

ORDINANCE NO. 7534

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH BURGESS & NIPLE, INC. AND DECLARING AN EMERGENCY

WHEREAS, The City received a grant from the Ohio Public Works Commission to replace deteriorated water lines and, by Ordinance passed June 4, 2013, authorized Burgess and Niple, Inc., to perform the engineering and design services required to install the improvements; and,

WHEREAS, Simultaneous installation of drainage improvements on portions of Biede, Osceola and Tacoma Avenues and East, First and St. Paul Streets to be reconstructed incident to the replacement of waterlines will divert large quantities of storm water from the combined sewers and, thereby, reduce frequency and magnitude of Combined Sewer Overflow discharges to the Maumee River; and,

WHEREAS, Flow data collected to facilitate design of future sewer improvements required by the Combined Sewer Overflow Long Term Control Plan suggest that drainage improvements to the aforesaid Streets and Avenues may divert enough storm water from the affected sewers to negate for the need for some or all of the separated sanitary sewers scheduled for installation as Group 13 Improvements and, thereby, reduce Clean Water Act compliance costs by several million dollars; and,

WHEREAS, The proposed drainage improvements can only be cost-effectively installed by incorporating them into the waterline improvement project; and,

WHEREAS, Burgess and Niple, Inc. has agreed to perform the additional engineering services required to include drainage improvements in the designs being prepared for the waterline project at a cost of not more than \$49,480.00;

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 contract addendum identified as "Burgess & Niple, Inc., Contract Modification #1" now on file in the office of the City Engineer.

Section 2: The Finance Director is authorized to pay costs arising under the approved contract amendment from 2013 Budgetary Line: 589-013-5-2-977.080.

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 commencement of the authorized work is necessary to assure completion of the waterline installations within the time allowed by the Ohio Public Works Commission. 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: September 10, 2013 Tim Holtsberry
President of Council

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

Attest: Lisa Elders, Clerk

Approved: September 10, 2013 Bob Armstrong
Mayor