

ORDINANCE NO. 7697

AN ORDINANCE AUTHORIZING THE PURCHASE OF A THM ANALYZER AND DECLARING AN EMERGENCY

WHEREAS, Federal and State regulations establish maximum permissible levels of trihalomethane contaminants in potable water and require public water system operators to employ best available technologies, including active distribution system and storage tank management, to reduce trihalomethane contamination of drinking water; and,

WHEREAS, The City has made significant investments to install clearwell aeration and will soon make multi-million dollar investments to demolish two water towers, erect one water tower, and otherwise improve facilities to enable more precise management of the water distribution and storage system; and,

WHEREAS, Frequent sampling and consistent measurement of trihalomethane levels is required to obtain maximum benefit from clearwell aeration and evaluate the efficacy and cost effectiveness of alternate distribution and storage tank management improvements now being reviewed; and,

WHEREAS, The Water Superintendent evaluated analytical devices currently available in the commercial market and recommends purchase of a Parker-Hannifin model PH-THM-1000 THM Analyzer because it employs Purge-and-Trap Gas Chromatography, thereby eliminating the need for sample preparation and chemical reagents resulting in extremely short sample processing times and lower operational costs; and,

WHEREAS, The Water Superintendent received favorable reviews of the device's accuracy and ease of use from neighboring communities that have purchased and installed the same or similar Parker-Hannifin equipment; and,

WHEREAS, Council finds that the Water Superintendent has identified and articulated valid and sufficient reasons justifying selection of the recommended device;

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 model PH-THM-1000 THM Analyzer from Parker-Hannifin Corporation without further solicitation of competing proposals and at the quoted price of \$40,048.28 including installation, calibration and employee training services.

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 of the community for the reason that installation of the authorized equipment is essential to compliance with Safe Drinking Water Act requirements and proper planning of costly public improvements to improve the safety of drinking water. 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: February 17, 2015

Mike McCann

President of Council

Attest: Lisa Elders, Clerk

Approved: February 17, 2015

Bob Armstrong

Mayor

ORDINANCE NO. 7698

AN ORDINANCE VACATING AN ALLEY BETWEEN LOTS 1-4 AND LOTS 5-8 OF BLOCK 7, BOUTON AND OTHERS ADDITION

WHEREAS: A Petition has been filed to vacate the entirety of a 10' wide alley connecting Fifth and Juliet Streets and lying between Lots 1, 2, 3 & 4 and Lots 5, 6, 7 & 8 of Block 7, Bouton & Others Addition; and,

WHEREAS: The Planning Commission has recommended that the Petition be granted; and,

WHEREAS: Council finds there is good cause to vacate the alley and that the vacation will not be detrimental to the general interest;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF DEFIANCE, THAT:

SECTION 1: The alley connecting Fifth and Juliet Streets and adjacent to Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 7, Bouton & Others Addition, as more particularly described by the Petition of First Federal Bank of the Midwest dated November 11, 2014, and approved by the Planning Commission on or about December 15, 2014, is hereby vacated pursuant to and in accordance with §723.05 of the Revised Code.

SECTION 2: In accordance with §723.041 of the Revised Code, easements are hereby reserved for the maintenance, operation and replacement of any and all municipal and public utility facilities located within the public right-of-way on the effective date of this Ordinance.

SECTION 3: The City Administrator is directed to cause a vacation Plat conforming to the requirements of Revised Code Section 711.39 to be prepared and Recorded and is authorized to employ the services of such surveyors as may be reasonably necessary to prepare the Plat.

SECTION 4: The City Administrator is directed to certify the costs incurred to comply with Section 3 of this Ordinance to the Finance Director for payment from funds deposited by the Petitioner. The Finance Director is to pay said costs from the deposit, to withhold therefrom such additional expenses as have been incurred by the municipality for postage, publication and other expenses of proceedings conducted upon the Petition and to refund any remaining balance of the deposit to the Petitioner.

SECTION 5: It is found and determined that all legislative acts pertaining or relating to the enactment of this Ordinance were taken in public session and that all deliberations of Council, including all deliberations of the committees of Council, that affected or influenced any such legislative act, were conducted in public session duly convened in conformity with law.

SECTION 6: This Ordinance shall be effective on the earliest date permitted by law.

Passed: February 17, 2015

Mike McCann
President of Council

Attest: Lisa Elders
Clerk of Council

Approved: February 17, 2015

Bob Armstrong
Mayor

ORDINANCE NO. 7699

AN ORDINANCE VACATING AN UNIMPROVED ALLEY ADJACENT TO LOTS 12, 13, AND 14 OF HAY'S ADDITION TO EAST DEFIANCE AND LOT 29 OF THE AUDITOR'S PLAT EAST OF THE AUGLAIZE

WHEREAS: A Petition has been filed to vacate the entirety of a 10' wide North-South alley adjacent to lots 12, 13, and 14 in and of the Hay's Addition to East Defiance and Lot 29 of the Auditor's Plat East of the Auglaize; and,

WHEREAS: The Planning Commission has recommended that the Petition be granted; and,

WHEREAS: Council finds there is good cause to vacate the alley and that the vacation will not be detrimental to the general interest;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF DEFIANCE, THAT:

SECTION 1: The 10' wide North-South alley adjacent to lots 12, 13, and 14 in and of the Hay's Addition to East Defiance and Lot 29 of the Auditor's Plat East of the Auglaize, as more particularly described by the Petition of Jason Fortman, et. al. dated August 4, 2014, and approved by the Planning Commission on or about November 17, 2014, is hereby vacated pursuant to and in accordance with §723.05 of the Revised Code.

SECTION 2: In accordance with §723.041 of the Revised Code, easements are hereby reserved for the maintenance, operation and replacement of any and all municipal and public utility facilities located within the public right-of-way on the effective date of this Ordinance.

SECTION 3: The City Administrator is directed to cause a vacation Plat conforming to the requirements of Revised Code Section 711.39 to be prepared and Recorded and is authorized to employ the services of such surveyors as may be reasonably necessary to prepare the Plat.

SECTION 4: The City Administrator is directed to certify the costs incurred to comply with Section 3 of this Ordinance to the Finance Director for payment from funds deposited by the Petitioners. The Finance Director is to pay said costs from the deposit, to withhold therefrom such additional expenses as have been incurred by the municipality for postage, publication and other expenses of proceedings conducted upon the Petition and to refund any remaining balance of the deposit to the Petitioners.

SECTION 5: It is found and determined that all legislative acts pertaining or relating to the enactment of this Ordinance were taken in public session and that all deliberations of Council, including all deliberations of the committees of Council, that affected or influenced any such legislative act, were conducted in public session duly convened in conformity with law.

SECTION 6: This Ordinance shall be effective on the earliest date permitted by law.

Passed: February 17, 2015

Mike McCann
President of Council

Attest: Lisa Elders
Clerk of Council

Approved: February 17, 2015

Bob Armstrong
Mayor

ORDINANCE NO. 7700

AN ORDINANCE VACATING AN ALLEY ADJACENT TO LOTS 217, 218, 231 and 232 IN AND OF THE SOUTH DEFIANCE ADDITION

WHEREAS: A Petition has been filed to vacate the entirety of a 14' wide alley connecting Schultz and Grove Streets and lying between Lots 217 & 232 and Lots 218 & 231 in and of the South Defiance Addition; and,

WHEREAS: The Planning Commission has recommended that the Petition be granted; and,

WHEREAS: Council finds there is good cause to vacate the alley and that the vacation will not be detrimental to the general interest;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF DEFIANCE, THAT:

SECTION 1: The 14' wide alley between Schultz and Grove Streets and adjacent to Lots 217, 218, 231 and 232 in and of the South Defiance Addition, as more particularly described by the Petition of Gene Homan et. al. dated September 11, 2014, and approved by the Planning Commission on or about November 17, 2014, is hereby vacated pursuant to and in accordance with §723.05 of the Revised Code.

SECTION 2: In accordance with §723.041 of the Revised Code, easements are hereby reserved for the maintenance, operation and replacement of any and all municipal and public utility facilities located within the public right-of-way on the effective date of this Ordinance.

SECTION 3: The City Administrator is directed to cause a vacation Plat conforming to the requirements of Revised Code Section 711.39 to be prepared and Recorded and is authorized to employ the services of such surveyors as may be reasonably necessary to prepare the Plat.

SECTION 4: The City Administrator is directed to certify the costs incurred to comply with Section 3 of this Ordinance to the Finance Director for payment from funds deposited by the Petitioners. The Finance Director is to pay said costs from the deposit, to withhold therefrom such additional expenses as have been incurred by the municipality for postage, publication and other expenses of proceedings conducted upon the Petition and to refund any remaining balance of the deposit to the Petitioners.

SECTION 5: It is found and determined that all legislative acts pertaining or relating to the enactment of this Ordinance were taken in public session and that all deliberations of Council, including all deliberations of the committees of Council, that affected or influenced any such legislative act, were conducted in public session duly convened in conformity with law.

SECTION 6: This Ordinance shall be effective on the earliest date permitted by law.

Passed: February 17, 2015

Mike McCann
President of Council

Attest: Lisa Elders
Clerk of Council

Approved: February 17, 2015

Bob Armstrong
Mayor

ORDINANCE NO. 7701

AN ORDINANCE AUTHORIZING A CONTRACT WITH WARD CONSTRUCTION COMPANY AND DECLARING AN EMERGENCY

WHEREAS, the City made application for and was awarded grant to install a pedestrian walk and bicycle trail on the water reservoir grounds; and,

WHEREAS, Ward Construction Company submitted the lowest responsive and responsible bid to construct the improvements in conformity with the plans and specifications heretofore approved by the Ohio Department of Transportation;

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 Ward Construction Company to supply all labor, materials, equipment and fuel necessary to construct and install improvements in accordance with the plans and specifications on file as DEF Reservoir Bike/Pedestrian Trail, ODOT Project Identification No. 96711.

Section 2: The Finance Director is authorized to pay all project costs incurred in accordance with the terms of the grant from 2015 budgetary line 403-901-5-2-990-893.

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 prompt award of the authorized contract is necessary to enable the Ohio Department of Transportation to encumber funds pledged to the municipality by the awarded grant. 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: February 17, 2015

Mike McCann
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 1

Attest: Lisa Elders, Clerk

Approved: February 17, 2015

Bob Armstrong
Mayor

ORDINANCE NO. 7702

AN ORDINANCE AUTHORIZING A CONTRACT WITH MILLER CONTRACTING GROUP INC. AND DECLARING AN EMERGENCY

WHEREAS, the City made application for and was awarded a grant by the Ohio Public Works Commission to assist the municipality with payment of costs to be incurred to replace deteriorating water distribution lines in the Sherwood Forest addition; and,

WHEREAS, Miller Contracting Group, Inc. submitted the lowest responsive and responsible bid to construct and install the necessary improvements in conformity with plans and specifications on file in the office of the City Engineer;

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 Miller Contracting Group, Inc., to supply all labor, materials, equipment and fuel necessary to construct and install water distribution system improvements in accordance with the plans and specifications entitled "Sherwood Forest Waterline Replacement Project" now on file in the office of the City Engineer and at the accepted bid price of \$796,402.00 .

Section 2: The Finance Director is authorized to encumber \$876,042.00 for payment of the contract price and anticipated contingent expenses to be incurred in accordance with the terms of the authorized contract from 2015 budgetary line 591-538-5-2-980-883.

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 prompt award of the authorized contract is necessary to enable the Ohio Public Works Commission to encumber \$325,000.00 pledged to assist the municipality with payment of project costs. 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: February 17 _____, 2015

Mike McCann

President of Council

Votes in Favor of Adoption: 7 _____

Votes Opposed to Adoption: 0 _____

Attest: Lisa Elders _____, Clerk

Approved: February 17 _____, 2015

Bob Armstrong

Mayor