MountVernon

City Council Special Meeting — Agenda

City Council | **December 5, 2022**

Special Meeting | **Agenda** | **6:50 PM**

COMMITTEE MEETINGS

Mount Vernon City Council
Committee Meeting Schedule
December 5, 2022

6:00-6:15 p.m.	Lime contract	Utilities Woods
6:15-6:35 p.m.	Fire Department vehicles	Fire, Police, Civil Defense Mahan

- 12-05-22 Committee Meeting Schedule

MEETING WILL RECESS UNTIL 6:50

CALL TO ORDER

RESOLUTIONS FOR SECOND READING

RESOLUTION NO. 2022-126

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO WAIVE BIDS AND NEGOTIATE A CONTRACT WITH UNITED AGGREGATES, INC. FOR EMERGENCY LOADING, HAULING, MAINTAINING AND RESTORATION OF THE TEMPORARY LIME RESIDUAL RELOCATION SITE AT THE CITY'S WATER DEPARTMENT; AND DECLARING AN EMERGENCY.

Utilities: Woods, Keener

RESOLUTIONS FOR FIRST READING

RESOLUTION NO. 2022-127

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON, OHIO, TO PURCHASE A FIRE ENGINE AND AMBULANCE FOR THE FIRE DEPARTMENT; AND DECLARING AN EMERGENCY.

Fire, Police and Civil Defense: Mahan, Seavolt

ORDINANCES FOR FIRST READING

ORDINANCE NO. 2022-41

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $1,143,160 FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION AND EQUIPPING OF EMERGENCY MEDICAL VEHICLES INCLUDING AN AMBULANCE AND A FIRE TRUCK, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Mahan

ADJOURN AT THE CALL OF THE PRESIDENT

MountVernon

PRESS RELEASE

City Hall
40 Public Square
Mount Vernon, OH 43050

FOR MORE INFORMATION, CONTACT:
Todd Hill, Clerk of Council
740-393-9517 Fax: 740-397-6595

FOR IMMEDIATE RELEASE
December 1, 2022

Mount Vernon City Council
Committee Meeting Schedule
December 5, 2022

6:00-6:15 p.m.	Lime contract	Utilities Woods
6:15-6:35 p.m.	Fire Department vehicles	Fire, Police, Civil Defense Mahan

The above listed meeting will be held to discuss the above items; but will not be limited to those listed.
Mount Vernon News - WMVO - WNZR – City Hall Bulletin Board

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/05/22 6:50 PM
Dept: Utilities
Woods, Keener
Category: Contract
Prepared By: Rob Broeren
Initiator: Todd Hill

RESOLUTION 2022-126 **DOC ID: 3697**

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO WAIVE BIDS AND NEGOTIATE A CONTRACT WITH UNITED AGGREGATES, INC. FOR EMERGENCY LOADING, HAULING, MAINTAINING AND RESTORATION OF THE TEMPORARY LIME RESIDUAL RELOCATION SITE AT THE CITY'S WATER DEPARTMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio EPA issued orders to the City regarding removal of the lime residuals from the temporary lime residual site at the City Water Department with very aggressive timetables; and

WHEREAS, the City will require assistance to meet the aggressive requirements of these orders; and

WHEREAS, the weather remains favorable and additional farmers have indicated that they would like to receive lime residuals from the City, and

WHEREAS, in case of an emergency in a municipal water department, such as the need to comply with Ohio EPA orders, R.C. section 743.11 allows the municipal legislative authority to authorize a contract to resolve the emergency situation without formal bidding or advertising by a two-thirds vote.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Safety-Service Director for the City of Mount Vernon is authorized and directed to waive bids and negotiate a contract with United Aggregates, Inc. for emergency loading, hauling, maintaining and restoration of the temporary lime residual relocation site at the City's Water Department. This new contract shall not exceed $125,000.00 without further authorization from Council.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the operation of the City's Water Department, and this Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

11/28/22 City Council FIRST READING

Resolution No. 2022-126 was given a first reading.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/05/22 6:50 PM
Dept: Fire, Police and Civil Defense
Mahan, Seavolt
Category: Fire
Prepared By: Rob Broeren
Initiator: Todd Hill

RESOLUTION 2022-127
DOC ID: 3700

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON, OHIO, TO PURCHASE A FIRE ENGINE AND AMBULANCE FOR THE FIRE DEPARTMENT; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

<u>SECTION 1</u>: That the Safety-Service Director for the City of Mount Vernon be and he herewith is authorized and directed to purchase the following vehicles for the Mount Vernon Fire Department:

1. A Rosenbauer Pumper, complete with Rosenbauer Commander chassis fire truck through Sourcewell; and
2. A Wheeled Coach module mounted on a Ford F450 4x4 ambulance through the State Cooperative Purchase Plan.

<u>SECTION 2</u>: This Resolution is hereby declared to be an emergency measure for the immediate preservation of the public peace, health and safety, and for the further reason to allow the Mount Vernon Fire Department to purchase these vehicles before planned price increases and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

MountVernon	**City Council** **City of Mount Vernon** **Mount Vernon, OH 43050** **SCHEDULED** **ORDINANCE 2022-41**	Meeting: 12/05/22 6:50 PM **Dept: Finance and Budget** **Seavolt, Mahan** Category: Bonds Prepared By: Rob Broeren Initiator: Todd Hill **DOC ID: 3699**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $1,143,160 FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION AND EQUIPPING OF EMERGENCY MEDICAL VEHICLES INCLUDING AN AMBULANCE AND A FIRE TRUCK, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, this City Council has requested that the City Auditor, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 1 and the maximum maturity of the Bonds described in Section 1; and

WHEREAS, the City Auditor has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years and that the maximum maturity of the Bonds described in Section 1 is ten (10) years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, Knox County, Ohio, that:

Section 1. Authorized Principal Amount and Purpose. This City Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of $1,143,160 (the “Bonds”) for the purpose of paying the costs of the acquisition and equipping of emergency medical vehicles including an ambulance and a fire truck, together with all necessary appurtenances thereto (the “Improvement”).

The aggregate principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 1 and shall be issued in an amount determined by the City Auditor in the Certificate of Award (as defined in Section 7) to be the aggregate principal amount of Bonds required to be issued at this time in order to effect the purpose stated in this Section 1 for which the Bonds are to be issued, including the payment of any expenses properly allocable to the issuance of the Bonds.

Section 2. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued only as fully registered bonds, in the principal amount specified in the Certificate of Award, in denominations of $10 or any integral multiple thereof, but not exceeding the principal amount maturing on any one date, provided that if the original purchaser shall so elect, a single bond, in printed or typewritten form, may be issued with multiple maturities of principal in amounts equal to the aggregate principal amount of Bonds stated to mature on a particular maturity date; and unless otherwise specified in the Certificate of Award, shall be dated their date of issuance.

Unless otherwise specified in the Certificate of Award, the Bonds shall mature on December 1 in each year commencing December 1, 2023, and ending December 1, 2032 (the

"Principal Payment Dates"), provided that the first Principal Payment Date may be deferred up to one year and the last Principal Payment Date may be deferred up to one year, each as determined by the City Auditor in the Certificate of Award, and provided further that in no case shall the final Principal Payment Date of the Bonds exceed the maximum maturity limitation referred to in the preambles hereto, all of which determinations shall be made by the City Auditor in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City, and shall bear interest (computed on the basis of a 360-day year consisting of twelve 30-day months), payable on December 1 of each year (each an "Interest Payment Date"), commencing on December 1, 2023, until the principal amount has been paid or provided for at a rate or rates specified in the Certificate of Award not to exceed 6.00% per year.

The Bonds of any one maturity shall all bear the same rate of interest. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

The annual maturities for the Bonds, and any adjustments of those times of payment which shall be evidenced in the Certificate of Award, shall all be such that the total estimated principal and interest payments on the Bonds in any fiscal year in which principal is payable are no more than three times the amount of those payments in any other fiscal year.

The Bonds shall be subject to call for redemption in whole or in part at any time at par and accrued interest to the date of redemption. Any right of redemption shall be exercised by ordinance of this Council; and notice of the call for redemption, specifying the redemption price to be paid, the date fixed for redemption and the place where the amounts due upon redemption are payable, shall be given by the Bond Registrar (as defined in Section 4) on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption at the registered owner's address shown on the Bond Register (as defined in Section 6) maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Each owner may, however, waive such a notice, but, if notice is given, failure to receive notice by mail or any defect in that notice regarding any Bond shall not affect the validity of the proceedings for the redemption of any Bond. Upon the redemption date, all interest on the Bonds so called shall cease unless default shall be made, upon the presentation of the Bonds, in the payment of the redemption price and accrued interest to the redemption date. Any redemption of the Bonds shall be indicated by appropriate endorsement thereon.

Section 3. <u>Execution and Authentication of Bonds</u>. The Bonds shall be signed by the Mayor and the City Auditor, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be numbered as determined by the City Auditor, and shall express upon their face the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until the certificate of authentication appearing on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this Ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the City Auditor on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 4. Appointment of Bond Registrar. The City Auditor is authorized and directed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the “Bond Registrar”).

Section 5. Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar; provided, however, to the extent that the Bonds are represented by a single bond as permitted by this Section 5, principal of the Bonds shall be payable when due upon presentation and proper endorsement by the Bond Registrar on the Bond, and in the case of the final principal payment due hereunder, surrender of the Bond at the office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the registered owner shown, and to that person’s address appearing, on the Bond Register at the close of business on the 15th day preceding the Interest Payment Date (the “Record Date”). If a single bond is issued in accordance with Section 2 hereof, principal and interest shall be paid upon presentation of the Bond for the proper endorsement of such payments.

Section 6. Registration; Transfer and Exchange. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep at the office of the City Auditor all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section 6 (the “Bond Register”). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section 6. All such payments shall be valid and effectual to satisfy and discharge the City’s liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be the valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Bonds surrendered upon that exchange or transfer.

Any Bond surrendered to the Bond Registrar for payment, retirement, exchange, replacement or transfer shall be cancelled by the Bond Registrar. The City may at any time deliver to the Bond Registrar for cancellation any previously authenticated and delivered Bonds that the City may have acquired in any manner whatsoever, and those Bonds shall be promptly cancelled by the Bond Registrar.

Section 7. <u>Award and Sale of Bonds</u>. The Bonds are offered at a purchase price, not less than par, as shall be determined by the City Auditor, plus any accrued interest, to the Auditor of the City, as the officer responsible for investments of the City, for investment under Section 731.56 of the Ohio Revised Code. Bonds not so purchased shall be sold at not less than par at private sale by the City Auditor in accordance with law and the provisions of this Ordinance. The City Auditor shall determine the principal amount of the Bonds to be issued and the interest rate the Bonds shall bear, shall make the other designations authorized herein to the extent required, shall sign a Certificate of Award (the "Certificate of Award") awarding and selling the Bonds and evidencing those designations and shall cause the Bonds to be prepared, signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the original purchaser upon payment of the purchase price. The City Auditor is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Mayor, the City Auditor, the Law Director, the Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the Mayor, the City Auditor, the Law Director, the Clerk of Council or other City officials, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

Section 8. <u>Application of Proceeds</u>. The proceeds from the sale of the Bonds, except any premium and accrued interest, shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 9. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

Section 10. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The City Auditor is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 11. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Knox County, Ohio.

Section 12. Satisfaction of Conditions for Bond Issuance. This City Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 13. Compliance with Open Meeting Requirements. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 14. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 15. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to facilitate the timely execution of one or more contracts relating to the Improvement; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.