

Ordinance No. 7754

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO LEASE SURPLUS LAND FOR AGRICULTURAL USE

WHEREAS, the municipality owns two parcels of surplus acreage adjacent to the water storage reservoir and one parcel of surplus acreage adjacent to the water pollution control treatment works that have traditionally been used as farm land; and,

WHEREAS, the municipality has no immediate plans to improve any of the aforesaid parcels and does not anticipate a need to devote the land to non-agricultural municipal use in the immediate future; and,

WHEREAS, it is in the public interest to retain ownership of the acreage to enable future expansion of water and water pollution control facilities; and,

WHEREAS, the City Administrator solicited proposals to lease the parcels as crop land for a period of five years; and,

WHEREAS, the highest responsive and responsible proposal to lease acreage adjacent to the water reservoir was submitted by Mick Farms, LLC and the highest responsive and responsible proposal to acreage adjacent to the water pollution control treatment works was submitted by Bruce Colwell;

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

Section 1: The City Administrator is authorized to lease two parcels consisting of approximately 65.88 and 33.56 acres of tillable land adjacent to the water reservoir to Mick Farms, LLC for a period of five years on the terms established by the accepted proposal, to wit: cash rent of \$9,944.00 in 2016 and 2017, \$10,441.00 in 2018, \$10,938.00 in 2019, and \$11,435.00 in 2020.

Section 2: The City Administrator is authorized to lease one parcel consisting of approximately 24.7 acres of tillable land adjacent to the water pollution control treatment works to Bruce Colwell for a period of five years on the terms established by the accepted proposal, to wit: cash rent of \$2,500.00 per year.

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: October 6, 2015

Mike McCann
President of Council

Attest: Lisa Elders, Clerk

Approved: October 6, 2015

Bob Armstrong
Mayor

ORDINANCE NO. 7755

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE TWO BOILERS TO HEAT THE WATER TREATMENT WORKS AND DECLARING AN EMERGENCY

WHEREAS, Two 500,000 btu boilers installed in the Water Treatment Plant are nearing the end of their expected useful life and will require costly refurbishment if they are to be used during the 2015-16 heating season; and,

WHEREAS, Neither boiler is capable of achieving current energy efficiency standards and the Superintendent has recommended against the expenditure of funds to refurbish the aged equipment and has instead proposed that the required maintenance funds be redirected to partial payment of the cost to replace the aged equipment with Energy Star-rated appliances; and,

WHEREAS, Competitive quotations were solicited to supply and install two Energy Star rated boilers of adequate capacity and the lowest priced proposal was submitted by Northwest Custom Mechanical, LLC of Defiance, Ohio;

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 Northwest Custom Mechanical, LLC to supply and install two Lochinvar JBN501 "Knight" boilers conforming to the specifications detailed by Quotation S-150832 on the terms and at the price therein recited.

Section 2: The Finance Director is authorized to pay the contract price of \$42,430.00 from line 591-537-5-2-980-880 of the 2015 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 or welfare of the community for the reason that the equipment approved for purchase must be immediately ordered to assure delivery and installation before the onset of winter. 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: October 6, 2015

Mike McCann
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: October 6, 2015

Bob Armstrong
Mayor

ORDINANCE NO. 7756

AN ORDINANCE AUTHORIZING A CONTRACT WITH AECOM AND DECLARING AN EMERGENCY

WHEREAS, The anaerobic digesters require significant upgrades to achieve compliance with current building code standards, correct deficiencies that have created an explosion hazard in the South digester and prevent a like-kind failure of the North digester; and,

WHEREAS, A qualifications-based selection process was properly employed to select AECOM as the most qualified consultant to evaluate the condition of both digesters and design the required improvements; and,

WHEREAS, Acceptable terms of engagement have been negotiated with AECOM as the first ranked design professional;

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 AECOM to perform all services detailed in the September 21, 2015, proposal on the terms and conditions of service therein recited and at a cost of \$135,722.00.

Section 2: The Finance Director is authorized to pay the contract price and all incidental expenses incurred in accordance with the terms of the authorized contract from line 590-540-5-2-980-880 of the 2015 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 and safety of the community for the reason that prompt commencement of the authorized work is required to minimize the risk that the Water Pollution Control Treatment Works will be disabled by failure of the North digester prior to repair of the South digester. 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: October 6, 2015

Mike McCann
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: October 6, 2015

Bob Armstrong
Mayor

Ordinance No. 7757

AN ORDINANCE DESIGNATING CERTAIN ELIGIBLE INSTITUTIONS AS DEPOSITORIES OF PUBLIC MONEYS FOR THE CITY OF DEFIANCE FOR THE PERIOD FROM OCTOBER 1, 2015 TO, AND INCLUDING SEPTEMBER 30, 2020, AND DECLARING AN EMERGENCY.

WHEREAS, there has heretofore been given a notice requesting the submission of applications to serve as depositories of the public moneys of this City for the period from October 1, 2015 to, and including September 30, 2020, and

WHEREAS, those applications are presently on file in the Office of the Finance Director and such applications are hereby incorporated herein by reference, and it is therefore essential that action be taken on such applications as in this Ordinance provided;

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

Section 1. The applications to serve as depositories of the active funds of this City which have been received from the financial institutions referred to below, which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including but not limited to Chapter 135 of the Ohio Revised Code, and the financial institutions referred to below are hereby designated public depositories of the active moneys under the control of this City for the period from October 1, 2015 to, and including September 30, 2020. Said institutions are as follows:

The State Bank & Trust Company

Section 2. The applications to serve as depositories of the interim funds of this City which have been received from the financial institutions referred to below, which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including but not limited to Chapter 135 of the Ohio Revised Code, and the financial institutions referred to below are hereby designated public depositories of the interim moneys under the control of this City for the period from October 1, 2015 to, and including September 30, 2020. Said institutions are as follows:

The State Bank & Trust Company
Farmers & Merchants State Bank
Huntington National Bank
PNC Bank
Tri State Capital Bank
Waterford Bank

Section 3. The Finance Director be and he is hereby authorized to determine from time to time the amount of funds available for investment of deposits as interim moneys, to select the date or dates for investment or deposit of such interim moneys, and to select the classifications of obligations for the investment or deposit of such moneys as provided in Section 135.14 of the Ohio Revised Code; provided, however, that if such moneys are determined to be deposited as interim deposits (evidenced by a certificate of deposit) in accordance with Section 135.14(B)(3) of the Ohio Revised Code, the same shall be deposited with the financial institution specified above which offered to pay the highest permissible interest rate as nearly as practicable in proportion to the respective capital funds as defined in Section 135.01 (C) of the Ohio Revised Code, taken into account, however, the amount of funds from time to time to be deposited, the amount required to be deposited to obtain the highest permissible interest rate, and maturity dates and rights of redemption with respect to the respective deposits.

Section 4. The award of public moneys herein made is subject to the provisions of Chapter 135 of the Ohio Revised Code, including the limitation imposed by, and the variations permitted by, Sections 135.03 and 135.20 thereof; and, subject to the provisions of such chapter. Deposits of moneys shall be made pursuant to this Ordinance from time to time in accordance with the financial requirements of this City.

Section 5. The Finance Director is hereby directed to keep all such applications received from financial institutions and referred to above on file in his office.

Section 6. The Finance Director is hereby authorized and directed to forward certified copies of this Ordinance to the financial institutions herein designated as public depositories of the City, and the Finance Director is hereby authorized and directed to execute on behalf of this City such memorandum agreements relating to the designation of such institutions as public depositories and the securing of deposits therein as are required, authorized or permitted by law.

Section 7. 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 or in Executive Session duly convened in accordance with law.

Section 8. 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 maintain the legal investment of funds being necessary for the proper operation of the City. 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: October 6, 2015 Mike McCann
President of Council

Attest: Lisa Elders, Clerk

Approved: October 6, 2015 Bob Armstrong
Mayor

ORDINANCE No. 7758

**AN ORDINANCE AUTHORIZING THE TRANSFER
OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE
YEAR ENDING DECEMBER 31, 2015.**

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 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: The following amounts shall be transferred for the month of October, 2015:

<u>FUND FROM</u>	<u>AMOUNT</u>	<u>FUND TO</u>
General Fund #101	\$ 200,003	Police & Fire Fund #201
General Fund #101	\$ 22,500	Police Pension Fund #732
General Fund #101	\$ 20,000	Fire Pension Fund #733
WPC Fund #590	\$ 36,125	General Fund #101
WPC Fund #590	\$ 14,174	Utilities Billing Office Fund #585
WTP Fund #591	\$ 35,600	General Fund #101
WTP Fund #591	\$ 14,174	Utilities Billing Office Fund #585
Refuse #596	\$ 12,737	Utilities Billing Office Fund #585

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: October 6, 2015

Mike McCann
President of Council

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: October 6, 2015

Bob Armstrong
Mayor

RESOLUTION No. 2481

A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

Whereas, Mr. PBA, LLC has filed a Petition to annex 1.736 acres of land located in Section 19, Richland Township, Defiance County, Ohio, to the City of Defiance; and,

Whereas, the proposed annexation territory is comprised of: a part of Lot 3, Lots 4 and 5 and a part of Lot 6 of the Riverview Addition and a part of Lot 18, Lot 19 and a part of Lot 20 of the Riverview Addition Extension; and,

Whereas, Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation and file the same with the Board of County Commissioners within 20 days following the filing of the Petition;

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

Section 1: The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners and will maintain any street or road divided or segmented by the annexation.

Section 2: Lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality. In-City rates for water and sewer services furnished to existing consumers located within the territory will take effect on the first day of the first billing cycle beginning after the effective date of the annexation. Billing and payment dates previously established for each consumer will not be altered and charges accrued during the billing cycle in which the annexation takes effect will not be prorated to the date on which the annexation takes effect.

Section 3: In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

Section 4: It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 5: This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. 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: October 6, 2015

Mike McCann
President of Council

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: October 6, 2015

Bob Armstrong
Mayor