

**ORDINANCE NO. 23-140**

**AN ORDINANCE AMENDING ORDINANCE NO. 23-007, PASSED ON JANUARY 9, 2023; AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE GREAT LAKES CONSTRUCTION CO. OF HINCKLEY, OHIO, FOR THE MILLS STREET HIGH-RATE TREATMENT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the final project included in the 2012-2015 negotiations with the Ohio Environmental Protection Agency regarding the City's General Plan Update is construction of a 16 million gallon 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 City Commission approved an agreement for Professional Design Services with Stantec Consulting Services, Inc. of Cleveland, Ohio, for the preliminary design of the Mills Street High-Rate Treatment Project by Ordinance No. 21-136, passed on September 13, 2021, and subsequently approved a First Amendment to the agreement for detailed design and bidding services by Ordinance No. 22-047, passed on March 14, 2022, and approved a Second Amendment to the Agreement for construction administration services by Ordinance 23-006, passed on January 9, 2023; and

**WHEREAS**, this City Commission declared the necessity for the City to proceed with the proposed Mills Street High-Rate Treatment (HRT) Project by Resolution No. 058-22R, passed on October 24, 2022; and

**WHEREAS**, the City Commission authorized 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 of 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**, upon public competitive bidding as required by law, two (2) appropriate bids were received and the bid from The Great Lakes Construction Co. of Hinckley, Ohio, was determined to be the lowest and best bid; and

**WHEREAS**, the consultant, Stantec Consulting Services, Inc. reviewed the bids and recommends awarding the contract to The Great Lakes Construction Co. and the Director of Public Works agrees with this recommendation; and

**WHEREAS**, the City Commission was notified through the City Manager's Report on February 27, 2023, that \$500,000.00 was allocated for improvements to AMVETS Park and Sprau Park, unrelated to the Mills Street High-Rate Treatment Project but included in the contract with The Great Lakes Construction Co., to be used for improvements to the scoreboard, a new playground, and other possible items necessary to complete park upgrades, and therefore it is necessary to amend Ordinance No. 23-007, to reflect the funding sources for the improvements to the parks; and

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**WHEREAS**, the total construction cost of this project, based on bid, is \$33,570,075.00 of which, **33,070,075.00 will be funded through a low-interest loan from the Ohio Water Pollution Loan Fund (WPCLF) with the City receiving partial reimbursement from Erie County pursuant to the Sewer Services Agreement, and the balance of \$500,000.00 will be funded with American Rescue Plan Act (ARPA) Funds in the amount of \$350,000.00 and Capital Projects Funds in the amount of \$150,000.00; 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 payment on work performed to be processed; 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. Section 1. This City Commission hereby amends Ordinance No. 23-007, passed on January 9, 2023.

Section 2. The City Manager is authorized and directed to enter into a contract with The Great Lakes Construction Co. of Hinckley, Ohio, for the Mills Street High-Rate Treatment (HRT) Project, in an amount **not to exceed** Thirty-Three Million Five Hundred Seventy Thousand Seventy-Five and 00/100 Dollars (\$33,570,075.00) consistent with the bid submitted by The Great Lakes Construction Co. of Hinckley, Ohio, currently on file in the office of the Director of Public Works.

Section 3. 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 4. 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

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those formal actions were in meetings open to the public in compliance with the law.

Section 5. 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.



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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST:

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CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: June 26, 2023