



CITY OF SANDUSKY COMMISSIONERS

REGULAR SESSION AGENDA

March 22, 2010 at 5 p.m.

City Hall, 222 Meigs Street

INVOCATION, PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

D. Kaman, J. Hamilton, K. Nuesse, J. Farrar, D. Waddington, B. Fuqua & P. Brown

APPROVAL OF MINUTES

March 8, 2010 and March 15, 2010

AUDIENCE PARTICIPATION

Agenda Items Listed Below Only (3 minute limit)

PRESENTATIONS

**Commendation for Roland Kurtz, Off-Duty Sheriff Deputy**

*By Assistant Chief Paul Ricci and Sheriff Terry Lyons*

**Weed and Seed Community Signage**

COMMUNICATIONS

Motion to accept all Communications submitted below

**ITEM #1 – This item was approved at first reading on March 8, 2010.**

**Budgetary Information:** Based on service for pickup five (5) days per week and a contract for nine (9) months, the estimated amount for the 2010 Yard Waste Collection Service is \$31,320 based on a 5% increase in customers for 2010. This amount is subject to change due to additions and deletions of customers to the program. The cost of this service will be charged back to the customers.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a contract with F.S.I. Disposal/Fultz & Son, Inc., of Clyde, Ohio, for the 2010 Yard Waste Collection Service which is available for the period April 1, 2010 through December 31, 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #2 – Submitted by Kathryn K. McKillips, Engineer**

**Budgetary Information:** The current contract amount is \$830,055. The revised contract amount is \$824,155 to be paid with Water Funds.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to approve the second and final Change Order for work being performed by D & M Painting Corporation of Washington, Pennsylvania, for the Follett Street and Mills Street Elevated Water Tank project and to deduct the contract amount by \$5,900 in relation thereto; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #3 – Submitted by Kathryn K. McKillips, Engineer**

**Budgetary Information:** The current contract amount is \$2,158,550. The revised contract amount is \$2,156,890 to be paid with Water Funds.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to approve the second and final Change Order for work being performed by C B & I, Inc., of Sewickley, Pennsylvania, for the Follett Street and Mills Street Elevated Water Tank project and to deduct the contract amount by \$1,660 in relation thereto; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #4 – Submitted by Kathryn K. McKillips, Engineer**

**Budgetary Information:** The cost of the detail engineering is \$202,161, to be paid with Sewer Funds. It is anticipated that the work required in the sewer pump station will exceed the cost of the overall project design cost. Due to the lack of funding in the City Capital Fund, Sewer Funds are being used in the forefront of the project to keep the project moving forward. At the time of construction, City Capital will be required to pay its share of the project cost.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a First Amendment to the Agreement for Professional Design Services with Transystems Corporation of Cleveland, Ohio, for the Camp Street Underpass Rehabilitation project; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #5 – Submitted by Kathryn K. McKillips, Engineer**

**Budgetary Information:** The Change Order No. 5 will increase the contract with Mosser Construction by \$10,820.60. The revised contract amount is \$16,707,444.74. The city's share of the Change Order is \$6,611.39 to be paid with Sewer Funds through the project's OWDA loan. Erie County's share is \$4,209.21.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to approve the fifth Change Order for work being performed for the Wastewater Treatment Plant Expansion Project Phase II in the amount of \$10,820.60 to be paid to Mosser Construction of Fremont, Ohio; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #6 – Submitted by Kathryn K. McKillips, Engineer**

**Budgetary Information:** The Change Order No. 2 will increase the contract with Industrial Power Systems by \$2,294.22. The revised contract amount is \$568,603.67, which remains within the original project budget. The city's share of the Change Order is \$1,401.77 and will be paid with Sewer Funds through the project's OWDA loan and Erie County's share is \$892.45.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to approve the second Change Order for work being performed for the Wastewater Treatment Plant Expansion Project Phase II in the amount of \$2,294.22 to be paid to Industrial Power Systems of Maumee, Ohio; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #7 – Submitted by Carrie R. Handy, Chief Planner**

**Budgetary Information:** The grant project will not require the city to expend any additional monies from the city's General Fund for matching funds. The local match will be comprised of in-kind labor by City of Sandusky staff and the utilization of 25 non-host species trees from the city's nursery.

**RESOLUTION NO. \_\_\_\_:** It is requested a Resolution be passed authorizing the filing of an Application with the Ohio Department of Natural Resources Division of Forestry through the Western Lake Erie Basin Emerald Ash Borer Grant Program for the removal of trees and planting of non-host species; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #8 – Submitted by Michele Hall, Recreation Program Supervisor**

**Budgetary Information:** The Agreements will not result in any additional budgetary expenses. The city will benefit from the agreed upon rental fee of \$202 per month which includes rent, electric service and phone service.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to enter into an Agreement, substantially in the same form as attached, with Don Drummond (d.b.a. North Shore Bait and Tackle), for the operation of a retail business for the sale of bait and tackle and concession items at the building located at the Shelby Street Boat Launch Ramp facility; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #9 – Submitted by Carrie R. Handy, Chief Planner**

**Budgetary Information:** Pictures of the final Master Plans and cost estimates for each plaza are attached to the communication. It is noted that these Master Plans can be developed in phases as funds become available to the city. Certain line items can also be omitted if funds cannot be secured in order to reduce the costs of plaza development.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed approving the Chesapeake Plazas Master Plans; and declaring that this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

**ITEM #10**

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed making General Appropriations for the Fiscal Year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**CITY MANAGER'S REPORT**

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE PARTICIPATION** - Open discussion on any item (5 minute limit)

**EXECUTIVE SESSION**

**ADJOURNMENT**

To: Donald C. Icsman, Acting City Manager  
 From: Kathryn K. McKillips, Engineer  
 Date: February 24, 2010  
 Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Ordinance ratifying the awarding of a contract to F.S.I. Disposal/Fultz and Son, Inc. for the 2010 Yard Waste Collection Service.

Starting in 2004, the City has offered yard waste pick up for a monthly fee of \$8.00 (labor, disposal, administration). This fee is added to the water bills of participating customers. The pickup service is available starting April 1<sup>st</sup> and ends December 31<sup>st</sup>. The monthly fee for 2009 was \$7.00, a \$1.00 reduction from previous years. The fee for 2010 will again be \$7.00 per customer per month.

The 2010 Yard Waste Collection Service was bid out last year at the same time as Garbage and Rubbish Pickup. All bids received were rejected, including the yard waste bids; therefore, the service was again bid out in order to continue the program for interested residents. Two bids were received on February 18, 2010. One bid was received for 5 days per week service. And both bids provided prices for the Alternative Bids. Alternative options were bid for 1 day per week service and City Wide Service. The bid is as follows:

<u>Company Name</u>	<u>Weekly Pick Up</u>	<u>1 Day/Week Pick Up</u>	<u>City Wide Pick Up</u>
FSI Disposal/Fultz & Son, Inc.	\$6.00	\$6.00	\$4.99
Allied Waste Services	No Bid	\$8.45	\$5.25

FSI Disposal/Fultz & Sons, Inc. of Clyde, Ohio is recommended as the lowest and best bid and performed this service for the City in 2008 with 506 customers and 2009, finishing the season with 554 customers.

**BUDGETARY INFORMATION:** Based on service for pickup five (5) days per week and a contract for nine (9) months, the estimated amount for the 2010 Yard Waste Collection Service is \$31,320.00 based on a 5% increase in customers for 2010. This amount is subject to change due to additions and deletions of customers to the program. The cost of this service will be charged back to the customers.

**ACTION REQUESTED:** It is recommended that a contract with F.S.I. Disposal/Fultz and Son, Inc. be approved for the 2010 Yard Waste Collection Service. It is also recommended that the necessary legislation be passed under suspension of the rules in full accordance with Section 14 of the City Charter in order to provide sufficient time for the contractor to begin the program April 1<sup>st</sup>.

I concur with this recommendation:

\_\_\_\_\_  
 Donald C. Icsman  
 Acting City Manager  
 cc: Kelly Kresser, City Commission Clerk  
 Ed Widman, Finance Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH F.S.I. DISPOSAL / FULTZ & SON, INC., OF CLYDE, OHIO, FOR THE 2010 YARD WASTE COLLECTION SERVICE WHICH IS AVAILABLE FOR THE PERIOD OF APRIL 1, 2010 THROUGH DECEMBER 31, 2010; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, starting in 2004, the City has offered yard waste pick up for a monthly fee (labor, disposal, and administration) which is added to participating customer's water and sewer bills and the monthly fee for 2010 will be \$7.00 which is the same as last year; and

**WHEREAS**, the 2010 Yard Waste Collection Service was bid out last year at the same time as the Garbage and Rubbish Pickup and because all bids were rejected, the yard waste service was again bid out in order to continue the program for interested residents; and

**WHEREAS**, upon public competitive bidding as required by law two (2) appropriate bids were received and the bid for 5 days per week service from F.S.I. Disposal / Fultz and Son, Inc., of Clyde, Ohio, was determined to be the lowest and best bid; and

**WHEREAS**, the estimated cost of this program based upon service for five (5) day per week pickup at a cost of \$6.00 per month per residence and a contract for (9) months is \$31,320.00 which will be charged back to the customers in addition to a charge of \$1.00 per month for administrative costs and is subject to change due to additions and deletions of customers in the program; and

**WHEREAS**, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow F.S.I. Disposal / Fultz and Son, Inc. to begin service on April 1, 2010; 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 Municipal Departments, including the Division of Engineering 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,

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

Section 1. The City Manager is authorized and directed to enter into a contract with F.S.I. Disposal / Fultz and Son, Inc., of Clyde, Ohio, for the 2010 Yard Waste Collection Service for the period of April 1, 2010 through December 31, 2010 at a cost of Six and 00/100 Dollars (\$6.00) per month per residence opting into the program, consistent with the bid submitted by F.S.I. Disposal / Fultz & Son, Inc., of Clyde, Ohio, currently on file in the office of the City Deputy Engineer.

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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: March 22, 2010

To: Donald C. Icsman, Acting City Manager  
From: Kathryn K. McKillips, Engineer  
Date: March 8, 2010  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Change Order No. 2 & Final, Contract # 2 for the Follett Street and Mills Street Elevated Water Tank Project. This change order includes two items to be **DEDUCTED** from the contract:

1. Remove 1 Year Anniversary Inspection	DEDUCT	\$1,700.00
2. Unused structural steel members in base bid	DEDUCT	<u>\$4,200.00</u>
	TOTAL	(\$5,900.00)

After discussions with the contractor, it was agreed that the 1-year anniversary inspection would be removed from the contract, and that the City would prefer to choose a firm of their choice to perform the work. The City will request quotes from qualified testing/inspection firms for the work at the appropriate time. By non-performing this item, the contract with the contractor can be finalized and closed out.

The unused structural steel item is based on actual quantities used in the field.

**BUDGETARY INFORMATION:** The current contract amount is \$830,055.00. The revised contract amount is \$824,155.00, to be paid with Water Funds.

**ACTION REQUESTED:** It is requested that Change Order No. 2 & FINAL, Contract # 2 for the Follett Street and Mills Street Elevated Water Tank Project, in the **DEDUCT** amount of \$5,900.00 for two (2) item changes to be performed by D&M Painting Corporation, be approved in full accordance with Section 14 of the City Charter in order to closed out the contract.

I concur with this recommendation:

---

Donald C. Icsman, Acting City Manager

cc: Kelly Kresser, Clerk of City Commission  
Ed Widman, Finance Director

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE SECOND & FINAL CHANGE ORDER FOR WORK BEING PERFORMED BY D&M PAINTING CORPORATION OF WASHINGTON, PENNSYLVANIA, FOR THE FOLLETT STREET AND MILLS STREET ELEVATED WATER TANK PROJECT AND TO DEDUCT THE CONTRACT AMOUNT BY \$5,900.00 IN RELATION THERETO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, this City Commission authorized the City Manager to enter into an agreement for Professional Design Services with ARCADIS U.S., Inc., for the Follett Street and Mills Street Elevated Water Tank Project for services including the preliminary and detail design by the passage of Ordinance No. 07-009, passed on February 12, 2007, and to perform bidding, construction administration, and resident inspection services by the passage of Ordinance No. 08-005, passed on January 28, 2008; and

**WHEREAS**, this City Commission declared the necessity to proceed with the Follett Street and Mills Street Elevated Water Tank Project by the passage of Resolution No. 034-07R, passed on November 26, 2007; and

**WHEREAS**, this City Commission approved the awarding of Contract 2 (repainting, repairs to ladders, hatches, railings, fencing and miscellaneous repairs to the Mills Street water tower) to D&M Painting Corporation of Washington, Pennsylvania, for work being performed for the Follett Street and Mills Street Elevated Water Tank Project by Ordinance No. 08-012, passed on February 25, 2008; and

**WHEREAS**, this Second & Final Change Order includes two (2) items to be deducted from the contract and are listed as follows:

Remove 1 Year Anniversary Inspection.	DEDUCT	\$1,760.00
Unused structural steel members in base bid.	DEDUCT	\$4,200.00
	TOTAL	<u>(\$5,900.00)</u>

; and

**WHEREAS**, the current contract with D&M Painting Corporation is \$830,055.00 and with the **deduction** of this Second & Final Change Order in the amount of \$5,900.00, the final contract cost is \$824,155.00, and will be paid with Water 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 for the contract to be finalized and closed out; 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 Division of Engineering 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,

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 Second & Final Change Order for work performed for the Follett Street and Mills Street

Elevated Water Tank Project and to **deduct** from the contract amount the sum of Five Thousand Nine Hundred and 00/100 Dollars (\$5,900.00) resulting in the final contract cost of Eight Hundred Twenty Four Thousand One Hundred Fifty Five and 00/100 Dollars (\$824,155.00) with D&M Painting Corporation of Washington, Pennsylvania.

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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: March 22, 2010

To: Donald C. Icsman, Acting City Manager  
From: Kathryn K. McKillips, Engineer  
Date: March 8, 2010  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Change Order No. 2 & Final, Contract # 1 for the Follett Street and Mills Street Elevated Water Tank Project. This change order includes one item to be **DEDUCTED** from the contract:

1. Remove 1 Year Anniversary Inspection	DEDUCT	<u>\$1,660.00</u>
TOTAL		(\$1,660.00)

After discussions with the contractor, it was agreed that the 1-year anniversary inspection would be removed from the contract, and that the City would prefer to choose a firm of their choice to perform the work. The City will request quotes from qualified testing/inspection firms for the work at the appropriate time. By non-performing this item, the contract with the contractor can be finalized and closed out.

**BUDGETARY INFORMATION:** The current contract amount is \$2,158,550.00. The revised contract amount is \$2,156,890.00, to be paid with Water Funds.

**ACTION REQUESTED:** It is requested that Change Order No. 2 & FINAL, Contract # 1 for the Follett Street and Mills Street Elevated Water Tank Project, in the **DEDUCT** amount of \$1,660.00 for one (1) item change to be performed by CB&I, Inc., be approved in full accordance with Section 14 of the City Charter in order to closed out the contract.

I concur with this recommendation:

---

Donald C. Icsman, Acting City Manager

cc: Kelly Kresser, Clerk of City Commission  
Ed Widman, Finance Director

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE SECOND AND FINAL CHANGE ORDER FOR WORK BEING PERFORMED BY CB&I, INC., OF SEWICKLEY, PENNSYLVANIA, FOR THE FOLLETT STREET AND MILLS STREET ELEVATED WATER TANK PROJECT AND TO DEDUCT THE CONTRACT AMOUNT BY \$1,660.00 IN RELATION THERETO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, this City Commission declared the necessity to proceed with the Follett Street and Mills Street Elevated Water Tank Project by the passage of Resolution No. 034-07R, passed on November 26, 2007; and

**WHEREAS**, this City Commission authorized the City Manager to enter into a Professional Services Agreement with ARCADIS U.S., Inc. to perform bidding, construction administration, and resident inspection services for the Follett Street and Mills Street Elevated Water Tank Project by the passage of Ordinance No. 08-005, passed on January 28, 2008; and

**WHEREAS**, this City Commission approved the awarding of Contract 1 (installation of a new one million gallon water tower on Follett Street) to CB&I, Inc., of Sewickley, Pennsylvania, for work being performed for the Follett Street and Mills Street Elevated Water Tank Project by Ordinance No. 08-011, passed on February 25, 2008; and

**WHEREAS**, this Second & Final Change Order provides for the removal of an inspection and is listed as follows:

Remove 1 Year Anniversary Inspection.	DEDUCT	\$1,660.00
	TOTAL	<u>(\$1,660.00)</u>
		; and

**WHEREAS**, the current contract with CB&I, Inc. is \$2,158,550.00 and with the **deduction** of this Second & Final Change Order in the amount of \$1,660.00, the final contract cost is \$2,156,890.00, and will be paid with Water 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 for the contract to be finalized and closed out; 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 Division of Engineering 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,

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 Second & Final Change Order for work performed for the Follett Street and Mills Street Elevated Water Tank Project and to **deduct** from the contract amount the sum of One Thousand Six Hundred Sixty and 00/100 Dollars (\$1,660.00) resulting in the final

contract cost of Two Million One Hundred Fifty Six Thousand Eight Hundred Ninety and 00/100 Dollars (\$2,156,890.00) with CB&I, Inc., of Sewickley, Pennsylvania.

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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: March 22, 2010

**To:** Donald C. Icsman, Acting City Manager  
**From:** Kathryn K. McKillips, P.E., Engineer  
**Date:** March 8, 2010  
**Subject:** Commission Agenda Item

**ITEM FOR CONSIDERATION:** Amendment to the Agreement for Professional Design Services with TranSystems Corporation of Cleveland, Ohio for the final design work for the Camp Street Underpass Rehabilitation Project. This agreement will authorize TranSystems to move forward with detail final design as stated in the Project Narrative. The tasks remaining in the overall design of the project will follow ODOT's Project Development Process. The work will include the following:

- o Prepare Environmental Clearance and Stage 1 Documents
- o Prepare Stage 2 Detail Design Plans
- o Complete Right of Way Plans
- o Prepare Stage 3 Design Plans
- o Prepare Final Plan Package for ODOT Central Office

**BUGETARY INFORMATION:** The cost of the detail engineering is \$202,161.00, to be paid with Sewer Funds. It is anticipated that the work required in the sewer pump station will exceed the cost of the overall project design cost. Due to the lack of funding in the City Capital Fund, Sewer Funds are being used in the forefront of the project to keep the project moving forward. At the time of construction, City Capital will be required to pay its share of the project cost.

**ACTION REQUESTED:** It is recommended that an amendment to the agreement for Professional Services with TranSystems Corporation be executed and that the necessary legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order for TranSystems Corporation to begin the engineering design on the project in order to have the project ready for bidding in 2011 and construction to start in 2012.

I concur with this recommendation:

---

Donald C. Icsman,  
Acting City Manager

cc: Kelly Kresser, Clerk of City Commission  
Ed Widman, Finance Director

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A FIRST AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL DESIGN SERVICES WITH TRANSYSTEMS CORPORATION OF CLEVELAND, OHIO, FOR THE CAMP STREET UNDERPASS REHABILITATION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, this City Commission authorized the City Manager to enter into an agreement for Professional Design Services with ARCADIS U.S., Inc., for the Follett Street and Mills Street Elevated Water Tank Project for services including the preliminary and detail design by the passage of Ordinance No. 07-009, passed on February 12, 2007, and to perform bidding, construction administration, and resident inspection services by the passage of Ordinance No. 08-005, passed on January 28, 2008; and

**WHEREAS**, this City Commission authorized the City Manager to enter into an agreement with TranSystems Corporation for preliminary design work for the Camp Street Underpass Rehabilitation Project by the passage of Ordinance No. 08-059, passed on July 14, 2008; and

**WHEREAS**, this proposed First Amendment to the Agreement for Professional Design Services will authorize TranSystems to move forward with detail final design and will include the following:

- Prepare Environmental Clearance and Stage 1 Documents
- Prepare Stage 2 Detail Design Plans
- Complete Right of Way Plans
- Prepare Stage 3 Design Plans
- Prepare Final Plan Package for ODOT Central Office

;and

**WHEREAS**, the fee for this final design work is \$202,161.00 and will be paid with Sewer Funds; and

**WHEREAS**, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to proceed with the final design work for the Camp Street Underpass Rehabilitation in order to have the project ready for bidding in 2011 and construction to begin in 2012; 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 Division of Engineering 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,

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

Section 1. The City Manager is authorized and directed to enter into a First Amendment to the Agreement for Professional Design Services with TranSystems Corporation of Cleveland, Ohio, for final design services for the Camp Street Underpass Rehabilitation Project, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with

any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose, at an amount **not to exceed** Two Hundred Two Thousand One Hundred Sixty One and 00/100 Dollars (\$202,161.00).

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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: March 22, 2010

To: Donald C. Icsman, Acting City Manager  
From: Kathryn K. McKillips, Engineer  
Date: March 8, 2010  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Change Order No. 5, General Trades and Electric Contract for the Wastewater Treatment Plant Expansion Project Phase II. The added work will be performed by Mosser Construction of Fremont, Ohio, in the amount of \$10,820.60. This Change Order includes four (4) item changes that are recommended for approval by the Project Manager, Jones & Henry Engineers, Ltd. City Staff concurs with the recommended approval.

1. Removal of the Flowmeter 8-point calibration requirements	DEDUCT	(5,521.23)
2. Flushing Water Supply	ADD	8,849.83
3. Pipe Bollards	ADD	6,600.00
4. Relocation of Main Building Electrical Room Grill	ADD	892.00
	TOTAL	\$10,820.60

The new meters to be supplied by the contractor will have the normal 2-point calibration; therefore, the contractor will receive a credit for the specified 8-point calibration from the manufacturer.

Field verification of the actual 36-inch outfall determined that there is almost a 2-foot difference in elevation from record drawings and actual field elevations. In order to make the connection and allow the water to flow in the correct direction, a new manhole, valve, and pipe connection are needed.

Pipe bollards are requested by City Staff around the fuel tanks for protection from vehicles.

The Supply Air Grill must be relocated because existing electrical gear is located in the wall where the new grill was to be installed. The new grate will be installed in the floor to provide for cool air for the electrical room. Acting City Manager and Engineering Liaison were notified of this proposed work on March 2, 2010.

**BUDGETARY INFORMATION:** The Change Order No. 5 will increase the contract with Mosser Construction by \$10,820.60. The revised contract amount is \$16,707,444.74. The City's share of the change order is \$6,611.39 to be paid

with Sewer Funds through the project's OWDA loan. Erie County's share is \$4,209.21.

**ACTION REQUESTED:** It is requested that the Wastewater Treatment Plant Expansion Project Phase II Change Order No. 5, General trades and electric contracts, in the amount of \$10,820.60 for four (4) item changes to be performed by Mosser Construction, Fremont, Ohio, be approved in full accordance with Section 14 of the City Charter in order to prevent delays with the project schedule and meet the project completion deadline of January 13, 2011.

I concur with this recommendation:

---

Donald C. Icsman, Acting City Manager

cc: Don Icsman, Law Director  
Kelly Kresser, Clerk of City Commission  
Ed Widman, Finance Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIFTH CHANGE ORDER FOR WORK BEING PERFORMED FOR THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT PHASE II IN THE AMOUNT OF \$10,820.60 TO BE PAID TO MOSSER CONSTRUCTION OF FREMONT, OHIO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this City Commission authorized the City Manager to enter into an agreement with Jones & Henry Engineers, Ltd. for Professional Design Services for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 07-010, passed on February 12, 2007, and subsequently amended by Ordinance No. 08-060, passed on July 14, 2008; and

**WHEREAS**, this City Commission declared the necessity to proceed with the Wastewater Treatment Plant Expansion Project Phase II by Resolution No. 021-08R, passed on August 25, 2008; and

**WHEREAS**, this City Commission approved the awarding of Contracts G (General Trades) & E (Electrical) to Mosser Construction of Fremont, Ohio, for work being performed for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 08-102, passed on October 14, 2008; and

**WHEREAS**, this City Commission authorized the City Manager to enter into an agreement with Jones & Henry Engineers, Ltd. for Professional Construction Services, which included requests for change orders, for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 08-117, passed on November 10, 2008; and

**WHEREAS**, this Fifth Change Order provides for four (4) item changes that are recommended for approval by the Project Manager, Jones & Henry Engineers, Ltd. and are listed as follows:

1. Removal of the Flowmeter 8-point calibration requirements.	DEDUCT	(\$5,521.23)
2. Flushing Water Supply.	ADD	\$8,849.83
3. Pipe Bollards.	ADD	\$6,600.00
4. Relocation of Main Building Electrical Room Grill.	ADD	\$892.00
	TOTAL	<u>\$10,820.60</u>

**WHEREAS**, the current contract with Mosser Construction is \$16,696,624.14 and with the addition of this Fifth Change Order in the amount of \$10,820.60, the revised contract cost is \$16,707,444.74, and pursuant to the Sewer Services Agreement the City's portion of the change order is 61.1% or \$6,611.39 and will be paid with Sewer Funds through the project's OWDA loan and the County's share is 38.9% or \$4,209.21; 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 prevent delays in the project schedule and meet the project completion deadline of January 13, 2011; 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 Division of Engineering 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,

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 Fifth Change Order for work performed for the Wastewater Treatment Plant Expansion Project Phase II in an amount **not to exceed** Ten Thousand Eight Hundred Twenty and 60/100 Dollars (\$10,820.60) to be paid to Mosser Construction of Fremont, 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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: March 22, 2010

To: Donald C. Icsman, Acting City Manager  
From: Kathryn K. McKillips, Engineer  
Date: March 8, 2010  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Change Order No. 2, Plumbing and HVAC Contract for the Wastewater Treatment Plant Expansion Project Phase II. The added work will be performed by Industrial Power Systems (IPS), Maumee, Ohio in the amount of \$2,294.22. Hohler Sheet Metal of Sandusky is also working on this project as a subcontractor for IPS. This change order involves the installation of additional structural steel supports for the proposed exhaust fans in the Aeration Building. The existing roof structure was found to be made of lightweight channels and posts that will not support the new fans.

Install structural steel support system for New exhaust fans		<u>ADD \$2,294.22</u>
	TOTAL	\$2,294.22

Jones & Henry recommends this work. City Staff concurs. Acting City Manager and Engineering Liaison were notified of this proposed work on March 2, 2010.

**BUDGETARY INFORMATION:** The Change Order No. 2 will increase the contract with IPS by \$2,294.22. The revised contract amount is \$568,603.67, which remains within the original project budget. The City's share of the change order is \$1,401.77 and will be paid with Sewer Funds through the project's OWDA loan and Erie County's share is \$892.45.

**ACTION REQUESTED:** It is requested that the Wastewater Treatment Plant Expansion Project Phase II Change Order No. 2, Plumbing and HVAC contracts, in the amount of \$2,294.22 to be performed by IPS, Maumee, Ohio, be approved in full accordance with Section 14 of the City Charter in order to prevent delays in the project schedule and meet the project completion deadline of January 13, 2011.

I concur with this recommendation:

\_\_\_\_\_  
Donald C. Icsman, Acting City Manager

cc: Kelly Kresser, Clerk of City Commission  
Ed Widman, Finance Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE SECOND CHANGE ORDER FOR WORK BEING PERFORMED FOR THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT PHASE II IN THE AMOUNT OF \$2,294.22 TO BE PAID TO INDUSTRIAL POWER SYSTEMS (IPS) OF MAUMEE, OHIO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this City Commission authorized the City Manager to enter into an agreement with Jones & Henry Engineers, Ltd. for Professional Design Services for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 07-010, passed on February 12, 2007, and subsequently amended by Ordinance No. 08-060, passed on July 14, 2008; and

**WHEREAS**, this City Commission declared the necessity to proceed with the Wastewater Treatment Plant Expansion Project Phase II by Resolution No. 021-08R, passed on August 25, 2008; and

**WHEREAS**, this City Commission approved the awarding of Contracts P (Plumbing) & H (HVAC) to Industrial Power Systems (IPS) of Maumee, Ohio, for work being performed for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 08-103, passed on October 14, 2008; and

**WHEREAS**, this City Commission authorized the City Manager to enter into an agreement with Jones & Henry Engineers, Ltd. for Professional Construction Services, which included requests for change orders, for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 08-117, passed on November 10, 2008; and

**WHEREAS**, this Second Change Order provides for the installation of additional structural steel supports for the proposed exhaust fans in the Aeration Building as the existing roof structure was found to be made of lightweight channels and posts that will not support the new fans and is recommended by the Project Manager and the item change is as listed below:

Install structural steel support system for New exhaust fans.	ADD	\$2,294.22
	TOTAL	<u>\$2,294.22</u>

**WHEREAS**, the current contract with Industrial Power Systems (IPS) was \$566,309.45 and with the addition of this Second Change Order in the amount of \$2,294.22, the revised contract cost is \$568,603.67, and pursuant to the Sewer Services Agreement the City's portion of the change order is 61.1% or \$1,401.77 and will be paid with Sewer Funds through the project's OWDA loan and the County's share is 38.9% or \$892.45; 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 prevent delays in the project schedule and meet the project completion deadline of January 13, 2011; 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 Division of Engineering 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,

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 Second Change Order for work to be performed for the Wastewater Treatment Plant Expansion Project Phase II in an amount **not to exceed** Two Thousand Two Hundred Ninety Four and 22/100 Dollars (\$2,294.22) to be paid to Industrial Power Systems (IPS) of Maumee, 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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: March 22, 2010

**TO:** Donald C. Icsman, Acting City Manager

**FROM:** Carrie R. Handy, Chief Planner  
Sharon Evanich, Grants Administrator  
Tom Speir, Parks/Greenhouse Foreman

**DATE:** March 11<sup>th</sup>, 2010

**SUBJECT: FY 2010 Ohio Department of Natural Resources Division of Forestry  
Western Lake Erie Basin Emerald Ash Borer Grant Application**

**ITEM FOR CONSIDERATION:** Request for Resolution of Authorization to file a grant application with the Ohio Department of Natural Resources Division of Forestry and for the Acting City Manager to execute a grant agreement after the grant is awarded.

**BACKGROUND INFORMATION:** The City of Sandusky is required to pass a resolution in order to complete an application for funding with the Ohio Department of Natural Resources Division of Forestry for a Western Lake Erie Basin Emerald Ash Borer Grant. This grant would be in the amount of \$50,000 and would be utilized to remove ash trees and plant non-host species. At least 72 ash trees will be removed by a private contractor and 25 non-host species will be replanted. The City of Sandusky's \$50,000 match for this grant will consist of in-kind contributions directly related to the project and include the removal of 100 smaller ash trees by the City's in-house Forestry Division and the planting of an additional 25 non-host species trees from the City's own nursery. The submission deadline for this grant application is March 30th, 2010.

**BUDGET/STRATEGIC PLAN IMPACT:** This grant project will not require the City to expend any additional monies from the City's general fund for matching funds. The local match will be comprised of in-kind labor by City of Sandusky staff and the utilization of 25 non-host species trees from the City's nursery.

**ACTION REQUESTED:** Resolution authorizing the filing of a Western Lake Erie Basin Emerald Ash Borer Grant application with the Ohio Department of Natural Resources Division of Forestry and upon approval for the City Manager to execute any necessary grant agreement. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to meet the Ohio Department of Natural Resources submission deadline of March 30th, 2010.

I concur with this recommendation:

---

Donald C. Icsman  
Acting City Manager

---

Carrie R. Handy  
Chief Planner

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES DIVISION OF FORESTRY THROUGH THE WESTERN LAKE ERIE BASIN EMERALD ASH BORER GRANT PROGRAM FOR THE REMOVAL OF TREES AND PLANTING OF NON-HOST SPECIES; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, the Ohio Department of Natural Resources Division of Forestry administers financial assistance for the removal, purchase, installation and care of trees and other urban vegetation; and

**WHEREAS**, this grant in the amount of \$50,000.00 would be utilized to remove at least 72 ash trees and the planting of 25 non-host species; and

**WHEREAS**, this grant requires a \$50,000.00 match and will consist of in-kind contributions directly related to the project and include the removal of 100 small ash trees by the City's Forestry Division Staff and the planting of 25 non-host species trees from the City's nursery; and

**WHEREAS**, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter to allow the grant application to be submitted to the Ohio Department of Natural Resources Division of Forestry before the submission deadline of March 30, 2010; 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 Municipal Departments, including the Department of General 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 **Resolution** 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,

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

Section 1. This City Commission hereby approves the filing of an application with the Ohio Department of Natural Resources Division of Forestry through the Western Lake Erie Basin Emerald Ash Borer Grant Program for financial assistance in the amount of \$50,000.00 for the removal of ash trees and the planting of non-host species and authorizes and directs the City Manager to execute any grant agreements and lawfully expend funds consistent with the application and agreement should they be awarded.

Section 2. If any section, phrase, sentence, or portion of this Resolution 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 Resolution 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 Resolution 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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: March 22, 2010



TO: Don Icsman, Acting City Manager

FROM: Michele Hall, Recreation Program Supervisor

DATE: March 8, 2010

RE: Item for Commission Agenda: Shelby Street Boat Launch Ramp Facility Agreement 2010

**ITEMS FOR CONSIDERATION:**

Legislation to enter into a one-year Agreement with Don Drummond for the lease of the building located at the Shelby Street Boat Launch Ramp Facility beginning April 1, 2010 and concluding on November 1, 2010.

**BACKGROUND INFORMATION:**

The City of Sandusky leased the building located at the Shelby Street Boat Launch to Don Drummond for the operation of a retail business for the sale bait and tackle and concession items for the 2009 season. The bait shop was open daily, (Monday-Sunday) from 6:00a.m. to 7:00p.m. Additionally, the Bait Shop was open for any tournaments that took place outside of these scheduled times. The 2009 Agreement with Don Drummond ended on November 1, 2009; therefore the city accepted proposals for the 2010 season.

Proposals for the operation of a retail business at the Shelby Street Boat Launch Ramp Facility were received on Thursday, February 18th. Requests for Proposals were provided to two (2) entities requesting them. One (1) proposal was received from Don Drummond. His operation was successful in 2009 and all financial obligations to the City from the 2009 agreement have been fulfilled.

**BUDGET IMPACT:**

The agreements will not result in any additional budgetary expenses. The City will benefit from the agreed upon rental fee of \$202.00 per month which includes rent, electric service, and phone service.

**ACTION REQUESTED:** It is requested that legislation be approved authorizing the City Manager to enter into an Agreement with Don Drummond for the operation of a retail business at the Shelby Street Boat Launch Ramp Facility. It is further requested that this be passed to take immediate effect in accordance with Section 14 of the City Charter in order to execute the agreement before the start of the 2010 operating season which begins on April 1, 2010.

I concur with this recommendation.

---

Scott Miller, Department Head  
General Services

---

Don Icsman, Acting City Manager

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT, SUBSTANTIALLY IN THE SAME FORM AS ATTACHED, WITH DON DRUMMOND (D.B.A. NORTH SHORE BAIT AND TACKLE), FOR THE OPERATION OF A RETAIL BUSINESS FOR THE SALE OF BAIT AND TACKLE AND CONCESSION ITEMS AT THE BUILDING LOCATED AT THE SHELBY STREET BOAT LAUNCH RAMP FACILITY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, Requests for Proposals for the lease of the building located at the Shelby Street Boat Launch Ramp Facility for the operation of a retail business for the 2010 season were provided to two (2) entities and one (1) proposal was received from Don Drummond; and

**WHEREAS**, the City of Sandusky entered into a agreement with Don Drummond dba North Shore Bait and Tackle for the operation of retail business for the sale of bait and tackle and concession items for the 2009 season which was successful and all financial obligations to the City were fulfilled; and

**WHEREAS**, this agreement will not result in any additional budgetary expenses and the City will benefit from the agreed upon rental fee which includes, rent, electric service and phone service; and

**WHEREAS**, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the agreement before the start of the 2010 operating season which begins on April 1, 2010; 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 Division of Recreation 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,

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

Section 1. The City Manager is authorized and directed to enter into an agreement with Don Drummond of Sandusky, Ohio, (d.b.a. North Shore Bait and Tackle), for the operation of a retail business for the sale of bait and tackle and concession items at the building located at the Shelby Street Boat Launch Ramp Facility for the 2010 operating season of April 1, 2010 through November 1, 2010, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose.

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 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 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 upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: March 22, 2010

**AGREEMENT**

**DRAFT**

This Agreement made on and entered into this \_\_\_\_ day of \_\_\_\_\_, 2010, between the City of Sandusky, Ohio, a Chartered Municipal Corporation of the State of Ohio, herein referred to as "Owner," and Don Drummond (d.b.a. North Shore Bait and Tackle), 1513 Pearl Street, Sandusky, Ohio, 44870, herein referred to as "Operator".

In consideration of the mutual covenants herein set out, the parties agree as follows:

**1. Description of Premises**

In consideration of the rents, charges, and payments, hereinafter reserved and of the covenants and agreements herein expressed on the part of the Operator, to be kept, performed and fulfilled, Owner hereby leases to Operator the premises known as the building located at the Shelby Street Boat Launch Ramp Facility located in the City of Sandusky, alternatively referred to as the leased premises. The leased premises are more specifically described in Exhibit "A" which is attached and specifically incorporated as if fully rewritten herein.

**2. Term**

The term of this Lease shall be for the period of the operating season for the Calendar Year 2010, which is defined as April 1, 2010 and concluding on November 1, 2010, and shall include the rights, privileges, licenses, and appurtenances attached hereto, subject to the rights reserved herein on the part of the Owner.

### **3. Concession**

Operator shall have the right to operate a retail business for the sale of bait and tackle, pre-packaged concession items, soft drinks, coffee and ice at the building located at the Shelby Street Boat Launch Ramp Facility. The approved concession items are described in Exhibit "B" which is attached and specifically incorporated as if fully rewritten herein. Operator shall, at their own expense, apply for and obtain all necessary permits and licenses including a license pursuant to Chapter 735 of the Codified Ordinances of the City of Sandusky.

### **4. Delivery of Possession at Beginning of Term / Acceptance / Use**

Operator has inspected the building located at the Shelby Street Boat Launch Ramp Facility and knows the condition as depicted by the pictures in Exhibit "A" and accepts same as in a clean and sanitary condition.

Operator agrees that the leased premises shall be used exclusively for the operation of a retail business for the sale of bait and tackle, pre-packaged concession items, soft drinks, coffee and ice. No other use of the leased premises shall be allowed unless prior written consent is obtained from the owner.

### **5. Use of Equipment / Damages to Property**

Operator shall provide additional, suitable equipment in Operator's discretion necessary to the proper operation of the retail business for the

sale of bait and tackle, pre-packaged concession items, soft drinks, coffee and ice. Operator agrees that all personal property of every kind and description kept, stored or placed in or on the leased premises shall be at Operator's sole risk and hazard and that the owner, its employees, agents, officers, elected officials and representatives shall not be responsible for any loss or damage to any of such personal property.

### **6. Obligations of Operator**

Operator shall operate the retail business for the sale of bait and tackle, pre-packaged concession items, soft drinks and ice and perform the duties and responsibilities as required by the Owner including but not limited to the following:

- a. Operator, their agents, employees, representatives, or volunteers shall be present at the leased premises during all times of operation anticipated to be the following:

April 1, 2010 through November 1, 2010, seven (7) days a week,  
6:00 a.m. - 7:00 p.m.

- b. Unless otherwise directed by the Owner, Operator further agrees to be present at the building located at the Shelby Street Boat Launch Ramp Facility for all scheduled fishing tournaments as described in Exhibit "C" which is attached and specifically incorporated as if fully rewritten herein and work with the Sandusky Recreation Program Supervisor to satisfy the requirements of hosting the tournaments.
- c. Operator shall be permitted to prepare and sell grilled foods at all scheduled fishing tournaments as described in Exhibit "C". Operator shall obtain and display a valid Temporary Food Operation License issued by the Erie County Health Department effective for the dates of the fishing tournaments at which the grilled foods shall be prepared and sold.

- d. Operator further agrees to pay a rental, electric and phone service fee for the leased premises in the amount of Two Hundred and Two Dollars (\$202.00) per month or part thereof during the operating season.
- e. Operator agrees to maintain the public restroom facilities located in the leased premises in a clean and sanitary condition including the provision of hand wash soap, paper towels, and toilet paper. The Owner shall provide to the operator the necessary cleaning supplies as well as the hand soap, paper towels, and toilet paper.
- f. Operator shall obtain and maintain a Bait Dealer Permit from the Ohio Department of Natural Resources Division of Wildlife.
- g. Operator further agrees to keep and maintain the leased premises in a good, safe and clean manner and shall obey and comply with all lawful requirements, regulations, orders, rules, laws and Ordinances of all public authorities that in any way affect the facilities at the building located at the Shelby Street Boat Launch Ramp Facility or the use of those facilities and improvements.
- h. Operator shall maintain the leased premises and all improvements and appurtenances to the premises in a good repair and in at least as good condition as when delivered, ordinary wear and tear excepted. Operator shall not commit any waste or cause damage to the building located at the Shelby Street Boat Launch Ramp Facility.
- i. Operator shall not be responsible for snow removal, lawn care or repairs to the building or its necessary appurtenances at the Shelby Street Boat Launch Ramp Facility, Owner shall be responsible therefore.

## **7. Liability and Insurance**

**7.1 Public Liability Insurance.** Operator shall procure and maintain public liability insurance for the Premises with single limits of at least One Million Dollars (\$1,000,000.00) for personal injury or death to one or more persons arising out of any one accident or occurrence and

property damage. Owner and all City Departments, Boards, Commissions, Officials, and employees shall be named as additional insureds under this policy. The policy shall contain an agreement by the insurer that it will not cancel or make material change to the policy except after fifteen (15) days' prior written notice to Owner and Operator and that any loss otherwise payable shall be payable notwithstanding any act or negligence of Owner or Operator that might, absent such agreement, result in a forfeiture of all or a part of the insurance payment.

**7.2 Fire and Casualty Insurance.** Owner shall keep the Building and all other improvements located on the Property, insured against loss by fire and all of the risks and perils insured against in an extended coverage insurance policy, in an amount equal to the full replacement cost of the building, including vandalism and malicious mischief endorsements. Operator shall be responsible for insuring all other property including Operator's personal property, improvements, betterments, vehicles, and any employee's personal property.

**7.3 Certificates.** At the commencement of the term of this Lease, Operator shall deliver to Owner a certificate of the insurance required to be maintained under Section 7.1, this shall include evidence of no cross liability restrictions and a copy of the insurance policy coverage terms, conditions and exclusions all acceptable to the Owner - City of Sandusky. Operator shall also deliver to Owner at least ten (10) days prior to the

expiration date of such policy or of any renewal policy, certificates for the renewal of this insurance and shall provide a notice of any material change thereto.

**7.4 Waiver of Liability.** Owner and Operator on behalf of themselves and all other claiming under them, including any insurer, waive all claims against each other, including all rights of subrogation, for loss or damage to their respective property. Such release is also conditioned upon the inclusion in the policy or policies of a provision whereby any such releases does not adversely affect such policies nor prejudice in the releasor's rights to recover under them.

**7.5 Indemnification.** Except to the extent liability has been waived under Section 7.4, Operator shall indemnify and hold Owner and all City Departments, Boards, Commissions, operating units, Officials, and employees harmless against any and all claims, liabilities, damages or losses, and any attorney's fees and other incidental expenses, resulting from injury or death of any person or damage to property occurring on or about the Premises, as a result of any tortuous or negligent act of the Operator or of its employees, agents or contractors, or arising in conjunction with the use and occupancy of the Premises by Operator or others claiming under Operator, unless the death, injury or damage was sustained as a result of any tortuous or negligent act of Owner or its employees, agents, or contractors, or by reason of the breach of any of

Owner's obligations under this Lease Agreement. Operator shall not be responsible to the Owner for any loss of use of the building.

### **8. Public Access**

Operator acknowledges that it is the express intent of the Owner to allow lawful public access to all permitted areas of the Shelby Street Boat Launch Ramp Facility, with the exception of the inside of the building and the gated Fire Patrol and ODNR Patrol boat dock and Operator agrees to operate and maintain the leased premises without unduly interfering with the lawful access of the public.

### **9. Non-Assignment**

The Operator shall not assign this Lease, nor sublet said leased premises nor any part thereof without the written consent of Owner.

### **10. Termination**

If Operator breaches any of terms of this Lease and/or fails to comply with the Owner's covenants contained herein or if said payment or any part of it shall at any time be in arrears and unpaid for thirty (30) days after the same ought to have been paid, or if the Operator shall at any time fail or neglect to perform and observe any of the covenants, conditions, or agreements herein contained and on their part to be performed and observed, or shall be adjudged bankrupt or insolvent, then and in such case, Owner may give Operator written notice of such default

and if Operator does not cure any default within ten (10) days, after giving of such notice then Owner may immediately terminate this Lease. On the date specified in the notice the term of this Lease shall terminate and Operator shall then quit and surrender the premises to Owner, but Operator shall remain liable for their payments until vacating the premises. If this lease shall have been so terminated by Owner, Owner may immediately thereafter resume possession of the premises by any lawful means and remove Lessee and their personal property.

#### **11. Loss Due to Catastrophe**

In case of damage to the leased premises at the building located at the Shelby Street Boat Launch Ramp Facility by an act of God or other casualty beyond the Owner's control, the Owner shall have the option to terminate this Lease or to repair the facility.

#### **12. Non-Discrimination**

The Operator shall not discriminate against any employee or applicant for employment, because of race, color, religion, national origin, ancestry, age, handicap, disability, or sex. All pertinent Federal laws prohibiting any such discrimination will be adhered to. The Operator shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, ancestry, handicap, disability, or sex. Such action shall include, but is not limited to the following: employment,

upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The Operator agrees to post in conspicuous places, available to employees and applicants for employment, notices as may be provided by the Owner, setting forth the provisions of the non-discrimination clause.

**13. Severability of Clauses**

No waiver of any covenant or condition or of the breach of any covenant or condition of this Agreement shall be taken to constitute a waiver of any subsequent breach of such covenant or condition nor to justify or authorize the non-observance or any other occasion of the same in any other covenant or condition hereof.

**14. Notice**

Whenever in this Lease there shall be required or permitted that notice or demand be given in or served by either party to this Agreement, to or on the other, such notice or demand shall be given or served in writing by certified mail, return receipt requested addressed as follows:

Owner  
City of Sandusky  
c/o City Manager  
222 Meigs Street  
Sandusky, OH 44870

Operator  
Don Drummond  
dba North Shore Bait and Tackle  
1513 Pearl Street  
Sandusky, OH 44870

**15. Entire Agreement**

No amendment, change, modification or addition to this Lease shall be binding upon the parties unless it is in writing and signed by both Owner and Operator.

**16. Binding Effect**

This Lease, and all the terms and provisions hereof, shall inure to the benefit of and be binding upon the parties hereto, their respective heirs, administrative, executors, successors and assigns.

**SIGNATURE PAGES TO FOLLOW**

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed in their respective names, all as of the date hereinbefore written.

WITNESSES:

CITY OF SANDUSKY:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Donald C. Icsman  
Acting City Manager

STATE OF OHIO )

) SS:

ERIE COUNTY )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me, a Notary Public in and for said County and State, personally appeared Donald C. Icsman, Acting City Manager of the City of Sandusky, Ohio, and acknowledged his execution of the foregoing instrument as said officer of said City on behalf of said City and by its authority and that the same is his voluntary act and deed.

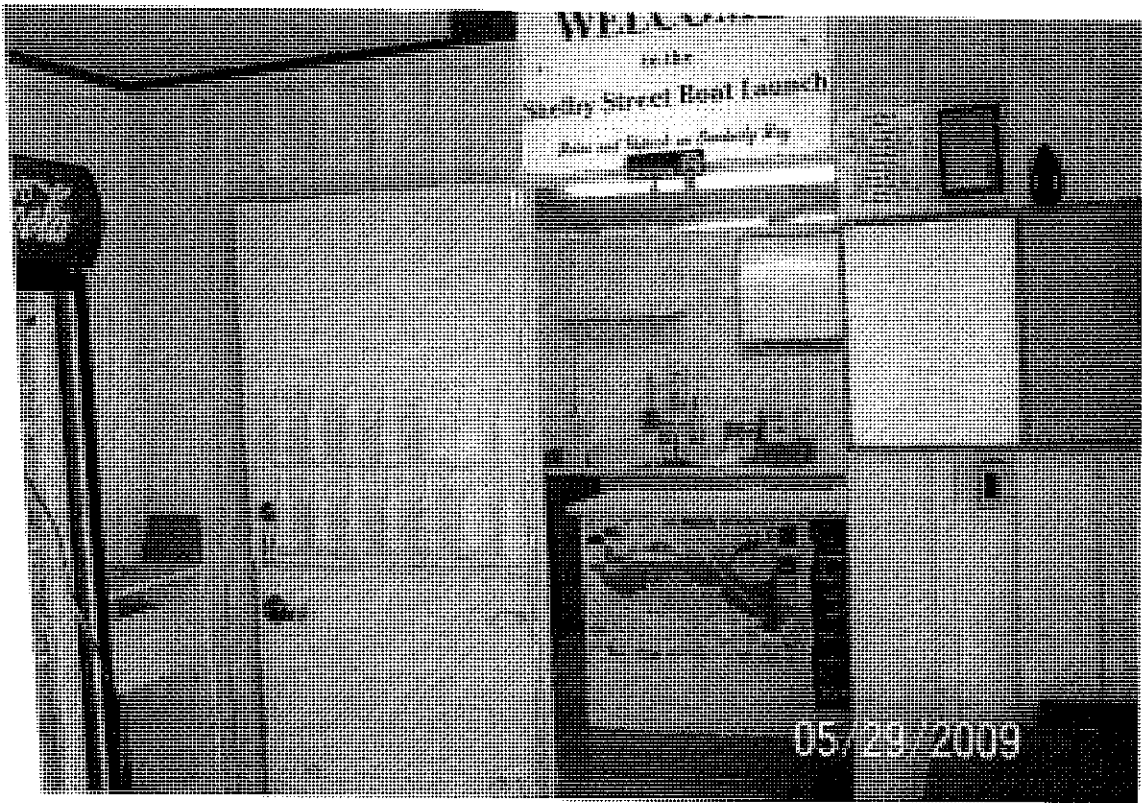
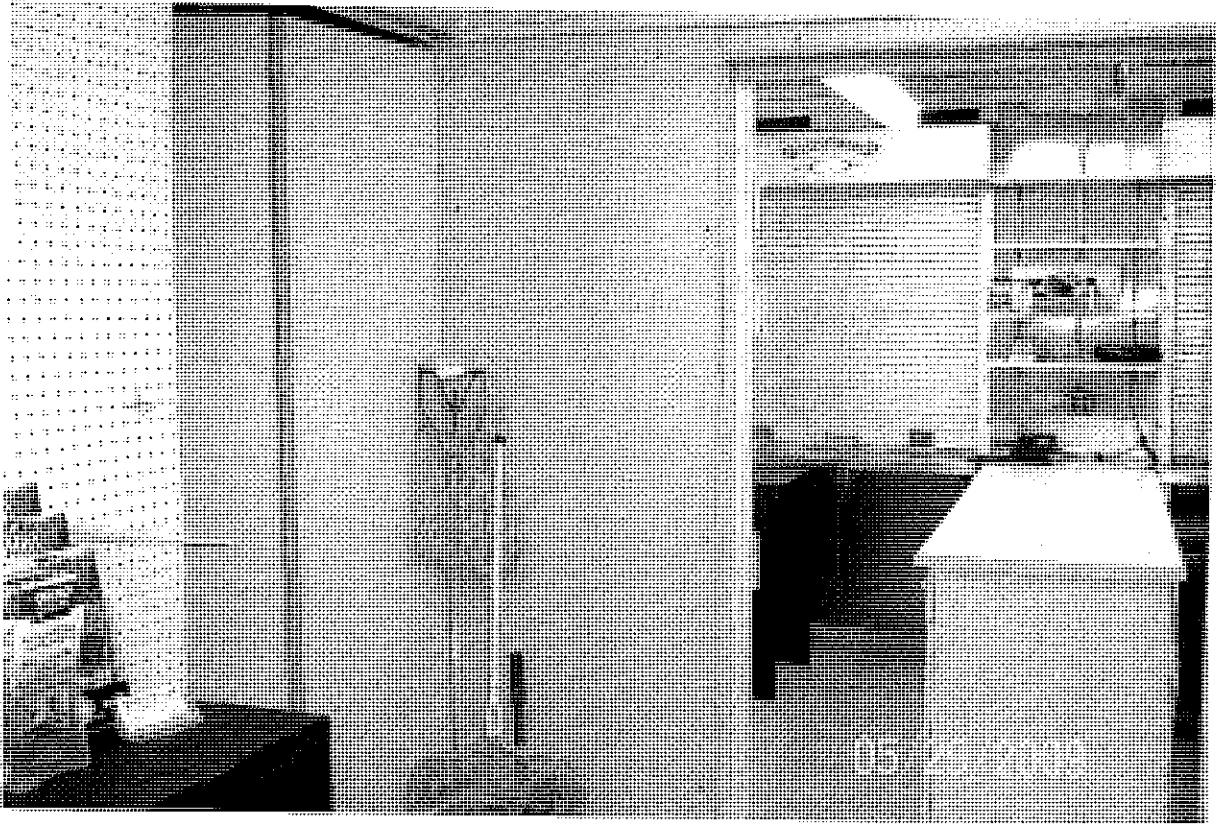
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal on the day and year aforesaid.

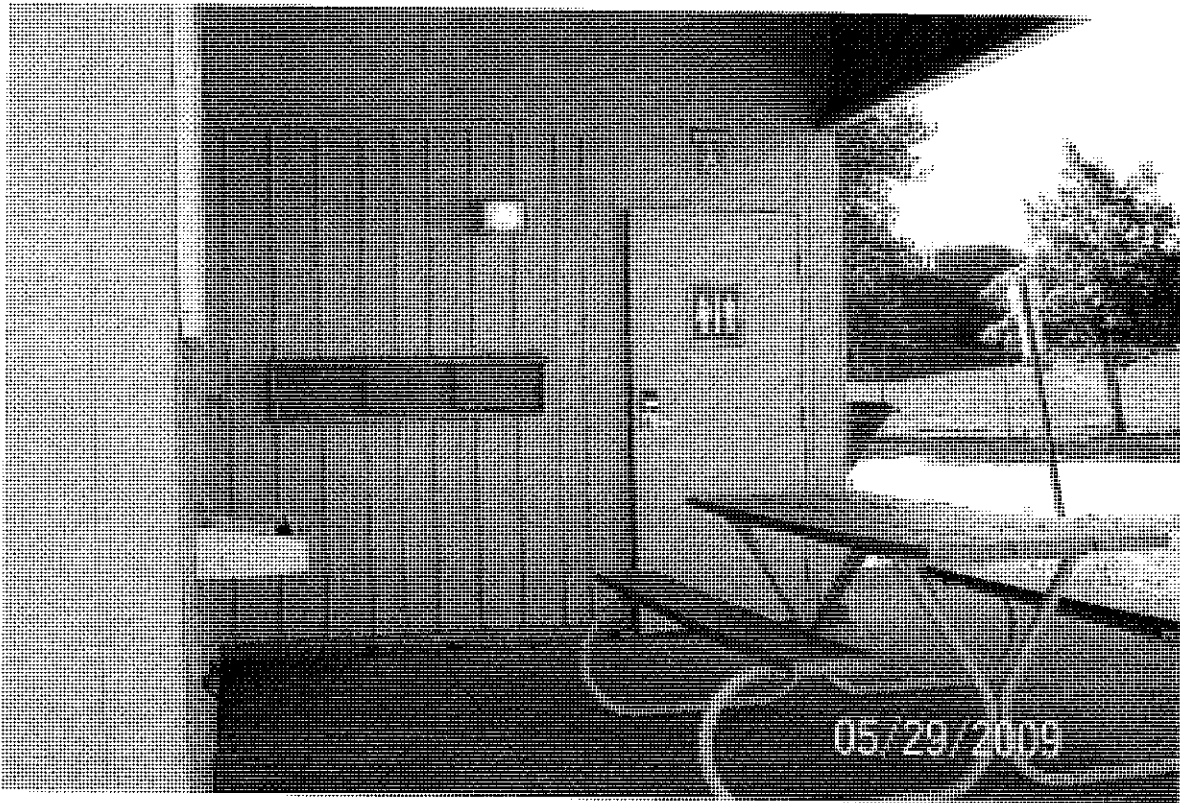
\_\_\_\_\_  
Notary Public

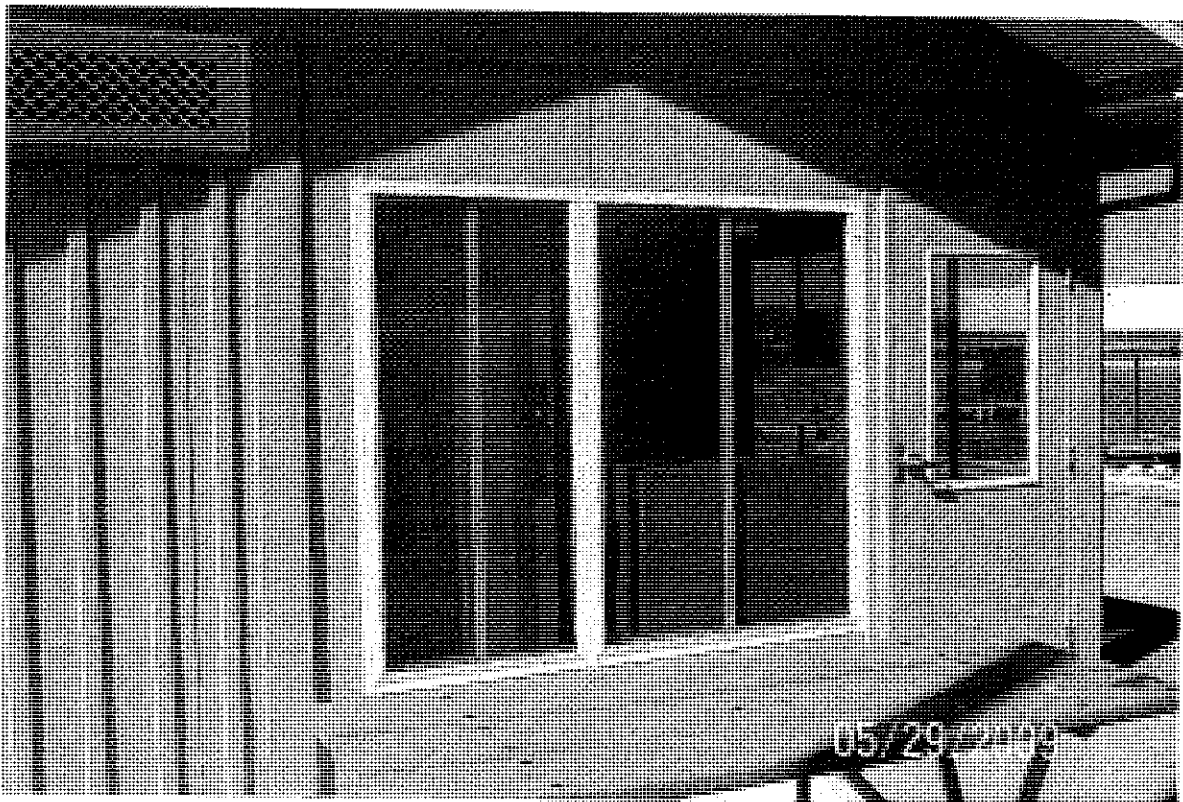
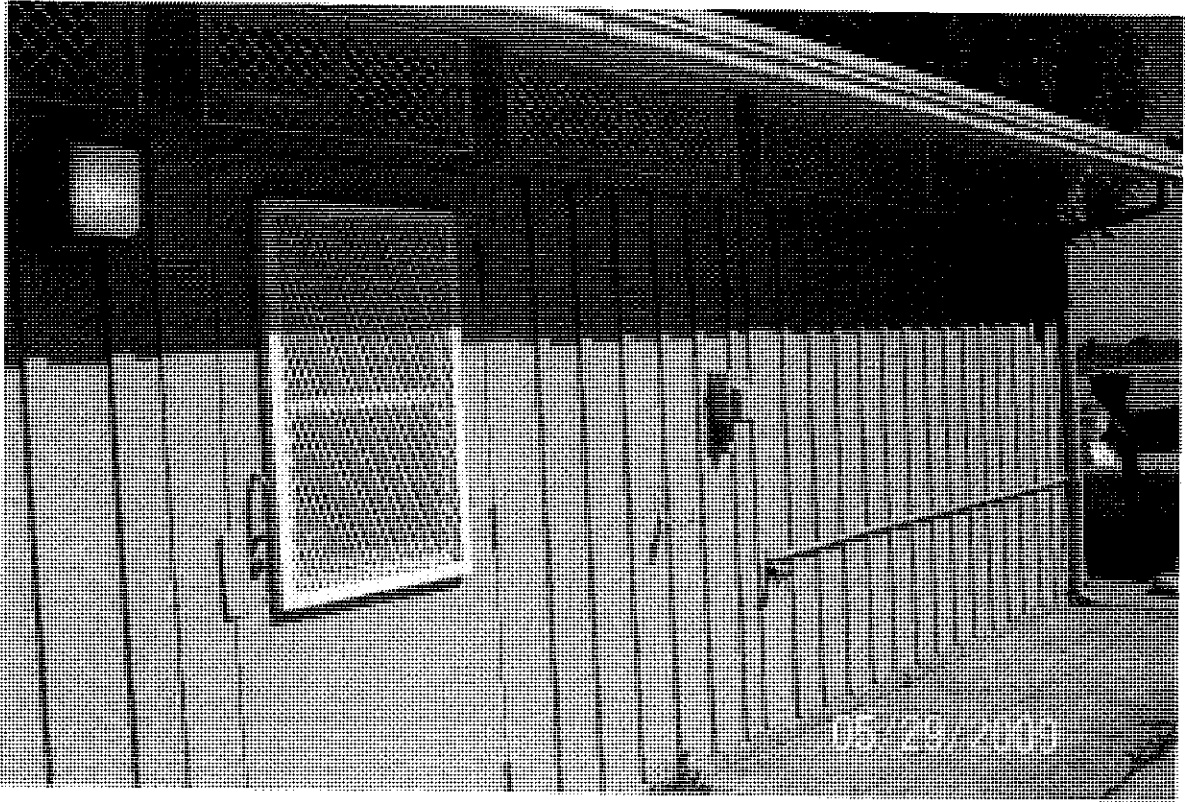
My Commission Expires:\_\_\_\_\_

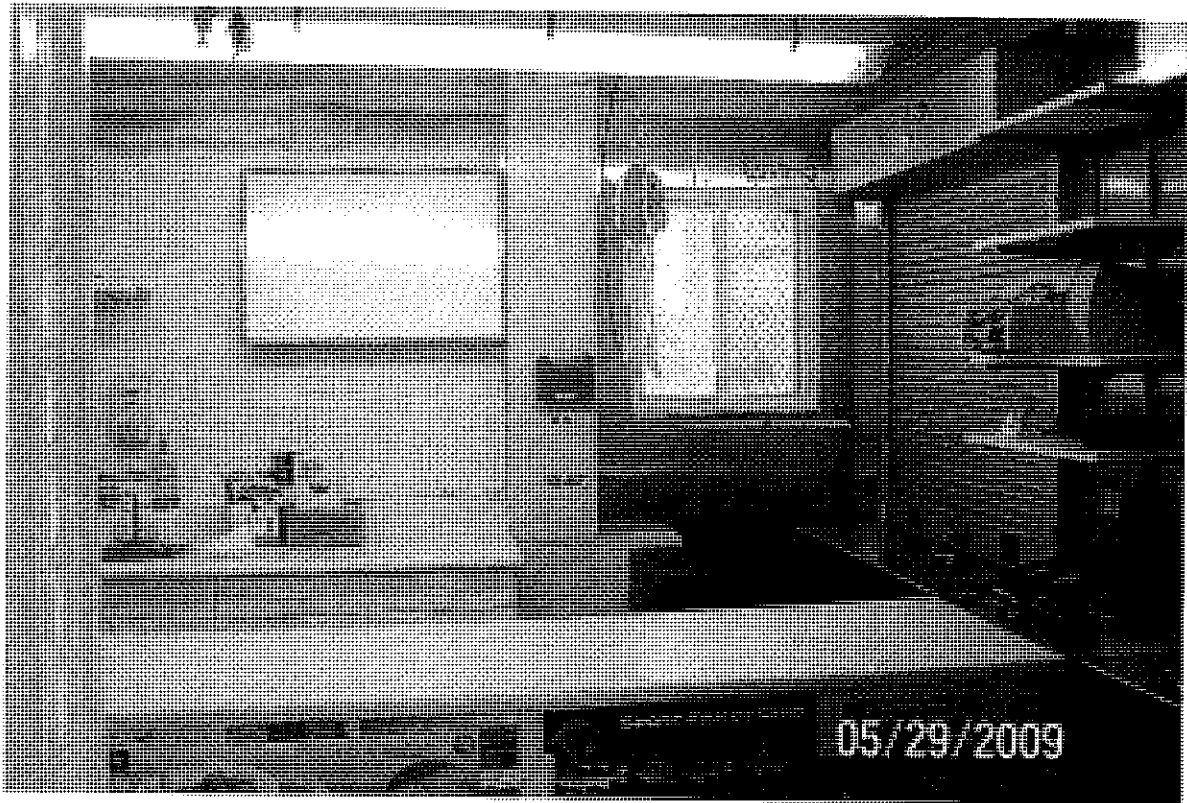
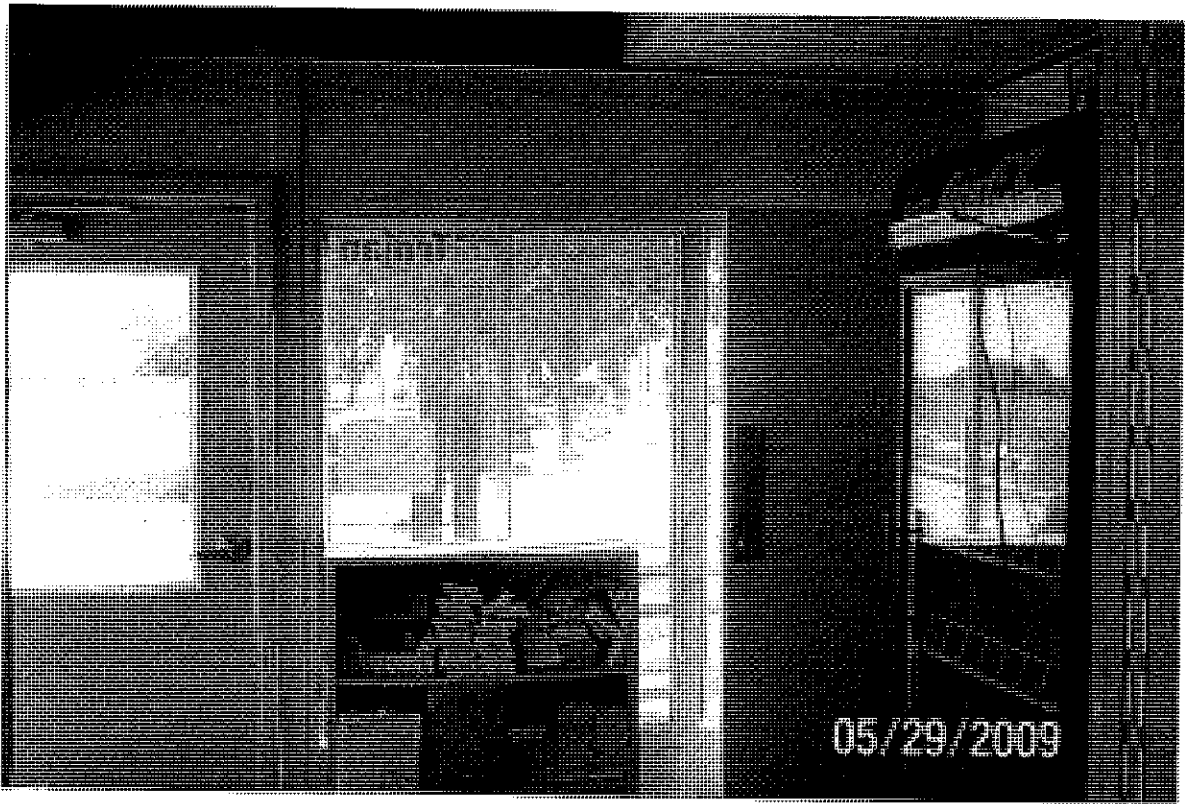


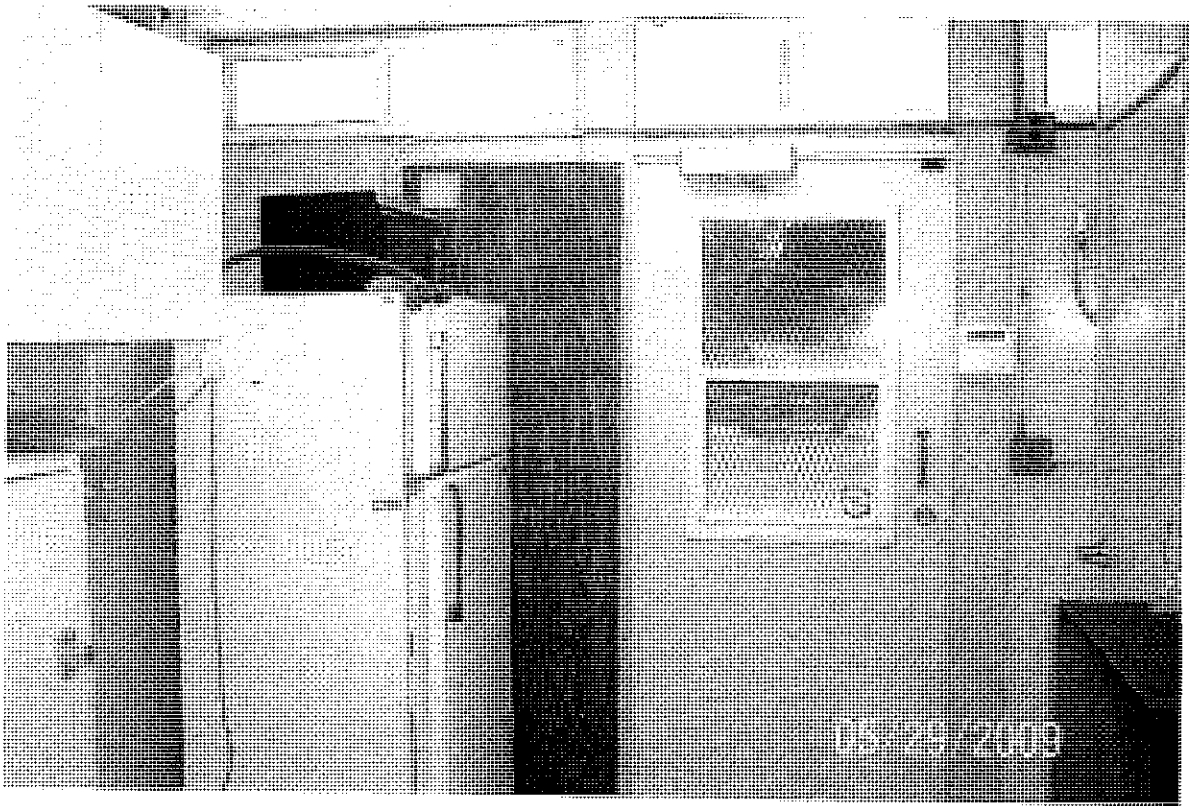
**Exhibit "A"**











# **Exhibit "B"**

## **Concession Items**

### **Bait & Tackle**

Minnows

Worms

Artificial Bait

Rods

Reels

Line

Sinkers

### **Pre-Packaged Items**

Chips

Candy Bars

### **Other Items**

Soft Drinks

Coffee

Ice

**Exhibit "C"**

# **2010 FISHING TOURNAMENTS**

**WBSA Gator Classic Pro AM**

Sat. & Sun., May 1st - 2nd

**Lake Erie Walleye Trail**

Sat., May 15th

**Twisted Whiskerz Tournament Trail**

Sat. & Sun., June 5th - 6th

**Master's Walleye Circuit East Division  
Fishing Tournament**

Fri. - Sun., June 18th - 20th

**Outcast Bassmasters**

Fri. - Sat., June 25th - 26th

**Team Bass Xtreme Fishing Tournament**

Sat. - Sun., July 17th - 18th

**Ohio Bass Federation Nation Tournament**

Sun., August 22nd

**BASSMASTER Wknd Series Tournament**

Sat. & Sun., September 18th - 19th

TO: Donald C. Icsman  
Acting City Manager

FROM: Carrie R. Handy  
Chief Planner

DATE: March 11, 2010

SUBJECT: Commission Agenda Item – Chesapeake Plazas Master Plans Adoption

**Item for Consideration:**

Consideration is being requested for the adoption of the final master plan designs for the City plazas adjacent to the Chesapeake Lofts property completed by Behnke and Associates, Inc.

**Background Information:**

The improvement of the southeast and northwest plaza areas adjacent to the Chesapeake Lofts property was identified as necessary as part of the development of the Paper District and the continuation of the Sandusky Bay Pathway along the City's downtown waterfront. In this regard, the City hired Behnke and Associates, Inc. in December of 2009 to complete new master plans for these plazas to guide their future redevelopment.

The City's Bayfront Corridor Committee and several Chesapeake Lofts residents were utilized as a Steering Committee to guide the master planning process. The Steering Committee met on two separate occasions during regularly scheduled Bayfront Corridor Committee meetings in December and January to review and comment on the plaza master plans and voted on January 7, 2010 to recommend to the City Commission that the plaza master plans be approved. The Sandusky Planning Commission also reviewed these draft plans during the course of their meeting on January 27, 2010 and voted to recommend that they be approved by the City Commission. The final draft master plans were presented during the public portion of the City Commission meeting on February 22, 2010 as well. Pictures of the final master plans and cost estimates for each plaza are attached to this communication.

It is noted that these plaza master plans can be developed in phases as funds become available to the City. Certain line items can also be omitted if funds cannot be secured in order to reduce the costs of plaza development.

**Action Requested:**

Approval of the final master plans for the Chesapeake Plazas as presented by the City's consultant, Behnke and Associates, Inc. It is requested that the master plans be approved in accordance with Section 13 of the City Charter.

Submitted by:

---

Carrie R. Handy, Chief Planner

I concur with this recommendation:

---

Donald C. Icsman, Acting City Manager

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING THE CHESAPEAKE PLAZAS MASTER PLANS; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT UNDER SUSPENSION OF THE RULES AS CONTAINED IN AND IN ACCORDANCE WITH SECTION 13 OF THE CITY CHARTER.**

**WHEREAS**, the Chesapeake Plazas Master Plans Project involves the improvement of the southeast and northwest plaza areas adjacent to the Chesapeake Lofts property which was identified as necessary as part of the development of the Paper District and the continuation of the Sandusky Bay Pathway along the City's downtown waterfront; and

**WHEREAS**, the City's Bayfront Corridor Committee and several Chesapeake Lofts residents were utilized as a Steering Committee to guide the master planning process and met on two separate occasions during the regularly scheduled Bayfront Corridor Committee meetings in January and February to review and comment on the plazas master plans; and

**WHEREAS**, the final draft master plans were reviewed and recommended for City Commission approval by the Sandusky Planning Commission at their meeting on January 27, 2010, and were presented to the City Commission at their regularly scheduled meeting on February 22, 2010; 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 Municipal Departments of the City of Sandusky, that this vacation be made; NOW, THEREFORE,

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

Section 1. This City Commission hereby approves and adopts the Chesapeake Plazas Master Plans, copies of which are on file in the Department of Planning, Engineering and Development to be utilized for the future development of the Paper District and the continuation of the Sandusky Bay Pathway.

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 shall take effect under suspension of the rules as contained in and in accordance with

**PAGE 2 - ORDINANCE NO. \_\_\_\_\_**

Section 13 of the City Charter after its adoption and due authentication by the President and the Clerk of The City Commission.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: March 22, 2010 (effective after 30 days)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE MAKING GENERAL APPROPRIATIONS FOR THE FISCAL YEAR 2010; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, in accordance with Section 14 of the City Charter, an Ordinance appropriating money may be passed as an emergency; and

**WHEREAS**, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to comply with State Law, which requires that the 2010 Calendar Year Operating Budget be passed by the City Commission no later than March 31, 2010; 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 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,

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

Section 1. There shall be and hereby are appropriated out of any funds now in the treasury and any accruing revenues of the City available for said purposes, the values set forth in column marked "appropriations" for the payment of all expenses and obligations of the City during fiscal year 2010, for the various purposes hereinafter specified.

Section 2. The amounts appropriated for the various purposes hereinafter set forth shall, in no event, be exceeded unless the City Commission shall by Ordinance authorize a transfer from one appropriation account to another, or shall appropriate additional unappropriated funds:

<b>DEPARTMENT</b>	<b>PERSONAL SERVICES</b>	<b>OTHER</b>	<b>TOTAL</b>
POLICE PATROL	3,458,778	222,012	3,680,790
POLICE RECORDS	518,290	46,850	565,140
POLICE-DETECTIVES	416,895	7,700	424,595
FIRE	4,060,783	345,817	4,406,600
STREET LIGHTING	0	235,000	235,000
OAKLAND CEMETERY	219,019	32,186	251,205
COMMUNITY DEVELOPMENT	106,024	20,350	126,374
CITY WIDE ECON DEVELOPMENT	15,235	25,550	40,785
BUILDING DIVISION	230,736	10,766	241,502
HORTICULTURAL SERVICES	550,620	154,505	705,125
JACKSON ST PIER	0	1,150	1,150
CITY MANAGER	66,522	5,600	72,122
ADMINISTRATIVE SERVICES	70,697	37,300	107,997
FINANCE	145,026	8,820	153,846
INCOME TAX	52,407	260,161	312,568
DATA PROCESSING CENTER	74,435	21,648	96,083

PAGE 2 - ORDINANCE NO. \_\_\_\_\_

LAW	183,357	28,600	211,957
CITY COMMISSION	26,735	8,737	35,472
CITY COMMISSION CLERK	38,915	3,425	42,340
MUNICIPAL COURT	850,565	52,000	902,565
BUILDING MAINTENANCE	214,929	282,416	497,345
ENGINEERING	272,711	39,468	312,179
FLEET MAINTENANCE	214,786	61,550	276,336
ADMINISTRATIVE SUPPORT	0	685,100	685,100
TRANSFERS	0	1,629,166	1,629,166
GENERAL FUND	11,787,465	4,225,877	16,013,342
ST RESURFACING PROGRAM	0	50,000	50,000
STREETS	697,694	268,860	966,554
SNOW & ICE REMOVAL	0	60,000	60,000
TRAFFIC & ELECTRICAL MNTC	193,876	62,682	256,558
STREET FUND	891,570	441,542	1,333,112
ST HIGHWAY FUND	35,000	30,000	65,000
PUBLIC TRANSIT FUND	1,000	419,000	420,000
PAVILION	15,981	2,891	18,872
MILLS CREEK GOLF COURSE	105,822	84,068	189,890
RECREATION DEPARTMENT	67,256	30,406	97,662
BOAT LAUNCH RAMP	0	9,879	9,879
PARKS & RECREATION FUND	189,059	127,244	316,303
FIRE PENSION FUND	698,708	53,037	751,745
POLICE PENSION FUND	537,416	39,333	576,749
LANDBANK / NSP	0	25,000	25,000
COURT SECURITY GRANT	0	1,500	1,500
REVOLVING LOAN - REHAB	0	150,000	150,000
REVOLVING LOAN-ECO DEV	0	75,000	75,000
DRC-PROBATION SERVICES	76,200	0	76,200
STATE GRANTS FUND	76,200	251,500	327,700
EPA ASMT PETROLEUM '07	0	185,000	185,000
EPA ASMT HAZ WASTE '07	0	185,000	185,000
EPA BROWNFIELDS	0	200,000	200,000
HUD SPECIAL REVIEW	0	250,000	250,000
HUD CDBG B08MC390034	0	150,000	150,000
HUD CDBG B09MC390034	80,000	400,000	480,000
REVOLVING LOAN-ECO DEV	0	250,000	250,000
PUBLIC TRANSIT SYSTEM	66,000	906,000	972,000
FEDERAL GRANTS FUND	146,000	2,526,000	2,672,000
INDIGENT DRIVER ALCOHOL TRT FUND	0	30,000	30,000
COURT COMPUTER FUND	4,000	30,000	34,000
INDIGENT TELEPHONE FUND	0	5,000	5,000
COURT PROBATION FUND	40,000	1,000	41,000
CAPITAL - LEISURE	0	79,000	79,000
CAPITAL - COMMUNITY	0	83,000	83,000
CAPITAL - TRANSPORTATION	0	140,000	140,000

**PAGE 3 - ORDINANCE NO. \_\_\_\_\_**

CAPITAL - GENERAL GOVERNMENT	0	25,000	25,000
TOTAL CAPITAL IMPROVEMENT FUND	<hr/> 0	<hr/> 327,000	<hr/> 327,000
EMS	1,000	1,000,000	1,001,000
CITY WIDE ECON DEV	0	4,000	4,000
PAINT PROGRAM	0	1,000	1,000
KELLER BUILDING	0	8,000	8,000
SANDUSKY CABINETS	0	2,000	2,000
HAYES AVE UNDERPASS	0	3,152,000	3,152,000
CAMP ST UNDERPASS	0	20,000	20,000
HAYES AVE TRAFFIC SIGNALS	0	5,000	5,000
CITY HALL - AIR CONDITIONING	0	210,000	210,000
PAPER DISTRICT	0	2,530,000	2,530,000
PAPER DIST WATERFRONT IMP PH I	0	20,000	20,000
MUNI COURT	0	10,000	10,000
PAPER DISTRICT PH 2 DEEP WATER	0	5,000	5,000
ADMIN SUPPORT	0	25,000	25,000
CAPITAL PROJECTS FUND	<hr/> 1,000	<hr/> 6,992,000	<hr/> 6,993,000
TAX INCREMENT FUND	0	45,000	45,000
PP REMOVAL UNSAFE BLDGS	0	200,000	200,000
NUISANCE REMOVAL	1,000	10,000	11,000
RENTAL REGISTRATION FEE	105,000	15,000	120,000
INSPECTION FEE	1,000	20,000	21,000
ADMIN FEE	0	10,000	10,000
SPECIAL ASSESSMENT FUND	<hr/> 107,000	<hr/> 255,000	<hr/> 362,000
FIRE STA. #1 RELOCATION	0	272,586	272,586
SCHADE/MYLANDER PLAZA	0	17,385	17,385
LIBRARY LEVY	0	457,465	457,465
ERI-SANDUSKY STREETScape	0	77,476	77,476
COL AVE UNDERPASS IMP	0	4,681	4,681
LANE ST IMPR	0	15,574	15,574
ST-REMINGTON	0	8,267	8,267
BUTLER ST RAMP	0	10,117	10,117
ERI - AMTRAK STATION	0	10,093	10,093
POL/COURT/LAW RENOVATION	0	17,188	17,188
DEBT SERVICE-BONDS	0	667,283	667,283
BOND RETIREMENT FUND	<hr/> 0	<hr/> 1,558,115	<hr/> 1,558,115
URBAN RENEWAL TEMP REV BOND FUND	0	1,250,000	1,250,000
SPECIAL ASMNT BOND RETIREMENT FUND	0	506,135	506,135
CAO	82,608	25,025	107,633
BIWW FILTRATION PLANT	1,135,621	1,015,540	2,151,161
WATER DISTRIBUTION DEPT	766,214	173,687	939,901
ADMINISTRATIVE SUPPORT	500,000	180,500	680,500
HAYES-BUCHANAN-PERKINS	0	10,000	10,000
CEDAR PT RD WATER MAIN EXT	0	85,000	85,000
DEBT SERVICE-BASIC UTIL	0	1,728,570	1,728,570
WATER FUND	<hr/> 2,484,443	<hr/> 3,218,322	<hr/> 5,702,765
CAO	82,608	25,025	107,633
WATER POLLUTION CONTROL	1,402,733	1,209,053	2,611,786

**PAGE 4 - ORDINANCE NO. \_\_\_\_\_**

SEWER MAINTENANCE DEPT	718,171	274,049	992,220
ADMINISTRATIVE SUPPORT	500,000	180,600	680,600
WPC - PLANT EXP PH 2	0	8,200,000	8,200,000
DEBT SERVICE-BASIC UTIL	0	2,156,401	2,156,401
SEWER FUND	<u>2,703,512</u>	<u>12,045,128</u>	<u>14,748,640</u>
POLICE	0	8,000	8,000
CONTRABAND TRUST FD	0	14,000	14,000
POLICE-DARE	0	2,000	2,000
POLICE-DIVE TEAM	0	1,000	1,000
POLICE - FED FORT	0	100	100
FIRE	0	500	500
GREEN	0	3,000	3,000
PARK TRUST	0	5,500	5,500
GENERAL TRUST FUND	<u>0</u>	<u>34,100</u>	<u>34,100</u>
SHORELINE PARK IMPR	0	1,000	1,000
PARK ENDOWMENT FUND	<u>0</u>	<u>1,000</u>	<u>1,000</u>
OAKLAND CEMETERY DEPT	20,000	8,300	28,300
CHAPEL RESTORATION	80	420	500
GARDEN MAUSOLEUM	0	5,700	5,700
PERPETUAL CARE	0	2,000	2,000
SPECIAL CARE	200	3,100	3,300
MEMORIAL PLANTINGS	0	3,200	3,200
CEMETERY ENDOW FUND	<u>20,280</u>	<u>22,720</u>	<u>43,000</u>
STATE PATROL TRANSFER FD	<u>0</u>	<u>30,000</u>	<u>30,000</u>
TOTAL ALL FUNDS	19,722,653	34,464,053	54,186,706

Section 3. The Finance Director is authorized to draw warrants upon the city treasury for funds appropriated in this Ordinance upon presentation of properly approved vouchers and when in conformity with the Charter and general laws of the State of Ohio. In addition, the Finance Director is authorized to make transfers between funds, to cover deficiencies in City funds provided said transfers are included in the general appropriations.

Section 4. 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 5. 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 of this City Commission and any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. 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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: March 22, 2010