

**ORDINANCE NO. 011-17**

**AN ORDINANCE AUTHORIZING, CONTINGENT UPON THE APPROVAL OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE (DEFA) FUNDING, THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) RELATED TO THE WATER TREATMENT PLANT REHABILITATION PROJECT; AND AUTHORIZING THE CITY MANAGER, CONTINGENT UPON THE APPROVAL OF SAID DEFA FUNDING, TO ENTER INTO A CONTRACT WITH PETERSON CONSTRUCTION COMPANY; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Napoleon has advertised and received bids for the water treatment plant rehabilitation project in accordance with law; and

**WHEREAS**, the water treatment plant rehabilitation project was included in the 2016 Master Bid Resolution No. 064-16; and

**WHEREAS**, based on the recommendation of the project consultant, AECOM, and City staff, and contingent upon the approval of the OEPA DEFA funding, Council believes it is in the best interest of the City of Napoleon to award the water treatment plant rehabilitation project to the Peterson Construction Company; **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, the City of Napoleon authorizes, contingent upon the approval of the DEFA funding referenced above, the expenditure of funds in excess of twenty five thousand dollars (\$25,000.00) for the water treatment plant rehabilitation project.

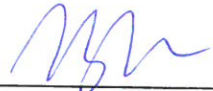
Section 2. That, the bid submitted on March 1, 2017, by the Peterson Construction company for the water treatment plant rehabilitation project is hereby determined to be the lowest and best bid after bidding conducted according to law. Their bid is hereby accepted with the total bid amount of \$13,287,000.00. Therefore, the City Manager is authorized, contingent upon the approval of the DEFA funding, to enter into a contract with Peterson Construction Company for the rehabilitation of the water treatment plant.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

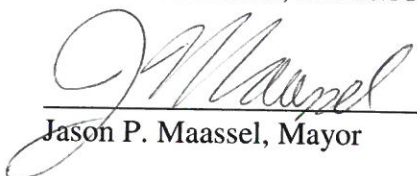
Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the emergency clause is necessary to begin the construction contracting process, to authorize the Contract with Peterson Construction Company to begin construction in a timely manner, to complete the OEPA DEFA funding request process, and for further reasons as stated in the Preamble hereof.

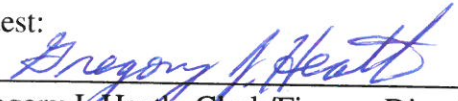
Passed: March 10, 2017

  
Travis B. Sheaffer, Council President

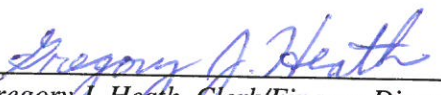
Approved: March 10, 2017

  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

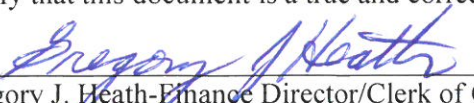
Attest:  
  
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 011-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 21st day of March 2017; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

  
Gregory J. Heath, Clerk/Finance Director

Certification

I, Gregory J. Heath, Finance Director/Clerk of Council for the City of Napoleon, Ohio, do hereby certify that this document is a true and correct copy of Ordinance No. 011-17, passed March 10, 2017.

  
Gregory J. Heath-Finance Director/Clerk of Council

03-10-2017  
Date



STATE OF OHIO  
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 21st day of March, 2017.

Kimberly Imm  
Kimberly Imm

Subscribed and sworn to before me this 23rd day of March, 2017

Beverly Griteman  
Beverly Griteman  
Notary Public, State of Ohio  
My Commission Expires  
February 13, 2021

Printer's Fee: \$155.40

Notary Fee: \$1.50

Summary of Ordinance No.(s) 007-17, 011-17

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance No. 007-17

AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NAPOLEON, OHIO, THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY, OHIO, AND VENTURES IN SPACE, LTD., REGARDING THE CONSTRUCTION OF AN INDUSTRIAL BUILDING WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized an Economic Development Agreement with Ventures In Space, LTD. to build an industrial building in the City.

Ordinance No. 011-17

AN ORDINANCE AUTHORIZING, CONTINGENT UPON THE APPROVAL OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE (DEFA) FUNDING, THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) RELATED TO THE WATER TREATMENT PLANT REHABILITATION PROJECT; AND AUTHORIZING THE CITY MANAGER, CONTINGENT UPON THE APPROVAL OF SAID DEFA FUNDING, TO ENTER INTO A CONTRACT WITH PETERSON CONSTRUCTION COMPANY; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the expenditure of funds over twenty five thousand dollars (\$25,000.00) related to the Water Treatment Plant Rehabilitation Project contingent upon the approval of DEFA funding.

All of the above summaries are approved as to form and