

# ORDINANCE NO. 7802

## AN ORDINANCE AUTHORIZING A CHANGE TO PREVIOUSLY AWARDED CONTRACTS PERTAINING TO THE WIDENING OF SOUTH CLINTON STREET AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Transportation awarded grants providing funding for approximately 80% of the anticipated cost to widen portions of State Route 111, South Clinton Street, in accordance with designs and material specifications on file as ODOT Project Identification No. 92830 and City Engineering Project Number 1603; and,

WHEREAS, Ordinance 7789, passed February 2, 2016, authorized an award of contract to Helms & Sons Excavating to construct the highway improvements in conformity with the approved plans and specifications then on file and an award of a contract to DGL Consulting Engineers to provide project oversight, inspection and testing services needed to administer the construction contract; and,

WHEREAS, Council finds that aged water transmission mains and service connections located within the right of way of South Clinton Street should be replaced concurrently with construction of the authorized highway improvements to minimize the risk that newly installed pavements will suffer damage resulting from the need to open the street to repair foreseeable failures in the water distribution system and further finds that the water system improvements can be most cost effectively installed by Helms & Sons Excavating during the course of construction of the highway improvements;

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

Section 1: The City Administrator is authorized to issue a Change Order modifying the contract previously awarded to Helms & Sons Excavating pursuant to Ordinance 7789 to provide for concurrent installation of improvements to the municipal water distribution system at a cost to be computed in accordance with unit prices recited in the Change Order but not to exceed \$450,000 without further authorization by Ordinance.

Section 2: The City Administrator is authorized to compensate DGL Consulting Engineers for project oversight, inspection and testing services that are necessitated solely by the installation of water distribution improvements authorized by Section 1. The authorized compensation shall be computed in accordance with the terms of service recited in the contract awarded to pursuant to Ordinance 7789 and shall be in addition to payments authorized by that Ordinance.

Section 3: The Finance Director is authorized to pay all costs incurred in accordance with Sections 1 and 2 of this Ordinance from appropriated water funds allocated for expenditure by Line 591-538-5-2-980-880 of the 2016 annual budget.

Section 4: 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 5: This Ordinance is declared to be an emergency measure necessary to preserve the health and safety of the community for the reason that the Change Order authorized by Section 1 must be immediately executed to avoid delay in the commencement of street improvements authorized by Ordinance 7789 and to assure completion of the highway improvements within the time allowed by the grants awarded by the Department of Transportation. 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: March 8, 2016

Michael Ketcham  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: March 9, 2016

Michael McCann  
Mayor

# Ordinance No. 7803

## AN ORDINANCE AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR INSTALLATION AT DIEHL PARK

WHEREAS, the City applied for and received a grant of NatureWorks Program funds from the Ohio Department of Natural Resources to purchase and install playground equipment at Diehl Park; and,

WHEREAS, on March 2, 2016, the Ohio Department of Natural Resources approved the product specifications and installation plans and confirmed that the City will be eligible for reimbursement of \$48,745.00 expended to complete the project as designed;

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 David Williams & Associates, Inc., of Alliance, Ohio, to supply playground equipment conforming to the product descriptions detailed in the February 23, 2016, price quotation numbered #41985 and relating to Project Identification #P17741. The authorized purchase shall be made through the U.S. Communities Government Purchasing Alliance pursuant to the authority of Codified Ordinance 131.02 and without competitive bidding.

Section 2: The Finance Director is authorize to pay the approved purchase price of \$53,381.72 from appropriated funds allocated to the project by Line 403-901-5-2-978-050 of the 2016 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: March 8, 2016

Michael Ketcham  
President of Council

Attest: Lisa Elders, Clerk

Approved: March 9, 2016

Michael McCann  
Mayor

ORDINANCE No. 7804

**AN ORDINANCE AMENDING ORDINANCE NO. 7774 PASSED  
DECEMBER 22, 2015 TO MAKE APPROPRIATIONS FOR  
CURRENT EXPENSES AND OTHER EXPENDITURES OF THE  
CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF  
JANUARY 1, 2016 THROUGH DECEMBER 31, 2016.**

**WHEREAS**, the City Finance Director has determined that additional appropriations are necessary to provide for expenditures; and

**WHEREAS**, that in addition to approving the expenditure of all public funds, Council must approve the appropriation of all public funds;

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

**Section 1:** That, to provide for expenses of the City of Defiance, State of Ohio, during the period of January 1, 2016 through December 31, 2016, Ordinance No. 7774 is hereby amended by appropriation changes to the following accounts:

|  |                 |                        |
|--|-----------------|------------------------|
| <b>249-Probation Grant Fund</b>                    |                 |                        |
| Operating  | \$ 12,442.00    |                        |
| <b>TOTAL - 249-Probation Grant Fund</b>            |                 | <b>\$ 12,442.00</b>    |
| <b>590-Water Pollution Control Fund</b>            |                 |                        |
| Operating  | \$ 62,833.00    |                        |
| <b>TOTAL - 590-Water Pollution Control Fund</b>    |                 | <b>\$ 62,833.00</b>    |
| <b>591-Water Fund</b>                              |                 |                        |
| Operating  | \$ 1,599,967.00 |                        |
| <b>TOTAL - 591-Water Fund</b>                      |                 | <b>\$ 1,599,967.00</b> |
| <b>704-Hotel/Motel Tax Fund</b>                    |                 |                        |
| Operating  | \$ 1,870.00     |                        |
| <b>TOTAL - 704-Hotel/Motel Tax Fund</b>            |                 | <b>\$ 1,870.00</b>     |
| <b>793-Fire Damage Repair/Removal Fund</b>         |                 |                        |
| Operating  | \$ 12,000.00    |                        |
| <b>TOTAL - 793-Fire Damage Repair/Removal Fund</b> |                 | <b>\$ 12,000.00</b>    |
| <b>GRAND TOTAL - ALL FUNDS</b>                     |                 | <b>\$ 1,689,112.00</b> |

**RECAPITULATION OF APPROPRIATIONS**

|                                |                                 |                        |
|--------------------------------|---------------------------------|------------------------|
| 249                            | Probation Grant Fund            | \$ 12,442.00           |
| 590                            | Water Pollution Control Fund    | \$ 62,833.00           |
| 591                            | Water Fund                      | \$ 1,599,967.00        |
| 704                            | Hotel/Motel Tax Fund            | \$ 1,870.00            |
| 793                            | Fire Damage Repair/Removal Fund | \$ 12,000.00           |
| <b>GRAND TOTAL - ALL FUNDS</b> |                                 | <b>\$ 1,689,112.00</b> |

**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: March 8, 2016

Michael Ketcham  
President of Council

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: March 9, 2016

Michael McCann  
Mayor

## RESOLUTION No. 2484

### A RESOLUTION APPROVING THE USE OF MUNICIPAL EQUIPMENT TO CONSTRUCT IMPROVEMENTS AT THE HOSPICE CENTER

WHEREAS, the Community has been enhanced by the Defiance Hospice In-Patient Center and end of life care provided municipal and area residents; and,

WHEREAS, construction of the Defiance Hospice In-Patient Center was funded by charitable contributions; and,

WHEREAS, a proposal has been made to enhance the grounds of the Hospice Center by installation of a Veterans' Flag Plaza to honor patients who served in the Armed Forces; and

WHEREAS, The Hospice Center has received charitable donations to pay for all materials required to install the Veterans' Flag Plaza; and,

WHEREAS, municipal employees, individually and through their unions, donated funds to establish the Defiance Hospice In-Patient Center and have previously volunteered labor to assist with the construction of improvements to beautify the grounds; and,

WHEREAS, municipal employees have expressed a desire to volunteer labor to assist with the installation of the proposed veterans' memorial; and,

WHEREAS, encouraging municipal employees from different operating divisions to work collaboratively on a volunteer project is beneficial to employee development, workforce morale and general municipal operations; and,

WHEREAS, the City Administrator has determined that municipal equipment can be employed to assist municipal employee-volunteers with installation of the veterans' memorial without adversely affecting municipal operations or incurring significant public expense;

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

Section 1: The City Administrator is authorized to employ municipal equipment to install a Veterans' Flag Plaza and related landscaping on the grounds of the Defiance Hospice In-Patient Center. Use of the equipment shall be restricted to properly trained municipal employees participating in the project as volunteers during the operators' off-duty hours.

Section 2: It is found and determined that all legislative actions pertaining to the adoption of this Resolution 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 Resolution shall be effective on the earliest date permitted by law.

Passed: March 8, 2016

Michael Ketcham  
President of Council

Attest: Lisa Elders, Clerk

Approved: March 9, 2016

Michael McCann  
Mayor