director is authorized to pay the total cost of the vehicle quoted in Section 1 from Line 590-540-52-730117 of the 2022 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 is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that the quote for this item provided by Lindco Equipment Sales is likely to increase if the City does not execute the contract within thirty days of the date of the quote. 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: _____, 2022

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2022

Mayor

ORDINANCE NO. _____

AN ORDINANCE MODIFYING THE COMPENSATION OF THE STREET SUPERINTENDENT IN THE DIVISION OF STREETS

WHEREAS, the City Administrator promoted Assistant Streets and Services Director D.J. Zeedyk to the new position of Street Superintendent with an effective date of January 31, 2022 in order to create a clearer delineation of responsibilities and more efficient operations across City divisions; and,

WHEREAS, the City Administrator determined that this promotion warrants a salary increase commensurate with the increased duties and responsibilities of the position at the rate of \$80,251.00 per annum; and,

WHEREAS, Charter Section 2.12(4) authorizes Council to fix the number of employees in the various departments of the City and fix the rate of their compensation;

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

Section 1: All actions taken by the City Administration to compensate Street Superintendent D.J. Zeedyk at the rate of \$80,251.00 per annum effective January 31, 2022 are hereby approved, ratified, and confirmed.

Section 2: The Finance Director is authorized and directed to disburse wages to D.J. Zeedyk at the established annual rate of \$80,251.00 effective January 31, 2022 notwithstanding any contrary ordinance including, but not limited to, Codified Ordinance §147.16.

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: _____, 2022

President of Council

Attest: _____, Clerk

Approved: _____, 2022

Mayor

ORDINANCE No. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 8360 PASSED
DECEMBER 7, 2021 TO MAKE APPROPRIATIONS FOR
CURRENT EXPENSES AND OTHER EXPENDITURES OF
THE CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF
JANUARY 1, 2022 THROUGH DECEMBER 31, 2022.**

WHEREAS, the City Finance Director has determined that additional appropriations are necessary to provide for expenditures; and

WHEREAS, that in addition to approving the expenditure of all public funds, Council must approve the appropriation of all public funds;

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

Section 1: That, to provide for expenses of the City of Defiance, State of Ohio, during the period of January 1, 2022 through December 31, 2022, Ordinance No. 8360 is hereby amended by appropriation changes to the following accounts:

101 - General Fund			
172 - City Administrator			
Operating	\$	10,000.00	
TOTAL - 172 - City Administrator			\$ 10,000.00
205 - County & State Charges			
Operating	\$	50,000.00	
TOTAL - 205 - County & State Charges			\$ 50,000.00
TOTAL - GENERAL FUND			\$ 60,000.00
403 - Capital Improvements Fund			
Operating	\$	336,640.00	
TOTAL - 403 - Capital Improvements Fund			\$ 336,640.00
589 - Sewer Capital Improvements Fund			
Operating	\$	151,560.00	
TOTAL - 589 - Sewer Capital Improvements Fund			\$ 151,560.00
591 - Water Treatment Plant Fund			
Operating	\$	3,164,000.00	
TOTAL - 591 - Water Treatment Plant Fund			\$ 3,164,000.00
GRAND TOTAL - ALL FUNDS			\$ 3,712,200.00

RECAPITULATION OF APPROPRIATIONS

101 - General Fund	\$	60,000.00
403 - Capital Improvements Fund	\$	336,640.00
589 - Sewer Capital Improvements Fund	\$	151,560.00
591 - Water Treatment Plant Fund	\$	3,164,000.00
GRAND TOTAL - ALL FUNDS		\$ 3,712,200.00

Section 2: It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and that all deliberations that resulted in such formal action being taken, including all deliberations conducted by Committees of the Council, were conducted in meetings open to the public duly convened in compliance with law.

Section 3: This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Passed: _____, 2022

 President of Council

Votes Approving Adoption: _____
 Votes Opposing Adoption: _____

Attest: _____, Clerk

Approved: _____, 2022

 Mayor

**CITY OF DEFIANCE - FY 2022
SUPPLEMENTAL APPROPRIATIONS ORDINANCE**

March 8, 2022

Members of Council,

Below are the specific line items associated with next week's amending appropriation ordinance. If you have any questions, please contact me. I will discuss some of these in more detail Tuesday night.

Fund No.	Dept No.	Account No.	Account Name	Amount	Division	Notes
101	172	963000	Contingency	10,000.00	City Administrator	Unanticipated expense for GoGov messaging software.
101	205	803000	County Auditor Fees	<u>50,000.00</u>	County & State Charges	Unanticipated property tax charges; will be reimbursed when exemption status is approved. (1918 Building)
TOTAL - General Fund				60,000.00		
403	901	979102	Street Reconstruction	156,640.00		Re-appropriation of 2021 project; Mannik & Smith engineering for Commerce Drive.
403	901	979111	Hazard Mitigation	<u>180,000.00</u>		Re-appropriation of 2021 project; All Excavating for demolition of 100 Clinton Street building.
TOTAL - Capital Improvements Fund				336,640.00		
589	540	977015	LTCP Evaluation	<u>151,560.00</u>		Re-appropriation of 2021 project; Strand Associates for IWIP / long-term control plan.
TOTAL - Sewer Capital Improvements Fund				151,560.00		
591	537	980880	Capital Improvements	<u>3,164,000.00</u>	Water Plant	Re-appropriation of 2021 project; Peterson Construction for GAC project.
TOTAL - Water Fund				3,164,000.00		
GRAND TOTAL - ALL FUNDS				3,712,200.00		

Thank you,

John W. Lehner
Finance Director
City of Defiance

Related Revenue Adjustments

403	400	541002	CDBG Formula Grants	150,000.00
403	400	600009	FEMA Hazard Mitigation (Fed)	135,000.00
403	400	600010	FEMA Hazard Mitigation (State)	22,500.00
591	900	698007	WPCLF Loan Proceeds	3,164,000.00
Total				3,471,500.00

RESOLUTION No. _____

A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TO TERRITORY PROPOSED FOR ANNEXATION UPON ANNEXATION AND ESTABLISHING ZONING RESTRICTIONS

WHEREAS, the Aaron L. Zimmerman, Trustee of the Aaron L. Zimmerman Trust, Amanda N. Zimmerman, Trustee of the Amanda N. Zimmerman Trust, and Gerald A. Zimmerman, Successor Trustee of the Mary F. Zimmerman Trust, being the owners of a combined 52.371 acres located in Section 36, Defiance Township, Defiance, Ohio, have filed a collective petition for annexation into the City of Defiance, Ohio; and

WHEREAS, the petitioners are seeking annexation where no land is excluded from the township; and

WHEREAS, Section 709.023(C), Ohio Revised Code requires Council to adopt a resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them;

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

Section 1: The City of Defiance consents to the approval of the aforesaid petition by the Board of Commissioners of Defiance County, Ohio, and will maintain any street or road divided or segmented by annexation.

Section 2: The City shall provide all customary governmental and utility services, including water, sewer, and trash service, to the property described by the petition in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other property within the territorial boundaries of the municipality immediately upon annexation.

Section 3: In the event that property within the annexation territory is accorded a municipal zoning designation that permits the property to be used in a manner that Council determines is clearly incompatible with the uses permitted under the current township zoning regulations of adjacent territory, Council will require the establishment of a buffer conforming to the requirements of Section 709.023(C), Ohio Revised Code by Ordinance.

Section 4: It is found and determined that all legislative actions pertaining to the adoption of this Resolution 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 Resolution shall be effective on the earliest date permitted by law.

Passed: _____, 2022 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2022 _____
Mayor

RECEIVED

**PETITION FOR EXPEDITED TYPE 2 ANNEXATION
PURSUANT TO ORC §709.021 AND §709.023
OF 52.371 ACRES IN DEFIANCE TOWNSHIP
TO THE CITY OF DEFIANCE, OHIO
SUBMITTED TO THE
DEFIANCE COUNTY BOARD OF COMMISSIONERS**

FEB 23 2022

DEFIANCE COUNTY BOARD
OF COMMISSIONERS

The undersigned, being owners of the territory within the area hereinafter described consisting of 52.371 acres in Defiance Township, Defiance County, Ohio, adjacent and contiguous to the City of Defiance, Ohio, do hereby respectfully submit this petition to the Defiance County Board of Commissioners to request the annexation of the territory to the City of Defiance, Ohio, under the special procedure provided for annexation in the Ohio Revised Code Sections 709.021 and 709.023 ("Petition").

1. Attached to this Petition, and made part hereof, is an accurate legal description of the perimeter of the territory proposed for annexation, marked as Exhibit A.
2. Attached to this Petition, and made part hereof, is an accurate plat map showing the boundaries of the territory proposed for annexation, marked as Exhibit B.
3. Attached to this Petition, and made part hereof, is the parcel list of the territory proposed for annexation, marked as Exhibit C.
4. Attached to this Petition, and made part hereof, is a list of the parcels adjacent to the territory for annexation, marked as Exhibit D.

The undersigned petitioner hereby designates Kyle D. Tucker, attorney at law, who is located at One Seagate, 27th Floor, P.O. Box 10032, Toledo, Ohio 43699-0032, as agent, as required by Section 709.02 of the Ohio Revised Code. The agent is hereby authorized to make any amendments and/or deletion that in his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noted by the Defiance County Engineer in his/her examination of the plat or map and description attached to this petition, to the Board of Commissioners for Defiance County, Ohio, on, before, or after the date set for hearing on this Petition. Further, the agent is authorized to make any amendment and/or deletion that in his absolute and complete discretion is necessary or proper under the circumstances then existing and do any and all things essential thereto and to take any action necessary for obtaining the granting of this petition, without further expressed consent of the petitioners. Further, the agent is authorized to withdraw this

Petition on, before, or after the date set for hearing on this Petition that action in his absolute and complete discretion is necessary to protect the interests of the sole owner of the territory described in Exhibit A. The agent's contact information is as follows:

Kyle D. Tucker, Esq.
One Seagate, 27th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
kdtucker@eastmansmith.com
419-247-1588

WAIVER OF RIGHT TO APPEAL

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Aaron L. Zimmerman, Trustee of the Aaron L. Zimmerman Trust

By: *Aaron L. Zimmerman* Trustee
Aaron L. Zimmerman, Trustee

Date: 2-22-2022

Amanda N. Zimmerman, Trustee of the Amanda N. Zimmerman Trust

By: *Amanda N. Zimmerman*, Trustee
Amanda N. Zimmerman, Trustee

Date: 2/22/2022

Gerald A. Zimmerman, Successor Trustee of the Mary F. Zimmerman Trust

By: *Gerald A. Zimmerman* Successor Trustee
Gerald A. Zimmerman, Successor Trustee

Date: 2-23-22

Exhibit A

Part of the East Half of the East Half of the Southwest Quarter, together with part of the Southeast Quarter, all in Section 36, Township 4 North, Range 4 East, Defiance County, Ohio, being more particularly described as follows, to-wit:

Commencing at the Southwest corner of said Section 36, being marked by a 1 inch diameter bar in a monument box; thence South 88 degrees 59 minutes 51 seconds East (GPS grid bearing and basis of all bearings in this description), on and along the South line of said Southwest Quarter, being within the right-of-way of Carter Road, a distance of 1989.73 feet to a survey nail at the Southwest corner of the East Half of the East Half of said Southwest Quarter, this being the true point of beginning; thence South 88 degrees 59 minutes 51 seconds East, continuing on and along the South line of said Southwest Quarter and within said right-of-way, a distance of 663.20 feet to a 1 inch diameter bar in a monument box at the South Quarter corner of said Section 36; thence South 88 degrees 59 minutes 51 seconds East, on and along the South line of said Southeast Quarter and within said right-of-way, a distance of 1707.61 feet to a survey nail at the point of intersection of said South line with the centerline of State Road #15; thence North 08 degrees 49 minutes 31 seconds West on and along said centerline, a distance of 1014.88 feet to a survey nail; thence North 88 degrees 59 minutes 51 seconds West and parallel with the South lines of said Southwest and Southeast Quarters, a distance of 2191.84 feet to a #5 rebar on the West line of the East Half of the East Half of said Southwest Quarter; thence South 01 degrees 19 minutes 54 seconds West, on and along said West line, a distance of 1000.00 feet to the true point of beginning, containing 52.371 acres of land, subject to legal rights-of-ways for Carter Road and State Road #15, and subject to all easements of record.

Parcel No: Part of B11-0036-0-005-00 (split)
Property Address: 0 State Route 15

Exhibit C

Parcel List of the Territory Proposed for Annexation

Parcel No.	Owner	Property Address	Mailing Address
Part of B110036000500	AARON L. ZIMMERMAN, TRUSTEE OF THE AARON L. ZIMMERMAN TRUST; AMANDA N. ZIMMERMAN, TRUSTEE OF THE AMANDA N. ZIMMERMAN TRUST; AND GERALD A. ZIMMERMAN, SUCCESSOR TRUSTEE OF THE MARY F. ZIMMERMAN TRUST	ST RT 15	26519 STANDLEY ROAD DEFIANCE, OH 43512

Exhibit D

List of Parcels Adjacent to the Territory Proposed for Annexation

Parcel No.	Owner	Property Address	Mailing Address
B014183009100	BOARD OF EDUCATION OF THE DEFIANCE CITY SCHOOL DISTRICTS	CARTER	801 CLINTON ST. DEFIANCE, OH 43512
B110001000300	RUBY B. HAMMERSMITH	CARTER	799 CHIPPEWA DR. DEFIANCE, OH 43512
B110001000303	AMANDA SEIBERT	457 CARTER RD. DEFIANCE, OH 43512	457 CARTER RD. DEFIANCE, OH 43512
B110001000200	RUBY B. HAMMERSMITH	CARTER	799 CHIPPEWA DR. DEFIANCE, OH 43512
B110001000100	FIRST CHURCH OF GOD MINISTRIES INC	561 CARTER RD.	561 CARTER RD. DEFIANCE, OH 43512
B110001000101	FIRST CHURCH OF GOD MINISTRIES INC	561 CARTER RD.	561 CARTER RD. DEFIANCE, OH 43512
B110001001800	JONATHAN D. & GERTRUDE M. HAHN	645 CARTER RD. DEFIANCE, OH 43512	15863 SPONSELLER RD. DEFIANCE, OH 43512
B110001001901	JOHN M. SEIBERT, ET AL.	ST RT 15	13125 STATE ROUTE 15 DEFIANCE, OH 43512
B110036000300	JEFFREY S. BEHLKE, TRUSTEE F/B/O ET AL.	ST RT 15	1771 OTTAWA AVE. DEFIANCE, OH 43512
Part of B110036000500	AARON L. ZIMMERMAN, TRUSTEE OF THE AARON L. ZIMMERMAN TRUST; AMANDA N. ZIMMERMAN, TRUSTEE OF THE AMANDA N. ZIMMERMAN TRUST; AND GERALD A. ZIMMERMAN, SUCCESSOR TRUSTEE OF THE MARY F. ZIMMERMAN TRUST	ST RT 15	26519 STANDLEY ROAD DEFIANCE, OH 43512