

1 RESOLUTION NO. 2020-335

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3 SPONSOR Ms. Shapiro

4  
5 DATE October 5, 2020

COMMITTEE Public Works

6  
7 **A Resolution declaring the collapse of the Mud Brook trunk sewer on Bath Road in**  
8 **Cuyahoga Falls, in Council District 3, an emergency pursuant to Section 177.07(a)(3) of the**  
9 **Codified Ordinances of the County of Summit, and confirming an award by the Board of**  
10 **Control of a construction contract with H.M. Miller Construction Co., in an amount not to**  
11 **exceed \$274,305.33, for an emergency repair to the trunk pipe, for the Executive's**  
12 **Department of Sanitary Sewer Services, and declaring an emergency.**

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14 WHEREAS, due to the collapse of the Mud Brook trunk sewer in Cuyahoga Falls, in  
15 Council District 3, allowing excessive flows to the Akron Waste Water Treatment Plant, making  
16 it necessary for the County to utilize H.M. Miller Construction Co. for an emergency repair of  
17 said trunk sewer to be returned to normal operation; and

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19 WHEREAS, the Board of Control, at its September 30, 2020 meeting, awarded a  
20 construction contract with H.M. Miller Construction Co., for an emergency repair of said trunk  
21 pipe, in an amount not to exceed \$274,305.33; and

22  
23 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
24 that the aforementioned repair constitutes an emergency repair under Section 177.07(a)(3) of the  
25 Codified Ordinances of the County of Summit and further finds and determines that it is  
26 necessary and in the best interest of the County of Summit to confirm an award by the Board of  
27 Control of a construction contract with H.M. Miller Construction Co. for said emergency repair  
28 of the trunk sewer, in an amount not to exceed \$274,305.33;

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30 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
31 of Ohio, that;

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33 SECTION 1

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35 This Council finds and determines that the repair of the Mud Brook trunk sewer, in  
36 Cuyahoga Falls, in Council District 3, is an emergency pursuant to Section 177.07(a)(3) of the  
37 Codified Ordinances of the County of Summit.

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39 SECTION 2

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41 The award by the Board of Control of a construction contract with H.M. Miller  
42 Construction Co. for an emergency repair of the Mud Brook trunk sewer in Cuyahoga Falls, in  
43 Council District 3, in an amount not to exceed \$274,305.33, is hereby confirmed and the  
44 Executive is hereby authorized to execute said construction contract and any other necessary  
45 related documents.  
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1 RESOLUTION NO. 2020-335

2 PAGE TWO

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4 SECTION 3

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6 This Resolution is hereby declared an emergency in the interest of the health, safety, and  
7 welfare of the residents of the County of Summit, and for the further reason to immediately  
8 authorize a necessary construction contract with H.M. Miller Construction Co. for an emergency  
9 repair of the Mud Brook sewer trunk in Cuyahoga Falls, in Council District 3.

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11 SECTION 4

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13 Provided this Resolution receives the affirmative vote of eight members, it shall take  
14 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
15 effect and be in force at the earliest time provided by law.

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17 SECTION 5

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19 It is found and determined that all formal actions of this Council concerning and relating  
20 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
21 deliberations of this Council and of any of its committees that resulted in such formal action,  
22 were in meetings open to the public, in compliance with all legal requirements, including Section  
23 121.22 of the Ohio Revised Code.

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26 INTRODUCED October 5, 2020

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28 ADOPTED October 5, 2020

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32 CLERK OF COUNCIL

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36 PRESIDENT OF COUNCIL

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38 APPROVED October 6, 2020

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42 EXECUTIVE

43 ENACTED EFFECTIVE October 6, 2020

Voice Vote: YES: 11-0 Dickinson, Donofrio, Feeman, Koehler,  
McKenney, Prentice, Rodgers, Schmidt, Sims, Walters, Wilhite