

# ORDINANCE NO. 7470

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE MATERIALS AND CONSTRUCTION SERVICES AND DECLARING AN EMERGENCY

**WHEREAS**, the City committed to extend water service to land being developed by Consolidated Grain & Barge Co.; and,

**WHEREAS**, the City Administrator recommends that the main be installed by City forces in accordance with designs and material specifications now on file in the office of the City Engineer; and,

**WHEREAS**, the 2013 annual budget allocated funds for the purchase of materials and construction services required to undertake the installation; and,

**WHEREAS**, none of the anticipated purchases are expected to require the expenditure of \$25,000;

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

**Section 1:** The design and material specifications for the proposed extension of water distribution facilities to Consolidated Grain & Barge Co. are approved.

**Section 2:** The City Administrator is authorized to purchase materials conforming to the approved specifications and in the quantities therein indicated.

**Section 3:** The City Administrator is authorized to contract for construction services requiring the use of equipment that is not routinely operated by municipal personnel.

**Section 4:** The materials and services authorized by this Ordinance shall be procured at the best price obtainable without competitive bidding. The Finance Director is authorized to pay costs incurred under contracts authorized by Sections 2 and 3 from line 591-538-5-2-980.880 of the 2013 annual budget.

**Section 5:** 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 6:** This Ordinance is declared to be an emergency measure necessary to the welfare of the community for the reason that timely installation of the water main is required by economic development commitments made by the City, County and State to encourage Consolidated Grain & Barge Co., to locate transportation and warehouse facilities within the municipality and immediate commencement of the work is required to assure that the installation is completed by the date promised. 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: January 8, 2013      Tim Holtsberry  
President of Council

Votes in Favor of Adoption: 6  
Votes Opposed to Adoption: 0

Attest: Tim Holtsberry, Acting Clerk

Approved: January 8, 2013      Bob Armstrong  
Mayor

# ORDINANCE NO. 7471

## AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITH THE STATE OF OHIO AND MAUMEE VALLEY PLANNING ORGANIZATION PERTAINING TO ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP FUNDS AND DECLARING AN EMERGENCY

**WHEREAS**, the City has used federal Community Development Block Grant and Home Investment Partnership funds formerly administered by the Ohio Department of Development, Office of Housing and Community Partnerships, to establish a Revolving Loan Fund to increase housing opportunities for low and moderate income persons and achieve other Federal objectives; and,

**WHEREAS**, the City has traditionally relied on Maumee Valley Planning Organization to provide technical assistance with the administration of federally-funded programs; and,

**WHEREAS**, reorganization of the Ohio Department of Development necessitates that certain contractual commitments be modified, restated and renewed; and,

**WHEREAS**, the State of Ohio, Development Services Agency, Office of Community Development, has presented the City with an agreement pertaining to local governmental administration of the Revolving Loan Fund on and after January 1, 2013; and,

**WHEREAS**, The City requires technical assistance to assure that federally-funded programs are administered in accordance with regulatory requirements;

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

**Section 1:** The proposed agreement between the City of Defiance and State of Ohio entitled, "*HOUSING REVOLVING LOAN FUND ADMINISTRATION AGREEMENT*", and pertaining to local governmental administration of Community Development Block Grant and Housing Investment Partnership funds during the period: January 1, 2013, to December 31, 2014, is approved. The Mayor is directed to execute the document and deliver it to the State of Ohio, Development Services Agency, Office of Housing and Community Partnerships, immediately upon adoption of this Ordinance.

**Section 2:** The Mayor is authorized to extend the expiration date of all contracts between the City and Maumee Valley Planning Organization pertaining to administration of funds that are subject to the contract authorized by Section 1 to December 31, 2014.

**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 declared to be an emergency measure because the authorized contracts pertain to administration of federal funds on and after January 1, 2013, necessitating that the agreements be promptly executed to preserve the municipality's eligibility to participate in federally-funded programs essential to the welfare of the City and its inhabitants. 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: January 8, 2013 Tim Holtsberry  
President of Council

Votes in Favor of Adoption: 6  
Votes Opposed to Adoption: 0

Attest: Tim Holtsberry, Acting Clerk

Approved: January 8, 2013 Bob Armstrong  
Mayor

# ORDINANCE NO. 7472

## AN ORDINANCE AUTHORIZING A CONTRACT TO INSTALL DOWNTOWN STREETScape PHASE II IMPROVEMENTS AND DECLARING AN EMERGENCY

**WHEREAS**, the municipality sought and received a grant of Federal Transportation Enhancement Funds administered by the Ohio Department of Transportation to improve portions of Clinton and Second Streets; and,

**WHEREAS**, Bids have been solicited to construct and install the improvements collectively known as, "Downtown Streetscape, Phase II"; and,

**WHEREAS**, the lowest responsive and responsible bid was submitted by Midwest Contracting in the amount of \$727,082.00;

**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 Midwest Contracting to install all "Downtown Streetscape, Phase II" improvements in accordance with the approved plans and specifications and at the price and on the terms and conditions of contract established by the accepted bid.

**Section 2:** The Finance Director is directed to pay costs arising under the authorized contract from line 403-901-5-2-979.101 of the 2013 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 is declared to be an emergency measure to preserve the health, safety and welfare of the community for the reason that immediate award of contract is necessary to assure that the contractor is afforded sufficient time to complete the work within the time allowed by the grant of Federal funds awarded to pay for the work. 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: January 8, 2013      Tim Holtsberry  
President of Council

Votes in Favor of Adoption: 6  
Votes Opposed to Adoption: 0

Attest: Tim Holtsberry, Acting Clerk

Approved: January 8, 2013      Bob Armstrong  
Mayor

# ORDINANCE NO. 7473

## AN ORDINANCE AUTHORIZING THE PURCHASE OF 1,170 WATER METERS AND DECLARING AN EMERGENCY

**WHEREAS**, the municipality has implemented a program to install water meters equipped with radio transmitters to enable collection of billing data from remote locations; and,

**WHEREAS**, Council previously determined that use of a standardized meter procured from a single supplier is necessary to assure efficient collection of billing data; and,

**WHEREAS**, Council previously granted administrative officers continuing authority to purchase meters conforming to specifications approved for citywide installation without further legislative authorization to enable an orderly transition from manual to radio read meters over a period of years; and,

**WHEREAS**, Council has determined that it will be cost effective to complete the multi-year transition to radio-read meters during calendar year 2013 and appropriated sufficient funds to purchase of the required number of meters;

**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 Underground Pipe & Valve, Inc. to supply 1,170 water meters conforming to the specifications on file at a cost of \$171.00 each.

**Section 2:** The Finance Director is authorized to pay the aggregate purchase price of \$200,070.00 from line 403-901-980-004 of the 2013 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 is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that immediate placement of the authorized purchase order is necessary to assure sufficient supplier inventory to fill the order in light of the manufacturer's determination to discontinue production of the adopted model. 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: January 8, 2013      Tim Holtsberry  
President of Council

Votes in Favor of Adoption: 6  
Votes Opposed to Adoption: 0

Attest: Tim Holtsberry, Acting Clerk

Approved: January 8, 2013      Bob Armstrong  
Mayor

ORDINANCE No. 7474

**AN ORDINANCE AUTHORIZING MONTHLY TRANSFERS  
OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE  
YEAR ENDING DECEMBER 31, 2013,  
AND DECLARING AN EMERGENCY.**

**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, 2013 through September, 2013:

<u>FUND FROM</u>	<u>AMOUNT</u>	<u>FUND TO</u>
General Fund #101	\$ 17,500	Police Pension Fund #732
General Fund #101	\$ 14,166	Fire Pension Fund #733
WPC Fund #590	\$ 31,733	General Fund #101
WPC Fund #590	\$ 18,333	Utilities Billing Office Fund #585
WTP Fund #591	\$ 27,416	General Fund #101
WTP Fund #591	\$ 18,333	Utilities Billing Office Fund #585
Refuse #596	\$ 4,000	Utilities Billing Office Fund #585

**Section 2:** That the amounts necessary for transfer in the months of October, November and December, 2012, 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.

Tim Holtsberry

President of Council

Passed: January 8, 2013

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Tim Holtsberry, Acting Clerk

Approved: January 8, 2013

By: Bob Armstrong, Mayor