

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 FEBRUARY 23, 2016
Opening Comments – 7:00 p.m.

COUNCIL HOURS
TUESDAY FEBRUARY 23, 2016
6:00 p.m.-6:45 p.m.

SWEARING IN AUSTIN DANIELS AS A FIRE FIGHTER FOR THE CITY OF DEFIANCE

PUBLIC HEARING: NONE

SECOND READING: AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO PICK-UP TRUCKS FROM MARK MOATS FORD, INC., AND DIRECTING THE SALE OF TWO PICK-UP TRUCKS AS MUNICIPAL SURPLUS.

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT FOR THE SEALING OF CRACKS IN STREET PAVEMENTS.

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO GRANT AN EASEMENT TO THE BOARD OF COUNTY COMMISSIONERS OF DEFIANCE COUNTY, OHIO.

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO AMEND AN EXISTING LEASE BETWEEN THE CITY OF DEFIANCE AND DEFIANCE HOLDINGS, LLC AND DECLARING AN EMERGENCY.

FIRST READING: AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR TO CONVEY 6.380 ACRES OF LAND TO THE DEFIANCE COUNTY COMMUNITY IMPROVEMENT CORPORATION AND DECLARING AN EMERGENCY.

FIRST READING: AN ORDINANCE RATIFYING THE AWARD OF CONTRACT TO HUDSON ENERGY TO SUPPLY ELECTRICITY TO DESIGNATED MUNICIPAL FACILITIES FOR A PERIOD OF THREE YEARS.

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY FINANCE DIRECTOR TO CONTRACT WITH JULIAN & GRUBE, INC., FOR THE PERFORMANCE OF PROFESSIONAL SERVICES.

FIRST READING: AN ORDINANCE AUTHORIZING AN AWARD OF CONTRACT TO RICHLAND CO. & ASSOCIATES, INC.

FIRST READING: A RESOLUTION SUPPORTING THE DETERMINATION OF THE CITY ADMINISTRATOR TO SEEK ASSISTANCE FROM THE OHIO DEPARTMENT OF TRANSPORTATION.

STUDY SESSION: NONE

LIAISON ASSIGNMENTS	TIME	DATE	AGENDA
♣SEWER: KRUTSCH	7:00 P.M.	Tuesday - FEBRUARY 2016	NO MEETING
♣STREETS & SIDEWALK: WAXLER	7:00 P.M.	Tuesday - FEBRUARY 2016	NO MEETING
♣UTILITIES, GAS & LIGHTS: ORZOLEK	7:00 P.M.	Tuesday - FEBRUARY 2016	NO MEETING
♣POLICE & FIRE: LUNDBERG	7:00 P.M.	Tuesday - FEBRUARY 2016	NO MEETING
♣TRAFFIC COMMISSION: LEONARD, Mayor, Cereghin, Tobias, Wilkins, Warner, Orzolek, Hancock, Kruttsch	5:30 P.M.	2nd Tuesday - FEBRUARY 2016	NO MEETING
♣FINANCE: ENGEL	7:00 P.M.	Tuesday - FEBRUARY 2016	NO MEETING
♣BUILDING AND LANDS: HANCOCK	7:00 P.M.	Tuesday - FEBRUARY 2016	NO MEETING
♣WATER: LUNDBERG	7:00 P.M.	Tuesday - FEBRUARY 2016	NO MEETING
♣ECONOMIC DEVELOPMENT: OBERLIN	7:00 P.M.	Tuesday - FEBRUARY 2016	NO MEETING,
♣COMMUNITY INTERACTION: OBERLIN	7:00 P.M.	Tuesday - FEBRUARY 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 THE PURCHASE OF TWO PICK-UP TRUCKS FROM MARK MOATS FORD, INC., AND DIRECTING THE SALE OF TWO PICK-UP TRUCKS AS MUNICIPAL SURPLUS

WHEREAS, provision has been made in the 2016 annual budget for replacement of a 2007 pick-up truck presently assigned for use by the Division of Streets and a 2007 pick-up truck presently assigned for use by the Division of Water; and,

WHEREAS, proposals were solicited to supply a new vehicle suitable for use by the Division of Streets; and,

WHEREAS, proposals were solicited to supply a new vehicle suitable for use by the Division of Water; and,

WHEREAS, Mark Moats Ford, Inc., submitted the lowest priced proposal in response to both solicitations; and,

WHEREAS, the 2007 pick-up trucks scheduled for replacement are suitable for use by the Division of Parks and Recreation; and,

WHEREAS, reassignment of the 2007 pick-up trucks to the Division of Parks & Recreation will negate the need for a 2000 Chevrolet pick-up presently dedicated to Riverside Cemetery and a 2001 Ford pick-up truck presently used to maintain parks, recreational facilities and public building grounds;

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

Section 1: The City Administrator is authorized to purchase two 2016 Ford F-250 XL four wheel drive pick-up trucks conforming to the product descriptions proposed on January 15, 2016, from Mark Moats Ford, Inc., at the quoted price of \$27,990.00 each. The Finance Director is directed to pay \$27,990.00 of the purchase price from Line 204-446-5-2-945-000 and \$27,990.00 from Line 591-538-5-2-945-000 of the 2016 annual budget.

Section 2: The City Administrator is directed to reassign one 2007 pick-up truck from the Division of Streets and one 2007 pick-up truck from the Division of Water to the Division of Parks and Recreation as replacements for the 2000 Chevrolet pick-up truck presently dedicated to cemetery maintenance and 2001 Ford pick up truck presently used for general operations. The 2000 Chevrolet and 2001 Ford pick up trucks are hereby declared to be municipal surplus and the City Administrator is directed to sell the same pursuant to Codified Ordinance 151.04.

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 THE CITY ADMINISTRATOR TO
CONTRACT FOR THE SEALING OF CRACKS IN STREET
PAVEMENTS**

WHEREAS, annual sealing of pavement cracks to minimize water intrusion and subsequent ice damage has proven to be a cost effective means to prolong the service life of asphalt pavements; and,

WHEREAS, the priority list for 2016 was established by the City Engineer and Street Superintendent and proposals were solicited to perform the necessary work; and,

WHEREAS, the lowest cost proposal was submitted by Roadway Services, Inc.;

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 Roadway Services, Inc. to seal pavement cracks at the locations and in conformity with the methods and materials established by the solicitation for the base bid, alternate bid #1 and alternate bid #2 at the quoted price of \$82,763.57.

Section 2: The Finance Director is authorized to pay the costs of the contract authorized by Section 1 from Line 403-901-5-2-980-008 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 THE CITY ADMINISTRATOR TO GRANT AN EASEMENT TO THE BOARD OF COUNTY COMMISSIONERS OF DEFIANCE COUNTY, OHIO

WHEREAS, leachate drained from the Defiance County Landfill is conveyed by the municipal sewerage system to the municipal Water Pollution Control Works for treatment and disposal; and,

WHEREAS, the leachate drainage line installed by the Commissioners of Defiance County to convey contaminated waters from the landfill to the point of connection to the municipal collection system cannot be maintained within the public right of way of Canal Road (South Jackson Street); and,

WHEREAS, it is in the best interest of the City of Defiance and County of Defiance to relocate the leachate drainage line to municipally-owned lands fronted by Canal Road;

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

Section 1: The City Administrator is authorized to grant the proposed easement now on file in the office of the City Engineer and pertaining to the installation, operation and maintenance of facilities designed by the County Engineer for the transmission of wastewater collected at the Defiance County Landfill to the point of connection to the municipal sewerage system.

Section 2: 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 3: 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 THE CITY ADMINISTRATOR TO AMEND AN EXISTING LEASE BETWEEN THE CITY OF DEFIANCE AND DEFIANCE HOLDINGS, LLC AND DECLARING AN EMERGENCY

WHEREAS, By Lease dated 29 November, 2010, the City granted Defiance Holdings, LLC, the right to occupy space on municipal water towers located at 363 Greenler Street and 400 Carter Avenue as mounting sites for Communications Facilities operated by Defiance Holdings, LLC and related corporate entities; and,

WHEREAS, the term of the tenancy is 10 years subject to early termination in the event the City elects to discontinue use of any structure identified in the Lease for municipal utility or governmental purposes; and,

WHEREAS, efficient operation of the municipal water utility requires that the water storage facility located at 363 Greenler Street be replaced by the erection of a larger elevated storage tank and further requires that the water storage facility located at 400 Carter Avenue be abandoned and dismantled; and,

WHEREAS, the parties engaged in good faith negotiations regarding relocation of the affected Communications Facilities as required by Article 3 of the Lease; and,

WHEREAS, Defiance Holdings, LLC, has agreed to erect antenna towers to provide satisfactory locations on which to mount all communications equipment presently installed on the existing water storage towers, including municipal equipment essential to maintenance of emergency and other governmental communications, at no cost to the City in exchange for permission to site the towers on neighboring public lands and a 21 year extension of the original term of the Lease;

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 proposed "*Addendum to Lease Agreement*" now on file in the office of the Law Director and to perform all obligations imposed on the municipal government by the terms of that agreement.

Section 2: 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 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that State financing of the water storage tower to be constructed at 363 Greenler Street is contingent on substantial completion of the work by June 30, 2017, necessitating that construction begin no later than June 1, 2016. Erection of the water tower will interfere with operation of municipal radio equipment installed on the existing Greenler Street water tower jeopardizing police, fire and emergency medical communications. Construction of the antenna tower to be erected by subsidiaries of Defiance Holdings, LLC must, therefore, be completed before June 1, 2016, necessitating that the authorized agreement be immediately executed to facilitate the filing of applications to the Federal Communications Commission and Federal Aviation Administration for issuance of required regulatory permits. 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 DIRECTING THE CITY ADMINISTRATOR TO CONVEY 6.380 ACRES OF LAND TO THE DEFIANCE COUNTY COMMUNITY IMPROVEMENT CORPORATION AND DECLARING AN EMERGENCY

WHEREAS, the municipality owns surplus lands fronted by Latchaw Drive and West High Street; and,

WHEREAS, the municipality has caused the acreage to be surveyed in anticipation of future sale to potential employers on terms and conditions consistent with established economic development program requirements; and,

WHEREAS, the Defiance County Community Improvement Corporation has received a proposal for commercial development of lands located at the intersection of West High Street and Latchaw Drive;

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

Section 1: The City Administrator is directed to convey all lands identified as "Latchaw Drive--Parcel 1" in the September, 2014, survey by Garcia Surveyor's Inc., to the Defiance County Community Improvement Corporation subject to all liens and encumbrances identified by the "Commitment for Title Insurance" issued by Stewart Title Guarantee Company on 29 December, 2014. Conveyance of title shall be effected by delivery of a General Warranty Deed conforming to all applicable statutory requirements and approved by the City Law Director.

Section 2: No purchase price or other monetary consideration shall be required, paid or received to support the transfer of title to public lands authorized by Section 1 from the municipality to the Defiance County Community Improvement Corporation acting as the municipality's statutory agent for development of the parcel conveyed.

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 anticipated conveyance of the parcel by the Defiance County Community Improvement Corporation to the intended developer requires that title be vested in the Defiance County Community Improvement Corporation in less than 30 days. 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 RATIFYING THE AWARD OF CONTRACT TO HUDSON ENERGY TO SUPPLY ELECTRICITY TO DESIGNATED MUNICIPAL FACILITIES FOR A PERIOD OF THREE YEARS

WHEREAS, regulatory changes adopted by the Federal Energy Regulatory Commission and Ohio Public Utilities Commission enable consumers of electric power to purchase electricity from suppliers other than the incumbent certified public utility on terms of sale and at prices determined by agreement rather than regulatory tariffs; and,

WHEREAS, the municipality has procured market-priced power for 18 locations by the award of publically-bid contracts, the most recent being a 36 month supply contract with Direct Energy that will expire in February, 2017; and,

WHEREAS, Council finds that it is preferable to award procurement contracts at prices determined by publicly-bid auction sale whenever possible; and,

WHEREAS, on February 10, 2016, the Board of Control engaged Energy Market Exchange, of Houston, Texas, to solicit publicly disclosed bids for a contract to supply electric power to 18 identified municipal facilities for a period of 6, 12, 18, 24, or 36 months beginning at the expiration of the existing contract with Direct Energy; and,

WHEREAS, 8 electric supply companies participated in active, public, reverse auction bidding on a nationally recognized electronic trading platform and Hudson Energy submitted the lowest bid to supply electric power during each of the contract terms offered; and,

WHEREAS, the Board of Control recommends award of contract for the longest service term available to protect the municipality against anticipated increases in the price of natural gas used to generate electricity;

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

Section 1: The Contract executed by the Finance Director on February 10, 2016, providing for the supply of electric power to designated municipal facilities at a fixed price of \$0.054 per kilowatt hour for a term of 36 months beginning in February, 2017, is hereby ratified and confirmed.

Section 2: 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 3: 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 THE CITY FINANCE DIRECTOR TO CONTRACT WITH JULIAN & GRUBE, INC., FOR THE PERFORMANCE OF PROFESSIONAL SERVICES

WHEREAS, the municipality maintains financial records in accordance with generally accepted principles of cash-based accounting; and,

WHEREAS, State and Federal regulations require the City's annual financial statements to be presented on an accrual basis in accordance with Generally Accepted Accounting Principles; and,

WHEREAS, the city has traditionally engaged the services of an independent accounting firm to assist with the GAAP conversion; and,

WHEREAS, Julian & Grube, Inc. has performed the required services in recent years pursuant to a multi-year contract that is scheduled to expire; and,

WHEREAS, the Finance Director recommends extension of a three year contract to Julian & Grube, Inc.;

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

Section 1: The Finance Director is authorized to enter into a contract with Julian & Grube, Inc., to perform accounting services necessary to the preparation of annual financial statements in accordance with Generally Accepted Accounting Principles for a period of three years at a cost of \$12,900 per year. The Finance Director is further authorized to pay costs arising under the authorized contract as they become due from moneys appropriated and budgeted for that purpose in 2016 and subsequent years of the contract term without further legislative authorization.

Section 2: 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 3: 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 AN AWARD OF CONTRACT TO RICHLAND CO. & ASSOCIATES, INC.

WHEREAS, the roof covering a Butler Building on the grounds of the Water Pollution Control Works must be replaced and sufficient funds were allocated to that purpose by the 2016 annual budget; and,

WHEREAS, proposals to supply all labor, materials, fuel and equipment required to replace the roof were properly solicited and Richland Co. & Associates, Inc. quoted the lowest responsive and responsible price;

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 Richland Co. & Associates, Inc., to supply all labor, materials, fuel and equipment required to replace the roof covering designated facilities on the grounds of the Water Pollution Control Works in substantial conformity with the designs, material specifications and terms of service established by the accepted proposal.

Section 2: The Finance Director is authorized to pay the contract price of \$16,095.00 from Line 590-540-5-2-935-030 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

RESOLUTION No. _____

A RESOLUTION SUPPORTING THE DETERMINATION OF THE CITY ADMINISTRATOR TO SEEK ASSISTANCE FROM THE OHIO DEPARTMENT OF TRANSPORTATION

WHEREAS, The Board of Education of the Defiance City School District is constructing a new facility to consolidate programs presently conducted at the Defiance Junior High School and Defiance Senior High School at a single location; and,

WHEREAS, The site of the grades 7 through 12 facility now under construction is adjacent to the previously consolidated elementary school; and,

WHEREAS, Council finds that improvements to State Route 66 are required to accommodate the increasingly intense use of lands occupied by the Defiance City School District and assure safe and convenient access to the public schools; and,

WHEREAS, Council further finds that the municipal government lacks the necessary financial resources to design and construct the required highway improvements without State assistance; and,

WHEREAS, The City Administrator has determined to seek financial and technical assistance from the Ohio Department of Transportation; and,

WHEREAS, The City Administrator has provided Council with conceptual drawings depicting alternate proposals for improvement of State Route 66 that are worthy of further consideration;

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

Section 1: Council expresses concurrence with the City Administrator's determination to make application to the Ohio Department of Transportation for assistance with the design and construction of improvements to State Route 66 in the vicinity of the intersection of South Jefferson Avenue and Palmer Drive and does hereby endorse, ratify and confirm all actions heretofore taken by the City Administrator to secure such assistance. The City Administrator is authorized to take such future actions as may be necessary or appropriate to prepare and file formal applications for such assistance.

Section 2: 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 duly convened in accordance with law.

Section 3: This Resolution shall be effective on the earliest date permitted by law.

Passed: _____, 2016

President of Council

Attest: _____, Clerk

Approved: _____, 2016

Mayor