

ORDINANCE NO. 21-138

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MARK SCHAFFER EXCAVATING & TRUCKING, INC. OF NORWALK, OHIO, FOR THE CEDAR POINT CAUSEWAY WETLAND PROJECT, PHASE 1, AND RELATING TO THE SANDUSKY BAY INITIATIVE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City previously accepted grant funds from the State of Ohio and the Ohio Department of Natural Resources (ODNR) for the Sandusky Bay Initiative, which includes the Cedar Point Causeway Wetland Project, and funds are listed as follows:

<u>Amount</u>	<u>Ordinance No.</u>	<u>Passed</u>
\$1,000,000.00	16-231	December 27, 2016
\$240,000.00	17-079	April 10, 2017
\$140,500.00	18-183	September 10, 2018
\$4,029,500.00	20-115	August 10, 2020
\$100,000.00	21-092	June 14, 2021

WHEREAS, this City Commission previously approved Agreements for Professional Services with Foth Infrastructure & Environment, LLC, of De Pere, Wisconsin, for the Sandusky Bay Initiative Area 1 & 2 Project, which includes the Cedar Point Causeway Wetland Project, by Ordinance No. 17-130, passed on June 26, 2017, Ordinance No. 18-045, passed on February 26, 2018, and Ordinance No. 18-184, passed on September 10, 2018; and

WHEREAS, the Cedar Point Causeway Wetland Project is Project 2 of the Sandusky Bay Initiative (SBI) and Phase 1 of the Cedar Point Causeway Wetland Project involves the installation of an armor stone breakwater from local quarries, natural wooden structures, turbidity curtains and other environmentally friendly materials to construct basins for the placement of dredged material; and

WHEREAS, this City Commission declared the necessity to proceed with the Cedar Point Causeway Wetland Project by Resolution No. 035-21R, passed on August 9, 2021; and

WHEREAS, upon public competitive bidding as required by law five (5) appropriate bids were received and the bid from Mark Schaffer Excavating & Trucking, Inc. of Norwalk, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total construction cost of this project based on bids and including Alternate bids 1, 2 & 3 is \$2,978,325.00 and will be paid with reimbursed grant funds awarded through the Ohio Department of Natural Resources; and

WHEREAS, approval is being requested in companion legislation to enter into an agreement for professional services with KS Associates, Inc. of Elyria, Ohio, in the amount of \$377,004.00 for construction inspection and engineering services for the Cedar Point Causeway Wetland Project; 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 the contractor to begin immediately to ensure contract and permitting schedules are met; and

PAGE 2 - ORDINANCE NO. 21-138

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 is authorized and directed to enter into a contract with Mark Schaffer Excavating & Trucking, Inc. of Norwalk, Ohio, for the Cedar Point Causeway Wetland Project Phase 1, related to the Sandusky Bay Initiative, in an amount **not to exceed** Two Million Nine Hundred Seventy Eight Thousand Three Hundred Twenty Five and 00/100 Dollars (\$2,978,325.00) consistent with the bid submitted by Mark Schaffer Excavating & Trucking, Inc. of Norwalk, Ohio, currently on file in the office of the Director of Public Works.

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:

KELLY L. KRESSER
INTERIM CLERK OF THE CITY COMMISSION

Passed: September 13, 2021