

ORDINANCE NO. 21-177

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR THE FINANCE DIRECTOR TO EXPEND FUNDS TO GERKEN PAVING, INC. OF NAPOLEON, OHIO, FOR EMERGENCY ROADWAY REPAIR SERVICES AND MATERIALS ON CEDAR POINT DRIVE IN THE AMOUNT OF \$31,361.34; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, on August 24, 2021, a water main break on Cedar Point Drive caused severe damage to a significant portion of the roadway necessitating immediate repair to the entire width of the road and Staff was forced to consider outside contractors for the repair due to the large surface area and the need to repair the roadway in a timely manner to avoid additional traffic in the First Street through Fifth Street neighborhood; and

WHEREAS, being a safety concern as well as a concern for traffic congestion in the nearby residential neighborhood and pursuant to Section 24 of the City Charter the emergency nature of the work obviates the necessity to comply with formal competitive bidding and advertising; and

WHEREAS, Gerken Paving, Inc. of Welfle, Inc. were already present in the City working on the 2021 Local Resurfacing Project and were able to immediately mobilize labor, equipment, and materials to provide emergency rapid response and completed the work within 6.5 hours; and

WHEREAS, the total cost for services provided by Gerken Paving, Inc. is \$31,361.34 (\$25,410.26 for equipment rental and materials and \$5,951.08 for labor) 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 allow for timely payment of services already performed; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, 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 and/or Finance Director is authorized and directed to expend funds for emergency roadway repair services and materials to Gerken Paving, Inc. of Napoleon, Ohio, due to a water main break on Cedar Point

PAGE 2 - ORDINANCE NO. 21-177

Drive, at an amount **not to exceed** Thirty One Thousand Three Hundred Sixty One and 34/100 Dollars (\$31,361.34).

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

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

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



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: November 8, 2021