

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 SEPTEMBER 27, 2016
OPENING COMMENTS – 7:00 P.M.

COUNCIL HOURS
TUESDAY SEPTEMBER 27, 2016
6:00 P.M. – 6:45 P.M.

SPECIAL GUEST: EAGLE SCOUT ANDRA CICCOTELLI

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION.

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH STANTEC CONSULTING SERVICES, INC., FOR EVALUATION OF DESIGNATED WATER TREATMENT FACILITIES.

FIRST READING: AN ORDINANCE AUTHORIZING THE CREATION OF THE "CITY OF DEFIANCE SPLASH PAD TRUST FUND" AND DECLARING AN EMERGENCY.

FIRST READING: AN ORDINANCE AMENDING ORDINANCE NO. 7774 PASSED DECEMBER 22, 2015 TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2016.

FIRST READING: A RESOLUTION ACCEPTING THE DEFIANCE COUNTY BUDGET COMMISSION'S ALTERNATE PLAN OF APPORTIONMENT OF THE UNDIVIDED LOCAL GOVERNMENT FUNDS.

STUDY SESSION: NONE

| LIAISON ASSIGNMENTS | TIME | DATE | AGENDA |
|--|-------------|---------------------------------|----------------------------|
| ♣SEWER: KRUTSCH | 7:00 P.M. | Tuesday - SEPTEMBER 2016 | NO MEETING |
| ♣STREETS & SIDEWALK: WAXLER | 7:00 P.M. | Tuesday - SEPTEMBER 2016 | NO MEETING |
| ♣UTILITIES, GAS & LIGHTS: ORZOLEK | 7:00 P.M. | Tuesday - SEPTEMBER 2016 | NO MEETING |
| ♣POLICE & FIRE: LUNDBERG | 7:00 P.M. | Tuesday - SEPTEMBER 2016 | NO MEETING |
| ♣TRAFFIC COMMISSION: LEONARD , Mayor, Cereghin, Shafer, Wilkins, Warner, Orzolek, Hancock, Krutsch | 5:30 P.M. | 2nd Tuesday - SEPTEMBER 2016 | NO MEETING |
| ♣FINANCE: ENGEL | 7:00 P.M. | Tuesday - SEPTEMBER 2016 | NO MEETING |
| ♣BUILDING AND LANDS: HANCOCK | 7:00 P.M. | Tuesday - SEPTEMBER 2016 | NO MEETING |
| ♣WATER: LUNDBERG | 7:00 P.M. | Tuesday - SEPTEMBER 2016 | NO MEETING |
| ♣ECONOMIC DEVELOPMENT: OBERLIN | 7:00 P.M. | Tuesday - SEPTEMBER 2016 | NO MEETING, |
| ♣COMMUNITY INTERACTION: OBERLIN | 7:00 P.M. | Tuesday - SEPTEMBER 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 CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION

WHEREAS, The municipal government recently conveyed undeveloped acreage fronted by Lachaw Drive to the Community Improvement Corporation to facilitate development of the property by BA Technologies, d/b/a Credit Adjustments, Inc.; and,

WHEREAS, Construction of a street at an estimated cost of \$536,099 is required to open said lands to development; and,

WHEREAS, The municipality cannot provide the necessary street without assistance from the State of Ohio; and,

WHEREAS, The City anticipates that the project will qualify for an award of \$250,000 through the Jobs Ohio §629 program; and,

WHEREAS, The Ohio Department of Transportation has offered to reimburse the municipality for the lesser of 35% of actual project costs or \$185,000, thereby limiting the expenditure of municipal funds to an maximum estimated amount of \$101,099;

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 *Jobs and Commerce Economic Development Agreement between the State of Ohio, Department of Transportation, and City of Defiance* now on file in the office of the Law Director and to deliver the same to the Ohio Department of Transportation.

Section 2: The City Administrator is further authorized to fully perform all obligations imposed on the municipality by the terms of the aforesaid agreement.

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 WITH STANTEC CONSULTING SERVICES, INC., FOR EVALUATION OF DESIGNATED WATER TREATMENT FACILITIES

WHEREAS, Recent routine inspection of the Water Treatment Works by the Ohio Environmental Protection Agency detected subsidence of the Maumee riverbank that may pose a threat to the treatment works if action is not taken to stabilize soils adjacent to raw water intake #1 and beneath various structures within the treatment works; and,

WHEREAS, The aforesaid inspection also detected misalignment of the recarbonation effluent channel and erosion of surrounding soils that may be the result of riverbank subsidence or other, as yet undetermined, causes; and,

WHEREAS, The aforesaid inspection also noted that changes to the water treatment process may require redesign of mixing equipment used to introduce Ferric Chloride to the treatment process; and,

WHEREAS, The Ohio Environmental Protection Agency has directed the municipality to undertake a detailed evaluation of the aforesaid areas of concern and to prepare and file a report with the agency detailing the findings and any remedial improvements recommended by the consulting engineer engaged to perform the evaluation; and,

WHEREAS, The City Administrator has received a proposal from Stantec Consulting Services, Inc. to perform the required evaluation on a time and materials basis and at a cost of not more than \$37,000;

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

Section 1: The City Administrator is authorized to enter into a contract with Stantec Consulting Services, Inc., to perform all services detailed in the *Revised Proposal for Sanitary Survey Findings–Evaluation and Coordination* dated August 31, 2016, and now on file in the office of the City Administrator on the terms and conditions of service therein recited.

Section 2: The Finance Director is authorized to pay costs arising under the contract authorized by Section 1 from 2016 Budgetary Line 591-537-5-2-980-880.

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 CREATION OF THE “CITY OF
DEFIANCE SPLASH PAD TRUST FUND” AND DECLARING AN
EMERGENCY.**

WHEREAS, private efforts to raise funds for a recreational “splash pad” to be located at Bronson Park have been initiated, and

WHEREAS, the City of Defiance owns Bronson Park and will be responsible for securing contracts, overseeing construction, and paying for the splash pad project, including related equipment and other amenities adjacent to the splash pad;

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

Section 1. There is hereby created the “City of Defiance Splash Pad Trust Fund”.

Section 2. All moneys received as donations to the “City of Defiance Splash Pad Trust Fund”, and all moneys earned on the investment of said donations, shall be expended solely for the purchase and construction of the splash pad, related equipment and various other amenities adjacent to the splash pad.

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 is hereby declared to be an emergency measure necessary to preserve the public health, welfare and safety of the residents of the City of Defiance, and further to accommodate fundraising efforts scheduled to begin within the next thirty (30) days for which a proper accounting mechanism needs to be in place to properly record receipts. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five members of Council and approval of the Mayor.

Passed: _____, 2016 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2016 _____
Mayor

ORDINANCE No. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 7774 PASSED
DECEMBER 22, 2015 TO MAKE APPROPRIATIONS FOR
CURRENT EXPENSES AND OTHER EXPENDITURES OF
THE CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF
JANUARY 1, 2016 THROUGH DECEMBER 31, 2016.**

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, 2016 through December 31, 2016, Ordinance No. 7774 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 |
| 210-Law Department | | | |
| Operating | \$ | 5,200.00 | |
| TOTAL - 210-Law Department | | | \$ 5,200.00 |
| 730-Insurance Pool | | | |
| Operating | \$ | 1,830.00 | |
| TOTAL - 730-Insurance Pool | | | \$ 1,830.00 |
| TOTAL - General Fund | | | \$ 17,030.00 |
| 201-Police & Fire Fund | | | |
| 301-Police Department | | | |
| Operating | \$ | 14,415.00 | |
| TOTAL - 301-Police Department | | | \$ 14,415.00 |
| 336-Fire Department | | | |
| Operating | \$ | 2,263.00 | |
| TOTAL - 336-Fire Department | | | \$ 2,263.00 |
| TOTAL - Police & Fire Fund | | | \$ 16,678.00 |
| 591-Water Fund | | | |
| Operating | \$ | 67,300.00 | |
| TOTAL - 591-Water Fund | | | \$ 67,300.00 |
| 792-Fire & Rescue Trust Fund | | | |
| Operating | \$ | 30,000.00 | |
| TOTAL - 792-Fire & Rescue Trust Fund | | | \$ 30,000.00 |
| GRAND TOTAL - ALL FUNDS | | | \$ 131,008.00 |

RECAPITULATION OF APPROPRIATIONS

| | | | |
|--------------------------------|--------------------------|----|----------------------|
| 101 | General Fund | \$ | 17,030.00 |
| 201 | Police & Fire Fund | \$ | 16,678.00 |
| 591 | Water Fund | \$ | 67,300.00 |
| 792 | Fire & Rescue Trust Fund | \$ | 30,000.00 |
| GRAND TOTAL - ALL FUNDS | | | \$ 131,008.00 |

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: _____, 2016

President of Council

Votes Approving Adoption: _____

Votes Opposing Adoption: _____

Attest: _____, Clerk

Approved: _____, 2016

Mayor

**CITY OF DEFIANCE - FY 2016
SUPPLEMENTAL APPROPRIATIONS ORDINANCE**

September 23, 2016

Members of Council,

Below are the specific line items associated with this week's amending appropriation ordinance. If you have any questions, please contact me.

General Fund:

\$10,000 in the City Administrator's budget to cover unanticipated costs for updates to the City logo, related applications, and City website.

\$5,200 in the Law Department budget to cover the cost of outside legal services related to the review and re-write of the City's nuisance code.

\$1,830 to cover the higher than expected cost of cyber security coverage under the City's property and liability coverage.

Other Funds:

\$14,415 for vehicle maintenance in the Police budget. This reflects the same amount received from an insurance claim on a cruiser that was damaged in an accident that was the fault of the other driver.

\$2,263 in the Fire budget to reflects a rescue supplies grant the City received.

\$67,300 in the Water fund reflects proceeds from the sale of bonds. This portion will be used to pay for the issuance costs associated with the sale and were built into the transaction.

\$30,000 in ther Fire & Rescue Trust Fund to reflect a \$22,000 grant received for new air bottles and additional funds needed for equipment related to the new squad vehicle.

Thanks,

John W. Lehner
Finance Director
City of Defiance

| Fund No. | Dept No. | Account No. | Account Name | Amount | Division |
|---|----------|-------------|-----------------------|-------------------|--------------------|
| 101 | 172 | 963000 | Contingency | 10,000.00 | City Administrator |
| 101 | 210 | 835003 | Special Counsel | 5,200.00 | Law Department |
| 101 | 730 | 725000 | Liability Premium | 1,830.00 | Insurance Pool |
| TOTAL - General Fund | | | | 17,030.00 | |
| 201 | 301 | 735003 | Vehicle Maintenance | 14,415.00 | Police |
| 201 | 336 | 730008 | Rescue Supplies | 2,263.00 | Fire |
| TOTAL - Police & Fire Fund | | | | 16,678.00 | |
| 591 | 537 | 835008 | Professional Services | 67,300.00 | |
| TOTAL - Water Fund | | | | 67,300.00 | |
| 792 | 336 | 730005 | Equipment | 20,000.00 | |
| 792 | 336 | 730009 | Rescue Equipment | 10,000.00 | |
| TOTAL - Fire & Rescue Trust Fund | | | | 30,000.00 | |
| GRAND TOTAL - ALL FUNDS | | | | 131,008.00 | |

Related Revenue Adjustments

| | | | | |
|-----|-----|--------|---------------------|-------------------------|
| 201 | 900 | 699002 | Transfer from GF | 16,678.00 |
| 591 | 710 | 698000 | Bond Proceeds | 67,300.00 |
| 792 | 810 | 698002 | Grant Reimbursement | 22,024.00 |
| | | | | <hr/> 106,002.00 |

RESOLUTION No. _____

**A RESOLUTION ACCEPTING THE DEFIANCE COUNTY BUDGET
COMMISSION'S ALTERNATE PLAN OF APPORTIONMENT
OF THE UNDIVIDED LOCAL GOVERNMENT FUNDS.**

WHEREAS, the Defiance County Budget Commission has proposed an alternate plan of apportionment of the undivided local government funds, and

WHEREAS, an alternate plan requires the consent of each affected local governmental entity in order to be adopted and implemented,

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

Section 1: Any hearings before the Defiance County Budget Commission regarding apportionment of the undivided local government fund pursuant to Section 5747, Ohio Revised Code are hereby waived. This Council agrees to the Defiance County Budget Commission alternate plan of apportionment of the local government funds on the basis of need and the amount received in past years and agrees to accept the sum of One-hundred sixty-eight-thousand nine-hundred four and 58/100 dollars (\$168,904.58) as its share of the undivided local government fund.

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 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