

CITY OF KIRTLAND
RESOLUTION NUMBER 21-R-7

A RESOLUTION AUTHORIZING A CHANGE ORDER WITH APPLIED ECOLOGICAL SERVICES FOR THE KIRTLAND EAST BRANCH CHAGRIN RIVER STREAMBANK STABILIZATION PROJECT IN THE AMOUNT OF \$61,642.00, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has previously passed Resolution 19-R-2 which accepted the bid of Applied Ecological Services (AES) for its work on the Kirtland East Branch Chagrin River Streambank Stabilization Project for an amount not to exceed \$272,100.00; and

WHEREAS, the City has paid \$8,000.00 to the Chagrin River Watershed Partners for grant management as it relates to this project; and

WHEREAS, the City has received grant money in the amount of \$150,000.00 from the Ohio EPA 319 Program and has expended and exhausted all of those funds toward this project; and

WHEREAS, \$135,000.00 of funding has been allocated from the Lake County Stormwater Department; and

WHEREAS, the City has spent \$130,100 of the previously allocated funds from the Lake County Stormwater Department, leaving a balance of \$4,900.00 in that fund; and

WHEREAS, the City has spent a total of \$280,100.00 for this streambank stabilization project; and

WHEREAS, a significant rain storm event from October 20-21, 2020 caused the newly constructed eastern slope of Wisner Road to fail; and

WHEREAS, AES has provided the City with two alternatives for the slope repair. The City Engineer has reviewed both alternative solutions and, after collaboration with the contractor, recommends the City to proceed with Alternative #1; and

WHEREAS, said alternative for the slope repair is reflected in Change Order 1, which is attached hereto and incorporated herein as Exhibit A, and is projected to cost \$61,642.00 above the initial estimate; and

WHEREAS, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

WHEREAS, due to the current state of emergency in Ohio stemming from the COVID-19 pandemic, at some point City Hall, the Kirtland Public Library, and the Kirtland Community Center have been closed in order to protect both the community and the staff from potential infection; and

WHEREAS, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

IT IS HEREBY RESOLVED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I: The City Engineer and Mayor are hereby authorized to sign Change Order No. 1, which is attached hereto and incorporated herein as Exhibit A, with Applied Ecological Services to perform the slope repair to the Kirtland East Branch Chagrin River Streambank Stabilization Project in an amount not to exceed \$61,642.00.

SECTION II: The Mayor or his designee is hereby authorized and directed to enter into a contract or execute any purchase orders in the furtherance of this Resolution. However, any expenditures beyond the change order estimate of \$61,642.00 shall be subject to further authorization by this Council.

SECTION III: The Director of Finance is authorized and instructed to issue such vouchers and expend all funds necessary in the furtherance of this Resolution. Said payments shall first be made from the fund containing the original funding from the Lake County Stormwater Department. Should any grant money be depleted or no longer exist, then said payment shall be appropriated from the funding sources provided or allocated therefor, to pay the cost thereof.

SECTION IV: The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and instead requires the following:

1. If City Hall, the Kirtland Public Library, and/or the Kirtland Community Center are open on the effective date of this enacted legislation, then the Clerk of Council is hereby directed to post the enacted legislation for fifteen (15) consecutive days after its effective date in each facility; and
2. Should any of the facilities listed above be closed on the effective date of the enacted legislation, then the Clerk of Council is not required to post the enacted legislation in that facility; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

SECTION V:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to maintain the streets and roads of the City; wherefore, this resolution shall be in full force and effect

immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

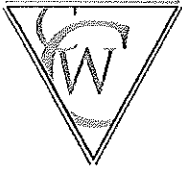
Submitted to the Mayor for his
Approval on this _____ day of
_____, 2021.

ATTEST:

Approved by the Mayor, this _____ day
of _____, 2021.

Clerk of Council
East Branch Stabilization Change Order No. 1

Mayor Kevin F. Potter



THE C.W. COURTNEY COMPANY

700 Beta Drive, Suite 200
Mayfield Village, OH 44143

www.cwcourtney.com

Exhibit A
L.G. Courtney, PE, PS
C.L. Courtney, PE, PS, CPSWQ, CPESC
D.G. Courtney, PE

CHANGE ORDER No. 1
East Branch Chagrin River Streambank Stabilization Project
The City of Kirtland
December 31, 2020
Revised February 1, 2021

This Change Order is a necessary due to the failure of the east bank of the east branch of the Chagrin River after the initial construction was completed and as a result of heavy rains, high flows in the river and subsurface flows saturating the bank before full vegetative stabilization could be achieved. Costs estimated by Applied Ecological Services (AES) are attached. AES costs for design, management and project oversight (~\$8,900.00) will not be charged to The project and will be absorbed by AES.

This Change Order results in the following adjustments to the contract prices and/or contract completion time	
Original contract amount (Applied Ecological Services)	\$272,100.00
Chagrin River Watershed Partners Grant Management Fee	\$8,000.00
Subtotal	\$280,100.00
Net cost change resulting from prior change orders	\$0.00
Net cost change resulting from this change order	\$61,642.00
Adjusted contract amount	\$341,742.00

The terms of this Change Order shall not affect any of the terms of the contract, except as expressly stated herein. Further, the Contractor agrees that the consideration for the Field Change as contained herein represents the full amount to which the Contractor is entitled and that no additional time, beyond that granted above, is necessary to complete the contract.

RECOMMENDED BY
The C.W. Courtney Company

Douglas Courtney, PE
City Engineer
Date 2/1/2021

APPROVED
The City of Kirtland

Kevin F. Potter
Mayor
Date

ACCEPTED BY
Applied Ecological Services

Date

Print name & title