

ORDINANCE NO. 298 (22-23)

An Ordinance to declare the existence of a real and present emergency arising in connection with the operation of the Department of Public Safety and Service of the City of Marietta, Ohio, wherein remediation work is needed immediately to preserve the health, safety and welfare of the citizens of Marietta, Ohio, and, therefore, to authorize and direct the Director of Public Safety and Service to enter into a contract or contracts without formal bidding, or advertising, pursuant to Ohio Revised Code Section 735.051, with GeoStabilization International (GSI) of Grand Junction, Colorado, for the Ohio River Wall Repair Project, at a total cost not to exceed \$120,000.00; and declaring an EMERGENCY.

WHEREAS, between June 2, 2020 and June 9, 2020, a catastrophic land slip destroyed approximately 300 feet of the Marietta River Trail Phase V; the retaining wall located along Duck Creek which was constructed to protect the Marietta River Trail Phase V; and a 30-inch diameter sanitary sewer line; and

WHEREAS, the failure of the retaining wall along Duck Creek was the result of poor engineering and design, and defective work by the original contractor; and

WHEREAS, another retaining wall was constructed by the original contractor, along the Ohio River, to further help protect the Marietta River Trail and the 30-inch sewer line located nearby, from any potential damage in the event of a high river rapid drawdown; and

WHEREAS, the retaining wall that was constructed along the Ohio River was constructed with the same engineering and design specifications as the retaining wall along Duck Creek which failed; and

WHEREAS, the City of Marietta has consulted with GeoStabilization International (GSI) who has presented engineering and design specifications wherein GSI will install self-drilling SuperNails up to 40-feet long through the existing concrete panels. The nails will be left extending out of the panels. GSI will then install an 8-feet tall continuous band of 8" thick normal reinforced

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shotcrete. GSI will also install up to 20-feet of horizontal drains through the base of the shotcrete wall to help alleviate pore pressures behind the wall that will develop in high water conditions. GSI will install reinforced shotcrete for a length of 80 lineal feet to increase the global factor of safety of the existing pile and lagging wall from 62+90 to 63+70. GSI will do everything else outlined in the contract between GSI and the City of Marietta to ensure that the retaining wall that was constructed along the Ohio River will not fail, like the retaining wall that was built along Duck Creek; and

WHEREAS, the City wants to ensure that the retaining wall along the Ohio River does not fail, causing another collapse of the 30-inch sewer main in that area, because of the health and environmental risks involved with having an open sewer main along the two waterways in that area, being Duck Creek and the Ohio River;

WHEREAS, a health emergency still exists and the Project needs to be completed as quickly as possible; to prevent another collapse; and

WHEREAS, the nature of the emergency requires prompt action which would be unnecessarily delayed by compliance with the terms of Ohio Revised Code Section 735.05, regarding the competitive bidding process, and Ohio Revised Code Sections 153.65 through 153.70, regarding the quality-based selection process; and



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WHEREAS, the City of Marietta has determined that it is necessary to complete the Project and correct the defective work by way of entering into a contract with GeoStabilization International (GSI) of P.O. Box 4709, Grand Junction, Colorado, 81502, per the Contractor Agreement attached hereto as Exhibit "A", the terms and conditions of which are hereby adopted and approved.

WHEREAS, the City Engineer, Robert C. Heady; the Director of Public Safety and Service, Steve Wetz; and the Mayor of the City of Marietta, Ohio, Josh Schlicher; recommend that immediate action be taken due to the real and present emergency that now exists as a result of the faulty engineering and design of the existing retaining wall along the Ohio River, now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

- Section 1: That the Council for the City of Marietta, Ohio hereby declares that a real and present emergency arising in connection with the operation of the Department of Public Safety and Service of the City of Marietta, Ohio, and its municipal utility, the Wastewater Department, exists and that the facts giving rise to the emergency constitute a public exigency under 2 CFR §200.320(c)(3).
- Section 2: That the Director of Public Safety and Service shall be and is hereby authorized and directed, without formal bidding, advertising, and quality based selection, which requirements are hereby specifically waived, to enter into a contract with GeoStabilization International (GSI) of P.O. Box 4709, Grand Junction, Colorado, 81502 to complete the Ohio River Wall Repair Project, at a total cost not to exceed \$120,000.00, according to the attached Exhibit "A", the terms and conditions of which are hereby adopted and approved.
- Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this

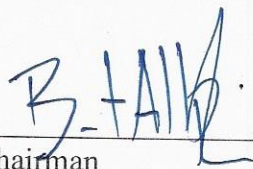
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Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

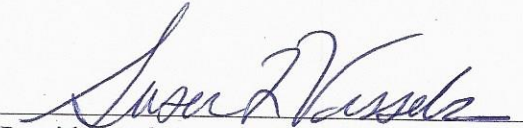
Section 4: That this Ordinance is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health and safety of the City of Marietta, Ohio and for the further reason as a result of the catastrophic failure of the retaining wall built on Duck Creek and the 30-inch diameter sanitary sewer that collapsed, the City wants to prevent yet another catastrophic failure from a collapse of the retaining wall built on the Ohio River bank, thus negating Ohio EPA violations, and preventing the disruption of the health and safety of the City.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Introduced by the Water, Sewer and Sanitation Committee, Bret Allphin, Chairman.

  
Chairman

Passed this 6<sup>th</sup> day of July, 2023.

  
President of Council

ATTEST:

Michelle Newbanks  
Clerk of Council

Approved this 6<sup>th</sup> day of July, 2023.



Mayor

First Reading: July 6, 2023

Second Reading: Suspended

Third Reading: Suspended