



**CITY OF SANDUSKY COMMISSIONERS
REGULAR SESSION AGENDA
December 27, 2010 at 5 p.m.
City Hall, 222 Meigs Street**

INVOCATION, PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

D. Waddington, D. Cole, P. Brown, D. Kaman, J. Hamilton, K. Nuesse and J. Farrar

APPROVAL OF MINUTES

December 13, 2010

December 15, 2010 (special meeting)

AUDIENCE PARTICIPATION

Agenda Items Listed Below Only (3 minute limit)

COMMUNICATIONS

Motion to accept all Communications submitted below

ITEM #1 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: The initial annual amount for continuing to participate with the Erie County NPDES Phase II program is \$10,000.00. This amount will be reviewed on an annual basis and adjusted as needed to accommodate program objectives. The annual cost will be paid with sewer funds.

ORDINANCE TABLED 11.22.10 and 12.13.10

ORDINANCE NO. ____: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a Memorandum of Agreement with the Erie Soil & Water Conservation District and the Erie County Board of Commissioners for participation in the Erie County National Pollutant Discharge Elimination System (NPDES) Phase II program; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #2 – Submitted by Amanda Meyers, Paralegal and Carrie Handy, Chief Planner

Budgetary Impact: The cost of this acquisition will be approximately \$1,900 in title fees, title insurance, escrow fees, deed preparation, closing costs and transfer fees, but upon sale the purchaser(s) shall be required to pay these costs and the city will recoup them. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing in the amount of \$8,398.17, of which \$5,728.63 is owed to the city for assessments. However, by returning this abandoned non-productive land to tax producing status, the taxing districts will begin collecting approximately \$718.09 yearly in real estate taxes and assessments, which will eventually increase with development of the vacant lots.

RESOLUTION PASSED FIRST READING 12.13.10

RESOLUTION NO. ____: It is requested a Resolution be passed approving and accepting certain real property for acquisition into the land reutilization program.

ITEM #3 – Submitted by Carrie R. Handy, Chief Planner

Budgetary Impact: The cost of this contract is covered by administrative dollars allocated in the revolving loan fund program and monitoring fees collected by the enterprise zone program. A portion of the cost of the contract is also covered by administrative dollars received in conjunction with the Community Development Block Grant (CDBG). There will be no impact on the general fund.

ORDINANCE NO. ____: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a consulting contract with Gregory E. Sherman for CY 2011, a copy of which is attached to this Ordinance; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #4 - Submitted by Judy Nagy, Recreation Program Supervisor

Budgetary Impact: It is the desire of these fees to continue to maintain and increase the overall usage of the course through membership, punch cards and daily paid rounds. We will continue to strive to be one of the areas lowest priced golf courses while providing a quality experience for golfers, attracting both locals and visitors.

ORDINANCE NO. ____: It is requested an Ordinance be passed approving the new fee schedule established by the city manager pursuant to Section 973.02 of the codified ordinances of the City of Sandusky; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #5 – Submitted by Jane E. Cullen, E.I.T.

Budgetary Impact: The original contract price was \$167,056.95. The final contract cost including the change order in the amount of \$33,324.71 is \$200,381.66 to be paid with community development block grant funds.

ORDINANCE NO. ____: It is requested an Ordinance be passed authorizing and directing the city manager to approve the first and final change order for work performed for the 2010 City of Sandusky resurfacing program in the amount of \$33,324.71 to be paid to Erie Blacktop, Inc., of Sandusky, Ohio; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #6 – Submitted by Todd J. Roth, Director of Planning, Engineering and Development

Budgetary Impact: There is no impact on the general budget.

ORDINANCE NO. ____: It is requested an Ordinance be passed authorizing and directing the city manager to enter into a three (3) year lease agreement with Buoy Bros. Trucking, LLC, of Sandusky, Ohio, for the property located at 3807 and

3811 West Bogart Road for agricultural and related purposes; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #7 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Impact: The City of Sandusky has participated in this insurance program since 1987. The annual cost has become part of the annual operating budget. Based on the formula to calculate pool membership, Sandusky's total cost for 2010 – 2011 will be \$488,244.00. The insurance year is December 1, 2010 through November 30, 2011. Based on exposures, the cost is distributed to the general fund (\$285,623), street fund (\$42,477), water fund (\$75,678) and sewer fund (\$84,466).

ORDINANCE NO. _____: It is requested an Ordinance be passed authorizing and directing the City Manager and/or finance director to make payment for the 2010 – 2011 renewal costs for property, casualty and liability insurance pool membership with Buckeye Ohio Risk Management Association (BORMA) and Public Entity Risk Consortium (PERC); and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #8 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Impact: This action will establish a budget for operations until the annual appropriations can be approved after the second Monday in January, 2011. The City Charter prohibits the city from enacting the 2011 budget before January 10, 2011.

ORDINANCE NO. _____: It is requested an Ordinance be passed to make temporary appropriations for the months of January, February and March, 2011, and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #9 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Impact: The Agenda deadline occurs before the amount can be determined. The Resolution will be available at the meeting.

ITEM #10 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Impact: This action will cover anticipated expenditures through December 31, 2010. The last payroll occurs on December 31, 2010, with the final City Commission meeting on December 27, 2010. The agenda deadline occurs before the final payroll costs can be determined. The amendment needs to cover final payroll and other projected costs through December 31, 2010. The Ordinance will be available at the meeting.

CITY MANAGER'S REPORT

OLD BUSINESS

NEW BUSINESS

AUDIENCE PARTICIPATION - Open discussion on any item (5 minute limit)

EXECUTIVE SESSION

ADJOURNMENT

Buckeye Cablesystem broadcast on Cable Channel 81:

LIVE: Monday, December 27 at 8:30 p.m.

REPLAYS: Tuesday, December 28 at 5 p.m.
Monday, January 3 at 7 p.m.



DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

KATHRYN MCKILLIPS, P.E.

222 Meigs Street
Sandusky, Ohio 44870
Phone 419/627-5829
Fax 419/627-5933

kmckillips@ci.sandusky.oh.us

TO: Donald C. Icsman, Acting City Manager
FROM: Kathryn K. McKillips, P.E., Engineer
DATE: November 15, 2010
RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Authorization for the City Manager to enter into the Memorandum of Agreement between the Erie Soil and Water Conservation District and City of Sandusky and to authorize payment for the annual cost sharing fee through March 1, 2013.

Mandated by Congress under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) Storm Water Program is a comprehensive two-phased national program for addressing the non-agricultural sources of storm water discharges that adversely affect the quality of our nation's waters. The Program uses the NPDES permitting mechanism to require the implementation of controls designed to prevent harmful pollutants from being washed by storm water runoff into local water bodies. The Phase II Final Rule, published in the Federal Register on December 8, 1999, requires NPDES permit coverage for storm water discharges from certain regulated small municipal separate storm sewer systems (MS4s) and construction activity disturbing between 1 and 5 acres of land.

The Erie County NPDES Phase II Program is in its second five-year permit cycle. The City of Sandusky, a co-permittee in the program, has continuously participated from the inception of the program. The Memorandum of Agreement permits the Soil and Water District to hire a program coordinator to help provide guidance and assist in implementation of the Phase II program within the co-permittee jurisdictions. The Co-Permittees include Erie County Commissioners, Erie County Engineer, City of Huron, City of Vermilion, Perkins Township, Margaretta Township, Village of Bay View, and the City of Sandusky.

BUDGETARY INFORMATION: The initial annual amount for continuing to participate with the Erie County NPDES Phase II Program is \$10,000.00. This amount will be reviewed on an annual basis and adjusted as needed to accommodate program objectives. The annual cost will be paid with Sewer Funds.

ACTION REQUESTED: It is recommended that the necessary legislation be approved and that it take immediate effect in accordance with Section 14 of the City Charter in order to provide Erie Soil and Water Conservation District with a commitment to participate so that the hiring of a coordinator can begin with the goal to have one employed by the beginning of 2011.

I concur with this recommendation:

Donald C. Icsman
Acting City Manager

Todd Roth, P.E., P.S.
Director of PED

Cc: Kelly Kresser, Clerk of City Commission
Hank Solowiej, Senior Accountant/Auditor

**Memorandum of Agreement
Between
The Erie Soil & Water Conservation District
And
City of Sandusky**

Upon this _____ day of _____, 2010 this Memorandum of Agreement (Agreement) was entered into by and between the Erie Soil & Water Conservation District (District), and the City of Sandusky (City).

Mandated by Congress under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) Storm Water Program is a comprehensive two-phased national program for addressing the non-agricultural sources of storm water discharges that adversely affect the quality of our nation's waters. The Program uses the NPDES permitting mechanism to require the implementation of controls designed to prevent harmful pollutants from being washed by storm water runoff into local water bodies. The Phase II Final Rule, published in the Federal Register on December 8, 1999, requires NPDES permit coverage for storm water discharges from certain regulated small municipal separate storm sewer systems (MS4s) and construction activity disturbing 1 acre of land and above.

The City has identified the District as the lead agency for the Erie County NPDES Phase II Program. Other county municipalities and townships have joined the Erie County NPDES Phase II program as Co-Permittees. Recognizing the need for a close working relationship in carrying out the responsibilities of the Phase II program for which each is charged, the City and the District enter into this Memorandum of Agreement as the foundation for an enduring cooperative relationship. Such cooperation allows for joint effort in the solution of problems relating to storm water management, land use planning and the development of the soil and water resources within the urbanized areas of Erie County.

The District agrees to:

1. Employ a program coordinator qualified to guide the City in implementation of the NPDES Phase II Storm Water Rule including assistance to select and implement minimum control measures to insure compliance with applicable requirements.
2. Update and submit the revised storm water management plan and the NPDES Phase II permit application for the City to the Ohio Environmental Protection Agency (EPA) in compliance with EPA regulations and deadlines.
3. Provide payment to EPA for the NPDES Phase II permit fees and annual discharge fees for the City. (Fees shall be included in yearly appropriation to District)

4. Collect data and reports from the City on the progress of the Phase II storm water management program, compile this information, and write and submit the NPDES Phase II Annual Report to the EPA in compliance with applicable regulations and deadlines.
5. Develop and implement a storm water and non-point source pollution education program for the residents of and the local schools systems serving the urbanized areas of Erie County that satisfies the Phase II minimum control measure for Public Education and Outreach and follows the storm water management plan for the City.
6. Provide resources and directly assist the City in the development and implementation of public meetings and events to inform citizens of the program and to create volunteer opportunities to gain public support. This will satisfy the Phase II minimum control measure for Public Participation and Involvement and follow the storm water management plan for City.
7. Review plans for all commercial, residential and industrial developments, greater than one acre submitted to the District by the City and provide written comments regarding soil limitations, wetlands, riparian and other natural resource information pertinent to the site. This will assist in satisfying the Phase II minimum control measure for Construction Site Runoff Control and follow the storm water management plan for the City.
8. Review and Approve Storm Water Pollution Prevention Plans (SWPPPs) for all commercial, industrial and residential developments, greater than one acre, in the urbanized areas of Erie County to ensure adequate plans for erosion and sediment control, natural resource protection and water quality enhancements, and meet on site with the developer prior to the beginning of earth moving activities. This will assist in satisfying the Phase II minimum control measure for Construction Site Runoff Control and follow the storm water management plan for the City.
9. Provide inspections of all aforementioned development sites and keep the City informed of construction site Storm Water Pollution Prevention Plan compliance. This will assist in satisfying the Phase II minimum control measure for Construction Site Runoff Control and follow the storm water management plan for the City.
10. Provide informational resources and technical assistance to the City as requested to assist them in satisfying the Phase II storm water management plan requirements and to guide proper land use decisions.
11. Keep the City informed of updates to NPDES Phase II rules and regulations.

The City agrees to:

1. Appoint one (1) representative and one (1) alternate to serve on the Erie County Storm Water Committee, which will guide the development of the Erie County Storm Water Management Plan.
2. Cooperate with the District to develop and implement programs that satisfy the Phase II minimum control measures for Illicit Discharge Detection & Elimination, Post Construction Runoff Control and Good Housekeeping in accordance with the Erie County Storm Water Management Plan.
3. Follow up on construction site SWPPP compliance issues within 30 days of original notice of violation from the District and take the necessary actions to bring the site into compliance. Such actions may include stop work orders and/or the issuance of fines.
4. Provide the District with data, reports and other collected information to be used in the NPDES Phase II Annual Progress Report.
5. Provide an annual appropriation in the initial amount of \$10,000 to the Erie Soil & Water Conservation District for the agreed term referenced below. This amount will be reviewed yearly for any adjustments that need to be made due to planned program objectives.
6. Utilize its best efforts to observe the principles of sound soil and water conservation, giving considerations to the need for storm water quantity and quality, erosion and sediment control measures and natural resource protection, and comply with NPDES permit requirements.

It is mutually agreed:

1. The District and the City shall meet, at least yearly, to review, and where possible, coordinate their individual progress and activities for maximum mutual benefit and to update this document as necessary.
2. The District will be holder of the NPDES Phase II permit, but the City will be responsible for meeting the requirements of the NPDES Phase II Permit as it pertains to City operation.
3. The District and the USDA Natural Resources Conservation Service (NRCS) prohibit discrimination in the programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status.
4. This agreement is effective for the period of three years, ending December 31, 2013, at which time it will be reviewed and amended, if needed. This agreement may be

amended or terminated upon 30 days written notice by mutual consent of the parties hereto.

5. The Erie County Storm Water Committee shall meet monthly or more often if deemed necessary by the majority of committee members.

In witness whereof, this Agreement is executed and agreed to on the day, month and year written above.

Erie Soil & Water Conservation District

| By: _____

Title: _____

City of Sandusky

By: _____

Title: _____

Approved as to form:

Erie County Prosecutor's Office

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE ERIE SOIL & WATER CONSERVATION DISTRICT AND THE ERIE COUNTY BOARD OF COMMISSIONERS FOR PARTICIPATION IN THE ERIE COUNTY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II PROGRAM; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, mandated by Congress under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) Storm Water Program is a comprehensive two-phased national program for addressing the non-agricultural sources of storm water discharges that adversely affect the quality of our nation's water and the program uses the NPDES permitting mechanism to require the implementation of controls designed to prevent harmful pollutants from being washed by storm water runoff into local water bodies and the Phase II Final Rule, published in the Federal Register on December 8, 1999, requires NPDES permit coverage for storm water discharges from certain regulated small municipal separate storm sewer systems (MS4s) and construction activity disturbing between 1 and 5 acres of land; and

WHEREAS, the Erie County Commissioners have identified the Erie Soil & Water Conservation District as the lead agency for the Erie County NPDES Phase II Program and recognizing the need for a close working relationship in carrying out the responsibilities of the Phase II program have invited other County municipalities and townships to join the program as Co-Permitees and; and

WHEREAS, the City of Sandusky has continuously participated from the inception of the program and this proposed MOA permits the Soil and Water District to hire a Program Coordinator to provide guidance and assistant in the Implementation of the Phase II Program and the Co-Permitees include Erie County Commissioners, Erie County Engineer, City Of Huron, City Of Vermilion, Perkins Township, Margarett Township, Village Of Bay View and the City of Sandusky and will serve as the foundation for an enduring cooperative relationship allowing for joint effort in the solution of problems relating to storm water management, land use planning and the development of the soil and water resources within the urbanized areas of Erie County; and

WHEREAS, the City's initial share for continuing to participate with the Erie County NPDES Phase II Program is \$10,000.00 and will be paid with Sewer Funds; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to provide the Erie Soil and Water Conservation District with a commitment to participate and allow for the process to hire a coordinator to begin with the goal to have a coordinator employed by the beginning of 2011; 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 Division of Engineering 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 Memorandum of Agreement with the Erie Soil & Water Conservation District and the Erie County Board of County Commissioners for participation In the Erie County

National Pollutant Discharge Elimination System (NPDES) Phase II Program, substantially in the same form as Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance and authorizes the City Manager and/or Finance Director to expend funds as required pursuant to the agreement.

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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: December 27, 2010

TO: Don Icsman, Acting City Manager
FROM: Amanda Meyers, Paralegal
Carrie Handy, Chief Planner
DATE: December 1, 2010
RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation requesting approval for the City Manager to accept eleven (11) parcels of tax delinquent nonproductive land situated within the City of Sandusky through the City of Sandusky's Land Reutilization Program for the purpose of facilitating reutilization of the nonproductive land. The parcels are vacant lots that will be acquired by foreclosure, forfeiture or a gift of deed in lieu of foreclosure. The parcels will be placed in the Land Reutilization Inventory until sold.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code to acquire vacant and abandoned tax delinquent property with the future goal of productive reuse of the land. The City's ability to assemble land for reuse and redevelopment is critical to stabilizing and rebuilding Sandusky's neighborhoods and is necessary for neighborhood revitalization.

The goal of the City of Sandusky's Land Reutilization Program is to return vacant and abandoned tax delinquent property to productive use that benefits the community. If a property is not producing tax revenues, less money is collected and available for enhancements back in to the community. Also, because the property is abandoned, it is not maintained and often becomes an illegal dumping ground. The City spends thousands of dollars a year controlling weeds and nuisance conditions on abandoned properties. By returning the property back to a long-term tax producing status, more revenue is generated and available for community improvements and the City will not have to expend funds to maintain it.

The eleven (11) parcels requested for acquisition have been deemed to be necessary and/or beneficial to the Land Reutilization Program efforts and approved by the following quorum of the Land Bank Committee:

1. Carrie Handy - Chief Planner
2. Julie Farrar - City Commissioner
3. Charlie Sams - Acting Chief of Police
4. Kathy McKillips - Deputy Engineer
5. Scott Miller - Director of General Services

The City will assume possession and control of the parcels of nonproductive land which will be deposited in the City's Land Reutilization Inventory. The City will receive title free and clear of all liens and encumbrances except easements and covenants of record running with the land. The County Auditor will remove from the tax lists and duplicates all taxes,

assessments, charges, penalties, and interest that are due and payable on the land at the time of sale to the City. All lands acquired and held in the Land Reutilization Inventory are deemed to be real property used for a public purpose and are exempt from taxation until sold.

Nine (9) of the eleven (11) parcels are nonproductive vacant lots that have been forfeited to the State of Ohio and are tax exempt. They will be placed in the Land Reutilization Inventory to be acquired by the adjoining property owners for yard expansion or marketed for future development and will be brought back to tax producing status. The Milan Road parcel has been offered to the City as a gift of deed in lieu of foreclosure and is an unbuildable lot that has been requested by the adjoining property owner for yard expansion. The parcel located on Putnam Street has been requested by the adjoining property owner for yard expansion and will be acquired by foreclosure or by gift of deed in lieu of foreclosure. The current owner is deceased and the City will try to obtain the parcel by gift of deed through Erie County Probate Court.

BUDGET IMPACT: The cost of this acquisition will be approximately \$1,900 in title fees, title insurance, escrow fees, deed preparation, closing costs and transfer fees, but upon sale the purchaser(s) shall be required to pay these costs and the City will recoup them. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing in the amount of \$8,398.17, of which \$5,728.63 is owed to the City for assessments. However, by returning this abandoned nonproductive land to tax producing status, the taxing districts will begin collecting approximately \$718.09 yearly in real estate taxes and assessments, which will eventually increase with development of the vacant lots.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to accept the eleven (11) parcels of land through the City of Sandusky's Land Reutilization Program.

Amanda J. Meyers, Paralegal

Carrie R. Handy, Chief Planner

I concur with this recommendation:

Donald C. Icsman, Acting City Manager

**EXHIBIT A
VACANT LOTS - FORFEITED PROPERTY**

Parcel	Address	Owner(s)	Del. Taxes	Assessments	P&I*	Total Owed	Yearly Taxes and Assessments
58-60221.000	1718 Harrison	Lillian Blackmon	0.00	0.00	0.00	0.00	40.00
Proposed Use: This unbuildable parcel has been forfeited to the State of Ohio and is located in the Southside Acquisition Zone. It will be acquired and held in the Land Bank for future development.							
58-62221.000	0 George	Lahoma M. Schultz	0.00	0.00	0.00	0.00	97.38
Proposed Use: This buildable parcel has been forfeited to the State of Ohio. It adjoins the City Service Complex. Because it abuts the railroad tracks it is probably not marketable. The Land Bank Committee suggests that part may be used by the City for the public purpose of accessing the Service Complex, the rest will be offered to adjoining property owner for yard expansion.							
57-63714.000	1108 Huntington	Savings Building & Loan Co.	0.00	0.00	0.00	0.00	164.09
Proposed Use: This buildable parcel has been forfeited to the State of Ohio. This parcel also abuts the railroad tracks. It is located in a residential area of the City and may have enough of a set back to be marketable. If it is not marketable, it will be offered to adjoining property owner for yard expansion.							
58-60051.000	1728 Camp	Fred Amolsch	0.00	0.00	0.00	0.00	45.73
Proposed Use: This unbuildable parcel has been forfeited to the State of Ohio and is located in the Southside Acquisition Zone. It is located next to another unbuildable lot that may be obtained in order to form a buildable lot. Otherwise, it may be split between adjoining owners for yard expansion.							
58-62723.000	1504 N. Forest	James E. Young Jr. & etals.	0.00	0	0.00	0.00	34.45
Proposed Use: This buildable parcel has been forfeited to the State of Ohio and is located in the Southside Acquisition Zone. It will be placed in the Land Bank for future development.							
57-62886.000	0 Brown	Marian L. McGory	0.00	0.00	0.00	0.00	4.23
Proposed Use: This unbuildable parcel has been forfeited to the State of Ohio. This is a sliver of a parcel that can be combined with the adjoining property to form a uniform parcel.							
59-61378.000	0 Fulton	Mark Smith	0.00	0.00	0	0.00	4.23
Proposed Use: This unbuildable parcel has been forfeited to the State of Ohio. This is a small land-locked parcel that can be combined with the adjoining property to form an unbroken uniform parcel.							
56-62006.000	0 Madison	W. L. Alexander	0.00	0.00	0.00	0.00	30.30
Proposed Use: This unbuildable parcel has been forfeited to the State of Ohio. It is a 10' x 82' strip located between two parcels. It will be offered to the adjoining property owner because it appears to be an access for driveway purposes.							
59-61053.000	0 Gartland	Leo W. & Dorothy M. Schorger	0.00	0.00	0.00	0.00	2.82
Proposed Use: This unbuildable parcel has been forfeited to the State of Ohio. This is a very small land-locked parcel that will be combined with the adjoining property to form an unbroken uniform parcel.							

VACANT LOTS - GIFT OF DEED

57-04393.000	0 Milan Rd.	Odell Holbrook & Raymond Sands	439.24	751.00	104.41	1,294.65	150.12
Proposed Use: This unbuildable parcel has been requested by the adjoining property owner for yard expansion. The current owner has agreed to gift deed it to the City in lieu of foreclosure.							

58-01561.000	0 Putnam	Harry Macon	1,135.67	5,604.52	363.33	7,103.52	118.48
Proposed Use: This unbuildable parcel is located in the Southside Acquisition Zone. It has been requested by the adjoining property owner for yard expansion. The owner is deceased, the parcel will potentially be obtained through the Probate Court.							

Total Tax Delinquency: 8,398.17

Estimated Yearly Tax Production: 691.83

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ACCEPTING CERTAIN REAL PROPERTY FOR ACQUISITION INTO THE LAND REUTILIZATION PROGRAM.

WHEREAS, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, the City is requesting acceptance of eleven (11) parcels of tax delinquent nonproductive land situated within the City of Sandusky as further described in attached Exhibit "A"; and

WHEREAS, it is necessary to acquire the nonproductive land parcels in accordance with the City of Sandusky's Land Reutilization Program in order to facilitate reutilization of the nonproductive land to support neighborhood revitalization and development within the City; and

WHEREAS, upon City Commission approval to accept the eleven (11) nonproductive land parcels to be acquired by foreclosure, forfeiture or a gift of deed in lieu of foreclosure, the parcels will be placed in the Land Reutilization Inventory to be acquired by the adjoining property owners for yard expansion or marketed for future development; and

WHEREAS, all of the parcels requested for acquisition will be presented to this City Commission by Ordinance in the future for approval to enter into purchase and sale agreements for each of the parcels; and

WHEREAS, the cost of these acquisitions will be approximately \$1,900.00 in title fees, title insurance, escrow fees, deed preparation, closing costs and transfer fees which will be recouped by the City upon sale of the property; 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 of the City of Sandusky, Ohio and; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby approves and accepts for acquisition into the Land Reutilization Program eleven (11) parcels of nonproductive land situated within the City of Sandusky, as further described in Exhibit "A", a copy of which is attached to this Resolution and specifically incorporated herein.

Section 2. This City Commission authorizes and directs the City Manager to acquire the nonproductive land in accordance with the City of Sandusky's Land Reutilization Program in order to facilitate reutilization of the nonproductive land to support neighborhood revitalization and development within the City.

Section 3. If any section, phrase, sentence, or portion of this Resolution 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 Resolution 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 5. That for the reasons set forth in the preamble hereto, this Resolution shall take effect at the earliest time allowed by Law.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: December 27, 2010 (effective after 30 days)

TO: Donald C. Icsman, Acting City Manager

FROM: Carrie R. Handy, Chief Planner

DATE: December 14, 2010

SUBJECT: COMMISSION AGENDA ITEM (Gregory Sherman Contract)

ITEM FOR CONSIDERATION: Consideration is being requested to enter into a contract with Gregory E. Sherman to act as the City's consultant. Under this contract, Mr. Sherman would carry out certain activities related to the administration of the City's Revolving Loan Fund Program, the Community Reinvestment Area Program, the Enterprise Zone Program, and other designated economic development projects for the Department of Planning, Engineering and Development and the City. This contract will allow the City of Sandusky to meet Ohio Department of Development and HUD reporting and feasibility analysis requirements pertaining to the above regulated economic development programs. Mr. Sherman has performed these activities for the City since 1992 and is well qualified to do so. The continuation of this contract will assist the Department of Development in the attraction, expansion and retention of businesses.

BUDGETARY INFORMATION: The cost of this contract is covered by administrative dollars allocated in the Revolving Loan Fund Program and monitoring fees collected by the Enterprise Zone Program. A portion of the cost of the contract is also covered by administrative dollars received in conjunction with the Community Development Block Grant (CDBG). There will be no impact on the general fund.

ACTION REQUESTED: Approval of the subject contract by the passage of legislation under Section 14 of the City Charter in order to execute the contract as soon as possible as the prior contract will expire on December 31, 2010.

Carrie R. Handy
Chief Planner

Todd J. Roth
Director of PED

I concur with this recommendation:

Donald C. Icsman, Acting City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONSULTING CONTRACT WITH GREGORY E. SHERMAN FOR CY 2011, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City desires to continue to utilize the services of Gregory E. Sherman to carry out certain activities related to the administration of the City's Revolving Loan Fund Program, Community Reinvestment Area Program, Enterprise Zone Program and other designated economic development projects for the Department of Planning, Engineering and Development and the City; and

WHEREAS, this contract will allow the City of Sandusky to comply with the State of Ohio Department of Development and HUD reporting and feasibility analysis requirements pertaining to the above-referenced state regulated economic development programs; and

WHEREAS, Gregory E. Sherman has performed these services for the City since 1992 and is well qualified to do so; and

WHEREAS, the cost of this contract is covered by administrative dollars allocated in the Revolving Loan Fund Program and monitoring fees collected by the Enterprise Zone Program, together with administrative dollars received in conjunction with the Community Development Block Grant (CDBG) funding; and

WHEREAS, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to execute the contract as soon as possible as the prior contract will expire on December 31, 2010; 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 Planning, Engineering and Development, 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 of the City of Sandusky, Ohio, be and hereby is authorized and directed to enter into a Consulting Contract with Gregory E. Sherman for CY 2011, substantially in the same form as Exhibit "A" which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein.

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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: December 27, 2010

AGREEMENT FOR SERVICES OF CONSULTANT

This Agreement made on and entered into on this _____ day of _____, 2010, between the City of Sandusky, Ohio, a Municipal Corporation of the State of Ohio, located in the County of Erie, herein referred to as "City," and Gregory E. Sherman herein referred to as "Consultant."

In consideration of the mutual promises herein set out, the parties agree as follows:

I. RECITALS

The City desires to contract with the Consultant to provide financial underwriting services and other forms of professional assistance with economic development programs in order to assist the City of Sandusky.

The Consultant acknowledges that he currently has the necessary education and experience to provide the services required by this agreement.

II. SCOPE OF SERVICES/NON-ASSIGNMENT

The Consultant agrees to personally furnish professional assistance at the request of the City Manager or designee, which includes but is not necessarily limited to the following:

- a. The City of Sandusky Revolving Loan Program and the State of Ohio CDBG ED Loan Program:

Consultant shall provide an underwriting review of financial documents and project budgets for applications to the City of Sandusky Revolving Loan (RLF) Program, prepare legally binding documents for RLF Loans and CDBG ED Loans, receive Law Director's approval of such, oversee execution of loan documents, and

file documents as required under the Revolving Loan Fund (RLF) Program and as required by the State of Ohio, Department of Development.

Consultant shall also review invoices for payment eligibility under the RLF and CDBG ED Loan Programs, and assist the City with the filing of State of Ohio, Department of Development Status Reports.

b. City of Sandusky Enterprise Zone Program:

Consultant shall develop spreadsheets detailing both real estate and personal property tax projections under multiple assumptions for applications to the City of Sandusky's Enterprise Zone Program, prepare and oversee execution of Enterprise Zone Agreements, and monitor Enterprise Zone Agreements on an annual basis as required by the State of Ohio, Department of Development.

c. City of Sandusky Tax Incentive Programs:

Consultant shall assist in oversight of the City's Tax Incentive Programs which include both Community Reinvestment Area agreements and Tax Increment Financing agreements.

Consultant shall perform the duties under this agreement personally and shall not assign or delegate the performance of those duties to any other person.

III. **INDEPENDENT CONTRACTOR**

Consultant acknowledges that he is an independent contractor while performing the services required in this agreement. The City is contracting with Consultant for the services described within the body of this agreement and Consultant reserves the right to determine the method and manner by which the

services will be performed subject to any timelines of certain services which is or may be required by the Governing Laws and Procedures. The City acknowledges that Consultant has other clients and offers services to the general public and that the order or sequence in which Consultant performs the services to the City is under the Consultant's control subject to the time devoted by Consultant necessary to comply with any applicable time requirements.

IV. INSURANCE

Consultant agrees to indemnify and hold the City harmless from any and all claims arising from any negligent act or omission committed by the Consultant during the performance of the services required by this agreement. Consultant agrees to maintain a business liability insurance policy.

V. CONFIDENTIALITY

Consultant agrees that any information communicated in any manner to the Consultant during the performance of the services required by this agreement, which concerns confidential personal, financial or other affairs of the City or the public shall be treated by the Consultant as confidential and shall not be revealed or discussed unless specifically authorized in writing by the City to do so.

VI. COMPENSATION

Consultant shall be paid at the rate of Forty and 00/100 Dollars (\$40.00) per hour for work performed in accordance with this agreement. Consultant agrees to timely submit monthly invoices to the Department of Development of the City representing services rendered for the previous 30 day period. The City agrees to

make timely payment to Consultant within 30 days after receipt of the monthly invoice from Consultant.

VII. TERM AND TERMINATION

This agreement will begin January 1, 2011 and will terminate December 31, 2011.

Either party may terminate this agreement by giving 30 days written notice to the other party by certified mail, return receipt requested, to Consultant at 3105 James Avenue, Huron, Ohio 44839 and to the City at 222 Meigs Street, Sandusky, Ohio 44870-2632, Attention: City Manager.

The notice of termination is deemed to be effective upon receipt by the other party. Upon termination of this agreement, Consultant shall have no further obligation to provide services to the City and the City shall have no further obligation to pay compensation beyond that for services rendered before the notice of termination is received or December 31, 2011, whichever occurs first.

VIII. PARTIES BOUND

This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

IX. ENTIRE AGREEMENT

This Agreement sets forth the entire Agreement between the parties with regard to the subject matter of the Agreement. No other agreements, representations or warranties have been made by either party to the other with respect to the subject matter of this Agreement.

X. SEVERABILITY

If any of the provisions of this Agreement are found or deemed by a Court of competent jurisdiction to be invalid or unenforceable, they shall be considered severable from the remainder of this Agreement and shall not cause the remainder to be invalid or unenforceable.

XI. AMENDMENTS

This Agreement may be amended by the parties only by a written agreement signed by both parties.

WITNESSES:

CITY OF SANDUSKY:

Donald C. Icsman
Acting City Manager

WITNESSES:

CONSULTANT:

Gregory E. Sherman

Approved as to Form:

Donald C. Icsman
Ohio Supreme Court #0021435
Law Director, City of Sandusky

CERTIFICATE OF DIRECTOR OF FINANCE

The undersigned, fiscal officer of the City of Sandusky, hereby certifies that the moneys required to meet the obligations of the City during the year 2011 under the Agreement have been lawfully appropriated by the Commission of the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Date

Hank Solowiej
Director of Finance

Account Number

TO: Don Icsman, Acting City Manager
FROM: Judy Nagy, Recreation Program Supervisor
DATE: December 16, 2010
RE: Item for Commission Agenda (2011 Mills Creek Golf Course Fees)

ITEM FOR CONSIDERATION: City Commission approval of proposed fee schedule with no increase in golf and rental fees for the 2011 operating season at Mills Creek Golf Course.

BACKGROUND INFORMATION: The 2011 golf season will run March 15-November 15 at Mills Creek Golf Course. On October 12, 2010, in general session, the City Commission elected to retain the 2010 Season Pass fee schedule for the 2011 operating season. After reviewing the Golf Course Analysis for 2010, the following is proposed for all other fees in 2011 Fee Schedule.

- To maintain the current fee structure for green fees and cart rental **with the exception of a \$1 increase for the Lunch Time Special from \$11 to \$12 for 9 holes and a half-cart between the hours of 11 a.m. and 1 p.m. daily Monday through Friday.** Many area courses have begun offering a wide range of discounts in an attempt to maintain traffic at their golf course. For example, Twin Lakes Golf Course in Bellevue is offering all 2010 Members who purchase their 2011 pass by January 1st, 2011, receive their 2011 Membership for \$225. It is important to point out that the season pass sales for 2010 did not go down as a result of competitor discounts as we were able to maintain our pace of play, level of customer service, and the quality of our product for the 2010 season. Mills Creek Golf Course must continue to offer affordable golf fees as our community is still experiencing challenging economic conditions. Our affordable prices enable us to maintain loyal customers and bring new clientele to the golf course.

For the 2010 season (*Figures are taken from month ending report October, 2010*) expenses per round total is \$8.86 (\$9.93 in 2009) and revenue per round is \$12.62 (\$10.87 in 2009). Currently Mills Creek Golf Course is making \$3.76 (\$.94 in 2009) per round played. With the current fee structure, the golf course can continue to operate in the “black” and repairs and updates can be made.

The Recreation Board approved the Proposed Fee Schedule changes at their meeting on December 15, 2010.

Please see the attached spreadsheet indicating the proposed fees.

BUDGET IMPACT: It is the desire of these fees to continue to maintain and increase the overall usage of the course through membership, punch cards, and daily paid rounds. We will continue to strive to be one of the area's lowest priced golf courses while providing a quality experience for golfers, attracting both locals and visitors.

ACTION REQUESTED: It is requested that the City Commission approve the proposed golf fees at Mills Creek Golf Course. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order for the proposed fee modifications to be effective on January 1, 2011.

I concur with this recommendation.

Donald C. Icsman
Acting City Manager

Scott Miller
Director of General Services

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE NEW FEE SCHEDULE ESTABLISHED BY THE CITY MANAGER PURSUANT TO SECTION 973.02 OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Section 973.02 of the Codified Ordinances of the City of Sandusky the City Manager has authority to establish fees charged at the Municipal Golf course which are subject to approval by the City Commission; and

WHEREAS, this City Commission approved keeping the season pass fees for Mills Creek Golf Course at their current rate for the year 2011 at their regularly scheduled meeting on October 12, 2010, and after reviewing the Golf Course Analysis for 2010, the Recreation Department staff is recommending to the City Manager to maintain the current fee structure for green fees and cart rental with the exception of a \$1 increase for the Lunch Time Special from \$11 to \$12 for 9 holes and a half-cart between the hours of 11 a.m. and 1 p.m. daily Monday through Friday and the City Manager has concurred and is now recommending the changes to this City Commission, which if approved, will become effective on January 1, 2011; and

WHEREAS, the proposed fee schedule changes were approved by the Recreation Board at their meeting on December 15, 2010; and

WHEREAS, this legislation should be passed as an emergency measure in accordance with Section 14 of the City Charter approving the proposed fee modifications prior to their effective date of January 1, 2011; 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 Recreation 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. Pursuant to Section 973.02 of the Codified Ordinances this City Commission approves the proposed fee schedule as recommended by the City Manager to become effective on January 1, 2011, and that these fees shall be published in the Index of Fees maintained by the Department of Recreation.

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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: December 27, 2010



DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

KATHRYN K. MCKILLIPS, P.E.

222 Meigs Street
Sandusky, Ohio 44870
Phone 419/627-5829
Fax 419/627-5933

kmckillips@ci.sandusky.oh.us

To: Donald C. Icsman, Acting City Manager
From: Jane E. Cullen, E.I.T.
Date: December 14, 2010
Subject: Commission Agenda Item

Item for Consideration: This communication is requesting approval for the first and final change order for the 2010 City of Sandusky Resurfacing Program in the amount of \$33,324.71 to account for actual work performed in the field by the contractor. As stated in the original bid award communication, additional paving may be added to the contract due to the low unit prices for asphalt to maximize the available funding to improve City streets. The following streets were added: Shelby Street from Grant Street to Perkins Avenue, Tyler Street from Prospect Street to Central Avenue and also from Hayes Avenue to Campbell Street.

Budgetary Information: The original contract price was \$167,056.95. The final contract cost including the change order in the amount \$33,324.71 is \$200,381.66 to be paid with Community Development Block Grant Funds.

Action Requested: It is requested that the first and final change order in the amount of \$33,324.71 for the 2010 City of Sandusky Resurfacing Program be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter so that the project may be closed out.

I concur with this recommendation:

Donald C. Icsman
Acting City Manager

Todd Roth P.E., P.S.
Director of PED

cc: Hank Solowiej, Finance Director
Kelly Kresser, Commission Clerk

CITY OF SANDUSKY, OHIO
DEPARTMENT OF ENGINEERING AND CONSTRUCTION

Construction Work Order-First & Final

CONTRACT: #2759
ORDINANCE NO. 10-111

Contractor: Erie Blacktop, Inc.
4507 Tiffin Avenue, P.O. Box 2308
Sandusky, Ohio 44870

STREET OR LOCATON OF WORK: 2010 City of Sandusky Resurfacing Program

Order is hereby issued and accepted for the following additions to or deductions from the quantities as specified in the original contract.

LINE NO.	ITEM NO.	DIFF. QUANT.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL ADD	COST DEDUCT
Base Bid-Melgs Street and Tyler Street							
1	251	-113.00	SY	Partial depth pavement & repair	\$42.00		-\$4,746.00
2	254	4380.00	SY	Pavement planing	\$1.00	\$4,380.00	
3	448	337.62	Ton	Intermediate Course	\$56.50	\$19,075.53	
4	448	336.46	Ton	Surface Course	\$56.50	\$19,009.99	
5	407	946.41	Gal.	Tack coat 0.10 gal per SY	\$1.95	\$1,845.50	
6	604	-14.00	EA	Manhole adjusted to grade	\$425.00		-\$5,950.00
7	604	-6.00	EA	Catch Basin Casting	\$475.00		-\$2,850.00
8	604	0.00	EA	Monument Box Adjustment	\$300.00		
9	638	-2.00	EA	Valve Box adjusted to grade	\$150.00		-\$300.00
10	614	0.00	LS	Maintaining traffic	\$3,500.00		
11	632	0.00	EA	Traffic Loops	\$785.00		
12	644	1.00	LF	Stop Line	\$7.35	\$7.35	
13	644	619.00	LF	Crosswalk Line	\$3.95	\$2,445.05	
14	644	-48.00	LF	Crosswalk Line - Longitudinal	\$7.90		-\$379.20
15	644	0.05	MI	Center Line	\$21,000.00	\$955.50	
16	Special	-1.00	LS	Contingency	\$15,000.00		-\$15,000.00
Alternative Bid-McEwen Street and Sheiby Street							
A1-1	251	-8.00	SY	Partial depth pavement & repair	\$42.00		-\$336.00
A1-2	254	1088.00	SY	Pavement planing	\$1.65	\$1,795.20	
A1-3	448	85.21	Ton	Intermediate Course	\$62.00	\$5,283.02	
A1-4	448	101.91	Ton	Surface Course	\$62.00	\$6,318.42	
A1-5	407	113.00	Gal.	Tack coat 0.10 gal per SY	\$1.95	\$220.35	
A1-6	604	-2.00	EA	Manhole adjusted to grade	\$425.00		-\$850.00
A1-7	604	-2.00	EA	Catch Basin Casting	\$475.00		-\$950.00
A1-8	604	0.00	EA	Monument Box Adjustment	\$0.00		
A1-9	638	0.00	EA	Valve Box adjusted to grade	\$0.00		
A1-10	614	0.00	LS	Maintaining traffic	\$925.00		
CO1		1.00	EA	Catch Basin	\$1,550.00	\$1,550.00	
CO1		48.00	LF	6" Conduit	\$37.50	\$1,800.00	
TOTAL ADD/DEDUCT						\$64,685.91	-\$31,361.20
TOTAL DIFFERENCE						\$33,324.71	

Explanation: Change order reflects the actual work performed in the field.

Accepted, _____, 2010

Issued, _____, 2010

Christopher A. Schaeffer
Contractor

Christopher A. Schaeffer, President
12/06/10

City Engineer

Interim City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED FOR THE 2010 CITY OF SANDUSKY RESURFACING PROGRAM IN THE AMOUNT OF \$33,324.71 TO BE PAID TO ERIE BLACKTOP, INC., OF SANDUSKY, OHIO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission declared the necessity for the City to proceed with the 2010 City of Sandusky Resurfacing Program by Resolution No. 029-01R passed on September 13, 2010; and

WHEREAS, this City Commission previously authorized a contract to Erie Blacktop, Inc., of Sandusky, Ohio for the 2010 City of Sandusky Resurfacing Program by Ordinance No. 10-111, passed on October 12, 2010; and

WHEREAS, the 2010 City of Sandusky Resurfacing Program originally provided for the milling, paving with new asphalt, adjustment of castings, and installation of traffic loops as needed for the resurfacing of the following streets:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Meigs Street	Washington Street	Monroe Street
Tyler Street	Hayes Avenue	Prospect Street
McEwen Street	First Street	Deadend

and;

WHEREAS, due to low unit prices for asphalt additional paving was added to the contract to maximize the available funding to improve City streets and the additional paving was provided on the following streets:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Shelby Street	Grant Street	Perkins Avenue
Tyler Street	Prospect Street	Central Avenue
Tyler Street	Hayes Avenue	Campbell Street

and;

WHEREAS, the original contract with Erie Blacktop, Inc., was \$167,056.95 and with the addition of this First & Final Change Order in the amount of \$33,324.71, the final contract cost is \$200,381.66 and will be paid with Community Development Block Grant (CDBG) 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 for this completed project to be closed out; 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 Division of Engineering 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 hereby authorized and directed to approve this First & Final Change Order for work performed for the 2010 City of Sandusky Resurfacing Program in an amount not to exceed Thirty Three Thousand Three Hundred Twenty Four and 71/100 Dollars (\$33,324.71), resulting in the final contract

cost of Two Hundred Thousand Three Hundred Eighty One and 66/100 Dollars (\$200,381.66) with Erie Blacktop, Inc., of Sandusky, Ohio.

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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: December 27, 2010

TO: Donald C. Icsman, Acting City Manager
FROM: Todd J Roth, Director of PED
DATE: December 15, 2010
SUBJECT: Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation for approval to enter into a 3-year Lease Agreement with Bouy Bros. Trucking, LLC. for the farm land located at 3807 W. Bogart Road and 3811 W. Bogart Road, Sandusky, Ohio, for the purpose of producing crops. This Lease Agreement is to begin January 1, 2011 and continue through December 31, 2013.

BACKGROUND INFORMATION: The City of Sandusky owns approximately 65 acres of tillable farmland located at the Northeast corner of Bogart Road and Old Railroad. John Didion has farmed the land for the past several years without competitive bidding. This year Mr. Didion was made aware that requests for proposals would have to be submitted to farm the land in 2011.

The request for proposals was advertised in the Sandusky Register on October 29, 2010. Sealed proposals to lease and farm approximately 65 acres of tillable land were accepted until Friday, November 12, 2010. Six proposals were received and opened with the highest proposal being from Bouy Bros. Trucking LLC. at \$13,406.25 per year. Bouy Bros. Trucking, LLC is located at 5906 Hayes Avenue, Sandusky, Ohio. They have a family owned business in farming and trucking.

The proposals were as follows;

Bouy Bros. Trucking, LLC	206.25/acre
John Rockwell	186.70/acre
Otto Kromer	155.76/acre
John Didion	138.46/acre
Duke Hermes	138.01/acre
Ed Schenk	92.00/acre

BUDGET INFORMATION: There is no impact on the general budget.

ACTION REQUESTED: It is requested that legislation be approved allowing the City Manager to enter into a 3-year lease agreement with Bouy Bros. Trucking LLC for the land located at 3807 W. Bogart Road and 3811 W. Bogart Road, Sandusky, Ohio, for the purpose of producing crops. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow the Lease Agreement to be fully executed as soon as possible as the commencing date of the agreement is January 1, 2011.

I concur with this recommendation.

Donald C. Icsman
Acting City Manager

Todd J Roth
Director of PED

cc: Hank Solowiej, Finance Director
Kelly Kresser, Clerk of City Commission

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR LEASE AGREEMENT WITH BUOY BROS. TRUCKING, LLC, OF SANDUSKY, OHIO, FOR THE PROPERTY LOCATED AT 3807 AND 3811 WEST BOGART ROAD FOR AGRICULTURAL AND RELATED PURPOSES; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City is the owner of certain real property located at the northeast corner of Bogart Road and Old Railroad at 3807 and 3811 West Bogart Road in Erie County, Ohio; and

WHEREAS, as a result of a Request for Proposals to lease and farm approximately 65 acres of tillable land located at 3807 and 3811 West Bogart Road, six (6) proposals were received and opened and the proposal of Bouy Bros. Trucking, LLC, was selected as the highest and best bid; and

WHEREAS, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to allow the Lease Agreement to be fully executed as soon as possible as the commencing date of the agreement is January 1, 2011; 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 Planning, Engineering and Development 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 three (3) year Lease Agreement with Bouy Bros. Trucking, LLC, of Sandusky, Ohio, the property located at 3807 and 3811 West Bogart Road for agricultural and related purposes, substantially in the same form as Exhibit "1", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance.

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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: December 27, 2010

FARM LEASE

This Lease Agreement is made and entered into on this ____ day of _____, 2010, between the City of Sandusky, a Chartered Municipality of the State of Ohio, 222 Meigs Street, Sandusky, Erie County, Ohio, hereinafter referred to as "Lessor" and Bouy Bros. Trucking, LLC., 5906 Hayes Avenue, Sandusky, Erie County, Ohio, hereinafter referred to as "Lessee". In consideration of the mutual covenants contained in this lease agreement, the Lessor and Lessee agree as follows:

SECTION ONE DESCRIPTION OF PREMISES

On the terms and conditions specified in this lease agreement, Lessor leases to Lessee and Lessee hires from Lessor, to be used for agricultural and related purposes, the following described property, located in Erie County, Ohio, at 3807 W. Bogart Road and 3811 W. Bogart Road, collectively referred to as the "Farm," particularly described as follows:

PARCEL NO. ONE: Situated in the southwest corner of Section No.3, Perkins Township, and being part of the so-called 1386 acre tract and further in described as follows: Beginning at a stone monument set in the southwest corner of said section; thence north 0 degrees 0 minutes west, in the west line of said section, 2103 feet to a stone monument set in the northwest corner of a 200 acre tract; thence south 86 degrees 22 minutes east, in the north line of said tract, 1280.3 feet to a stake; thence south 0 degrees 0 minutes east, 2097.04 feet to the south line of said section; thence north 86 degrees 38 minutes west, 1280.1 feet to the place of beginning, containing 61.6 acres of land, more or less. (Also known as Parcel No. 32-00648.000).

PARCEL NO. TWO: Situated in the County and State aforesaid, and in the second Section of Margareta Township, and being in Lot No. 1 and more particularly described as follows: Commencing at the southeast corner of Lot No. 1 which is also the southwest corner of Section 2; thence running north 6 degrees 30 minutes west, 32.8 chains; thence running south 87 degrees 74 minutes west, 4.71 chains to the east line of the Mad River and Lake Erie Railroad right of way; thence south 22 degrees 15 minutes west, 36 chains to the south line of Lot 1; thence north 87 degrees 40 minutes east, 22.15 chains to the place of beginning, containing 44.5 acres of land, more or less. (Also known as Parcel No. 33-00230.000).

One lot in Parcel No. Two beginning at the easterly point of the Pennsylvania Railroad property on Bogart Road, extending east and fronting on Bogart Road a distance of 290 feet to an iron pin; thence, northerly at right angles to Bogart Road, a distance of 501.30 feet to an iron pin; thence westerly and perpendicular to the last described line, a distance of 606.83 feet to an iron pin; thence, southwesterly a

distance of 20 feet to the northerly corner of the Pennsylvania Railroad property on the east side of Old Railroad Road; thence easterly and southerly along said Pennsylvania Railroad property to the easterly point on Bogart Road which is the point of beginning and containing 4.68 acres more or less. (Also, known as Parcel No. 33-63008.000).

EXCEPTING from said Parcel No. Two the building located on Parcel No. 33-00230.000.

ALSO EXCEPTING from said Parcel No. Two a parcel of 4.28 acres conveyed to the Pennsylvania, Ohio and Detroit Railroad Company in Volume 203, Page 5 of Erie County Records.

The land described in this lease is known as tax parcel numbers 32-00648.000, 33-00230.000, and 33-63008.000 by the Erie County Auditor and as set forth in the Erie County Auditor's GIS AccuGlobe Maps attached to this Lease, marked Exhibits "A", "B" and "C" and incorporated herein.

SECTION TWO **TERM**

The term of this Lease Agreement shall be for three (3) years, beginning on January 1, 2011, and ending on December 31, 2013, and from year to year thereafter unless written notice to terminate is given by either party to the other, at least six (6) months prior to the beginning of the succeeding lease year.

SECTION THREE **RENT**

Lessee agrees to pay Lessor, as annual cash rent for the above-described premises a total amount of \$13,406.25. A down payment of \$3,351.25 shall be paid by March 1st of each year and the remaining balance due in the amount of \$10,055.00 shall be paid on or before December 31st of each year.

Payment shall be made to Lessor in care of the Finance Director, 222 Meigs Street, Sandusky, Erie County, Ohio.

SECTION FOUR **PERMISSIBLE USES**

- A. The premises are leased to Lessee for the purpose of producing crops.

- B. All operations in furtherance of the use or uses and purpose or purposes for which the premises are leased shall be carried on and conducted in an efficient manner and in accordance with the best practices, generally employed and practiced in the area.
- C. Lessee shall not use, or permit to be used, the demised premises, or any part of the demised premises, for any purpose or use other than those for which the premises have been leased, and in the manner provided in this Lease Agreement, unless otherwise mutually agreed upon by Lessor and Lessee.

SECTION FIVE
WASTE

Lessee shall not commit waste on, or damage to, the demised premises, and will use due care to prevent others from doing so. Lessee shall not commit a nuisance on the demised premises, or permit others to do so; nor shall Lessee use the demised premises for any unlawful purpose, or allow any other person to do so.

SECTION SIX
DUTIES OF LESSEE TO REPAIR

Lessee shall keep the demised premises, including fences, and other improvements, and the approaches to and appurtenances of the demised premises in as good repair and condition as when received, and in as good repair and condition as they may be put during the term of this Lease Agreement; ordinary wear and tear excepted.

SECTION SEVEN
ALTERATIONS OR ADDITIONS

- A. Lessee shall not (on penalty of immediate forfeiture of the leasehold conveyed by this lease agreement) without the written consent of Lessor, make, or permit to be made, any additions to or alterations of the demised premises, or any part of the demised premises. All additions to and alterations of the demised premises (except trade fixtures so intended by lessor and lessee at the time of their annexation to the demised premises, and then only if they can be removed without injury to the realty) shall immediately become a part of the realty, and the property of Lessor.

- B. Should Lessor, from time to time, agree in writing to any addition to or alteration of the demised premises, Lessor and Lessee may at such time or times agree on the terms and conditions on which the additions and/or alterations shall be made, and the agreement shall determine the rights of the parties in and to the specific addition and/or alteration made under each such agreement.

SECTION EIGHT
WATER RIGHTS

- A. Water for farm operations and family use obtained by Lessee under Lessor's water rights (however acquired by Lessor) shall be used only on the demised premises and in the pursuit and performance of Lessee's operations and obligations under this Lease Agreement.
- B. No water shall be used on or be exported to other lands without the prior, express, and written consent of Lessor.
- C. Lessor assumes no responsibility to Lessee for any water shortage from the source or sources of water under Lessor's water rights, or from any source whatever; nor does Lessor warrant the quality or quantity of water obtained from any source or sources.
- D. Lessee shall pay all acquisition, operation, and maintenance, repair, diversion, and dispersion costs and charges and/or water tolls connected with the use of water used on the farm for whatever purpose or purposes; provided, however, Lessor shall pay all taxes and assessments properly levied on the demised premises.

SECTION NINE
LESSOR'S RIGHT OF ENTRY

- A. Lessor reserves the right during the term of this Lease Agreement to enter on the demised premises, and all parts of the demised premises, at any reasonable time or times for the purpose of inspection, consultation with Lessee, making repairs or improvements, developing mineral resources and carrying away minerals, posting notices, and for all other lawful purposes.
- B. Lessor shall have, after notice of termination of this Lease Agreement or any extension of this Agreement, the right to enter on the demised premises for the purpose of plowing, seeding, and fertilizing, and for the

performance of customary seasonal work; provided, however, such entry by Lessor shall not interfere with Lessee in carrying out regular farm operations that Lessee shall, at the time, have the right to carry out and perform under the terms of this Lease Agreement.

SECTION TEN
LIABILITY OF LESSOR TO THIRD PERSONS

Lessee agrees to hold Lessor harmless and keep Lessor free, during the term of this Lease Agreement and all extensions of this Lease Agreement, from any and all liability and claim for damages arising out of injury to persons and property while in or on the demised premises, or the approaches to the demised premises, or resulting from livestock or other animals straying from the demised premises, or resulting from water or flood damage caused by improper, inadequate, or defective canals and ditches, or works of whatever kind, or the negligent operation, maintenance, use, or handling by whomever, such water damage occurring on or off the demised premises.

SECTION ELEVEN
ASSIGNMENT OR SUBLETTING

- A. Lessee shall not assign this Lease Agreement, or any interest in this Lease Agreement, nor sublet the demised premises, or any part of the demised premises, without Lessor's prior, express, and written consent. Lessee shall also not permit, without the prior written consent of Lessor, the demised premises, or any part of the demised premises, to be occupied or possessed by any other person or persons other than Lessee's agents and employees.

- B. It is expressly provided that no right or interest of Lessee in and to this Lease Agreement shall be assignable by operation of law without the approval and consent of the Lessor first obtained in writing. Lessor shall have the right to terminate this Lease Agreement on any unauthorized assignment or sublease, and declare this Lease Agreement void and of no further force or effect.

SECTION TWELVE
WAIVER BY LESSOR OF BREACH BY LESSEE

The waiver by Lessor of a breach of any covenant or condition in this Lease Agreement shall not constitute a waiver of such covenant or condition, nor a waiver

of a future breach of the same or any other covenant or condition of this Lease Agreement. The acceptance of rent by Lessor, with or without knowledge of a previous breach, shall not be deemed a waiver of a previous breach or breaches, by Lessee of any covenant or condition contained in this Lease Agreement, other than the one for which payment is accepted.

SECTION THIRTEEN
LESSOR'S REMEDIES ON DEFAULT BY LESSEE

- A. Lessee agrees that in the event they should be in default of the performance of any of the terms covenants, or conditions of this Lease Agreement, or have otherwise breached this Lease Agreement, Lessor may in addition to every remedy now or hereafter available at law or in equity have the rights and remedies set forth in this Lease Agreement.
- B. Lessor shall have the right to reenter the demised premises without effecting thereby the termination of this Lease Agreement, by giving Lessee lawful notice of such intention. Lessor, either before or after reentry, may notify Lessee, if Lessee can be located, that Lessor elects to terminate this Lease Agreement, or, that Lessor elects to re-let the demised premises on Lessee's account under terms and conditions provided below. If Lessee cannot with reasonable diligence be located within 30 days after abandonment of the demised premises, Lessor may make the election without notice to Lessee, or by such substituted notice as the law shall provide or allow.
- C. Lessor shall have right to own and possess at Lessor's election all crops both harvested and unharvested; the right to remove all property and persons from the demised premises; and the right to store in a public warehouse at Lessee's expense all property so removed. At Lessor's election, Lessor may terminate this Lease Agreement, or, without terminating it, re-let the demised premises or any part of the demised premises, on such terms and conditions, and at such rental as to Lessor may seem advisable, and from time to time. The term of the reletting may be for a term beyond the term of this Lease Agreement.
- D. Lessor shall have the right to, at Lessee's expense, alter the demised premises, or any part of the demised premises, and put the demised premises in good condition and repair.

- E. On such reletting, Lessor may elect; (1) to hold Lessee immediately liable for (a) the expenses of reletting, altering, and repairing the demised premises; (b) the amount by which the rent reserved in this Lease Agreement for the period of reletting (not exceeding the term of this Lease Agreement, however) exceeds the amount agreed to by the new Lessee, or Lessees, to be paid as rent for the re-let premises; and (c) all indebtedness due under this Lease Agreement; or, (2) to apply the periodic rents received by Lessor; first, to any indebtedness (other than rent) due from Lessee to Lessor; second, the payment of expenses incurred by Lessor in repairing and altering the demised premises, and in reletting the demised premises; and third, to the payment of rent due under this Lease Agreement as it shall become due and payable.
- F. If the rent payments due from the reletting of the demised premises are not paid at the time they become due and payable by the tenant holding under the reletting, or are, for any reason, insufficient to pay the rent due under this Lease Agreement, Lessee shall immediately pay to Lessor the total deficiency ascertained to be due under the provisions of (2) above.

SECTION FOURTEEN
BINDING EFFECT

The terms, covenants, and conditions contained in this Lease Agreement shall (subject to the provisions with respect to assignment and subletting) apply to and bind the heirs, successors, executors, administrators, and assigns of the parties. All such parties, including Lessor and Lessee, shall be jointly and severally liable under the Lease Agreement's terms, covenants, and conditions.

SECTION FIFTEEN
TIME OF ESSENCE

It is specifically declared that time is of the essence of this Lease Agreement.

SECTION SIXTEEN
GOVERNING LAW

It is agreed that this Lease Agreement shall be governed by construed, and enforced in accordance with the laws of Ohio.

SECTION SEVENTEEN
ATTORNEY FEES

In the event that any action is filed in relation to this Lease Agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all the sums that either party may be called on to pay, a reasonable sum for the successful party's attorney fees.

SECTION EIGHTEEN
ENTIRE AGREEMENT

This Lease Agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Lease Agreement shall not be binding on either party except to the extent incorporated in this Lease Agreement.

SECTION NINETEEN
MODIFICATION OF AGREEMENT

Any modification of this Lease Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in a writing signed by each party or an authorized representative of each party.

SECTION TWENTY
COUNTERPARTS

This Lease Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute but one and the same instrument.

SECTION TWENTY-ONE
PARAGRAPH HEADINGS

The titles to the paragraphs of this Lease Agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Lease Agreement.

SIGNATURE PAGE TO FOLLOW

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

LESSOR:
CITY OF SANDUSKY

Donald C. Icsman
Acting City Manager

Sworn to and subscribed in my presence, this _____ day of _____
_____, 2010.

Notary Public

LESSEE:
BOUY BROS. TRUCKING, LLC.

Thomas Bouy, Partner

Sworn to and subscribed in my presence, this _____ day of _____
_____, 2010.

Notary Public

Instrument prepared by:

Donald C. Icsman
Ohio Supreme Court #0021435
Law Director
City of Sandusky



**DEPARTMENT OF FINANCE
HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR**

222 Meigs Street
Sandusky, Ohio 44870
Phone (419) 627-5888
Fax (419) 627-5892

TO: City Commission
FROM: Hank S. Solowiej, CPA, Finance Director
DATE: December 14, 2010
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

An ordinance approving the costs for 2010-2011 renewal for the property, casualty, and liability insurance pool membership with the Buckeye Ohio Risk Management Association (BORMA) and the Public Entity Risk Consortium (PERC).

BUDGETARY INFORMATION:

The City of Sandusky has participated in this insurance program since 1987. The annual cost has become part of the annual operating budget. Based on the formula to calculate pool membership, Sandusky's total cost for 2010-2011 will be \$488,244. The insurance year is December 1, 2010 through November 30, 2011.

Based on exposures, the cost is distributed to the General Fund (\$285,623), Street Fund (\$42,477), Water Fund (\$75,678), and Sewer Fund (\$84,466).

ACTION REQUESTED:

The City Commission is requested to approve legislation to authorize additional funds for the BORMA/PERC insurance package for 2010-2011. The legislation required is an ordinance to pay BORMA an amount not to exceed \$488,244. It is requested the City Commission enact the required legislation under suspension of the rules in accordance with Section 14 of the City Charter to avoid any lapse in coverage.

CC: Donald C. Icsman, Interim City Manager/Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR FINANCE DIRECTOR TO MAKE PAYMENT FOR THE 2010-2011 RENEWAL COSTS FOR PROPERTY, CASUALTY AND LIABILITY INSURANCE POOL MEMBERSHIP WITH BUCKEYE OHIO RISK MANAGEMENT ASSOCIATION (BORMA) AND PUBLIC ENTITY RISK CONSORTIUM (PERC); AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky has participated in the Municipal Insurance Pool (BORMA) since 1987 and the cost for this membership has become part of the City's annual operating budget; and

WHEREAS, based upon the formula used to calculate pool membership costs the City of Sandusky's cost for the 2010-2011 renewal will be \$488,244.00 of which \$285,623.00 will be paid with General Funds, \$42,477.00 will be paid with Street Funds, \$75,678.00 will be paid with Water Funds and \$84,466.00 will be paid 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 to avoid any lapses in coverage and to make timely payment as required; 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 Department of Finance 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 approves the City of Sandusky's Municipal membership for property, casualty and liability insurance with Buckeye Ohio Risk Management Association (BORMA) and Public Entity Risk Consortium (PERC) and the City Manager and/or Finance Director are authorized and directed to make payment in the sum of Four Hundred Eighty Eight Thousand Two Hundred Forty Four and 00/100 Dollars (\$488,244.00) for coverage for the year December 1, 2010 to November 30, 2011.

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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: December 27, 2010



**DEPARTMENT OF FINANCE
HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR**

222 Meigs Street
Sandusky, Ohio 44870
Phone (419) 627-5888
Fax (419) 627-5892

TO: City Commission
FROM: Hank S. Solowiej, CPA, Finance Director
DATE: December 14, 2010
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Ohio Rev. Code Section 5705.38 (A) requires that on or about the first day of each fiscal year, an appropriation measure is to be passed. If the taxing authority wants to postpone the passage of the annual appropriation measure until an amended certificate is received from the county budget commission based upon the actual year end balances, it may pass a temporary appropriation measure for meeting the ordinary expenses until no later than April 1.

I am submitting an ordinance approving Temporary Appropriations for 2011.

BUDGETARY INFORMATION:

This action will establish a budget for operations until the annual appropriations can be approved after the second Monday in January 2011. The City Charter prohibits the City from enacting the 2011 budget before January 10, 2011.

ACTION REQUESTED:

It is requested that the City Commission enact the ordinance and have it take immediate effect under Section 14 of the City Charter. This will establish a temporary operating budget for 2011 until the City Commission passes an Appropriation Ordinance in accordance with Section 51 of the City Charter.

CC: Donald C. Icsman, Interim City Manager/Law Director

ORDINANCE NO. _____

AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR THE MONTHS OF JANUARY, FEBRUARY AND MARCH 2011, AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to establish an Operating Budget for 2011 until the City Commission passes an Appropriation Ordinance which may not be passed before the second Monday in January of each budget year as required by Section 51 of the City Charter; 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 Finance Department 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. There shall be and hereby are appropriated out of any funds now in the treasury or any accruing revenues of the City available for said purposes at the values set forth in the column marked 'appropriations' for the payment of the expenses and obligations of the City during the months of January, February and March 2011, for the various purposes hereinafter specified.

DEPARTMENT	PERSONAL SERVICES	OTHER	TOTAL
POLICE	790,000	70,000	860,000
POLICE RECORDS	170,000	12,000	182,000
POLICE-DETECTIVES	160,000	5,000	165,000
FIRE	1,000,000	80,000	1,080,000
STREET LIGHTING	-	46,000	46,000
OAKLAND CEMETERY	60,000	8,000	68,000
COMMUNITY DEVELOPMENT	50,000	9,000	59,000
CITY WIDE ECON DEVELOPMENT	5,000	1,000	6,000
BUILDING DIVISION	50,000	4,000	54,000
HORTICULTURAL SERVICES	187,000	38,000	225,000
CITY MANAGER	26,000	4,000	30,000
ADMINISTRATIVE SERVICES	27,000	14,000	41,000
FINANCE	35,000	4,000	39,000

INCOME TAX	11,000	59,000	70,000
DATA PROCESSING CENTER	20,000	10,000	30,000
LAW	65,000	5,000	70,000
CITY COMMISSION	6,000	4,000	10,000
CITY COMMISSION CLERK	17,000	500	17,500
MUNICIPAL COURT	186,000	11,000	197,000
BUILDING MAINTENANCE	68,000	68,000	136,000
ENGINEERING	70,000	9,000	79,000
FLEET MAINTENANCE	47,000	22,000	69,000
ADMINISTRATIVE SUPPORT	-	130,000	130,000
TRANSFERS	-	340,000	340,000
GENERAL FUND	3,050,000	953,500	4,003,500
STREETS	160,000	48,000	208,000
SNOW & ICE REMOVAL	-	21,000	21,000
TRAFFIC & ELECTRICAL MNTC	67,000	17,000	84,000
STREET FUND	227,000	86,000	313,000
ST HIGHWAY FUND	4,650	4,650	9,300
PUBLIC TRANSIT FUND	10,000	97,000	107,000
PAVILION	7,000	3,000	10,000
MILLS CREEK GOLF COURSE	25,000	20,000	45,000
RECREATION DEPARTMENT	21,000	11,000	32,000
PARKS & RECREATION FUND	53,000	34,000	87,000
FIRE PENSION FUND	186,000	11,000	197,000
POLICE PENSION FUND	132,000	8,000	140,000
LANDBANK/NSP BZ080211	-	2,500	2,500
COURT SECURITY		500	

	-		500
REVOLVING LOAN-REHAB	-	50,000	50,000
REVOLVING LOAN-ECO DEV	-	50,000	50,000
DRC-PROBATION SERVICES	15,000	-	15,000
STATE GRANT FUND	15,000	103,000	118,000
HUD CDBG B09MC390034	40,000	250,000	290,000
REVOLVING LOAN-ECO DEV	-	125,000	125,000
PUBLIC TRANSIT SYSTEM	17,000	210,645	227,645
FEDERAL GRANT FUND	57,000	585,645	642,645
EMS	-	250,000	250,000
CAPITAL PROJECT FUND	-	250,000	250,000
PP REMOVAL UNSAFE BLDGS	-	15,000	15,000
RENTAL REGISTRATION FEE	2,500	25,000	27,500
INSPECTION FEE	-	5,000	5,000
SPECIAL ASSESSMENT FUND	2,500	45,000	47,500
CAO	22,000	4,000	26,000
BIWW FILTRATION PLANT	221,000	240,000	461,000
WATER DISTRIBUTION DEPT	152,000	37,000	189,000
ADMINISTRATIVE SUPPORT	95,000	31,000	126,000
DEBT SERVICE-BASIC UTIL	-	400,000	400,000
WATER FUND	490,000	712,000	1,202,000
SEWER DEPARTMENT OFFICE	22,000	4,000	26,000
WATER POLLUTION CONTROL	300,000	286,000	586,000
SEWER MAINTENANCE DEPT	155,000	53,000	208,000
ADMINISTRATIVE SUPPORT	95,000	47,000	142,000
DEBT SERVICE-BASIC UTIL	-	963,000	963,000
SEWER FUND	572,000	1,353,000	1,925,000

CONTRABAND TRUST FD	-	3,000	3,000
GREEN FUND TRUST	-	600	600
PARK TRUST	-	1,200	1,200
GENERAL TRUST FUND	-	4,800	4,800
SHORELINE PARK IMPR	-	200	200
PARK ENDOWMENT FUND	-	200	200
OAKLAND CEMETERY DEPT	4,000	1,900	5,900
GARDEN MAUSOLEUM	-	1,300	1,300
PERPETUAL CARE	-	400	400
SPECIAL CARE	-	800	800
MEMORIAL PLANTINGS	-	700	700
CEMETERY ENDOW FUND	4,000	5,100	9,100
STATE PATROL FUND	-	9,000	9,000
TOTAL ALL FUNDS	4,803,150	4,261,895	9,065,045

Section 2. The amounts appropriated for the various purposes hereinafter set forth shall, in no event, be exceeded unless the City Commission shall by Ordinance authorize a transfer from one appropriation account to another, or shall appropriate additional unappropriated funds.

Section 3. No payments shall be made out of any of the funds herein appropriated for any extraordinary purpose, without specific authority of the City Commission.

Section 4. The Finance Director is authorized to draw warrants upon the City treasury for funds appropriated in this Ordinance upon presentation of properly approved vouchers and when in conformity with the Charter and general laws of the State of Ohio. In addition, the Finance Director is authorized to make transfers between funds, to cover deficiencies in City funds provided said transfers are included in the general appropriations.

Section 5. 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 6. This 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 7. That for 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 upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST:

KELLY KRESSER
CLERK OF THE CITY COMMISSION

Passed: December 27, 2010



DEPARTMENT OF FINANCE
HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR

222 Meigs Street
Sandusky, Ohio 44870
Phone (419) 627-5888
Fax (419) 627-5892

TO: City Commission
FROM: Hank S. Solowiej, CPA, Finance Director
DATE: December 14, 2010
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

A resolution authorizing the transfer of funds from the General Fund to the Payroll Stabilization Fund.

On October 12, 2010, the City Commission approved Resolution No. 035-10R authorizing the Finance Director to establish such a fund named the "Payroll Stabilization Fund" special revenue fund pursuant to Ohio Rev. Code Section 5705.13 (B). This section authorizes a taxing authority to establish a special revenue fund to accumulate cash to pay unused accumulated leave at separation of employment including retirement or paying salaries when the number of pay periods exceeds the usual and customary number for a year and requires a resolution by the taxing authority authorizing any transfer to this fund.

BUDGETARY INFORMATION:

The agenda deadline occurs before the amount can be determined. The resolution will be available at the meeting.

ACTION REQUESTED:

It is requested that the City Commission approve the necessary legislation under suspension of the rules in accordance with Section 14 of the City Charter in order to complete the transfer before the end of the calendar year. To ensure an accurate amount, the resolution authorizing the transfer will be presented at the meeting.

CC: Donald C. Icsman, Interim City Manager/Law Director

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE PAYROLL STABILIZATION FUND; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized the Finance Director to establish a special revenue fund designed as the "Payroll Stabilization Fund" by Resolution No. 035-10R, passed on October 12, 2010; and

WHEREAS, the Payroll Stabilization Fund was established pursuant to Ohio Revised Code Section 5703.13 (B) and in accordance with this section, the taxing authority, by Resolution or Ordinance, may transfer money to the special revenue fund from any other fund of the subdivision from which such payments may lawfully be made; and

WHEREAS, approval is requested to transfer funds from the General Fund to the Payroll Stabilization Fund in the amount of 100,000.00; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order complete the transfer of funds before the end of the 2010 calendar year; 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 Finance Department 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 Resolution 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 RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves and authorizes the transfer of funds from the General Fund to the Payroll Stabilization Fund in the amount of One Hundred Thousand and 00/100 Dollars (\$100,000.00).

Section 2. If any section, phrase, sentence, or portion of this Resolution 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 Resolution 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 Resolution 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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: December 27, 2010



**DEPARTMENT OF FINANCE
HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR**

222 Meigs Street
Sandusky, Ohio 44870
Phone (419) 627-5888
Fax (419) 627-5892

TO: City Commission
FROM: Hank S. Solowiej, CPA, Finance Director
DATE: December 14, 2010
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Ohio Rev. Code Section 5705.40 states that any appropriation ordinance or measure may be amended or supplemented, provided that such amendment or supplement shall comply with all provisions of law governing the taxing authority in making an original appropriation and that no appropriation for any purpose shall be reduced below an amount sufficient to cover all unliquidated and outstanding contracts or obligations certified from or against the appropriation.

I am submitting amendment #3 to the 2010 General Appropriations, which is the final budget amendment for 2010. In addition, approval of inter-fund transfers/advances through December 2010 is requested.

BUDGETARY INFORMATION:

This action will cover anticipated expenditures through December 31, 2010. The last payroll occurs on December 31, 2010, with the final City Commission meeting on December 27, 2010. The agenda deadline occurs before the final payroll costs can be determined. The amendment needs to cover final payroll and other projected costs through December 31, 2010. The ordinance will be available at the meeting.

ACTION REQUESTED:

It is requested the City Commission enact the ordinance and have it take immediate effect under Section 14 of the City Charter. A motion is required to approve the final transfers. To ensure all items are covered, the ordinance and final transfers will be presented at the meeting.

CC: Donald C. Icsman, Interim City Manager/Law Director

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENT NO. 3 TO ORDINANCE NO. 10-027 PASSED BY THIS CITY COMMISSION ON MARCH 22, 2010, MAKING GENERAL APPROPRIATIONS FOR THE FISCAL YEAR 2010; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this Ordinance has been prepared to cover deficiencies or needs which exist in the General, Street, Public Transit, Parks & Recreation, Fire & Police Pension, State & Federal Grants, Court Computer, Indigent Telephone, Court Probation, Capital Improvement, Capital Project, Bond Retirement, Special Assessment Bond Retirement, Water, Sewer, General Trust, Cemetery Endowment and State Patrol Transfer Funds ; and

WHEREAS, amendments are required to adjust the budget for previous or anticipated actions of the City; 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 to prevent delays in the use of the funds for an extended period of time and not restrict the operation of City departments; 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 Finance Department 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. Ordinance No. 10-027 passed by this City Commission on the 22nd day of March, 2010, be amended as hereinafter set forth:

DEPARTMENT	PERSONAL SERVICES	OTHER	TOTAL
POLICE PATROL	(100,000)	10,000	(90,000)
POLICE RECORDS	44,000	(11,000)	33,000
POLICE-DETECTIVES	40,000	-	40,000
FIRE	45,000	(25,000)	20,000
STREET LIGHTING	-	13,000	13,000
COMMUNITY DEVELOPMENT	11,000	-	11,000
CITY WIDE ECON DEVELOPMNT	-	12,000	12,000
HORTICULTURAL SERVICES	50,000	3,000	53,000
CITY MANAGER	1,000	(1,000)	-
ADMINISTRATIVE SERVICES	1,000	(1,000)	-
FINANCE	5,000	-	5,000
INCOME TAX	1,000	(30,000)	(29,000)
DATA PROCESSING CENTER	7,500	5,000	12,500
CITY COMMISSION	100	(100)	-
CITY COMMISSION CLERK	5,000	-	5,000
MUNICIPAL COURT	23,000	-	23,000
BUILDING MAINTENANCE	8,500	(27,000)	(18,500)
ENGINEERING	(27,000)	(5,000)	(32,000)
FLEET MAINTENANCE	(15,000)	(15,000)	(30,000)
ADMINISTRATIVE SUPPORT	-	116,445	116,445

TRANSFERS	-	181,311	181,311
GENERAL FUND	100,100	225,656	325,756
ST RESURFACING PROGRAM	-	112,000	112,000
STREETS	(5,000)	5,000	-
TRAFFIC & ELECTRICAL MNTC	5,000	(5,000)	-
STREET FUND	-	112,000	112,000
PUBLIC TRANSIT FUND	-	100,000	100,000
PAVILION	(100)	100	-
PARKS & RECREATION FUND	(100)	100	-
FIRE PENSION FUND	53,000	500	53,500
POLICE PENSION FUND	26,000	1,000	27,000
LIONS PARK GRANT	-	12,000	12,000
REVOLVING LOAN - REHAB	-	(12,000)	(12,000)
STATE GRANTS FUND	-	-	-
WEED & SEED	8,000	3,000	11,000
REVOLVING LOAN-ECO DEV	-	(11,000)	(11,000)
FEDERAL GRANTS FUND	8,000	(8,000)	-
COURT COMPUTER FUND	-	(3,100)	(3,100)
INDIGENT TELEPHONE FUND	-	600	600
COURT PROBATION FUND	2,000	500	2,500
CAPITAL - SECURITY PERSONS/PROP	-	80,000	80,000
CAPITAL - HEALTH & WELFARE	-	16,000	16,000
CAPITAL - LEISURE	-	(73,000)	(73,000)
CAPITAL - COMMUNITY	-	28,000	28,000
CAPITAL - TRANSPORTATION	-	(51,000)	(51,000)
CAPITAL IMPROVEMENT FUND	-	-	-
HAYES AVE UNDERPASS	1,300	(32,100)	(30,800)
HAYES AVE RESURFACING	-	(400,000)	(400,000)
FIRST ST RESURFACING	2,800	-	2,800
PAPER DISTRICT PH I	-	218,000	218,000
PAPER DISTRICT DESIGN BUILD	-	210,000	210,000
CAPITAL PROJECTS FUND	4,100	(4,100)	-
LIBRARY LEVY	-	13,000	13,000
DEBT SERVICE-BONDS	-	(9,000)	(9,000)
BOND RETIREMENT FUND	-	4,000	4,000
SPECIAL ASSESSMENT BOND RETIREMENT FUND	-	150	150
CAO	8,000	-	8,000
BIWW FILTRATION PLANT	(8,000)	-	(8,000)

DISTR -EQUIP REPLACEMENT	-	(1,500)	(1,500)
FOLLETT ST WATER TANK	-	1,500	1,500
CEDAR POINT RD WATER MAIN EXT	100	(100)	-
ADMINISTRATIVE SUPPORT	-	(100)	(100)
DEBT SERVICE-BASIC UTIL	-	100	100
WATER FUND	100	(100)	-
CAO	8,000	-	8,000
ADMIN SUPPORT	(8,000)	-	(8,000)
WWTP EXP PH 2	-	600,000	600,000
CAPITAL OUTLAY	-	205,000	205,000
SEWER FUND	-	805,000	805,000
POLICE-DARE	-	(2,000)	(2,000)
FIRE	-	1,000	1,000
PARK TRUST	-	1,000	1,000
GENERAL TRUST FUND	-	-	-
OAKLAND CEMETERY DEPT	15,000	10,000	25,000
CEMETERY ENDOW FUND	15,000	10,000	25,000
STATE PATROL TRANSFER FUND	-	1,000	1,000
TOTAL ALL FUNDS	208,200	1,245,206	1,453,406

Section 2. The Finance Director is authorized to draw warrants upon the city treasury for funds appropriated in this ordinance upon presentation of properly approved vouchers and when in conformity with the charter and general laws of the state of Ohio. In addition, the Finance Director is authorized to make transfers between funds, to cover deficiencies in city funds provided said transfers are included in the general appropriations.

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 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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST:

KELLY KRESSER
CLERK OF THE CITY COMMISSION

Passed: December 27, 2010