

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT FOR THE REPAIR OF DESIGNATED SIDEWALKS AND DECLARING AN EMERGENCY

WHEREAS, the City Engineer has identified twenty-six (26) locations at which sidewalks have been uplifted and damaged by the growth of adjacent municipally-maintained trees; and,

WHEREAS, budgetary provision was made to repair or replace sidewalk pavement in accordance with specifications prepared by the City Engineer; and,

WHEREAS, quotes to perform the necessary work were properly solicited and Powell Creek Tree Service of Continental, OH submitted a proposal in the amount of \$42,987.10; and,

WHEREAS, Council finds that this expenditure promotes infrastructure, and safety, which are key pillars of the Defiance Community Strategic Plan;

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 Powell Creek Tree Service to supply all labor, materials, equipment and fuel required to construct sidewalk improvements at all locations identified by and in accordance with the plans and specifications on file as City Engineering Project No. 2120 at the cost of \$42,987.10 and on the terms and conditions of service established by the accepted quote.

Section 2: The Finance Director is authorized to pay all sums becoming due in accordance with the authorized contract from Line 403-901-52-980001 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 immediate commencement of the work is necessary to ensure pedestrian safety and minimize litigation risk to the City. 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 AUTHORIZING AN AGREEMENT FOR
GEOTECHNICAL INVESTIGATION SERVICES FOR A PROPOSED
WATERLINE ACROSS THE MAUMEE RIVER AND DECLARING AN
EMERGENCY**

WHEREAS, the City identified the need to replace a sixteen-inch waterline that crosses the Maumee River from the approximate area of Biede Avenue to the intersection of Carpenter Road and E. River Drive; and,

WHEREAS, the City is pursuing a design-build project delivery method for the construction of this new waterline and requires services for subsurface drilling, sampling, laboratory testing, engineering, and reporting; and,

WHEREAS, the City solicited proposals from four reputable engineering firms and recommends the Mannik & Smith Group, Inc. to perform these services; and,

WHEREAS, the Mannik & Smith Group, Inc. submitted a proposal to perform these services at a total cost of \$88,210.00;

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

Section 1: The City Administrator is directed to enter into a contract according to the terms of the Sixteen-Inch Water Main Geotechnical Investigation Proposal on file in the office of the City Engineer, including two-dimensional seismic scanning services, with the Mannik & Smith Group, Inc. at the quoted price of \$88,210.00.

Section 2: The Finance Director is authorized to pay the costs of the contract authorized by Section 1 from Line 591-538-52-980880 of the 2022 annual budget.

Section 3: Council finds that the necessity of constructing this waterline constitutes an "emergency requiring immediate action" pursuant to R.C. §153.71(B), thereby exempting this contract from the qualifications-based selection requirements for professional engineering services.

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 in constructing a replacement waterline for the current waterline crossing that is leaking. 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 AWARDDING A CONTRACT FOR SLOPE REPAIR ON E. RIVER DRIVE AND DECLARING AN EMERGENCY

WHEREAS, the City has identified a 200' section of E. River Drive that has a shoulder requiring repair; and,

WHEREAS, the City Engineer solicited quotes from area contractors and R.G. Zachrich Construction, Inc. submitted a quote for repair of \$74,573.00; and,

WHEREAS, Council finds that this repair is necessary to preserve and maintain the connectivity and infrastructure of the City;

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

Section 1: The City Administrator is directed to enter into a contract for the repair of the 200' section of E. River Drive with R.G. Zachrich Construction, Inc. at the total cost of \$74,573.00.

Section 2: The Finance Director is authorized to pay the costs of the contract authorized by Section 1 from Line 403-901-52-963000 of the 2022 annual budget.

Section 3: Pursuant to R.C. §735.051, Council declares this road condition to be a real and present emergency in connection with the operation and maintenance of the Department of Service and Safety, Streets Division and, therefore, authorizes the City Administrator to undertake this repair without competitive bidding by a two-thirds (2/3) vote of all members elected thereto.

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 immediate action is necessary to prevent further damage or deterioration of the right-of-way. 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