

**ORDINANCE NO. 23-107**

**AN ORDINANCE AUTHORIZING AND DIRECTING PAYMENT TO THE OHIO WATER DEVELOPMENT AUTHORITY FOR THE WATER POLLUTION CONTROL LOAN FUND (WPCLF) PROGRAM APPLICATION FEE FOR THE MILLS STREET HIGH-RATE TREATMENT PROJECT AND THE ULTRAVIOLET (UV) DISINFECTION REFURBISHMENT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Mills Street High Rate Treatment Project involves the construction of a 16 million gallons per day (MGD) High-Rate Treatment (HRT) Facility intended to reduce permitted combined sewer overflows (CSO) from the Mills Street bypass station prior to December 1, 2024; and

**WHEREAS**, the Ultraviolet (UV) Disinfection Refurbishment Project involves the replacement of the Trojan UV4000 system with the newest Trojan model, TrojanUV Signa, which has a slightly different footprint requiring modifications to the channel and incorporated Parshall flume entering the disinfection building where the effluent flow is metered for permit compliance and includes instrumentation, controls, and electrical upgrades, as well as a new variable frequency drive for the effluent pumping system at the Plant; and

**WHEREAS**, this City Commission approved the filing of an application with the Ohio Environmental Protection Agency (OEPA) for a loan through the Water Pollution Control Loan Fund (WPCLF) Program for the design, construction, and inspection for the Mills Street High Rate Treatment Project and the Ultraviolet (UV) Disinfection Refurbishment Project by Resolution No. 001-23R, passed on January 23, 2023; and

**WHEREAS**, this City Commission approved a Water Pollution Control Loan Fund (WPCLF) Agreement between the City of Sandusky, the Ohio Environmental Protection Agency (OEPA), and the Ohio Water Development Authority (OWDA) to finance the design, construction, and inspection for the Mills Street High Rate Treatment Project and the Ultraviolet (UV) Disinfection Refurbishment Project by Ordinance No. 23-092, passed on April 10, 2023; and

**WHEREAS**, the City has executed all agreements relating to the WPCLF loan and is required to submit an application fee based on 0.35% for Ohio Water Development Authority overhead expenses, including legal and financial services fees, on the total projected loan amount of \$39 Million; and

**WHEREAS**, the total cost for this application fee is \$145,442.00 of which \$23,477.42 will be paid by Erie County and \$121,964.58 will be paid by the City with Sewer Funds; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to expedite payment to the OWDA for the application fee due in accordance with the Water Pollution Control Loan Fund Agreement; and

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**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. This City Commission hereby authorizes and directs the City Manager and/or Finance Director to make payment to the Ohio Water Development Authority for the Water Pollution Control Loan Fund (WPCLF) Program application fee in an amount **not to exceed** One Thousand Forty-Five Thousand Four Hundred Forty Two and 00/100 Dollars (\$145,442.00) for the Mills Street High-Rate Treatment Project and The Ultraviolet (Uv) Disinfection Refurbishment Project.

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

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Commission of the City of Sandusky, Ohio.



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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST: \_\_\_\_\_  
CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: May 8, 2023