



## Legislation Details (With Text)

**File #:** O-522-23      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 9/11/2023      **In control:** Public Utilities Department  
**On agenda:** 9/26/2023      **Final action:** 9/26/2023  
**Title:** Authorizing the expenditure of \$12,000 from the Sanitary Sewer Operating Fund to Klumm Brothers Landscaping & Excavating for the emergency removal of a log jam in Swan Creek near 1340 Eastgate Road; authorizing the mayor to enter into necessary agreements; making certain findings with respect thereto; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Video: City Council 9/26/2023

Date	Ver.	Action By	Action	Result
9/26/2023	1	City Council	Suspension	Pass
9/26/2023	1	City Council	Emergency	Pass
9/26/2023	1	City Council	Passage	Pass

DPU092623 EASTGATE LOG JAM  
Sewer & Drainage Services  
Calvin Harris (x2170)  
Revised

**Authorizing the expenditure of \$12,000 from the Sanitary Sewer Operating Fund to Klumm Brothers Landscaping & Excavating for the emergency removal of a log jam in Swan Creek near 1340 Eastgate Road; authorizing the mayor to enter into necessary agreements; making certain findings with respect thereto; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The Division of Sewer & Drainage Services was made aware of a log jam that was obstructing the flow and causing damage by eroding of the ditch bank in Swan Creek near 1340 Eastgate. To remove the log jam and mitigate the damage, the blockages had to be removed. The work was considered an emergency because it needed immediate repair to assure the safety of the citizens. The Department of Public Utilities (DPU) required the expertise and equipment available through a private contractor to complete the removal of the log jam in May of 2023. TMC Section 187 requires City Council to be informed of the emergency and for authorization to pay the work. Cost quotes were solicited from qualified contractors. Sufficient funds are available within the DPU operating budget to pay for this emergency storm water repair.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the sum of \$12,000 is authorized for expenditure from the Storm Water Utility Operating Fund, Account Code 607A-37000-4000559STDSTD, to Klumm Brothers Landscaping & Excavating

for payment of the removal of a log jam in Swan Creek near 1340 Eastgate Road.

SECTION 2. That the Mayor is authorized to enter into a contract for the purpose authorized in Section 1, upon terms and conditions acceptable to the Director of Public Utilities and Director of Law.

SECTION 3. That Council finds and determines that in accordance with TMC Chapter 187.20 that the work was an emergency that could not have been reasonably foreseen and would result in an interruption or detriment to utility services and the cost of the work has been deemed reasonable by the Director of Public Utilities.

SECTION 4. That the Finance Director is authorized to issue their warrant or warrants against the account code identified in Section 1 above in an amount not to exceed \$12,000 in payment of the above authorized obligations upon presentation of proper voucher or vouchers.

SECTION 5. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this Ordinance must be immediately effective in order to facilitate the expeditious payment of the invoice received for the emergency removal of a log jam in Swan Creek near 1340 Eastgate Road.

Vote on emergency clause: yeas 12, nays 0.

Passed: September 26, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

September 26, 2023  
Wade Kapszukiewicz  
Mayor