

# Ordinance No. 7617

## AN ORDINANCE AUTHORIZING A CONTRACT WITH AMERICAN PAVEMENTS, INC.

WHEREAS, The City Engineer has recommended use of micro-surfacing to preserve and prolong the useful life of designated street pavements; and,

WHEREAS, A list of the surfaces judged to be suitable for use of the technology was developed and competitive bids have been solicited for performance of the desired work; and,

WHEREAS, American Pavements, Inc. Of Plain City, Ohio, submitted the lowest responsive and responsible bid received in 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 award a contract in the amount of \$63,531.00 to American Pavement, Inc., to furnish all labor, equipment, fuel and materials required to apply micro-surface pavement to the streets identified by the solicitation in accordance with the plans, specifications and general terms and conditions established by the accepted bid.

Section 2: The Finance Director is authorized to pay the contract price from the Street Resurfacing Fund, Line 403-901-5-2-980-874 of the 2014 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: May 13 \_\_\_\_\_, 2014

Mike McCann \_\_\_\_\_  
President of Council

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: May 13 \_\_\_\_\_, 2014

Bob Armstrong \_\_\_\_\_  
Mayor

# ORDINANCE NO. 7618

## AN ORDINANCE AUTHORIZING THE PURCHASE OF FIRE FIGHTING EQUIPMENT AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 7584 authorized the sale of Fire Engine 223 to the Board of Township Trustees of Richland Township for \$40,000.00; and,

WHEREAS, Ordinance 7584 was passed with the expectation that the proceeds of sale would be used to purchase equipment suitable for use in combating grass, field and brush fires; and,

WHEREAS, The authorized sale of Engine 223 has been completed; and,

WHEREAS, Competitive price quotations were solicited to supply a pick-up truck suitable for use as a grass fire engine and Mark Moats Ford of Defiance, Ohio, submitted the lowest cost proposal; and,

WHEREAS, Competitive price quotations were solicited to supply water and foam tanks, skid mounted plumbing and pumping equipment, emergency vehicle lights and siren and installation and painting services necessary to equip the truck for use as an emergency response vehicle;

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

Section 1: The City Administrator is authorized to purchase one 2015 Ford F-350 pick-up truck conforming to the product specifications detailed in the April 1, 2014, quotation and at a cost of \$22,900.00 from Mark Moats Ford; to purchase tankage, plumbing and pumping equipment conforming to the product specifications detailed the April 15, 2014, quotation and at a price of \$12,926.00 from Danko Emergency Equipment; also to purchase signal lighting, and sirens and from Statewide Emergency Products at a cost of \$2,665.00; and installation services from Raylecom at a cost of \$500.00 The City Administrator is further authorized to contract for painting and lettering of the vehicle at a cost of not more than \$1,000.

Section 2: The Finance Director is authorized to pay the purchase and assembly costs authorized by Section 1 from 2014 Budgetary Line 792-336-5-2-730-005.

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 and safety of the community for the reason that acquisition of the vehicle and assembly of the fire fighting apparatus will require several weeks lead time and must be completed prior to the onset of summer weather to maintain essential fire combat capabilities of the Fire Division during the dry season. 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: May 13, 2014

Mike McCann  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 13, 2014

Bob Armstrong  
Mayor

# ORDINANCE NO. 7619

## AN ORDINANCE AUTHORIZING NECESSARY REPAIRS TO THE WATER TREATMENT WORKS AND DECLARING AN EMERGENCY

WHEREAS, Corrosion of the tank bodies of both Chemco lime slakers has resulted in the failure of one and threatens imminent failure of the other; and,

WHEREAS, The ability to slake lime is critical to Water Treatment Plant operations; and,

WHEREAS, The Water Superintendent has determined that replacement bodies can be purchased from the original equipment supplier and used to rebuild the equipment at a cost of \$23,592 per unit, plus shipping, and that this compares to a cost of approximately \$120,000.00 per unit to replace the machinery with newly manufactured equipment; and,

WHEREAS, Chemco Systems, L.P. is the sole supplier of the O.E.M. parts required to rehabilitate the existing equipment;

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 lime slaker bodies conforming to the product specifications on file and without further bidding from Chemco Systems, L.P. to address an emergency condition at the Water Treatment Works.

Section 2: The Finance Director is authorized to pay the contractual purchase price, shipping charges and incidental expenses to install existing controls and equipment on the replacement bodies from line 591-537-5-2-735-007 of the 2014 annual budget and an additional appropriation of Water Fund moneys in the amount of \$50,000.00 is hereby made and allocated for expenditure through budgetary line 591-537-5-2-735-007 for that purpose.

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 or welfare of the community for the reason that replacement of the failed and failing lime slaker bases at the earliest possible date is necessary to assure continued operation of the Water Treatment Works. 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: May 13, 2014

Mike McCann  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 13, 2014

Bob Armstrong  
Mayor

# ORDINANCE NO. 7620

## AN ORDINANCE AUTHORIZING ALL NECESSARY ACTIONS TO PROCEED WITH FINANCING AND CONSTRUCTION OF IMPROVEMENTS IDENTIFIED AS ENGINEERING PROJECT NO. 1302 AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 7508 authorized the engagement of Burgess & Niple, Inc. to develop designs and specifications for the installation of replacement water distribution facilities serving Biede Avenue and St. Paul, Tacoma, Front, East Seneca, Osceola and Minneapolis Streets; and,

WHEREAS, The City Engineer subsequently recommended that storm drainage facilities be incorporated into the proposed work to reduce the frequency and magnitude of combined sewer overflows resulting from storm water surcharging of sewers in the drainage basin identified as "Group 13 Improvements" by the Long Term Combined Sewer Overflow Control Plan; and,

WHEREAS, Ordinance 7534 authorized the award of a supplemental contract to Burgess & Niple, Inc., to develop plans and specifications pertaining to the installation of drainage facilities in certain streets to be disturbed and reconstructed incident to the installation of replacement water distribution facilities; and,

WHEREAS, The Board of County Commissioners of Defiance County has graciously granted temporary and permanent easements to permit the installation and maintenance of a drainage outlet across County-owned lands located between drainage basin 13 and the Maumee River; and,

WHEREAS, Bids to perform all work detailed in the plans and specifications developed pursuant to the authority of Ordinances 7508 and 7534 have been properly solicited and Miller Contracting Group submitted the lowest responsive and responsible bid in the amount of \$1,085,699.00; and,

WHEREAS, Adequate funds to pay the contract price and anticipated contingent expenses have been duly appropriated and allocated to project 1302 by the 2014 annual budget; and,

WHEREAS, The aforesaid appropriations anticipate the receipt of \$325,000.00 granted to the municipality by the Ohio Public Works Commission to off-set a portion of the cost of the water distribution improvements and approval of an application to the Ohio Water Development Authority for a loan of funds to finance a portion of the cost of drainage and sewerage improvements;

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

Section 1: The City Administrator is designated the City's agent for all purposes relating to the grant of funds by the Ohio Public Works Commission and loan of funds by the Ohio Water Development Authority to finance the proposed work. In that capacity, the City Administrator is authorized to execute the "Cooperative Agreement for Construction, Maintenance and Operation of State Water Project or Wastewater Project" now on file in the office of the City Engineer and deliver the same to the Ohio Water Development Authority. The City Administrator is further authorized to execute and deliver such additional contract documents and to make such disclosures as may be requested by the State of Ohio relating to the financing, construction, maintenance or operation of the designed facilities. Within the scope of the customary responsibilities of their respective offices, the City Administrator, City Finance Director and City Law Director are further authorized to:

- a. execute, accept and record the temporary and permanent easements granted by Resolution of the Board of County Commissioners on April 21, 2014;
- b. take all appropriate actions to accept, receive, expend and document the use of funds granted for project purposes by the Ohio Public Works Commission;
- c. take all appropriate actions to make application for and secure a loan from the Ohio Water Development Authority and to accept, receive, expend and document the use of borrowed moneys for payment of eligible project costs in the manner required by the aforesaid "Cooperative Agreement for Construction, Maintenance and Operation of State Water Project or Wastewater Project" or as otherwise directed by the Ohio Water Development Authority; and,

- d. upon confirmation of the availability of funds to be borrowed through the Ohio Water Development Authority, award a contract to Miller Construction Group to furnish all labor, materials, fuel and equipment required to install all water distribution and storm drainage facilities identified by and in accordance with the plans and specifications on file as Engineering Project No. 1302.

Section 2: The Finance Director is authorized to pay contract costs incurred pursuant to the authority of Section 1 from 2014 budgetary line items: 589-013-5-2-977.100 and 591-538-5-2-980.882

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 or welfare of the community for the reason that this Ordinance must be filed with the Ohio Water Development Authority by May 15, 2014, to permit final consideration of the municipality's application for necessary funding. 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: May 13 \_\_\_\_\_, 2014

Mike McCann \_\_\_\_\_  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: May 13 \_\_\_\_\_, 2014

Bob Armstrong \_\_\_\_\_  
Mayor