

AGENDA

CANFIELD CITY COUNCIL

FEBRUARY 6, 2013

6:00 P.M.

FRANCIS J. McLAUGHLIN MUNICIPAL BUILDING

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call: Quorum is Present - Meeting is in Session.
4. Approval of Minutes.
5. Reading of Communications.
6. Reports of Committees, Boards and City Manager.
7. Recognition of Persons Desiring to Appear Before Council.
8. OLD BUSINESS
None
9. NEW BUSINESS
 - A. An ORDINANCE Authorizing the City Manager to Enter Into a Contract with MS Consultants for Basic Engineering Services, and Project Management for the North Broad Street Safety Upgrade Project Phase II.
 - B. An ORDINANCE Authorizing the City Manager to Enter Into an Agreement with MS Consultants, Inc.
10. Council Comments.
11. Adjournment.

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Introduced By: _____
First Reading: _____

ORDINANCE

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MS CONSULTANTS FOR BASIC ENGINEERING SERVICES, AND PROJECT MANAGEMENT FOR THE NORTH BROAD STREET SAFETY UPGRADE PROJECT PHASE II.

WHEREAS, the Council of the City of Canfield desires to proceed with the Design, and Project Management of the North Broad Street Safety Upgrade Project Phase II; and

WHEREAS, the Council of the City of Canfield has applied for a Grant from the Ohio Public Works Commission, District Six Integrating Committee covering 69 percent of the cost; and

WHEREAS, Council desires to authorize a professional services contract with our Consulting Engineer ms consultants, inc. for said services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: The City Manager is hereby authorized to enter into a contract with ms consultants, inc. for Basic Engineering Services, and Project Management for the North Broad Street Safety Upgrade Project – Phase II.

Section 2: Cost of said services shall not exceed:

- A) Basic Engineering services - \$75,000.00
- B) Project Management - \$50,000.00

Section 3: Funding is available in part from the North Broad Street Safety Upgrade Phase 2 Fund, and the Ohio Public Works Commission.

Section 4: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 2013.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

BARRET BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

Introduced By: _____
First Reading: _____

ORDINANCE

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MS CONSULTANTS, INC.

WHEREAS, MS Consultants, Inc ("MS") has previously provided professional engineering services to the City of Canfield; and

WHEREAS, while the City and MS have entered into a new agreement pursuant to which MS will provide engineering services to the City, there are outstanding contractual payment issues that need to be resolved; and

WHEREAS, the City and MS desire to reduce the terms of resolving such issues to a written instrument;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: That the City shall enter into an agreement with MS in the form attached hereto which provides agreed upon terms for the resolution of outstanding invoices owed to MS for prior engineering services rendered.

Section 2: That the City Manager is hereby authorized and directed to execute such Agreement and to take all further action necessary as contemplated in such Agreement.

Section 3: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 2013.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit: _____

CLERK OF COUNCIL

APPROVED AS TO FORM:

MUNICIPAL ATTORNEY

AGREEMENT

This agreement is entered into this _____ day of _____, 2013 by and between the City of Canfield, Ohio ("Canfield") and ms consultants, inc ("MS"). In consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. Canfield acknowledges an existing balance owed to MS for engineering services provided to the City prior to 2012, in the amount of \$87,390.35 ("Outstanding Balance"), as evidenced by the invoices/projects delineated on Attachment 1 which is incorporated herein by reference.
2. MS agrees that Canfield shall only be responsible for the payment of (\$66,643.60) of the Outstanding Balance. MS waives any further rights to payment of the Outstanding Balance and releases the City from any claims related thereto.
3. The City shall pay to MS the sum of \$66,643.60 in eleven (11) equal monthly installments (without interest) of (\$6,058.51) payable on the fifteenth day of each month commencing February 15, 2013.
4. This Agreement contains the entire understanding of the parties with respect to the Outstanding Balance and all issues related to prior agreements between the parties. This agreement may only be modified pursuant to a written instrument executed by both parties. Ohio law shall govern the terms and construction of this Agreement

ms consultants, inc.

By: _____

Title: _____

Approved as to form

Law Director

City of Canfield

By: _____

Title: _____

ATTACHMENT 1

CITY OF CANFIELD ----- SUMMARY OF PROJECTS SHOWING TOTAL BILLED AND AMOUNT DUE

CONTRACT YEAR	YEAR RECEIVABLE STARTED	PROJECT	AMOUNT DUE
1995	1995	1995 CONSULTANT SERVICES PROJECT NO. 89-20084-00	\$7,731.14
1997	1998	1997 CONSULTANT SERVICES PROJECT NO. 89-20108-00	\$13,015.61
1998	2005	HUNTER WOODS PROJECT NO. 89-20132-00	\$2,354.90
2004	2004	2004 CONSULTANT SERVICES PROJECT NO. 89-20259-00	\$816.00
2003	2005	W. MAIN ST. SAFETY UPGRADE PROJECT NO. 89-20243-00	\$8,031.00
2007	2007	PAVING PROGRAM PROJECT NO. 61-20322-00	\$8,725.00
2007	2007	CARDINAL DR CULVERT REPLACE PROJECT NO. 61-20323-00	\$39,000.00
2007	2007	HERBERT RD BRIDGE REPLACE PROJECT NO. 61-20324-00	\$7,161.64
2006	2007	STONEBRIGE 8/9 PLAN REVIEW PROJECT NO. 89-20311-00	\$555.06
2012	2012	PRESERVE PLAT 8/9 IMPROVEMENT <i>FIRST INVOICE DATED 6/8/12</i> PROJECT NO. 61-20415-00	\$11,000.00
2012	2012	120 INDIAN LAKE DR BLDG DEMO PROJECT NO. 61-20416-00	\$6,110.00
2012	2012	PLANNING COMMISSION MTG <i>FIRST INVOICE DATED 10/26/12</i> PROJECT NO. 61-20419-00	\$350.00
2012	2012	CDBG LOAN APP. - NEMENZ STORE <i>FIRST INVOICE DATED 8/3/12</i> PROJECT NO. 89-02336-00	\$1,920.69
TOTALS			\$106,771.04

> OUT

Paid
2012

40,127.44
\$ 66,643.60