

NOTICE OF PROCEEDINGS
City Council of the City of Defiance, Ohio
Charles D. Beard Council Chambers
City Hall, 631 Perry Street, Defiance, OH 43512

REGULAR MEETING OF COUNCIL
TUESDAY JANUARY 26, 2016
Opening Comments – 7:00 p.m.

COUNCIL HOURS
TUESDAY JANUARY 26, 2016
6:00 p.m. – 6:45 p.m.

PUBLIC HEARING: NONE

FIRST READING: AN ORDINANCE AUTHORIZING CONTRACTS TO PROCEED WITH WIDENING OF SOUTH CLINTON STREET AND DECLARING AN EMERGENCY.

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH AECOM TECHNICAL SERVICES, INC., AND DECLARING AN EMERGENCY.

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT WITH POGGEMEYER DESIGN GROUP FOR TECHNICAL AND ENGINEERING SERVICES TO EXPAND RIVERSIDE CEMETERY.

FIRST READING: AN ORDINANCE AUTHORIZING MONTHLY TRANSFERS OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE YEAR ENDING DECEMBER 31, 2016.

STUDY SESSION: NONE

LIAISON ASSIGNMENTS	TIME	DATE	AGENDA
♣SEWER: ENGEL	7:00 P.M.	Tuesday - JANUARY 2016	NO MEETING
♣STREETS & SIDEWALK: WAXLER	7:00 P.M.	Tuesday - JANUARY 2016	NO MEETING
♣UTILITIES, GAS & LIGHTS: ORZOLEK	7:00 P.M.	Tuesday - JANUARY 2016	NO MEETING
♣POLICE & FIRE: LUNDBERG	7:00 P.M.	Tuesday - JANUARY 2016	NO MEETING
♣TRAFFIC COMMISSION: LEONARD , Mayor, Cereghin, Tobias, Wilkins, Warner, Orzolek, Hancock	5:30 P.M.	2 nd Tuesday - JANUARY 2016	NO MEETING
♣FINANCE: ENGEL	7:00 P.M.	Tuesday - JANUARY 24 2016	NO MEETING
♣BUILDING AND LANDS: HANCOCK	7:00 P.M.	Tuesday - JANUARY 2016	NO MEETING
♣WATER: LUNDBERG	7:00 P.M.	Tuesday - JANUARY 2016	NO MEETING
♣ECONOMIC DEVELOPMENT: OBERLIN	7:00 P.M.	Tuesday - JANUARY 2016	NO MEETING,
♣COMMUNITY INTERACTION: OBERLIN	7:00 P.M.	Tuesday - JANUARY 2016	NO MEETING
♣BOARD OF CONTROL MEETING: MAYOR , Leonard, Williams, Lehner	9:00 A.M.	Tuesdays and Thursdays	POSTED AT 631 PERRY STREET

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING CONTRACTS TO PROCEED WITH WIDENING OF SOUTH CLINTON STREET AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Transportation has awarded the City two grants providing 80% of the anticipated cost to widen portions of State Route 111, South Clinton Street, in accordance with designs and material specifications on file as ODOT Project Identification No. 92830 and City Engineering Project Number 1603; and,

WHEREAS, proposals to supply all labor, materials, fuel and equipment necessary to construct the improvements were properly solicited and Helms & Sons Excavating submitted the lowest responsive and responsible bid in the amount of \$1,896,620.22; and,

WHEREAS, a Qualifications Based selection process was employed to select DGL Consulting Engineers as the preferred consultant to provide project oversight, inspection and testing services needed to properly administer the construction contract; and,

WHEREAS, mutually acceptable terms and conditions of service have been negotiated with DGL Consulting Engineers in accordance with statutory requirements; and,

WHEREAS, the Ohio Department of Transportation has reviewed and approved the processes employed to select and engage the contractor and consultant;

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

Section 1: The City Administrator is authorized to award a contract to Helms & Sons Excavating to supply all labor, materials, equipment and fuel required to construct improvements to State Route 111, South Clinton Street, in substantial conformity with the approved plans and specifications on file as ODOT PID 92830 and City Project No. 1603 at the prices and on the terms and conditions of service established by the accepted bid.

Section 2: The City Administrator is authorized to contract with DGL Consulting Engineers to provide project oversight, inspection and testing services described by and on the terms and conditions of service recited in the contract proposal now on file and at a total aggregate expense of not more than \$233,300.00.

Section 3: The Finance Director is authorized to pay all costs incurred in accordance with the contracts authorized by Sections 1 and 2 of this Ordinance from Line 403-901-5-2-979-062 of the 2016 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 and safety of the community for the reason that the proposed improvements are required to improve traffic safety and immediate award of the contracts is required to assure completion of construction within the time period allowed by the funding grants awarded by the Department of Transportation. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: _____, 2016

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2016

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH AECOM TECHNICAL SERVICES, INC., AND DECLARING AN EMERGENCY

WHEREAS, the City entered into a Contract with URS Corporation to provide engineering and technical services necessary to the development of a revised CSO Long Term Control Plan acceptable to the Ohio Environmental Protection Agency, United States Environmental Protection Agency and Court of Common Pleas of Defiance County; and,

WHEREAS, the revised CSO Long Term Control Plan was developed over a period of more than three years by URS Corporation and its corporate successor, AECOM Technical Services, Inc.; and,

WHEREAS, the revised CSO Long Term Control Plan was filed with the Ohio Environmental Protection Agency in August, 2015, and is presently undergoing regulatory review in anticipation of further proceedings in *State of Ohio vs. City of Defiance, Ohio*, Defiance County Common Pleas Case No. CASE NO. 10-CV-40433; and,

WHEREAS, continuing service from AECOM Technical Services, Inc., is necessary to make such modifications and adjustments to the proposed CSO Long Term Control Plan as may be required to secure regulatory and judicial approval of the Plan;

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

Section 1: The City Administrator is authorized to execute the \$60,000.00 Lump Sum Work Order proposed by AECOM Technical Services, Inc. pertaining to the provision of engineering and related support services to secure regulatory approval of the 2015 Combined Sewer Overflow Long Term Control Plan now pending review by the Ohio Environmental Protection Agency and is further authorized to proceed with all activities therein described.

Section 2: The Finance Director is authorized to pay all costs incurred in accordance with the terms of the Lump Sum Work Order authorized by Section 1 of this Ordinance from line 589-540-529-770-015 of the 2016 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 and welfare of the community for the reason that continuing service from AECOM Technical Services, Inc., is essential to proper regulatory review of the proposed CSO Long Term Control Plan and any interruption in the availability of those services will be detrimental to the City's ability to defend its interests in pending litigation. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: _____, 2016

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2016

Mayor

Ordinance No. _____

AN ORDINANCE AUTHORIZING A CONTRACT WITH POGGEMEYER DESIGN GROUP FOR TECHNICAL AND ENGINEERING SERVICES TO EXPAND RIVERSIDE CEMETERY

WHEREAS, Poggemeyer Design Group was engaged to develop a “Master Plan for the Expansion of Riverside Cemetery” in 2008; and,

WHEREAS, Phase I of the master plan was implemented under the supervision of Poggemeyer Design Group; and,

WHEREAS, an insufficient number of burial lots remain available for sale in the developed portions of Riverside Cemetery necessitating that further expansion be undertaken in accordance with the 2008 master plan; and,

WHEREAS, the baseball diamond formally known as Tecumseh Park has been removed from the cemetery grounds in preparation for the establishment of approximately 850 additional burial lots; and,

WHEREAS, development of cemetery grounds on the land formerly occupied by Tecumseh Park will require the services of a surveyor and engineering services to design water distribution, storm water management and driveway facilities;

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

Section 1: The City Administrator is authorized to contract with Poggemeyer Design Group, for surveying, permitting and design services required to implement Phase III of the 2008 Master Plan for Expansion of Riverside Cemetery at a cost of \$28,000.00.

Section 2: The Finance Director is authorized to pay the contract price from funds allocated to Riverside Cemetery expansion by Line 403-901-5-2-978-051 of the 2016 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 duly convened in accordance with law.

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

Passed: _____, 2016

President of Council

Attest: _____, Clerk

Approved: _____, 2016

Mayor

ORDINANCE No. _____

AN ORDINANCE AUTHORIZING MONTHLY TRANSFERS OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE YEAR ENDING DECEMBER 31, 2016.

Whereas, the Council of the City of Defiance has previously provided for the transfer of funds in the annual appropriation ordinance; and

Whereas, the City Finance Director has determined that it is necessary to transfer a portion of the appropriated funds each month in order to meet current expenses and other expenditures of the City:

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

Section 1: That the following amounts shall be transferred on a monthly basis for the period January, 2016 through September, 2016:

<u>FUND FROM</u>	<u>AMOUNT</u>	<u>FUND TO</u>
General Fund #101	\$ 320,833	Police & Fire Fund #201
General Fund #101	\$ 24,166	Police Pension Fund #732
General Fund #101	\$ 23,333	Fire Pension Fund #733
WPC Fund #590	\$ 36,366	General Fund #101
WPC Fund #590	\$ 17,083	Utilities Billing Office Fund #585
WTP Fund #591	\$ 34,066	General Fund #101
WTP Fund #591	\$ 17,083	Utilities Billing Office Fund #585
Refuse #596	\$ 12,750	Utilities Billing Office Fund #585

Section 2: That the amounts necessary for transfer in the months of October, November and December, 2016, upon the further recommendation by the City Finance Director, will be considered during those months.

Section 3: 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 4: This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Passed: _____, 2016

President of Council

Votes Approving Adoption: _____

Votes Opposing Adoption: _____

Attest: _____, Clerk

Approved: _____, 2016

Mayor