

ORDINANCE NO. 20-065

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY BAUMANN ENTERPRISES, INC., OF GARFIELD HEIGHTS, OHIO, FOR THE CEDAR POINT (CHAUSSEE) WATER TOWER DEMOLITION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Cedar Point (Chaussee) Water Tower Demolition Project involved the removal of the water tank, appurtenances, foundation and embankment, erosion control measures, capping of the existing water main, and disposal of materials; and

WHEREAS, the Cedar Point water tank was taken out of service in 2012 after years of repairs going beyond general maintenance; and

WHEREAS, the Cedar Point Water Tower was no longer salvageable and no longer needed for service and an application was submitted to the Ohio EPA on August 1, 2016, with proposed plans for decommissioning the Cedar Point Water Tank and the City received an approval letter on August 23, 2016, which was good for a five (5) year period; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed Cedar Point (Chaussee) Water Tower Demolition Project by Resolution No. 030-19R, passed on August 12, 2019; and

WHEREAS, this City Commission approved the awarding of the contract to Baumann Enterprises, Inc., of Garfield Heights, Ohio, for work to be performed for the Cedar Point (Chaussee) Water Tower Demolition Project by Ordinance No. 19-156, passed on September 9, 2019; and

WHEREAS, this First & Final Change Order reflects the actual work performed in the field by the contractor and the actual quantities used; and

WHEREAS, the original contract with Baumann Enterprises, Inc., of Garfield Heights, Ohio, was \$83,480.00, and with the **deduction** of this First & Final Change Order in the amount of \$5,000.00, the final contract cost is \$78,480.00 and will be paid with Sewer Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to make final payment to the contractor for work already performed and to close out the completed project; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Services, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

PAGE 2 - ORDINANCE NO. 20-065

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the Cedar Point (Chaussee) Water Tower Demolition Project and to deduct from the contract amount the sum of Five Thousand and 00/100 Dollars (\$5,000.00) resulting in the final contract cost of Seventy Eight Thousand Four Hundred Eighty and 00/100 Dollars (\$78,480.00) with Baumann Enterprises, Inc., of Garfield Heights, Ohio.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: April 13, 2020