

# ORDINANCE NO. 7712

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO MAKE APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR A GRANT OF FUNDS TO REPLACE PLAYGROUND EQUIPMENT AT DIEHL PARK AND DECLARING AN EMERGENCY

WHEREAS, the playground equipment installed at Diehl Park for use by children 6-12 years of age no longer complies with minimum accepted safety standards and requires replacement due to age and condition; and,

WHEREAS, Funds may be available through the Ohio Department of Natural Resources to assist the municipality with the cost to procure and install replacement equipment; and,

WHEREAS, Sufficient Capital Improvement Funds have been appropriated to pay all locally funded project costs to be incurred in the event the application is approved;

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 NatureWorks Grant Application now on file and deliver the same to the Ohio Department of Natural Resources. The City Administrator is further authorized to make all contractual commitments that may be appropriate to secure approval of the application and to undertake all construction activities required by the terms of any grant awarded pursuant to ODNR acceptance and approval of the authorized application.

Section 2: The Finance Director is authorized to pay all sums required to complete the project from appropriated Capital Improvement Funds allocated to the purchase of playground equipment by Line 403-901-5-2-978050 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 authorized application must be filed by May 1, 2015, to receive consideration by the Department of Natural Resources. 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: April 28, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: April 28, 2015

Bob Armstrong  
Mayor

# ORDINANCE NO. 7713

## AN ORDINANCE AUTHORIZING THE ENGAGEMENT OF BURGESS & NIPLE, INC. AS CONSULTING ENGINEERS

WHEREAS, Flow monitoring data collected to enable revision of the Combined Sewer Overflow Control Plan demonstrate that the collection system is regularly flooded by intruding waters of the Auglaize River; and,

WHEREAS, Rehabilitation of approximately 5,000 lineal feet of the Auglaize Interceptor is required to prevent inundation of the collection system during periods in which river levels exceed elevations anticipated by the design standards to which the sewer was originally constructed but that occur with sufficient frequency as to be subject to regulation under the subsequently enacted Clean Water Act; and,

WHEREAS, Minimizing river water intrusion is essential to the success of municipal efforts achieve compliance with overflow control standards established by the United States and Ohio Environmental Protection Agencies; and,

WHEREAS, The Ohio Public Works Commission has awarded the City a grant of \$325,000 to assist the community with the costs to design and construct the necessary improvements; and,

WHEREAS, It is necessary to engage a qualified engineer to evaluate the condition of existing facilities, specify the means and materials that may be appropriately used to repair salvageable segments of the interceptor, design replacement facilities for sewer segments that cannot be cost effectively redesigned and repaired or reconstructed, obtain regulatory approval of the proposed designs and specifications, supervise construction of the improvements and oversee the administration of grant funds; and,

WHEREAS, Burgess & Niple, Inc., was deemed to be the most qualified firm expressing interest in the work and satisfactory financial terms have been negotiated in accordance with statutory procedures;

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 Burgess & Niple, Inc., to perform all services described by the proposal dated April 8, 2015, at a cost of \$119,000.00.

Section 2: The Finance Director is authorized to pay the contract price and such additional expenses as may be incurred in accordance with the terms of the authorized contract from appropriated funds allocated by 2015 Budgetary Line 589-017-5-2-977-080 .

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 shall be effective on the earliest date permitted by law.

Passed: April 28 \_\_\_\_\_, 2015

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

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

Approved: April 28 \_\_\_\_\_, 2015

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

# ORDINANCE NO. 7714

## AN ORDINANCE AUTHORIZING THE ENGAGEMENT OF DGL CONSULTING ENGINEERS, LLC ~~AND DECLARING AN EMERGENCY~~

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WHEREAS, the Ohio Department of Transportation has awarded the City a grant to improve 0.42 miles of State Route 111, South Clinton Street, by reconstructing and widening the pavement, realigning street and driveway intersections, and installing traffic control, drainage, and sidewalk improvements; and,

WHEREAS, it is necessary to engage a qualified engineer to oversee the construction and verify completion of the work in accordance with ODOT standards; and,

WHEREAS, 80% of the cost of the required supervisory services will be reimbursed to the City in accordance with the terms of the grant; and,

WHEREAS, DGL Consulting Engineers, LLC., was deemed the most qualified firm expressing interest in the work and satisfactory terms and conditions of service have been negotiated in accordance with statutory procedures and US-DOT/ODOT protocols;

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 DGL Consulting Engineers, LLC, to perform all services described by the proposal dated April 14, 2015, at the rates and on the terms and conditions of service therein recited.

Section 2: The Finance Director is authorized to disburse not more than \$197,600 from 2015 Budgetary Line 403-901-5-2-970-062 in payment of all costs and expenses incurred for services rendered pursuant to the authorized contract. In accordance with the terms of the accepted proposal, the maximum allowable expenditure shall include all sums disbursed in payment of charges for soil, soil compaction, concrete and asphalt testing undertaken at the direction of DGL Consulting Engineers, LLC.

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 services to be performed under the terms of the authorized contract must be commenced by May 4, 2015, to maintain compliance with the project schedule established by the Department of Transportation, ODOT Project Identification DEF-111-5.89, PID 92830. 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: April 28, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 4

Votes Opposed to Adoption: 2

Attest: Lisa Elders, Clerk

Approved: April 28, 2015

Bob Armstrong  
Mayor

Effective Date: May 28, 2015

# ORDINANCE NO. 7715

## AN ORDINANCE REPEALING ORDINANCE 7704, AUTHORIZING THE PURCHASE OF TWO AUTOMOBILES FOR USE AS POLICE CRUISERS AND DECLARING AN EMERGENCY

WHEREAS, Bids were solicited to supply two pursuit rated automobiles for use by the Police Division as patrol vehicles; and,

WHEREAS, H&K Motor Sales, Inc. submitted the lowest responsive and responsible bid to supply two 2015 front wheel drive Chevrolet Impala automobiles; and,

WHEREAS, Ordinance 7704 was duly passed on March 10, 2015, authorizing the City Administrator to purchase the specified Chevrolets from H&K Motor Sales, Inc., at the bid price of \$20,593.20 per vehicle; and,

WHEREAS, H&K Motor Sales, Inc. has informed the Chief of Police that General Motors Corporation has suspended production of 2015 Impala automobiles, that it cannot deliver the vehicles described by the bid and that it will not execute a contract obligating H&K Motor Sales, Inc., to supply 2015 or 2016 Chevrolets at the bid price; and,

WHEREAS, The City cannot delay purchase of replacement vehicles to solicit new bids or to await the commencement of 2016 model year production because both of the 2012 Dodge Charger police cruisers scheduled for replacement in 2015 have suffered catastrophic engine failure rendering each of them inoperable and necessitating that they be replaced at the earliest possible opportunity; and;

WHEREAS, The second lowest bid received in response to the original solicitation was submitted by Integrity Motor Sales, Inc. and proposed to supply 2015 rear wheel drive Dodge Charger police cruisers; and,

WHEREAS, The Chief of Police has recommended against the purchase of Dodge vehicles for police use based on an unsatisfactory maintenance record characterized by multiple catastrophic engine failures in addition to those that occurred while the City was awaiting delivery of the two unobtainable Chevrolets; and,

WHEREAS, Integrity Motor Sales, Inc., no longer operates the Dodge dealership and the successor to Integrity Motor Sales, Inc. is not obliged to honor the bid previously submitted by Integrity Motor Sales, Inc.; and,

WHEREAS, Mark Moats Ford, Inc., submitted the third lowest responsive and responsible bid received in response to the original solicitation; and,

WHEREAS, Mark Moats Ford, Inc., has graciously agreed to honor its original bid to supply two 2015 front wheel drive Ford Police Interceptors at a cost of \$23,675 per vehicle if the order can be submitted to Ford Motor Company before the manufacturer suspends production of 2015 models;

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

Section 1: The bid bond submitted by H&K Motor Sales, Inc., is forfeited and the Finance Director is directed to apply the \$500 security deposit to payment of the increased cost incurred to procure the vehicles authorized for purchase by Section 2.

Section 2: The City Administrator is authorized to purchase two pursuit rated, front wheel drive, 2015 Ford Interceptor automobiles from Mark Moats Ford, Inc., at a cost of \$23,675 per vehicle.

Section 3: The two 2012 Dodge Charger Police cruisers previously scheduled for replacement in 2015 are declared to be municipal surplus and the City Administrator is authorize to sell the same by any means authorized by Codified Ordinance §151.04(b).

Section 4: The Finance Director is authorized to pay the authorized purchase price from appropriated funds allocated for the purchase of replacement cruisers by Line 403-901-976-054 of the 2015 annual budget.

Section 5: Ordinance 7704 is hereby repealed.

Section 6: 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 7: This Ordinance is declared to be an emergency measure necessary to preserve the safety of the community for the reason that there is an urgent need to replace the disabled Dodge police cruisers to maintain police operations and immediate placement of the purchase order authorized by this Ordinance is necessary to secure production of the desired vehicles before Ford Motor Company suspends manufacturing operations to prepare production facilities for the manufacture of 2016 model year vehicles. 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: April 28, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: April 28, 2015

Bob Armstrong  
Mayor