

ORDINANCE NO. 7516

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH HELMS & SONS EXCAVATING AND DECLARING AN EMERGENCY

WHEREAS, The City requested the Director of Transportation to resurface designated State highways within the municipality and agreed to realign municipal utility manholes with the finished grade of highways altered by ODOT milling and paving operations; and,

WHEREAS, The Ohio Department of Transportation has completed the requested work and the City Engineer has identified 11 manholes that must be modified to realign the covers with the grade of newly installed pavements; and,

WHEREAS, The Superintendent of Water Pollution Control has identified 17 additional manholes that require modification to correct misalignment with surrounding pavements due to settlement or other causes unrelated to recent paving operations; and,

WHEREAS, Helms & Sons Excavating quoted a not-to-exceed price of \$30,800.00 to perform the required work; and,

WHEREAS, the Board of Control determined the Helms & Sons Excavating proposal to be the lowest cost response to the solicitation;

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 Helms & Sons Excavating to supply all labor, fuel and materials required to realign 28 manholes with adjacent pavements on the terms of service detailed in the proposal accepted by the Board of Control on July 11, 2013.

Section 2: The City Finance Director is directed to pay all sums becoming due under the authorized Contract for work necessitated by ODOT paving activities from line 403-901-5-2-980.874 of the 2013 budget and to pay all other sums becoming due under the authorized Contract from line 590-540-5-2-974.005 of the 2013 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 misaligned manholes present a potential hazard to the traveling public that should be promptly eliminated and for the additional reason that restoration of access to sewers at manholes that have been overlaid with pavement is immediately necessary to collect flow data essential to formulation of a revised combined sewer overflow management plan. 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: July 16, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: July 16, 2013

Bob Armstrong
Mayor

ORDINANCE NO. 7517

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO PAY AN INVOICE AND DECLARING AN EMERGENCY

WHEREAS, the City Administrator properly authorized Siemens Industry to repair the drive assembly of Water Pollution Control Primary Clarifier #5 to address an emergency condition; and,

WHEREAS, all of the requested work has been satisfactorily performed and an invoice has been received for payment of the costs thereof in the amount of \$19,397.00;

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

Section 1: The Finance Director is authorized to pay Siemens Industry Invoice 901287238 from Line 590-540-5-2-980880 of the 2013 annual budget.

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 is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that prompt payment of invoices for work undertaken by municipal suppliers on an emergency basis is required to maintain the city's credit reputation, assure the future availability of necessary services when required to address emergency conditions and avoid the imposition of finance charges. 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: July 16, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: July 16, 2013

Bob Armstrong
Mayor

