

# ORDINANCE NO. 7719

## AN ORDINANCE AUTHORIZING THE CITY HISTORIAN TO SELL COINS AND CURRENCY DEACCESSIONED FROM THE ANDREW L. TUTTLE MEMORIAL MUSEUM BY PUBLIC AUCTION AND DECLARING AN EMERGENCY

WHEREAS, the municipal government accepted a collection of coins, stamps and historic artifacts bequeathed by Andrew F. Tuttle and established the Andrew Tuttle Memorial Museum in conformity with the terms of the bequest; and,

WHEREAS, Chapter 165 of the Codified Ordinances, as most recently amended by Ordinance 7603, empowers the Andrew L. Tuttle Memorial Museum Board to deaccession artifacts from the collection and provides for the segregation, investment and use of moneys received as proceeds from the sale of deaccessioned artifacts; and,

WHEREAS, Ordinance 7663 found Numismatic Auctions, L.L.C. to be uniquely qualified to provide consultive services to the Museum and auction services to the municipal government and authorized the City Historian to enter into a continuing agreement with Numismatic Auctions, L.L.C. relating to the consignment and sale of artifacts deaccessioned from the museum collection; and,

WHEREAS, the Andrew L. Tuttle Memorial Museum Board engaged Numismatic Auctions, L.L.C. to assist the Board in making determinations about the relevance of various artifacts to museum purposes and deaccessioned coins and currency itemized by the inventory presented to Council in open meeting on May 12, 2015;

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

Section 1: The coins and currency deaccessioned from the Andrew L. Tuttle Memorial Museum and itemized by the inventory presented to Council on May 12, 2015, are declared to be municipal surplus. The City Historian is authorized to sell the same at public auction in conformity with the terms of the consignment agreement authorized by Ordinance 7663. All proceeds of sale shall be deposited to the public sub-fund of the Endowed Donor Advised Fund established by Ordinance 7603.

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 the welfare of the community for the reason that immediate confirmation of the municipality's consignment of coins and currency is required to assure proper advertisement of the deaccessioned artifacts in advance of the scheduled sale date. 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 26 \_\_\_\_\_, 2015

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

Votes in Favor of Adoption: 7 \_\_\_\_\_

Votes Opposed to Adoption: 0 \_\_\_\_\_

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

Approved: May 26 \_\_\_\_\_, 2015

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

# Ordinance No. 7720

## AN ORDINANCE AUTHORIZING A CONTRACT WITH THE MANNIK & SMITH GROUP FOR ENGINEERING SERVICES

WHEREAS, The City Administrator recommends that GIS maps be updated to include data relating to the location of pipes, valves and private property connections to the water distribution system; and,

WHEREAS, a qualifications based selection process was properly used to select Mannik & Smith Group as the best qualified vendor to supply required equipment, collect necessary data, and provide software and programming necessary to integrate water distribution data with location-indexed information relating to streets, sewerage and buildings; and,

WHEREAS, acceptable terms and conditions of service have been negotiated;

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

Section 1: The City Administrator is authorized to contract with Mannik & Smith Group to supply equipment and services detailed in MSG Proposal No. OP-150502 at the proposed price of \$85,900.

Section 2: The Finance Director is authorized to pay costs arising under the authorized contract from appropriated Water Distribution Capital Improvement funds allocated to the project by Line 591-538-5-2-980-880 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 shall be effective on the earliest date permitted by law.

Passed: May 26 \_\_\_\_\_, 2015

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

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

Approved: May 26 \_\_\_\_\_, 2015

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

# ORDINANCE NO. 7721

## AN ORDINANCE AUTHORIZING A CONTRACT WITH VERNON NAGEL, INC. AND DECLARING AN EMERGENCY

WHEREAS, The Webster Street and Anthony Wayne Blvd. sewage lift stations are antiquated, functionally inadequate, and designed in a manner that makes compliance with minimum Ohio Bureau of Workers' Compensation safety standards exceedingly difficult; and,

WHEREAS, The Ohio Public Works Commission has awarded a grant of \$157,000 to assist the City with the cost to design, construct and install replacement facilities; and,

WHEREAS, Bids to design and construct suitable facilities were properly solicited and Vernon Nagel, Inc., submitted the lowest responsive and responsible bid in the amount of \$757,000.00;

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 Vernon Nagel, Inc. to design, construct and install facilities conforming to the specifications established by the accepted bid.

Section 2: The Finance Director is authorized to pay all costs incurred in accordance with the authorized contract from Capital Improvement Funds allocated to the project by 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, safety or welfare of the community for the reason that the executed contract authorized by this Ordinance must be filed with the Ohio Public Works Commission by May 29, 2015, to confirm acceptance of 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: May 26, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 26, 2015

Bob Armstrong  
Mayor

# ORDINANCE NO. 7722

## AN ORDINANCE AUTHORIZING A CONTRACT WITH MIDWEST CONTRACTING, INC., AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 7512, passed June 11, 2013, authorized the City Administrator to apply for a grant of Federal Community Development Block Grant funds to improve public infrastructure and encourage private investment in the downtown business district; and,

WHEREAS, Ordinance 7512, directed the City Administrator to: "Carry out all programs and activities set forth in the Community Development Block Grant application in conformity with program guidelines and applicable regulations"; and,

WHEREAS, The Ohio Development Services Agency awarded the grant on the terms proposed by the authorized application; and,

WHEREAS, Conversion of designated vehicular alleys to pedestrian walkways was among the public improvements the City committed to make in exchange for award of the requested funds; and,

WHEREAS, Council budgeted adequate funds to carry out the promised work and the City Administrator caused designs and specifications to be prepared; and,

WHEREAS, Bids to construct the facilities were properly solicited and Midwest Contracting, Inc., submitted the lowest responsive and responsible bid in the amount of \$142,636.00;

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 Midwest Contracting, Inc. to construct and install facilities conforming to the designs and specifications established by the accepted bid (Engineering Project No. 1413).

Section 2: The Finance Director is authorized to pay all costs incurred in accordance with the authorized contract from funds allocated to the project by Line 403-901-980-890 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 work must be completed by August, 2015, to comply with terms and conditions of the Community Development Block 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: May 26, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 26, 2015

Bob Armstrong  
Mayor

## RESOLUTION No. 2478

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

Whereas, McCann Investment Properties, LLC, has filed Petition seeking to annex 3.612 acres of land located in the Northwest Quarter of Section 18, Richland Township, Defiance County, Ohio, to the City of Defiance; 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: May 26 \_\_\_\_\_, 2015

Mike Ketcham \_\_\_\_\_  
President Pro-Tem of Council

Votes Approving Adoption: 7 \_\_\_\_\_  
Votes Opposing Adoption: 0 \_\_\_\_\_

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

Approved: May 26 \_\_\_\_\_, 2015

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