
RULE OF THE CHAMBER

Any person wishing to address City Council shall step up to the lectern, state their name and address in an audible tone of voice for the record, and unless further time is granted by the presiding officer, shall limit their address to three (3) minutes. A person may not give up or relinquish all or a portion of their time to the person having the floor or another person in order to extend a person's time limit in addressing the Council.

Any person who does not wish to address Council from the lectern, may print their name, address and comment/question which he/she would like brought before Council on a card provided by the Clerk/Treasurer and return the card to the Clerk/Treasurer before the meeting begins. The Clerk/Treasurer will address the presiding officer at the start of Citizen Comments on the Agenda, notifying him of the card comment, and read the card into the record for response.

Those who want to use audio and image recording equipment in Council Chambers that requires a monopod, tripod or other auxiliary equipment for the audio and image devices shall notify the City Clerk before the meeting begins. Arrangements will be made to accommodate the request in a manner that minimizes the possibility of disrupting the meeting. No additional illuminating lights may be used in Council Chambers unless a majority of City Council members consent. Additionally, cell phones and pagers should be set to vibrate or silent mode when inside Council Chambers.

Should any person fail or refuse to comply with any Rules of the Chamber, after being informed of such noncompliance by the presiding officer, such a person may be deemed by the presiding officer to have committed a breach of the peace by disrupting the public meeting, and the presiding officer may then order such person excluded from the public meeting under Section 3 (6) of Open Meetings Act, Act 267 of 1976.

You will notice a numbering system under each heading. There is significance to these numbers. Each agenda item is numbered consecutively beginning in January and continues through December of each calendar year.

The City of Monroe will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon one week's notice to the City Clerk/Treasurer. Individuals with disabilities requiring auxiliary aids or services should contact the City of Monroe by writing or calling: City of Monroe, City Clerk/Treasurer, 120 E. First St., Monroe, MI 48161, (734) 384-9136. The City of Monroe website address is www.monroemi.gov.

**AGENDA - CITY COUNCIL REGULAR MEETING
MONDAY, OCTOBER 19, 2009**

I. CALL TO ORDER.

II. ROLL CALL.

III. INVOCATION/PLEDGE OF ALLEGIANCE.

IV. PRESENTATION.

Presentation by the Director of Engineering & Public Services on the Bridge millage.

V. PROCLAMATIONS.

247 Homeless Awareness Week – November 15-21, 2009.

VI. PUBLIC HEARINGS.

235 Public hearing for the purpose of reviewing and hearing comments on the Paving Special Assessment District No. 331 – Final Paving of Mason Run II Streets. There are no comments on file in writing in the Clerk-Treasurer's Office.

249 Public hearing for the purpose of reviewing and hearing comments on an application for an Obsolete Property Rehabilitation Tax Exemption Certificate pursuant to Public Act 146 of 2000, as amended, from Mr. Kenneth Wickenheiser for his property located at 118 East Front Street. There are no comments on file in writing in the Clerk-Treasurer's Office.

250 Public hearing for the purpose of reviewing and hearing comments on an application for an Obsolete Property Rehabilitation Tax Exemption Certificate pursuant to Public Act 146 of 2000, as amended, from M. Diner, Inc. located at 546 S. Telegraph Road, for which the application was approved on the council meeting of October 20, 2008. There are no comments on file in writing in the Clerk-Treasurer's Office.

VII. COUNCIL ACTION.

- 248 Communication from the Director of Engineering & Public Services, submitting Proposed Ordinance No. 09-012, an Ordinance designed to meet the MDEQ requirements for both storm water quality control and detention.

Proposed Ordinance No, 09-012, up for its first reading and recommending that the public hearing be set for Monday, November 2, 2009.

VIII. CONSENT AGENDA. (All items listed under the Consent Agenda are considered to be routine by Mayor and Council and will be approved by one motion, unless a Council member or citizen requests that an item be removed and acted on as a separate agenda item.)

- A. Approval of the Minutes of the Special Meeting held on, Monday, October 5, 2009, and the minutes of the Regular Meeting held on Monday, October 5, 2009.

- B. Approval of payments to vendors in the amount of \$_____.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

- 249 Obsolete Property Rehabilitation Certificate Application – 118 East Front Street.

1. Communication from the Interim Director of Planning & Recreation, submitting an application for Obsolete Property Rehabilitation Tax Exemption from Kenneth Wickenheiser for 118 East Front Street, and recommending that Council approve the request in accordance with the recommendation of the EDRC in the form of the attached resolution and authorize staff to forward the application to the State Tax Commission for their review and action.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

- 250 Obsolete Property Rehabilitation Certificate Application – 546 S. Telegraph Road.

1. Communication from the Interim Director of Planning & Recreation, submitting an application for Obsolete Property Rehabilitation Tax Exemption from M. Diner, Inc., for improvements proposed at 546 South Telegraph Road, and recommending that Council approve the amendment to the resolution and authorize staff to forward the application to the State Tax commission for their review and action.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

- 251 Collection of Delinquent Summer Taxes and Other Delinquent Charges.

1. Communication from the Clerk-Treasurer, submitting a proposed resolution authorizing the addition of a 5% penalty to all delinquent taxes and assessments and then be collected on the winter tax bill, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

- 252 Addition of 10% Interest to Unpaid Special Assessments.
1. Communication from the Clerk Treasurer, submitting a proposed resolution authorizing the addition of 10% interest to all delinquent special assessments and then be reassessed and added onto the winter tax bill, and recommending that the resolution be adopted.
 2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.
- 253 Final Paving of Mason Run II Streets – Resolution No. 5.
1. Communication from the Director of Engineering & Public Services, submitting Resolution No. 5, confirming the special assessment roll for the final paving of Mason Run II Streets, and recommending that the attached Resolution 5 be adopted, and that Paving Special Assessment District Number 331 be confirmed, and further recommending that a Change Order to the 2009 Curb Replacement and Resurfacing Program in the amount of \$57,133.50 be issued to C & D Hughes, Inc., and that the Director of Engineering & Public Services be authorized to issue the Change Order on behalf of the City..
 2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.
- 254 Wastewater Pump Station Elevator System Removals and Ladder System Installations Bids.
1. Communication from the Director of Water & Wastewater Utilities, reporting back on bids received to remove the elevator system and install ladder systems in five (5) existing collect system pump stations and recommending that Council award a purchase order in the amount of \$13,803 to Abetter Elevator LLC in accordance with the bid specifications.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 255 Wastewater Treatment Plant 500 KVA Transformer Replacement Bids.
1. Communication from the Director of Water & Wastewater Utilities, reporting back on bids received to remove and replace an existing 500 KVA transformer at the Wastewater Treatment Plant, and recommending that Council award a purchase order in accordance with the bid specifications to Transformer Inspection Retrofill in the amount of \$19,830.00.00.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 256 2009 Drinking Water Revolving Fund (DWRf) Water Main Projects, Consultant Inspection Contracts.
1. Communication from the Director of Water & Wastewater Utilities, reporting back on proposals received for the DWRf program inspection activities, and recommending that Council award a professional services contract to Dietrich, Bailey, and Associates; the Mannik and Smith Group; TTL Associates; and David Arthur Consultants, each for up to \$80,000 for the 2009-10 DWRf water main projects inspection, and further recommending that the Director of Engineering & Public Services be authorized to execute said contracts and issue purchase orders in this amount to each.

2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

257 City Policies and Procedures.

1. Communication from the Director of Human Resources, submitting two (2) new policies and procedures for non-union employees and Appointed Officials, and for those employees who are trustees on the Monroe Municipal Employees' Retirement System, addressing: 1. Leaves of Absence and, 2. City of Monroe Municipal Employees' Retirement System Educational Conferences, Seminars and Workshops, and recommending that Council approve Policy Numbers 012 and 013 and direct the City administration to proceed with implementation.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

258 West Third Street Resurfacing Contract with MDOT.

1. Communication from the Director of Engineering & Public Services, submitting a proposed resolution delineating the terms of the West Third Street Resurfacing Funding Contract Agreement between MDOT and the City of Monroe, and recommending that the attached resolution be approved, and that the local share of the costs be appropriated as detailed in the financial information detail below, and further recommending that the Finance Director be authorized to appropriate up to \$259,800 in funds from the Major Street Fund Balance into this project as necessary based on the actual project bids and the corresponding funding needs.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

259 Munson Park Access Road Paving Change Order.

1. Communication from the Director of Engineering & Public Services, submitting a change order to add the paving of the gravel portions of the main access road through Munson Park to the 2009 Curb Replacement and Resurfacing Program, and recommending that Council award a Change Order to the 2009 Curb Replacement and Resurfacing Program to C & D Hughes, Inc. for the Munson Park Access Road Paving in the amount of \$100,000, and further recommending that the City Engineer be authorized to sign the change order on behalf of the City of Monroe.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

260 Custer Centennial Celebration.

1. Communication from the City Managers Office, submitting a request from Mr. Richard Micka on behalf of the Little Big Horn Associates for permission to hold festivities to commemorate the centennial anniversary of the Custer Monument, and recommending that Council approve the request contingent upon items being met as outlined by the administration, subject to costs recovery & fee waivers in accordance with City Council adopted policy, that all necessary park deposits are paid and recreation facility use permits submitted, insurance requirements being met, subject to coordination and consolidation

where appropriate with the Monroe County Historical Society coordinated events and activities on June 4, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.

2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

VII. MAYOR'S COMMENTS.

IX. CITY MANAGER COMMUNICATION.

X. COUNCIL COMMENTS.

XI. CITIZEN COMMENTS.

XII. ADJOURNMENT.

P R O C L A M A T I O N

WHEREAS, every day there are men, women, and children in Monroe County and City who do not have a place they can call home; and

WHEREAS, The Monroe County Network on Homelessness and the Monroe County Ten Year Planning Committee are committed to providing solutions and to sheltering individuals and family who are homeless; and

WHEREAS, every year, public and private agencies observe Homeless Awareness Week to increase awareness and focus attention on the needs of homeless individuals and families; and

WHEREAS, the theme of Homeless Awareness Week this year is, "Homelessness, It Hits Home".

NOW, THEREFORE, I, Mark G. Worrell, Mayor of the City of Monroe, with the full support of City Council, do hereby proclaim the week of November 15 – 21, 2009, as

"HOMELESS AWARENESS WEEK"

in Monroe, and we encourage all citizens to recognize and support the efforts of service agencies working toward ending homeless.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of the City of Monroe to be affixed this 19th day of October 2009.

Mark G. Worrell, Mayor

Council Members:

Robert E. Clark, Precinct 1

Edward F. Paisley, Precinct 2

Kelvin McGhee, Precinct 3

Jeremy J. Molenda, Precinct 4

Mary V. Conner, Precinct 5

Brian P. Beneteau, Precinct 6



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: ORDINANCE 09-012 – STORM WATER DISCHARGE STANDARDS

DISCUSSION: Since the 2000 census, the City of Monroe has been included in an urban area with a population of greater than 50,000 persons. As such, we have been subject to the Federal Phase 2 National Pollutant Discharge Elimination System (NPDES) storm water regulations since 2004. The first five-year term of our permit required the City to perform a variety of baseline data collection efforts and public outreach activities, including a complete mapping of every public storm outlet to a county drain or water of the state, sampling to determine any illicit discharges, and public educational components. For the second five-year permit term that we are currently operating under, one of the requirements is that the City adopts an ordinance or other regulatory mechanism that incorporates minimum treatment volume standards and channel protection criteria as called out in the permit. The Certificate of Coverage (COC) for the City of Monroe has been attached to this fact sheet, whereas the General Permit Number MIS049000, which essentially applies to all Phase 2 communities, is available on the Michigan Department of Environmental Quality (MDEQ) web site.

The Engineering and Public Services Department, in conjunction with the City Attorney's office, has prepared the attached Ordinance 09-012, which is designed to meet the requirements of the MDEQ. Their permit staff has reviewed the proposed Ordinance, and they have indicated that it is acceptable and meets the current minimum requirements. The effect passage of this ordinance will have on site development is that all new and redeveloped project sites greater than one (1) acre will be subject to the MDEQ requirements for both storm water quality control and detention. The Engineering Department has already been enforcing similar detention standards for most sites for many years, though the water quality standards are stricter and more specific than we have required in the past. The adoption deadline as listed in the permit is November 1, 2009, though the MDEQ office has indicated that it is acceptable to them that final passage does not occur until November 2, 2009.

IT IS RECOMMENDED that the attached Ordinance Number 09-012 be approved for its first reading, and that the public hearing be scheduled for Monday, November 2, 2009 at 7:30 P.M. in the City Council Chambers at City Hall.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

ORDINANCE NO. 09-012

1 An Ordinance to establish standards for the discharge of storm water in the City of Monroe.

2 **THE CITY OF MONROE ORDAINS.**

3 SECTION 1. PURPOSE

4 The provisions set forth in this ordinance have been set forth in order to assist in
5 compliance with the Federal Phase 2 National Pollutant Discharge Elimination System (NPDES)
6 storm water regulations, which are and will be administered by the State of Michigan. This
7 administration is authorized by Michigan Public Act 451 of 1994, as amended, Part 31. The City
8 of Monroe is subject to the requirements of this Act, and has been issued a jurisdictional general
9 permit for discharges from its Municipal Separate Storm Sewer System (MS4). Provisions of
10 this ordinance are set forth to establish requirements for the management of storm water from
11 new development and redevelopment throughout the City of Monroe to ensure consistency with
12 State and Federal regulations and administrative rules.

13 SECTION 2. APPLICABILITY

14 The requirements of this Ordinance shall apply to all new and redeveloped sites with
15 projects that disturb one (1) acre or more, including projects less than one (1) acre that are part of
16 a larger common plan of development or sale that would disturb one (1) acre or more. These
17 requirements shall apply to all public and private sites within the City of Monroe, regardless of
18 whether the storm water outlet(s) from the site discharge to a designated county drain, city storm
19 sewer system, waters of the state, or any other type of conveyance. These requirements shall
20 also apply to sites under the control of public agencies such as schools, Federal and State
21 governmental facilities, and other entities that might not otherwise be subject to site plan
22 procedures and requirements set forth in other sections of the City's codified ordinances.

23 SECTION 3. STANDARDS

24 All sites subject to the provisions of this ordinance shall be reviewed by the City Engineer, or
25 other individual designated by the City of Monroe, for the following items:

26 A. Minimum treatment volume standard. The minimum treatment volume standard shall be
27 one inch of rainfall from the entire site. Treatment methods shall be designed on a site-
28 specific basis to achieve either a minimum of 80 percent removal of total suspended
29 solids (TSS) as compared with uncontrolled runoff or the limitation of discharge
30 concentrations of TSS to no more than 80 milligrams per liter. A minimum treatment
31 volume standard is not required where site conditions are such that TSS concentrations in
32 storm water discharges will not exceed 80 milligrams per liter.

33 B. Channel protection criteria. The channel protection criteria shall be established to
34 maintain post-development site runoff volume and peak flow rate at or below existing
35 levels for all storms up to the 2-year, 24-hour event. "Existing levels" shall mean the
36 runoff volume and peak flow rate of the last land use prior to the planned new
37 development or redevelopment. Evaluation of this standard shall be made by the
38 applicant and reviewed by the City Engineer.

39 C. Establishment of long-term operation and maintenance program. All structural and
40 vegetative Best Management Practices (BMPs) installed to meet the requirements of this
41 ordinance shall include a plan for maintaining maximum design performance through
42 long-term operation and maintenance as a part of the application submittal. Where
43 appropriate and necessary, the City of Monroe may require an easement for ongoing
44 access to the facility, may require the facility itself to become a part of the public storm
45 sewer system, or other requirements may be imposed as deemed necessary on a case-by-

46 case basis. The City of Monroe shall retain all remedies available to it through other
47 sections of the Code of the City of Monroe to address failure of the property owner to
48 maintain all required BMPs, such as vegetated swales, sedimentation structures, and the
49 like, as a public nuisance, blight, or other appropriate enforcement mechanism. Costs
50 required for compliance shall be billed as a lien against the property as appropriate.

51 SECTION 4. VIOLATIONS AND PENALTY

52 A. A violation of any of the provisions of this Ordinance shall be deemed a municipal civil
53 infraction and subject to the payment of a civil fine determined in accordance with the
54 following schedule:

55 (1) First violation within a two-year period: \$100.

56 (2) Second violation within a two-year period: \$250.

57 (3) Third or subsequent violation within a two-year period: \$500.

58 B. The two-year period referenced in Subsection A shall be determined as of the date of the first
59 violation. For illustrative purposes only: if the first violation occurs on July 1, 1999, the two-
60 year period shall be from July 1, 1999, to June 30, 2001.

61 C. Each day that a violation exists, occurs or continues constitutes a separate offense and shall
62 be subject to the penalties or sanctions provided herein as a separate offense.

63 D. Whoever violates this chapter shall also be subject to such additional sanctions, remedies, and
64 judicial orders as are authorized and provided for under Michigan law.

65 SECTION 5. SEVERABILITY

66 The various parts, portions, sections and clauses of this Ordinance are hereby declared to
67 be severable. If any part, sentence, paragraph, section, phrase or clause is adjudged

68 unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance
69 shall not be affected thereby.

70 SECTION 4. EFFECTIVE DATE.

71 This Ordinance shall become effective 20 days after its passage and publication.



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER BUREAU
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
Authorized by Michigan Act 451, Public Acts of 1994, as amended, Part 31

CERTIFICATE OF COVERAGE (COC)

**Under General Permit No. MIS049000
MS4 Jurisdiction General Permit**

COC NO.: MIS040029
DESIGNATED NAME: Monroe MS4-Monroe
PERMITTEE: City of Monroe
MAILING ADDRESS: 120 East First Street
Monroe, Michigan 48161

This COC authorizes City of Monroe to discharge storm water through a separate storm water drainage system to waters of the state, including but not limited to the River Raisin, Plum Creek, South Worth Drain, Mason Run Drain, Bates Drain, and Ives Drain. After COC issuance, discharges identified in accordance with Part I.A.1.b. are authorized after submittal of the updated map to Permits Section, Water Bureau, Michigan Department of Environmental Quality (the "Department").

This authorization also includes nested jurisdictions for which the permittee has accepted responsibility. The nested jurisdictions include but are not limited to Port of Monroe, Monroe Public Schools, and the City of Monroe Post Office. Discharges, from nested jurisdictions for which agreements are obtained after COC issuance, are authorized after submittal of the required information for the nested jurisdictions to the Department in accordance with Part I.B.1.b. of the General Permit.

All conditions and schedules of the existing Storm Water Management Program (SWMP) remain in full force and effect until the revisions to the SWMP plan are submitted. The permittee shall submit a revision to the SWMP plan, in accordance with Part I.A.3. and Part I.B.1.a. of the General Permit, on or before February 1, 2010. The permittee shall implement the SWMP upon submittal.

On or before November 1, 2009, in accordance with Part I.A.8. of the General Permit, the permittee shall develop and place in effect an ordinance or other regulatory mechanism that incorporates the minimum treatment volume standard and the channel protection criteria listed in Part I.A.8.a. and Part I.A.8.a. of the General Permit.

The permittee shall submit the first progress report, in accordance with Part I.B.1.b. and the requirements of Part I.A.7. and Part I.A.10. of the General Permit, on or before February 1, 2011.

On or before February 1, 2011, a storm sewer system map, for the program to find and eliminate illicit connections and discharges to the MS4, showing the location of all discharge points the permittee owns or operates, and the names and location of all the surface waters of the state that receive discharges from the permittee's MS4, shall be submitted or otherwise made available to the Department in accordance with Part I.A.7.b.1).

The permittee shall submit the second progress report, in accordance with Part I.B.1.b. of the General Permit, on or before February 1, 2013.

References in the general permit to the Department shall be defined as the Jackson District Supervisor of the Water Bureau. The Jackson District Office is located at 301 East Louis Glick Highway, Jackson, Michigan 49201-1556, telephone: 517-780-7690, fax: 517-780-7855.

Any person who is aggrieved by this certificate of coverage may file a sworn petition for a contested case hearing on this COC with the State Office of Administrative Hearings and Rules of the Michigan Department of Labor and Economic Growth in accordance with the provisions of R323.2192(c) of the Michigan Administrative Code. The Department may reject any petition filed more than 60 days after issuance as being untimely.

Designated Name: Monroe MS4-Monroe
COC No.: MIS040029

The issuance of this COC does not authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any other Department of Environmental Quality permits, or approvals from other units of government as may be required by law.

This COC is based on a complete application received by the Department of Environmental Quality on November 3, 2008. The permittee is subject to all conditions specified in General Permit No. MIS049000 issued May 22, 2008, expiring April 1, 2013. This COC may be modified, terminated, reissued, or revoked as allowed for in General Permit No. MIS049000. On the effective date of this COC, this COC shall supersede COC No. MIS040029, issued October 6, 2003.

A request to continue authorization to discharge under the General Permit, after April 1, 2013, shall be submitted on or before October 4, 2012, in accordance with Part I.B. of the General Permit.

This COC takes effect on the date of issuance.

December 19, 2008
Date Issued

EQP 4677 (9/03)



Michael J. Bray, P.E., Chief
Lakes Erie and Huron Permits Unit
Permits Section
Water Bureau



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: Obsolete Property Rehabilitation Certificate Application – 118 East Front Street

DISCUSSION:

On September 21, 2009, the City Clerk/Treasurer received an Application for Obsolete Property Rehabilitation Tax Exemption from Kenneth Wickenheiser for 118 East Front Street. As noted on the application, the request is for an Obsolete Property Rehabilitation Tax Exemption for \$110,000 in property improvements for a period of twelve (12) years.

On October 5, 2009, the Economic Development Review Committee (EDRC) met and made a recommendation on the original application. Following discussion on the request, the EDRC moved to recommend that City Council consider a twelve (12) year abatement on the property improvements as requested. (Please see attached Draft EDRC meeting minutes.)

On October 8, 2009, the Planning Office distributed notice of the public hearing to the affected taxing jurisdictions, the City Assessor, the City Clerk/Treasurer and the applicant. A general public hearing notice was also published in the October 8, 2009, edition of the *Monroe Evening News*.

It is recommended that the City Council approve the request in accordance with the recommendation of the EDRC in the form of the attached resolution and authorize staff to forward the application to the State Tax Commission for their review and action. The public hearing took place on October 19, 2009.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: October 31, 2009

REASON FOR DEADLINE: State Tax Commission deadline for OPR app

STAFF RECOMMENDATION: For Against

REASON AGAINST: N/A

INITIATED BY: Kenneth Wickenheiser - applicant

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: Planning, Assessor, EDRC

FINANCES

COST AND REVENUE PROJECTIONS:	Cost of Total Project	\$ N/A
	Cost of This Project Approval	\$ N/A
	Related Annual Operating Cost	\$ N/A
	Increased Revenue Expected/Year	\$ N/A

SOURCE OF FUNDS:	City	Account Number	Amount
			\$ N/A
	<u>Other Funds</u>		\$ N/A
			\$ N/A
			\$ N/A
			\$ N/A

Budget Approval: _____

FACT SHEET PREPARED BY: Matt Wallace, Planner 

DATE: 10-13-09

REVIEWED BY: Jeffrey Green, AICP, Interim Director of Planning and Recreation 

DATE: 10-13-09

COUNCIL MEETING DATE: October 19, 2009

1
2
3 **RESOLUTION #09-XXX**

4 WHEREAS, an application for Obsolete Property Rehabilitation Exemption
5 Certificate, pursuant to Act No. 146 of the Public Acts of 2000, as amended, was filed by
6 Kenneth Wickenheiser for the property located at 118 East Front Street, Monroe,
7 Michigan, within a designated Obsolete Property Rehabilitation District more particularly
8 described in Exhibit A, on September 21, 2009; and

9 WHEREAS, the application was reviewed and recommended for approval by the
10 City of Monroe Economic Development Review Committee, a Public Hearing was set
11 and held on October 19, 2009 for property owners, taxpayers, the City Assessor, the
12 applicant and representatives of the affected taxing units on the granting of an Obsolete
13 Property Rehabilitation Exemption Certificate for Kenneth Wickenheiser and no
14 objections were filed; and

15
16 WHEREAS, the City of Monroe is designated a Qualified Governmental Unit as
17 listed in Act No. 146 of the Public Acts of 2000; and

18
19 WHEREAS, an Obsolete Property Rehabilitation District was legally established
20 on March 5, 2001, after a Public Hearing was conducted on the same date; and

21
22 WHEREAS, the taxable value of the property proposed to be exempt plus the
23 aggregate taxable value of property already exempt under P.A. 146 of 2000 and under
24 P.A. 198 of 1974 exceeds 5% of the total taxable value of the unit; and

25
26 WHEREAS, if 5% of the total taxable value of the unit is exceeded, it will not
27 substantially impede the operation of the City of Monroe or impair the financial
28 soundness of an affected taxing unit; and

29
30 WHEREAS, the applicant is not delinquent in any taxes related to the facility; and

31
32 WHEREAS, the application is for obsolete property as defined in section 2(h) of
33 Public Act 146 of 2000; and

34
35 WHEREAS, commencement of rehabilitation did not occur before the
36 establishment of the Obsolete Property Rehabilitation District; and

37
38 WHEREAS, the application relates to a rehabilitation program that when
39 completed constitutes a rehabilitated facility with the meaning of Public Act 146 of 2000
40 and it is situated within an Obsolete Property Rehabilitation District established in a
41 Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish
42 such a district; and

43
44 WHEREAS, all of the items described under "Instructions" (a) through (f) of the
45 Application for Obsolete Property Rehabilitation Exemption Certificate have been
46 provided to the Qualified Unit of Government by the applicant; and

47
48 WHEREAS, completion of the rehabilitated facility is calculated to, and will at
49 the time of issuance of the certificate have the reasonable likelihood to, increase
50 commercial activity, retain employment and revitalize an urban area; and
51

52 WHEREAS, the rehabilitation includes improvements aggregating 10% or more
53 of the true cash value of the property at commencement of the rehabilitation as provided
54 by section 2(I) of Public Act 146 of 2000.
55

56 NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
57 Monroe hereby approves the application of Kenneth Wickenheiser, dated September 21,
58 2009, for an Obsolete Property Rehabilitation Exemption Certificate for property located
59 at 118 East Front Street, Monroe, Michigan and more particularly described in Exhibit A,
60 which is attached hereto and made a part hereof, for the sum of one hundred ten thousand
61 (\$110,000) dollars for a period of twelve (12) years and subject to the following
62 conditions:
63

- 64 1. That Kenneth Wickenheiser shall invest a sum not less than one hundred ten
65 thousand seven hundred (\$110,000) dollars for certain property improvements
66 to be located at 118 East Front Street, which is more particularly identified in
67 its Application for Obsolete Property Rehabilitation Exemption Certificate
68 dated September 21, 2009;
69
- 70 2. That it is understood by and between the parties that the City of Monroe shall
71 withdraw the abatement if Kenneth Wickenheiser fails to complete the
72 improvements at the specified location;
73
- 74 3. That Kenneth Wickenheiser shall complete the rehabilitation work described
75 in the application, dated September 21, 2009, for an Obsolete Property
76 Rehabilitation Exemption Certificate for property located at 118 East Front
77 Street, Monroe, Michigan in an acceptable amount of time, considered by the
78 City of Monroe to be December 31, 2010; and
79

80 **BE IT FURTHER RESOLVED**, that the City of Monroe hereby states being
81 fully advised that the granting of this Obsolete Property Rehabilitation Exemption
82 Certificate to Kenneth Wickenheiser for the property located at 118 East Front Street,
83 Monroe, Michigan, and more particularly described in Exhibit A, shall not have the effect
84 of substantially impeding the operation of the City of Monroe or impairing the financial
85 soundness of a taxing unit which levies ad valorem taxes in the City of Monroe.
86

87 **EXHIBIT A**

88 (Please see attachment)

9/21/09

Ken Wickenheiser
109 W. Front St.
Monroe, MI 48161

State of Michigan Tax Commission
Michigan Dept of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

Re. OPRA Application For 118 E. Front St, Monroe MI

To whom it may concern,

Please accept the attached OPRA application for the proposed project at 118 E. Front St. Monroe MI.

The building was constructed approximately around 1880. It is a three story masonry brick structure similar to those in the surrounding district. Each floor of the original structure is approximately 1080 sqft while the first floor had an addition constructed in the 1970's adding roughly 600 sqft for a total of 1680 on the first floor. The 2nd and 3rd stories remain according to their original footprint. The first story has been continually utilized for commercial purposes since original construction while the 2nd and 3rd stories have been used for residential purposes. Most recently, the first floor was used as general office space and currently houses the local Downtown Development Authority office while the 2nd and 3rd stories have been vacant for the past 15+ years. Both the interior and exterior stair systems serving the upper floors were removed at some point in the past and there is currently no access to the upper floors. The upper floors currently have no electrical, plumbing, heating, or cooling systems while the majority of windows are boarded and/or broken.

The proposed rehabilitation consists of returning the 2nd and 3rd stories of the structure to residential use. Each of the upper floors would contain a single, one bedroom residential unit. No work would take place on the first floor and it would remain in its' current condition.

The general scope of work to the building includes completely new interior partitions and finishes, new exterior egress, new electrical/ plumbing/heating/cooling and all other incidental work associated with the total rehabilitation of residential space.

No existing fixed building equipment pertaining to the 2nd and 3rd floors will remain as part of the rehabilitated facility with the exception of the roof and masonry wall exterior structure.

The proposed start and completion date for the rehabilitation is 12/1/09 and 4/1/10 respectively.

The proposed economic benefit to the community is increased residential occupancy in the Downtown Central Business District. Related to increased residential occupancy, associated retail sales activity across the range of Downtown businesses can be expected. In addition, construction related jobs will be needed to complete the renovation.

I appreciate your consideration of this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Wickenheiser', with a stylized, cursive script.

Ken Wickenheiser

Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by Public Act 146 of 2000, as amended. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and two copies of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption. A statement from the assessor of the local unit of government, describing the required obsolescence has been met for this building, is required with each application. Rehabilitation may commence after establishment of district.

Applicant (Company) Name (applicant must be the OWNER of the facility) Kenneth Wickenheiser		
Company Mailing address (No. and street, P.O. Box, City, State, ZIP Code) 109 W. Front St, Monroe MI 48161		
Location of obsolete facility (No. and street, City, State, ZIP Code) 118 E. Front St, Monroe MI 48161 (Floors 2 and 3)		
City, Township, Village (indicate which) City of Monroe		County Monroe
Date of Commencement of Rehabilitation (mm/dd/yyyy) 12/1/09	Planned date of Completion of Rehabilitation (mm/dd/yyyy) 4/1/09	School District where facility is located (include school code) Monroe(58010)
Estimated Cost of Rehabilitation \$110,000.00	Number of years exemption requested 12	Attach Legal description of Obsolete Property on separate sheet
Expected project likelihood (check all that apply):		
<input type="checkbox"/> Increase Commercial activity	<input type="checkbox"/> Retain employment	<input checked="" type="checkbox"/> Revitalize urban areas
<input checked="" type="checkbox"/> Create employment	<input type="checkbox"/> Prevent a loss of employment	<input checked="" type="checkbox"/> Increase number of residents in the community in which the facility is situated
Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment _____		
Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion. <input checked="" type="checkbox"/>		

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

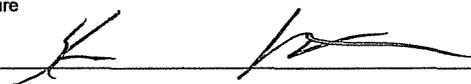
The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by Public Act 146 of 2000, as amended, and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of Public Act 146 of 2000, as amended, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents) Kenneth Wickenheiser	Telephone Number (734) 260-7153	Fax Number (734) 922-3989
Mailing Address 109 W. Front St, Monroe MI 48161		Email Address wickenheiser@gmail.com
Signature of Company Officer (no authorized agents)		Title Owner

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

The Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 is to be completed by the Assessor.

Signature 	Date application received 9/1/09
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FOR STATE TAX COMMISSION USE		
Application Number	Date Received	LUCI Code

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application and instruction items (a) through (f) on page 1, and a separate statement of obsolescence from the assessor of record with the State Assessor's Board. All sections must be completed in order to process.

PART 1: ACTION TAKEN

Action Date: _____		
<input type="checkbox"/> Exemption Approved for _____ Years, ending December 30, _____ (not to exceed 12 years)		
<input type="checkbox"/> Denied		
Date District Established	LUCI Code	School Code

PART 2: RESOLUTIONS (the following statements must be included in resolutions approving)

<p>A statement that the local unit is a Qualified Local Governmental Unit.</p> <p>A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of Public Act 146 of 2000.</p> <p>A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.</p> <p>A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.</p> <p>A statement that the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000 including the date of the hearing.</p> <p>A statement that the applicant is not delinquent in any taxes related to the facility.</p> <p>If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.</p> <p>A statement that all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.</p>	<p>A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.</p> <p>A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.</p> <p>A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district.</p> <p>A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.</p> <p>A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.</p> <p>A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.</p>
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PART 3: ASSESSOR RECOMMENDATIONS

Provide the Taxable Value and State Equalized Value of the Obsolete Property, as provided in Public Act 146 of 2000, as amended, for the tax year immediately preceding the effective date of the certificate (December 31st of the year approved by the STC).

	Taxable Value	State Equalized Value (SEV)	
Building(s)	41,760	47,430	
Name of Governmental Unit	City of Monroe	Date of Action on application	Date of Statement of Obsolescence
		9/21/2009	10/19/2009

PART 4: CLERK CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

Name of Clerk	Clerk Signature	Date	
Clerk's Mailing Address	City	State	ZIP Code
	Telephone Number	Fax Number	Email Address

Mail completed application and attachments to: State Tax Commission
 Michigan Department of Treasury
 P.O. Box 30471
 Lansing, Michigan 48909-7971

If you have any questions, call (517) 373-3272.

For guaranteed receipt by the State Tax Commission, it is recommended that applications and attachments are sent by certified mail.

**Economic Development Review Committee
Meeting Minutes
Monday, October 5, 2009
1st Floor Conference Room
Monroe City Hall**

1. Roll Call

Present: Mark Worrell, Mayor
George Brown, City Manager
Pam Stanley, Director of Economic Development
Sam Guich, City Assessor
Tom Ready, City Attorney
Jeffrey Green, Interim Director of Planning and Recreation Department

Absent: Brian Beneteau, City Councilperson

Staff: Matt Wallace, Planner

Guests: Kenneth Wickenheiser, 118 East Front Street

2. Consent Agenda

Mr. Green moved to accept the consent agenda as presented.

Mr. Guich seconded the motion.

Motion Carried Unanimously

3. New Business

A. Application for an Obsolete Property Tax Exemption Certificate at 118 East Front Street by Kenneth Wickenheiser

Staff briefly described the project before allowing Mr. Wickenheiser to speak in more detail. Mr. Wickenheiser answered questions from the committee, explained the certificate will allow him to convert the space in the second and third floors – which are currently inaccessible – of the building at 118 East Front Street into apartments.

Mr. Ready moved that the committee recommend to Council approval of the application for a 12 year exemption for the amount not to exceed the amount listed on the application for personal property.

Ms. Stanley seconded the motion.

Motion carried unanimously

4. Old Business

Staff requested that the committee grant permission to amend the resolution relating to the Obsolete Property Tax Exemption Certificate being requested by M. Diner, Inc. at 546 South Telegraph in order to meet the requirements of the State Tax Commission.

5. Adjournment

Mr. Green moved to adjourn the meeting.

Mr. Ready seconded the motion.

Motion Carried Unanimously

October 13, 2009/mew

RESOLUTION

R2001-013

WHEREAS, Monroe Downtown Development Authority has requested establishment of an Obsolete Property Rehabilitation District under Act 146 of 2000; and

WHEREAS, due notice has been given in writing as well as publication, to the property owners with the proposed district; and

WHEREAS, a public meeting was set and held at the City Council Chambers, Monroe City Hall, 120 E. First Street, Monroe, Michigan, March 5, 2001, at 7:30 P.M. for the property owners, residents/taxpayers of the City of Monroe, and the City Assessor, and representatives of the affected taxing units;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Monroe hereby establishes an Obsolete Property Rehabilitation District, the legal description as taken from the City Tax Rolls as follows:

Commencing at the intersection of the west right-of-way line of North Monroe Street and the north right-of-way line of West Elm Avenue; thence **NORTHERLY** along the west right-of-way line of North Monroe Street to the south right-of-way line of West Willow Street; thence **WESTERLY** along said right-of-way line to the southerly extension of the east property line of parcel 69-00493-000; thence **NORTHERLY** across West Willow Street along said property line extension to the north right-of-way line of West Willow Street, along the east property line of parcels 69-00493-00 and 69-00499-000 to the south right-of-way line of West Vine Street, and across West Vine Street along the northerly extension of the east property line of parcel 69-00499-000 to the north right-of-way line of West Vine Street; thence **EASTERLY** along said right-of-way line to the east property line of parcel 69-00506-000; thence **NORTHERLY** along the east property line of parcels 69-00506-00 and 69-00513-000 to the south right-of-way line of West Noble Avenue; thence **EASTERLY** along said right-of-way line to the east right-of-way line of North Monroe Street; thence **SOUTHERLY** along said right-of-way line to the south right-of-way line of East Vine Street; thence **EASTERLY** along said right-of-way line to the west property line of parcel 69-00051-000; thence **SOUTHERLY** along the west property line of parcels 69-00051-000 and 69-00052-000 to the north right-of-way line of East Willow Street; thence **SOUTHERLY** across East Willow Street along the southerly extension of the west property line of parcel 69-00052-000 to the south right-of-way line of East Willow Street; thence **WESTERLY** along said right-of-way line to the east right-of-way line of North Monroe Street; thence **SOUTHERLY** along said right-of-way line to the south property line of parcel 69-01317-000; thence **EASTERLY** along the south property line of parcel 69-01317-000; to the east property line of parcel 69-01316-000; thence **SOUTHERLY** along the east property line of parcels 69-01316-000, 69-01315-000, 69-01314-000, and 69-01311-000 to the north property line of parcel 69-01310-000; thence **EASTERLY** along the north property line of parcel 69-01310-000 to the east property line of parcel 69-01310-000; thence **SOUTHERLY** along the east property line of parcel 69-01310-000 to the south property line of parcel 69-01310-000; thence **WESTERLY** along the south property line of 69-01310-000 to the east property line of parcel 69-01309-000; thence **SOUTHERLY** along the east property line of parcels 69-01309-000, 69-01308-000, and 69-01307-000 to the north right-of-way line of East Elm Avenue; thence **EASTERLY** along said right-of-way line to the northerly extension of the east property line of parcel 69-01305-000; thence **SOUTHERLY** along said property line extension, across East Elm Avenue, and along the east property line of parcel 69-01305-000 to the north property line of parcel 69-01304-000; thence **EASTERLY** along the north property line of parcel 69-01304-000 to the east property line of parcel 69-01304-000; thence

SOUTHERLY along the east property line of parcel 69-01304-000 to the north bank of the River Raisin; thence EASTERLY along said bank to the east property line of parcel 69-01512-000; thence NORTHERLY along the east property line of parcel 69-01512-000 to the south property line of parcel 69-01511-000; thence EASTERLY along the south property line of parcel 69-01511-000 to the east property line of parcel 69-01511-000; thence NORTHERLY along the east property line of parcel 69-01511-000 to the south right-of-way line of East Elm Avenue; thence EASTERLY along said right-of-way line to the east property line of parcel 59-01846-000; thence SOUTHERLY along the east property line of parcel 59-01846-000 to the north bank of the River Raisin; thence EASTERLY along said bank to the northerly extension of the east property line of parcel 39-00160-000; thence SOUTHERLY along said property line extension, across the River Raisin, along the east property line of parcel 39-00160-000 to the north right-of-way line of East Front Street, and across East Front Street along the southerly extension of the east property line of parcel 39-00160-000 to the south right-of-way line of East Front Street; thence WESTERLY along said right-of-way line to the east right-of-way line of Scott Street; thence SOUTHERLY along said right-of-way line to the easterly extension of the north property line of parcel 39-00330-000; thence WESTERLY across Scott Street along the easterly extension of the north property line of parcel 39-00330-000 to right-of-way line of Scott Street; thence NORTHERLY along said right-of-way line to the south right-of-way line of East Front Street; thence WESTERLY along said right-of-way line to the west property line of parcel 39-00332-000; thence SOUTHERLY along the west property line of parcels 39-00332-000 and 39-00331-000 to the north property line of parcel 39-00330-000; thence WESTERLY along the north property line of parcel 39-00330-000 to the east property line of parcel 39-00242-000; thence SOUTHERLY along the east property line of parcel 39-0242-000 to the south property line of parcel 39-00242-000; thence WESTERLY along the south property line of parcel 39-0242-000 to the east property line of parcel 39-00243-001; thence NORTHERLY along the east property line of parcel 39-00243-001 to the north property line of parcel 39-00243-001; thence WESTERLY along the north property line of parcel 39-00243-001 to the east right-of-way line of South Macomb Street; thence SOUTHERLY along said right-of-way line to the north property line of parcel 39-00244-000; thence EASTERLY along the north property line of parcel 39-00244-000 to the east property line of parcel 39-00244-000; thence SOUTHERLY along the east property line of parcels 39-00244-000, 39-00245-000, and 39-00246-000 to the north property line of parcel 39-00247-000; thence EASTERLY along the north property line parcel of 39-00247-000 to the west property line of parcel 39-00327-000; thence SOUTHERLY along the west property line of parcels 39-00327-000, 39-00326-000, and 39-00325-000 to the north property line of parcel 39-00253-000; thence EASTERLY along the north property line of parcel 39-00253-000 to the west right-of-way line of Scott Street; thence SOUTHERLY along said right-of-way line across East First Street to the north property line of parcel 39-00323-000; thence WESTERLY along the north property line of parcel 39-00323-000 to the east property line of parcel 39-00261-000 thence NORTHERLY along the east property line of parcel 39-00261-000 to the south property line of parcel 39-00259-000; thence WESTERLY along the south property line of parcel 39-00259-000 to the east right-of-way line of South Macomb Street; thence SOUTHERLY along said right-of-way line to the north right-of-way line of East Second Street; thence WESTERLY along said right-of-way line to the north right-of-way line across South Macomb Street to the east right-of-way line of Washington Street; thence SOUTHERLY along said right-of-way line across East Second Street to the south right-of-way line of East Third Street; thence WESTERLY along said right-of-way line across Washington Street to the west property line of parcel 29-00137-000; thence SOUTHERLY along the west property line of parcels 29-00137-000, 29-00136-000, and 29-00135-000 to the northerly extension of the west property line of parcel 29-00134-000; thence SOUTHERLY along said property line extension, across East Fourth Street along the west property line of parcels 29-00134-000, 29-00133-000, 29-00132-000 and 29-00131-000 to the

north right-of-way line of East Fifth Street, and across East Fifth Street along the southerly extension of the west property line of parcel 39-00131-000 to the south right-of-way line of East Fifth Street; thence WESTERLY along said right-of-way line to the east right-of-way line of South Monroe Street; thence SOUTHERLY along said right-of-way line to the south right-of-way line of East Sixth Street; thence EASTERLY along said right-of-way line to the west property line of parcel 29-00122-000; thence SOUTHERLY along the west property line of parcels 29-00122-000, 29-00121-000, 29-00120-000, 29-00119-000, and 29-00117-000 to the north right-of-way line of East Seventh Street; thence SOUTHERLY across East Seventh Street along the southerly extension of the west property line of parcel 29-00117-000 to the south right-of-way line of East Seventh Street; thence WESTERLY along said right-of-way line to the east right-of-way line to South Monroe Street; thence SOUTHERLY along said right-of-way line to the north property line of parcel 29-00460-000; thence EASTERLY along the north property line of parcel 29-00460-000 to the east property line of parcel 29-00460-000; thence SOUTHERLY along the east property line of parcels 29-00460-000 and 29-00461-000 to the north property line of parcel 29-00463-000; thence WESTERLY along the north property line of parcel 29-00463-000 to the east right-of-way line of South Monroe Street; thence SOUTHERLY along said right-of-way line to the south property line of parcel 29-00463-000; thence EASTERLY along the south property line of parcel 29-00463-000 to the east property line of parcel 29-00464-000; thence SOUTHERLY along the east property line of parcels 29-00464-000 and 29-00465-000 to the north property line of parcel 29-00467-000; thence EASTERLY along the north property line of parcel 29-00467-000 to the east property line of parcel 29-00467-000; thence SOUTHERLY along the east property line of parcels 29-00467-000, 29-00468-000, and 29-00512-000 to the north property line of parcel 29-00522-000; thence EASTERLY along the north property line of parcel 29-00522-000 to the east property line of parcel 29-00522-000; thence generally SOUTHERLY, WESTERLY, and SOUTHERLY along the east property line of parcels 29-00522-000 and 29-00521-000 to the north property line of parcel 29-00521-000; thence EASTERLY along the north property line of parcel 29-00521-000 to the west right-of-way line of Washington Street; thence SOUTHERLY along said right-of-way line to the north property line of 29-00517-000; thence generally WESTERLY, NORTHERLY, and WESTERLY along the north property line of parcel 29-00517-000 to the east property line of parcel 29-00519-000; thence SOUTHERLY along the east property line of parcel 29-00519-000 to the north right-of-way line of Jones Avenue; thence SOUTHERLY across Jones Avenue along the southerly extension of the east property line of parcel 29-00519-000 to the south right-of-way line of Jones Avenue; thence EASTERLY along said right-of-way to the west property line of parcel 39-00615-000; thence SOUTHERLY along the west property line of parcel 39-00615-000 to the south property line of parcel 39-00615-000; thence EASTERLY along the south property line of parcel 39-00615-000 to the east property line of parcel 39-00615-000; thence NORTHERLY along the east property line of parcel 39-00615-000 to the south right-of-way line of Jones Avenue; thence EASTERLY along the south right-of-way line of Jones Avenue to the east property line of parcel 39-00612-000; thence SOUTHERLY along the east property line of parcel 39-00612-000 to the south property line of parcel 39-00610-000; thence EASTERLY along the south property line of parcel 39-00610-000 to the City line; thence SOUTHERLY along the City line to the southeast corner of parcel 29-00511-000; thence generally WESTERLY, NORTHERLY, and WESTERLY along the City line to the east right-of-way line of South Monroe Street; thence generally NORTHERLY, WESTERLY, and NORTHERLY along the City line on the center line of South Monroe Street to the easterly extension of the south property line of parcel 29-00484-000; thence WESTERLY along said property line extension, across South Monroe Street, and along the south property line of parcel 29-00484-000 to the west property line of parcel 29-00484-000; thence NORTHERLY along the west property line of parcels 29-00484-000, 29-00485-000, 29-00487-000, and 29-00488-000 to the south right-of-way line of West Eighth

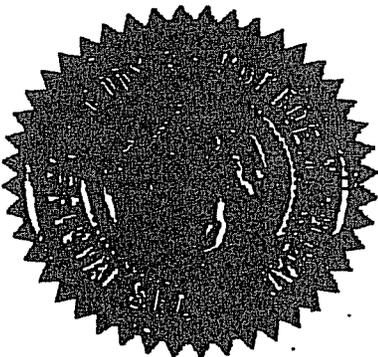
Street; thence NORTHERLY across West Eighth Street along the northerly extension of the west property line of parcel 29-00488-000 to the west property line of parcel 29-00050-000; thence NORTHERLY along the west property line of parcel 29-00050-000 to the south property line of parcel 29-00049-000; thence EASTERLY along the south property line of parcel 29-00049-000 to the west right-of-way line of South Monroe Street; thence NORTHERLY along said right-of-way line to the south property line of parcel 29-0047-000; thence NORTHERLY along the west property line of parcels 29-0047-000 and 29-00046-000 to the south property line of parcel 29-00045-000; thence EASTERLY along the south property line of parcel 29-00045-000 to the west right-of-way line of South Monroe Street; thence NORTHERLY along said right-of-way line to the south right-of-way line of West Seventh Street; thence WESTERLY along said right-of-way line to the southerly extension of the west property line of parcel 29-00197-000; thence NORTHERLY along said property line extension, across West Seventh Street, and along the west property line of parcels 29-00197-000 and 29-00196-000 to the southerly extension of parcel 29-00195-000; thence NORTHERLY along said property line extension, across West Sixth Street, and along the west property line of parcels 29-00195-000, 29-00194-000, 29-00193-000, and 29-00192-000 to the south right-of-way line of West Fifth Street; thence WESTERLY along said right-of-way line to the east right-of-way line of Cass Street; thence NORTHERLY along said right-of-way line across West Fifth Street to the north property line of parcel 29-00190-000; thence EASTERLY along the north property line of parcel 29-00190-000 to the east property line of parcel 29-00215-000; thence NORTHERLY along the east property line of parcel 29-00215-000 to the south right-of-way of West Fourth Street; thence NORTHERLY across West Fourth Street along the northerly extension of the east property line of parcel 29-00215-000 to the north right-of-way line of West Fourth Street; thence EASTERLY along said right-of-way line to the west property line of parcel 29-00189-000; thence NORTHERLY along the west property line of parcel 29-00189-000 to the south property line of 29-00187-000; thence EASTERLY along the south property line of 29-00187-000 to the west right-of-way line of South Monroe Street; thence NORTHERLY along said right-of-way line to the south right-of-way line of West Third Street; thence WESTERLY along said right-of-way line to the southerly extension of the west property line of parcel 29-00184-000; thence NORTHERLY along said property line extension across West Third Street along the west property line of parcels 29-00184-000, 29-00183-000, 29-00182-000, and 29-00181-000 to the south right-of-way line of West Second Street; thence NORTHERLY across West Second Street along the northerly extension of the west property line of parcel 29-00181-000 to the north right-of-way line of West Second Street; thence WESTERLY along said right-of-way line to the west right-of-way line of Cass Street; thence NORTHERLY along said right-of-way line to the north property line of parcel 29-00254-000; thence generally WESTERLY, SOUTHERLY, and WESTERLY along the north property line of parcel 29-00254-000 to the west property line of parcel 29-00254-000; thence SOUTHERLY along the west property line of parcels 29-00254-000 and 29-00255-000 to the north property line of parcel 29-00258-000; thence EASTERLY along the north property line of parcel 29-00258-000 to the west property line of parcel 29-00257-000; thence SOUTHERLY along the west property line of parcel 29-00257-000 to the north right-of-way line of West Second Street; thence WESTERLY along said right-of-way line to the west right-of-way line of Harrison Street; thence NORTHERLY along said right-of-way line to the north property line of parcel 29-00330-000; thence WESTERLY along the north property line of parcels 29-00330-000, 29-00331-000, and 29-00332-000 to the west property line of 29-00332-000; thence SOUTHERLY along the west property line of parcel 29-00332-000 to the north right-of-way line of West Second Street; thence WESTERLY along said right-of-way line of Smith Street; thence SOUTHERLY along said right-of-way line to the north property line of parcel 29-00404-028; thence WESTERLY along the north property line of parcel 29-00404-028 to the west property line of parcel 29-00404-028; thence SOUTHERLY along the west property line of parcel 29-00404-028 to the south property line of parcel 29-

00404-029; thence WESTERLY along the south property line of parcel 29-00404-029 to the west property line of parcel 29-00404-029; thence NORTHERLY along the west property line of parcel 29-00404-029 to the south property line of parcel 29-00404-031; thence generally SOUTHWESTERLY along the south property line of parcel 29-00404-031 to the east right-of-way line of Hubble Street; thence NORTHERLY, WESTERLY, and SOUTHERLY along the northern terminus of Hubble Street to the north property line of parcel 29-00060-001; thence generally SOUTHWESTERLY along the north property line of 29-00060-001 to the east property line of parcel 29-00404-039; thence NORTHERLY along the east property line of parcels 29-00404-039, 29-00494-038, and 29-00404-037 to the north property line of parcel 29-00404-37; thence WESTERLY along the north line of parcel 29-00404-037 to the east right-of-way line of Adams Street; thence NORTHERLY along said right-of-way line to the south right-of-way line of West Front Street; thence generally NORTHEASTERLY along said right-of-way line to the southerly extension of the west property line of parcel 29-00452-000; thence NORTHERLY along said property line extension, across West Front Street, and along the west property line of parcel 29-00452-000 to the south bank of the River Raisin; thence EASTERLY along said bank to the southerly extension of the west property line of St. Mary's Parking Lot; thence NORTHERLY along said property line extension, across the River Raisin, and along the west property line of St. Mary's Parking Lot to the south right-of-way line of West Elm Avenue; thence NORTHERLY across West Elm Avenue along the northerly extension of the west property line of St. Mary's Parking Lot to the north right-of-way line of West Elm Avenue; thence EASTERLY along said right-of-way line to the west right-of-way line of North Monroe Street to the point of beginning.

Motion by: Councilman Worrell
Supported by: Councilwoman Hall
Ayes: 7 Nays: 0

RESOLUTION DECLARED ADOPTED

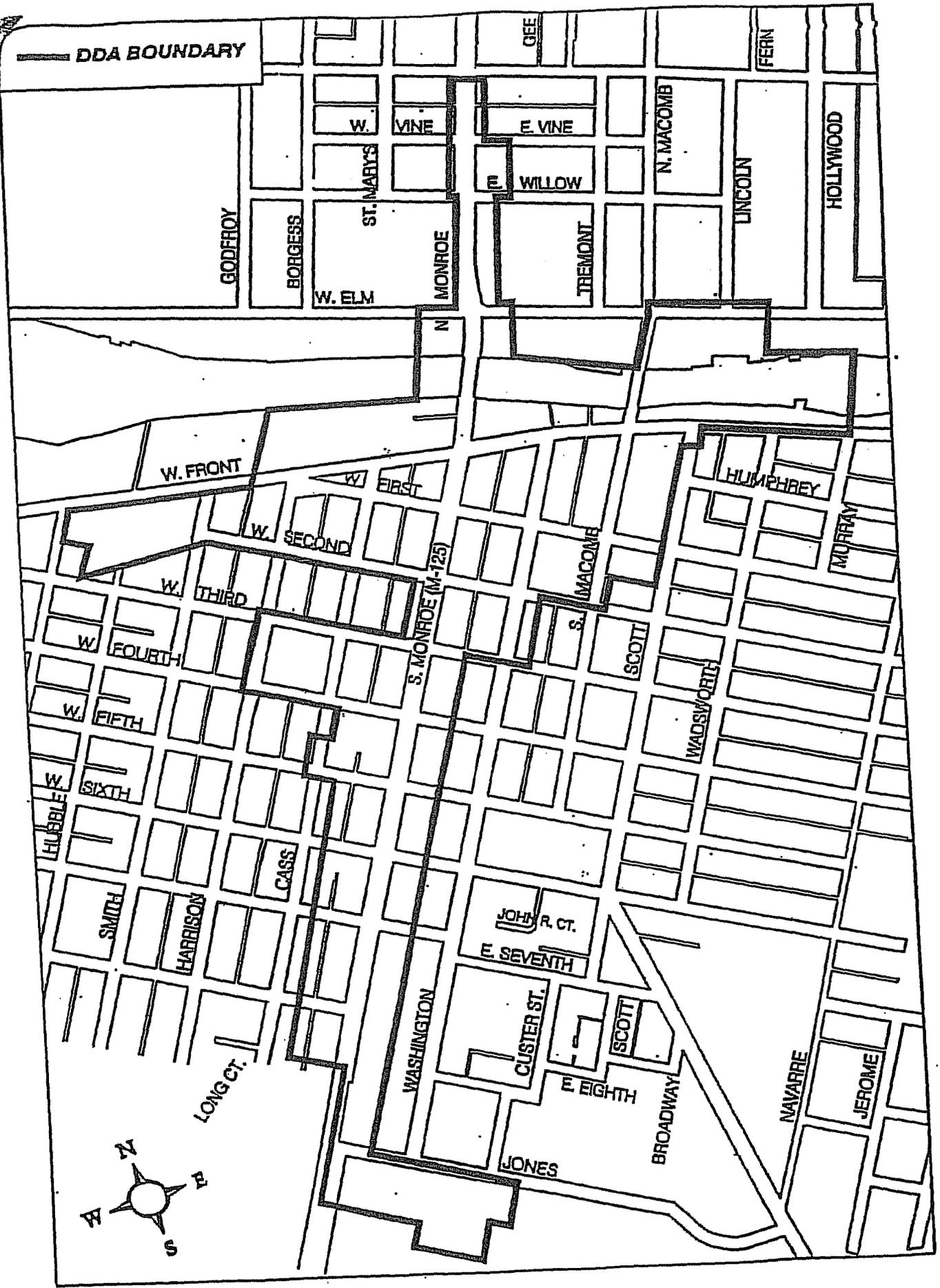
I, Charles D. Evans, City Clerk-Treasurer of the City of Monroe, County of Monroe, State of Michigan, do hereby certify that the foregoing is an exact copy of a Resolution adopted by the City Council of said City, at a regular meeting thereof held on the 5th Day of March 2001.



A handwritten signature in black ink, appearing to read "Charles D. Evans", is written over a horizontal line.

Charles D. Evans
City Clerk-Treasurer

DDA BOUNDARY





CITY COUNCIL AGENDA FACT SHEET

RELATING TO: Obsolete Property Rehabilitation Certificate Application – 546 S Telegraph Rd

DISCUSSION:

On August 20, 2008, the City Clerk/Treasurer received an Application for Obsolete Property Rehabilitation Tax Exemption from M. Diner, Inc. for improvements proposed at 546 South Telegraph Road. As indicated on the application, the request is for an Obsolete Property Rehabilitation Tax Exemption of \$200,000 in property improvements for a period of twelve (12) years.

On September 24, 2008, the Economic Development Review Committee (EDRC) met and made a recommendation on the application. Following discussion on the request, the EDRC moved to recommend that City Council consider a twelve (12) year abatement on the property improvements as requested. City Council, at its October 20, 2008 meeting, authorized staff to forward the application to the State Tax Commission along with a resolution of support conditioned on the applicant submitting evidence that the proposed work addressed the building's obsolescence.

The applicant has since provided this information and the Planning Office has begun assembling a packet to be forwarded to the State Tax Commission. The state now requires that the resolution establish a date when the work must be completed. The Planning Office has amended the original resolution to meet this requirement.

On October 8, 2009, the Planning Office distributed notice of the public hearing to the affected taxing jurisdictions, the City Assessor, the City Clerk/Treasurer and the applicant. A general public hearing notice was also published in the October 8, 2009, edition of the *Monroe Evening News*.

It is recommended that Council approve the amendment to the resolution and authorize staff to forward the application to the State Tax Commission for their review and action. The public hearing took place on October 19, 2009.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: October 31, 2009

REASON FOR DEADLINE: Last date to earn certificate in the current tax year

STAFF RECOMMENDATION: For Against

REASON AGAINST: N/A

INITIATED BY: M. Diner, Inc (represented by Mr. John Martin) - applicant

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: Planning, Assessor, EDRC

FINANCES

COST AND REVENUE PROJECTIONS:		
	Cost of Total Project	\$ N/A
	Cost of This Project Approval	\$ N/A
	Related Annual Operating Cost	\$ N/A
	Increased Revenue Expected/Year	\$ N/A

SOURCE OF FUNDS:	<u>City</u>	Account Number	Amount
			\$ N/A
	<u>Other Funds</u>		\$ N/A
			\$ N/A
			\$ N/A
			\$ N/A

Budget Approval: _____

FACT SHEET PREPARED BY: Matt Wallace, Planner 

DATE: 10-13-09

REVIEWED BY: Jeffrey Green, AICP, Interim Director of Planning and Recreation 

DATE: 10-13-09

COUNCIL MEETING DATE: October 19, 2009

47
48 WHEREAS, completion of the rehabilitated facility is calculated to, and will at
49 the time of issuance of the certificate have the reasonable likelihood to, increase
50 commercial activity, retain employment and revitalize an urban area; and
51

52 WHEREAS, the rehabilitation includes improvements aggregating 10% or more
53 of the true cash value of the property at commencement of the rehabilitation as provided
54 by section 2(l) of Public Act 146 of 2000.
55

56 NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
57 Monroe hereby approves the application of M. Diner, Inc., dated August 20, 2008 for an
58 Obsolete Property Rehabilitation Exemption Certificate for property located at 546 South
59 Telegraph Road, Monroe, Michigan and more particularly described in Exhibit A, which
60 is attached hereto and made a part hereof, for the sum of two hundred thousand
61 (\$200,000) dollars for a period of twelve (12) years and subject to the following
62 conditions:
63

- 64 1. That M. Diner, Inc. shall invest a sum not less than two hundred thousand
65 (\$200,000) dollars for certain property improvements to be located at 546
66 South Telegraph Road, Monroe, Michigan, which is more particularly
67 identified in its Application for Obsolete Property Rehabilitation Exemption
68 Certificate dated August 20, 2008.
69
- 70 2. That it is understood by and between the parties that the City of Monroe shall
71 withdraw the abatement if M. Diner, Inc. fails to complete the improvements
72 at the specified location; and
73
- 74 3. That M. Diner, Inc. shall complete the rehabilitation work described in the
75 application, dated August 20, 2009, for an Obsolete Property Rehabilitation
76 Exemption Certificate for property located at 546 South Telegraph Road,
77 Monroe, Michigan in an acceptable amount of time, considered by the City of
78 Monroe to be December 31, 2009; and
79

80 **BE IT FURTHER RESOLVED**, that the City of Monroe hereby states being
81 fully advised that the granting of this Obsolete Property Rehabilitation Exemption
82 Certificate to M. Diner, Inc. for the property located at 546 South Telegraph Road,
83 Monroe, Michigan, and more particularly described in Exhibit A, shall not have the effect
84 of substantially impeding the operation of the City of Monroe or impairing the financial
85 soundness of a taxing unit which levies ad valorem taxes in the City of Monroe.
86

87 **EXHIBIT A**

88 (Please see attachment)

47 Road and the easterly extension of parcel 19-00199-000; thence SOUTHERLY to the
48 point of beginning.

49

50 This constitutes an area, as of October 20, 2008, made up of the following parcels:

51

19-00193-000	19-00212-000	19-00764-000
19-00197-000	19-00151-000	19-00768-000
19-00199-000	19-00156-000	19-00786-000
19-00205-000	19-00162-000	19-00789-000
19-00206-000	19-00754-000	19-00792-000
19-00207-000	19-00756-000	19-00918-001
19-00208-000	19-00758-000	
19-00209-000	19-00760-000	

52

City of Monroe
CivicSight Map



MAP LEGEND:

- EDGE OF PAVEMENT
- CITY LIMITS
- PARCELS



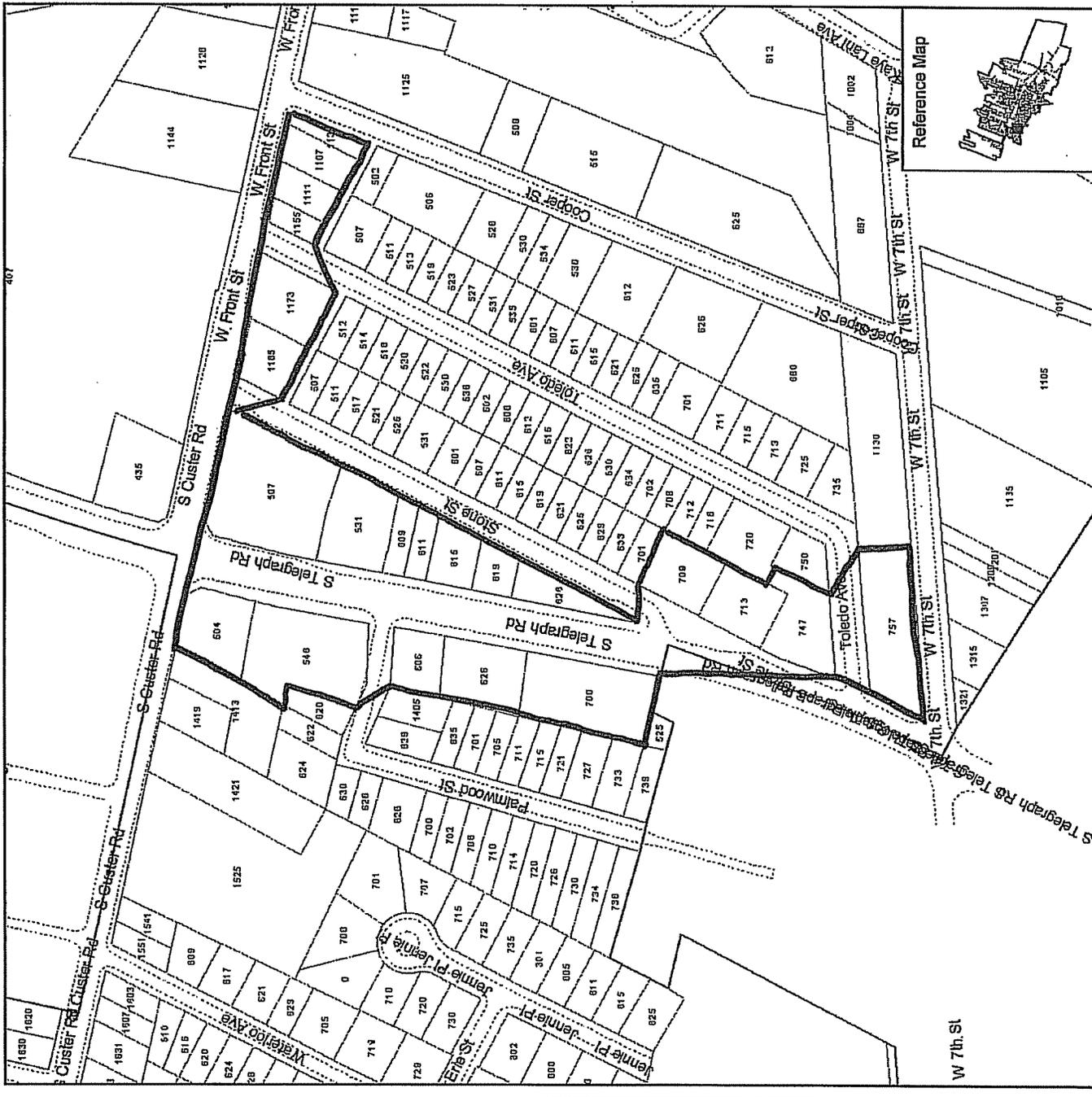
Map Scale: 1 Inch = 281 feet

Map Date: 9/22/2008

Data Date: July 8, 2008

Sources: City of Monroe, River's Edge GIS, LLC.

Disclaimer: This map is neither a legally recorded map nor a survey. It is not intended to be used as one. The City of Monroe, Louisiana, and its employees or agents, or third parties, do not warrant, represent, or guarantee the accuracy, reliability, or completeness of the information provided on this map, and expressly disclaims all claims and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by the User, its employees or agents, or third parties which arise out of the User's access or use of data provided.



Reference Map



Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by Public Act 146 of 2000, as amended. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and two copies of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption. A statement from the assessor of the local unit of government, describing the required obsolescence has been met for this building, is required with each application. Rehabilitation may commence after establishment of district.

Applicant (Company) Name (applicant must be the OWNER of the facility) <i>M. Diner Inc</i>		
Company Mailing address (No. and street, R.O. Box, City, State, ZIP Code) <i>17760 Devonshire Riverview MI 48193</i>		
Location of obsolete facility (No. and street, City, State, ZIP Code) <i>546 S. Telegraph</i>		
City, Township, Village (indicate which) <i>City Monroe</i>		County <i>Monroe</i>
Date of commencement of Rehabilitation (mm/dd/yyyy) <i>9-1-08</i>	Planned date of Completion of Rehabilitation (mm/dd/yyyy) <i>11-1-08</i>	School District where facility is located (include school code) <i>Monroe</i>
Estimated Cost of Rehabilitation <i>\$ 200,000.00</i>	Number of years exemption requested <i>12</i>	Attach Legal description of Obsolete Property on separate sheet
Expected project likelihood (check all that apply):		
<input checked="" type="checkbox"/> Increase Commercial activity	<input type="checkbox"/> Retain employment	<input checked="" type="checkbox"/> Revitalize urban areas
<input checked="" type="checkbox"/> Create employment	<input type="checkbox"/> Prevent a loss of employment	<input checked="" type="checkbox"/> Increase number of residents in the community in which the facility is situated
Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment <i>30</i>		
Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion. <input checked="" type="checkbox"/>		

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by Public Act 146 of 2000, as amended, and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of Public Act 146 of 2000, as amended, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents) <i>M. Diner Inc</i>	Telephone Number <i>734-692-2700</i>	Fax Number <i>734-692-2118</i>
Mailing Address <i>17760 DEVONSHIRE RIVERVIEW MI 48193</i>	Email Address <i>billsagd@MichiganFuels.com</i>	
Signature of Company Officer (no authorized agents) <i>[Signature]</i>	Title <i>PRES.</i>	

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

The Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 is to be completed by the Assessor.

Signature <i>[Signature]</i>	Date application received <i>8-20-08</i>
---------------------------------	---

FOR STATE TAX COMMISSION USE		
Application Number	Date Received	LUCI Code

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application and instruction items (a) through (f) on page 1, and a separate statement of obsolescence from the assessor of record with the State Assessor's Board. All sections must be completed in order to process.

PART 1: ACTION TAKEN

Action Date: _____		
<input type="checkbox"/> Exemption Approved for _____ Years, ending December 30, _____ (not to exceed 12 years)		
<input type="checkbox"/> Denied		
Date District Established	LUCI Code	School Code

PART 2: RESOLUTIONS (the following statements must be included in resolutions approving)

A statement that the local unit is a Qualified Local Governmental Unit.

A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of Public Act 146 of 2000.

A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.

A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.

A statement that the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000 including the date of the hearing.

A statement that the applicant is not delinquent in any taxes related to the facility.

If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.

A statement that all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.

A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.

A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.

A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district.

A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.

A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(f) of Public Act 146 of 2000.

A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.

PART 3: ASSESSOR RECOMMENDATIONS

Provide the Taxable Value and State Equalized Value of the Obsolete Property, as provided in Public Act 146 of 2000, as amended, for the tax year immediately preceding the effective date of the certificate (December 31st of the year approved by the STC).

	Taxable Value	State Equalized Value (SEV)
Building(s)	\$373,500	\$373,500
Name of Governmental Unit	Date of Action on application	Date of Statement of Obsolescence
<i>City of Monroe</i>		

PART 4: CLERK CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

Name of Clerk	Clerk Signature	Date	
Clerk's Mailing Address	City	State	ZIP Code
	Telephone Number	Fax Number	Email Address

Mail completed application and attachments to: State Tax Commission
 Michigan Department of Treasury
 P.O. Box 30471
 Lansing, Michigan 48909-7971

If you have any questions, call (517) 373-3272.

For guaranteed receipt by the State Tax Commission, it is recommended that applications and attachments are sent by certified mail.

- A. General Description of facility: Built in 1947.
Type: Restaurant. Most Recent use: Restaurant,
one story building. Floor Area 9,692.
- B. General Description of the proposed use of the rehabilitated facility: Restaurant with two themes both taking advantage of a liquor license.
- C. Description of the general nature and extent of rehabilitation. Complete Redecoration of Monroe Diner side of the building. (Paint, carpet, lighting, signage, awnings... Electrical and HVAC per health Dept requests. The opposite side will include full plumbing, electric, HVAC, (Bar, and equipment) windows, and Roofing if required.
- D. Descriptive list of fixed building equipment: Four air conditioners, 2 Exhaust Hood and Vents, make up air system, Four electrical panels.
- E. Time Schedule of Rehabilitation: Start Sept 1 to Nov. 1. Ending.

F. The economic advantages expected from the exemption: This exemption will allow me to pass a Savings to any renter. The existing Renter, or Lessee has the potential of employing 30 people, and the renovation will compliment the surrounding neighborhood. The economic advantages will also allow me to beautify and landscape the property which is adjacent, and visible to Telegraph Rd.

Parcel: 5855 19 00162 000

Owner's Name: M DINER, LLC

Property Address: 546 S TELEGRAPH RD

Map #: REST/RETAIL/WARE/3

Cur. Class : 201 I Gov. Unit: 55 MONROE CITY

School: 01 MONROE PUBLIC

Prev. Class: 201 I Neighborhood: 055 COMMERCIAL IMP

Liber/Page: 2691-402

Created: / /

Split: / /

Active

Legal Description:

CONLISK PLACE LOT 6;7;8;9;10 & 11

Mailing Address:

17760 DEVONSHIRE
RIVERVIEW MI 48192

Most Recent Sale Information

Sold on 03/17/2004 for 700,000 by POUPARD LOUISE.

Terms of Sale: WARRANTY DEED

Liber/Page: 2691-402

Physical Property Characteristics

2009 S.E.V.: 373,500

Taxable: 373,500

Lot Dimen:

2008 S.E.V.: 373,500

Taxable: 373,500

Acreage: 0.87

Zoning: R-1A

Land Value: 340,056

Frontage: 0.0

PRE: 0.000%

Land Impr. Value: 42,807

Average Depth: 0.0

Improvement Data

of Residential Buildings: 0

of Ag. Buildings: 0

Year Built: 0

Est. TCV:

Occupancy: Single Family

Cmts:

Class: D

of Commercial Buildings: 3

Style: 1-S

Type: Restaurant

Exterior:

Desc: MONROE DINER

% Good (Physical): 0

Class: C

Heating System: Forced Air w/o Ducts

Quality: Average

Electric - Amps Service: 0

Built: 1947 Remodeled: 0

of Bedrooms: 0

Overall Building Height: 0

Full Baths: 0 Half Baths: 0

Floor Area: 9,692

Floor Area:

Sale Price/Floor Area: 72.22

Ground Area:

Est. TCV: 606,372

Garage Area:

Cmts:

Basement Area:

Basement Walls:

Est. TCV:

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 20, 2008

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, October 20, 2008 at 7:30 p.m. in the City Hall Council Chambers.

Present: Council Members Molenda, Conner, Beneteau, Clark, Paisley, McGhee, and Mayor Worrell.

Mayor Worrell asked for a moment of silence in memory of former Councilwoman Dorothy Edwards.

Charles Evans, City Clerk gave the invocation.

Mayor Worrell led the pledge of allegiance to the flag.

Presentations.

Presentation by Christine Floraday, Chairperson of the Historic District Commission, in recognition of property owners who have made substantial efforts to rehabilitate historic properties.

Jeff & Kim Heising, 624 W. Front Street, stated they have lived at their address for 14 years and that they have researched the history of the home and have been working on their home since they purchased it.

Ken & Rebecca Wickenheiser, Hotel Sterling, 109 W. Front Street, expressed gratitude for the recognition from the HDC and to the City and personnel from the Mayor's Office to the Building Department for their support and help during the revitalization of the property.

Presentation by Councilman Jeremy Molenda regarding the Hollywood / Elm Street Beautification Project.

Communications. (Communications are referred to city administration for action and report back unless otherwise noted.)

258 Communication from Michael J. Smith, AFL-CIO United Way Liaison, submitting a request for a reduction in fees for building permits for Project Ramp.

Public Hearings.

247 This being the date set to hear public comments on Ordinance No. 08-014, an Ordinance to repeal Chapter 1426 of the Codified Ordinances of the City of Monroe being the Uniform Code for the Abatement of Dangerous Buildings and there being no persons present commenting and no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

248 This being the date set to hear public comments on Ordinance No. 08-015, an Ordinance to amend Section 1020.04, removal of snow, ice, filth and dirt from sidewalks and there being no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing open.

Adam Yeager, 1833 S. Custer, communicated his thoughts about the ordinance.

There being one person present commenting and no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

265 This being the date set to hear public comments for the purpose of review and hearing comments on a request from a property owner to establish a new Obsolete Property Rehabilitation District in the City of Monroe and there being no persons present commenting and no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

266 This being the date set to hear public comments for the purpose of review and hearing comments on an application for Obsolete Property Rehabilitation Tax exemption Certificate pursuant to Public Act 146 of 2000, as amended, from M. Diner, Inc. for property located at 546 South Telegraph Road and there being no comments on file in writing in the Clerk-Treasurer's Office the Mayor declared the hearing opened.

John Martin, 142 Lincoln Avenue informed council of the renovations he is doing to the property and his goals for the building and for that area of Telegraph.

Vern Starr, 1185 W. Front, asked what the tax base is under the abatement, how long the abatement lasts and does it affect others in the district.

Mayor Worrell referred him to Sam Guich, Assessors Office, and stated that the tax exemption certificate is for 12 years.

There being two person present commenting and no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

Council Action.

247 It was moved by Councilman Paisley and supported by Councilman Beneteau that Proposed Ordinance No. 08-014, an Ordinance to repeal Chapter 1426 of the Codified Ordinances of the City of Monroe being the Uniform Code for the Abatement of Dangerous Buildings, be placed on its final reading.

Ayes: 7 Nays: 0
Motion carried.

Proposed Ordinance No. 08-014 was then presented for the second time after which the Mayor asked "Shall this Ordinance pass?"

Ayes: 7 Nays: 0
Motion carried.

248 It was moved by Councilman Paisley and supported by Councilman McGhee Proposed Ordinance 08-015, an Ordinance to amend Section 1020.04, removal of snow, ice, filth and dirt from sidewalks, be placed on its final reading.

Ayes: 7 Nays: 0
Motion carried.

Proposed Ordinance 08-015 was then presented for the second time after which the Mayor asked "Shall this Ordinance pass?"

Ayes: 7 Nays: 0
Motion carried.

259 It was moved by Councilman Paisley and supported by Councilman Clark that Communication from the Building Official, submitting Proposed Ordinance 08-016, an Ordinance to adopt the 2006 International Property Maintenance Code and to amend several Chapters and Sections of the Codified Ordinances of the City of Monroe relating to Building and Housing Codes, be placed on its first reading and that the public hearing be set for Monday November 3, 2008.

Ayes: 7 Nays: 0
Motion carried.

Proposed Ordinance No. 08-016, was then presented for the first time and laid over for its second reading and public hearing be set for Monday, November 3, 2008.

Ayes: 7 Nays: 0
Motion carried.

Consent Agenda. (All items listed under the Consent Agenda are considered to be routine by Mayor and Council and will be approved by one motion, unless a Council member or citizen requests that an item be removed and acted on as a separate agenda item)

- A. Approval of the Minutes of the Regular Meeting held on Monday October 20, 2008.
- B. Approval of payments to vendors in the amount of \$958,026.16.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

260 Arthur Lesow Community Center Gymnasium Floor Rehabilitation.

- 1. Communication from the Director of Engineering and Public Services, submitting a proposal from Mr. Jacobs for all work on the gymnasium floor, including design, shop drawing review and construction administration and inspection, and it is recommended that Council award a contract for design and construction administration services for the Arthur Lesow Community Center Gymnasium Floor Replacement in the amount of \$6,300 to James S. Jacobs architects, PLLC and further recommending that the Director of Engineering and Public Services be authorized to sign any applicable agreements on behalf of the City of Monroe.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

261 Demolition Bid - 810 East Noble Avenue.

- 1. Communication from the Building Official, reporting back on bids received for demolition of a property located at 810 East Noble Avenue, and recommending that the award be made to Homrich, Inc. in the amount of \$6,494 and further recommending that the Mayor and Clerk Treasurer be authorized to sign the contracts on behalf of the City of Monroe.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

262 American Red Cross Banner Request.

- 1. Communication from the City Managers Office, reporting back on a request from the American Red Cross for permission to display a banner across East Front Street from March 2-23, 2009, announcing Red Cross Month and recommending that the request be approved.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

263 Homeless Network Committee banner Request.

- 1. Communication from the City Managers Office, reporting back on a request from the Homeless Network Committee for permission to display a banner across Monroe Street from November 6-14, 2008, announcing homeless awareness week and recommending that the request be approved.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

264 Transfer Ownership of a 2008 SDM Licensed Business.

- 1. Communication from the City Manager's Office, reporting back on a request from Woodward Detroit CVS, L.L.C. to transfer ownership of escrowed 2008 SDM licensed business located at 919 S. Monroe Street, Monroe, MI 48161, Monroe County from Arbor Drugs, Inc. and recommending that council approve the requested transfer.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

265 Request to establish Obsolete Property Rehabilitation District.

1. Communication from the Interim Director of Planning and Recreation, submitting a request from a property owner to establish a new Obsolete Property Rehabilitation District in the City of Monroe to determine potential districts existing in the City of Monroe and recommending that council approve the request to establish a new Obsolete Property Rehabilitation District in accordance with the recommendation of the EDRC, in the form of the attached resolution and authorize staff to forward the application to the State Tax Commission for their review and action, following a public hearing, at City Council's October 20, 2008 meeting.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

266 Obsolete Property Rehabilitation Certificate application – 546 S Telegraph Road.

1. Communication from the Interim Director of Planning and Recreation, submitting an application for Obsolete Property rehabilitation tax Exemption from M. Diner, Inc. for improvements proposed to be made at 546 South Telegraph Road, and recommending that Council approve the request in accordance with the recommendation of the EDRC, in the form of the attached resolution after a presentation by a representative of the applicant and authorize staff to forward the application to the State Tax Commission for their review and action following a public hearing at City Council's October 20, 2008 meeting.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

It was moved by Councilman Paisley and supported by Councilman Beneteau that item's 261, 262, 263, 264 and 266, be approved as indicated and that items 260 and 265 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

260 The communication from the Director of Engineering and Public Services was presented, submitting a proposal from Mr. Jacobs for all work on the gymnasium floor, including design, shop drawing review and construction administration and inspection, and it is recommended that Council award a contract for design and construction administration services for the Arthur Lesow Community Center Gymnasium Floor Replacement in the amount of \$6,300 to James S. Jacobs architects, PLLC and further recommending that the Director of Engineering and Public Services be authorized to sign any applicable agreements on behalf of the City of Monroe.

Councilman Paisley expressed concern about the buckling of the gymnasium floor and stated he would like to see the project started as soon as possible.

It was moved by Councilman Paisley and supported by Councilman McGhee that item 260 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

265 The communication from the Interim Director of Planning and Recreation was presented, submitting a request from a property owner to establish a new Obsolete Property Rehabilitation District in the City of Monroe to determine potential districts existing in the City of Monroe and recommending that council approve the request to establish a new Obsolete Property Rehabilitation District in accordance with the recommendation of the EDRC, in the form of the attached resolution and authorize staff to forward the application to the State Tax Commission for their review and action, following a public hearing, at City Council's October 20, 2008 meeting.

Councilman Clark explained to the public the area that the Obsolete Property Rehabilitation District encompassed and thanked the people who worked on this project.

Mayor Worrell asked if we should set a requirement that a property should be of a certain age, at least 30 years old, to be considered as an Obsolete Property.

Jeff Green, Interim Director of Planning and Recreation stated that creating a district does not automatically qualify a property for a tax freeze, that each building is looked at independently, and the different criteria for qualification.

It was moved by Councilman Clark and supported by Councilwoman Conner that item 265 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

Mayor Comments.

Mayor Worrell recognized Ms. Dorothy Edwards for her service as a Councilmember and stated he would like to have a plaque to recognize each Council Member and their precinct for their years of service.

Council Comments.

Councilwoman Conner commented on the information received regarding the police car up for replacement and the article in the Monroe Evening News about the Fire Department.

Councilman Clark commented on the rehabilitation of property within the City.

Councilman Paisley recognized all of the committees and the people who have helped to rehabilitate property within the city.

Councilman McGhee expressed concern about the liability to the city surrounding the problems with the Michigan Avenue Bridge. He further stated that Ms. Dorothy instilled him that the greatest service you can give is service to another person.

Patrick Lewis, Director of Engineering and Public Services stated that the engineering department has verbal clearance from the DEQ for the permit to replace the structure and hope to have the footers in before the frost and plans to open bids on October 31st. He further stated that there are some safety concerns and that signage has to be put in place to secure the area.

George Brown, City Manager announced that the Water Department is doing meter changes and to make appointments for that service the property owner should call 384-9150 or 384-9152 between 8:00am-4:30pm Monday through Friday. He further stated that he would offer a sincere apology to the Fire Department for any embarrassment or criticism his misrepresentation of information given to the Monroe Evening News regarding leaf bag distribution may have caused and he read a statement to correct the inaccurate information.

Citizen's Comments.

Derek Whitaker, 9091 Newport Creek Road, President of the IAFF Local 326 Firefighters Union, responded to the article in Saturday's Monroe Evening News and the correction statement from the City Manager and stated he would like to see that statement published in the paper also. He continued; the article in Saturday's paper was inaccurate and untruthful; that the City had taken the leaf bag distribution away from the Fire Department; that it was not negotiated out of their contract; it was discussed in negotiations but was not removed. He further stated the article said it had been mentioned in a staff meeting, but that was untrue; according to the Fire Chief there was no mention of leaf bag distribution. He continued that at times the public has been inconvenienced because cuts in staff left the office empty if the fire department was on a call. He further stated that the fire department has stepped up to the plate in the past and that they are the only union to have settled their contract, that they have lost ten jobs since last year, that they are the only union paying for health care and that from the 2007 to the 2008 budget year the fire department lost \$989,000, that their retirees were not offered any incentives or buy outs and through all of this the

fire department has not complained, they have been professional and they take issue with how they were portrayed to the public, with the lies that were told about them. He stated that the City Manager, George Brown has been reckless with the truth giving untrue statements to the press; he has shown in the past that he dislikes the fire department by giving more untrue statements to the press in April 2008 and in turn the fire department local 326 had to do damage control with a letter of correction to the editor. At that time the City Manager, George Brown sent an email of apology and said he was wrong in giving the information to the press. He further stated that City Manager, George Brown also lied while working in Adrian by backdating a document of disciplinary action and Council knew about his character issues but hired him irregardless. He further stated that the City Manager set precedence for city employees to live outside the residency area by renting an apartment here and living in Adrian. He continued that the city manager has hired a labor attorney to work with the Human Resource Department and has been employed by the city for almost a year at \$225 per hour to restructure contracts, which was voted on and passed for last years budget to increase the human resource budge by \$300,000 to pay for this attorney and at the same time the employee tuition reimbursement fund has run out of money. He stated that personally he is embarrassed to be associated with George Brown.

Andrea Jones, DDA Director announced that the new DDA website was launched last week and is more user friendly and will allow the public to add suggestions and comments to the site. The River Raisin Halloween Festival and downtown trick-or-treating is October 24th & 25th. She also mentioned that the I-75 Film series will be taking place at McGeady's Town Pub on the last Sunday of every month at 7:00 pm.

John Michrina, Chief of Police, stated that the leaf bags will continue to be available at the Police Department and commented that the both police unions would be happy to settle their contracts today for the same terms given to the Fire Department.

George Brown, City Manager stated that the accusations made by Derek Whitaker that he "lied" was not true and the information that he gave to the paper on an inquiry several months ago regarding firefighter retirements was accurate as it went but he was provided wrong information on the rank of a firefighter, however the amounts and benefits were accurate. He further stated that the information he provided for Saturday's article is information he had understood for several weeks and it turned out that he was wrong and had misunderstood the conversation where he gathered the information and in turn gave to the reporter. He stated that the information was inaccurate and he corrected it as soon as he realized it, but he did not lie, and he apologized to council for putting them in the position he has put them in.

Mayor Worrell stated he did not want to continue with this issue, that a public apology and explanation have been given. He asked if the contract with the fire department has been signed.

Peggy Howard, Human Resource Director stated that the contract has not been signed as of now and upon speaking with the president of the union, it was determined that the union would like to review the language changes in the contract for accuracy before signing it but that we have been operating as though the contract has been settled including health care changes.

Joe Lavelline, 1523 Dixie Drive asked about the progress on the Harbor Avenue water main repair and resurfacing because it has been going on for many months now.

Patrick Lewis, Director of Engineering and Public Services stated that the weather and the gap between the two different contracts (water main and street resurfacing) have been a big holdup and the replacement of the 36" drain pipe with a 30" was a requirement by the drain commission and that stopped progress. He stated he expects completion within a couple of weeks.

Adam Yeager, 1833 S. Custer Road commented on a very deep manhole on Front Street and would like to see it fixed.

It was moved by Councilman Paisley and seconded by Councilwoman Conner that Council go into executive session to discuss Property Acquisition at 8:55 p.m.

Ayes: 7 Nays: 0
Motion carried.

Council reconvened at 10:28 p.m.

Adjournment.

It was moved by Councilman Molenda and seconded by Councilman Paisley that the meeting adjourn at 10:28 p.m. until the Regular Meeting on Monday, November 3, 2008 at 7:30 p.m.

Ayes: 7 Nays: 0
Motion carried.

Charles D. Evans
Clerk-Treasurer, City Clerk's Office

Mark G. Worrell
Mayor



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: Collection of Delinquent Summer Taxes, Delinquent Special Assessments and other Assessments.

DISCUSSION: Section 148 of the City Charter requires a 5% penalty be added to all delinquent taxes and assessments and then be rolled onto the winter tax bill. The attached resolution authorizes same.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: N/A

REASON FOR DEADLINE:

STAFF RECOMMENDATION:

For

Against

REASON AGAINST:

INITIATED BY: City Treasurer' Office

Charles D. Evans, City Clerk/Treasurer

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:

FINANCES

COST AND REVENUE PROJECTIONS:

Cost of Total Project	\$
Cost of This Project Approval	\$
Related Annual Operating Cost	\$
Increased Revenue Expected/Year	\$

SOURCE OF FUNDS:

City

Account Number

Amount

\$

\$

\$

\$

\$

Other Funds

\$

\$

\$

\$

Budget Approval: _____

FACT SHEET PREPARED BY: C. Evans

DATE: 10/02/09

REVIEWED BY:

DATE:

COUNCIL MEETING DATE: October 19, 2009



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: Addition of 10% interest on unpaid special assessments and other assessments and then be reassessed and placed on the tax roll.

DISCUSSION: Section 181 of the City Charter requires 10% interest be added to all delinquent taxes and delinquent special assessments and other assessments and then be reassessed and added onto the winter tax bill. The attached resolution authorizes same.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: N/A

REASON FOR DEADLINE:

STAFF RECOMMENDATION: For Against

REASON AGAINST:

INITIATED BY: City Treasurer' Office

Charles D. Evans, City Clerk/Treasurer

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:

FINANCES

<u>COST AND REVENUE PROJECTIONS:</u>	Cost of Total Project	\$
	Cost of This Project Approval	\$
	Related Annual Operating Cost	\$
	Increased Revenue Expected/Year	\$

<u>SOURCE OF FUNDS:</u>	<u>City</u>	Account Number	Amount
			\$
			\$
			\$
			\$
			\$
	<u>Other Funds</u>		\$
			\$
			\$
			\$

Budget Approval: _____

FACT SHEET PREPARED BY: C. Evans

DATE: 10/02/09

REVIEWED BY:

DATE:

COUNCIL MEETING DATE: October 19, 2009



CITY COUNCIL AGENDA FACT SHEET

**RELATING TO: FINAL PAVING OF MASON RUN II STREETS – PAVING SPECIAL ASESMENT DISTRICT NUMBER 331
– SPECIAL ASSESSMENT RESOLUTION NUMBER 5 AND PROJECT CONFIRMATION**

DISCUSSION: The Mason Run Development was begun in the late 1990s as part of a Brownfield Redevelopment project, and in general, this project has been successful in establishing a traditional neighborhood keeping with the historic character of the City of Monroe. The overall development area is roughly bounded by Elm Avenue on the south, East Lorain Street extended on the north, the Norfolk Southern railroad on the east, and the homes on the east side of Michigan Avenue on the west. The developer, Creative Land Design Inc. (CLD), is the development arm of Crosswinds Communities, a firm that has done substantial “traditional neighborhood” design throughout the state. Like most other residential projects within Michigan, work has stopped on outstanding infrastructure and home-building due to the extremely poor economy, and the portions of the site lying north of Noble Avenue have been left in a state of limbo, where some homes have been constructed and are occupied but the final 1-1/2-inch lift of asphalt has not been placed on the streets. The Department of Public Services cannot safely plow these unfinished and as yet private roadways with our standard underbody plow trucks (and plowing of private roadways is against City policy), and this caused considerable inconvenience to the residents during Winter 2008-09.

As it appears that the developer is making no progress in completing the roadway paving, the Department of Engineering and Public Services feels that it is imperative to arrange for final paving of all of the private roadways so that they can be accepted into the public system and can be safely plowed this Winter. As such, we are recommending passage of Paving Special Assessment District Number 331 for this work. In keeping with past practices, the cost to complete all paving work plus a 15% contingency factor and 10% engineering costs has been divided between the parcels on a frontage basis. Also in keeping with past practice, “corner” lots receive a 50% discount on each frontage up to a total frontage of 150 feet. The final paving of all streets in this area has been included in the same district, and includes Mason Run Boulevard and Baptiste Avenue north of Noble Avenue, East Lorain Street from Mason Run Drain to Baptiste Avenue, and all of Elliot Street, LaPointe Avenue, and McDougall Street. The City of Monroe will be assuming all frontage costs for the parcel lying north of Elliot Street, between Baptiste Avenue and Mason Run Boulevard, and all of Elliot Park (between Elliot, McDougal, Baptiste, and Lapointe), plus the other 50% share of the corner lots.

The next and final step in this process is Resolution 5, which is attached for your approval and confirms the assessment roll for the project. Also attached is a map showing the district boundaries, and a 2-page spreadsheet detailing the proposed assessment for each parcel. The assessments range from a low of \$671.98 to a high of \$1,479.63 for the residential parcels, all of which can be spread over 10 years if desired. The City itself would be liable for \$20,111.97 of the cost, including the corner share of both the condominium units and the common elements, and Elliot Park. Confirmation of the district requires a 5-2 vote of City Council.

Since the City of Monroe awarded a publicly-bid contract for street resurfacing at the August 17, 2009 City Council meeting, it is most appropriate that this resurfacing project be awarded to the same contractor as a Change Order. This contract will consist essentially of one pay item, Furnish and Install MDOT 36A Bituminous Pavement, which has a unit price of \$61.50 per ton. The prime contractor is C & D Hughes of Charlotte, Michigan. They may perform some preparatory work, but all paving work will be performed by their subcontractor, Barrett Paving of Ypsilanti, Michigan. The estimated quantity is 929 tons, which will result in a base contract of \$57,133.50. As mentioned earlier, all projects include 15% contingencies in case unexpected work is required, and 10% for engineering costs. Any monies not actually spent will be refunded to the property owners following completion of the project.

IT IS RECOMMENDED that the attached Resolution 5 be adopted, and that Paving Special Assessment District Number 331 be confirmed. **IT IS FURTHER RECOMMENDED** that a Change Order to the 2009 Curb Replacement and Resurfacing Program in the amount of \$57,133.50 be issued to C & D Hughes, Inc., and that the Director of Engineering and Public Services be authorized to issue the Change Order on behalf of the City.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: October 19, 2009

REASON FOR DEADLINE: Final paving must occur by November 15 as asphalt plants typical lose by this date, and delaying confirmation of this district beyond this meeting will jeopardize the ability of the Contractor to complete work this Fall.

STAFF RECOMMENDATION: X For Against

REASON AGAINST: N/A

INITIATED BY: Department of Engineering and Public Services

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: City Council, Engineering and Public Services Department, adjacent property owners and residents

FINANCES

COST AND REVENUE PROJECTIONS:	Cost of Total Project	\$71,400*
	Cost of This Project Approval	\$N/A
	Related Annual Operating Cost	\$N/A
	Increased Revenue Expected/Year	\$N/A

*Estimated cost includes 1-1/2" of paving, plus 15% contingencies and 10% engineering inspection costs.

SOURCE OF FUNDS:	<u>City</u>	<u>Account Number</u>	<u>Amount</u>
	TBD by Finance Director		\$20,111.97**
	<u>Other Funds</u>		
	Property Owner Assessments		\$51,288.03

**City share of costs, includes corner lot share and Elliot Park frontage.

Budget Approval: _____

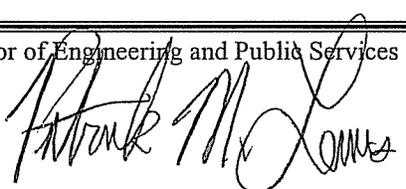
FACT SHEET PREPARED BY: Patrick M. Lewis, P.E., Director of Engineering and Public Services

DATE: 10/07/09

REVIEWED BY:

DATE:

COUNCIL MEETING DATE: October 19, 2009



RESOLUTION NO. 5

WHEREAS, October 19, 2009 is the date set for the public hearing and consideration of objections and suggestions on the assessment roll for the final paving work to service properties fronting Baptiste Avenue between East Noble Avenue and East Lorain Street, Lapointe Avenue between East Noble Avenue and Elliot Street, McDougal Street between Baptiste Avenue and Mason Run Boulevard, Elliot Street between Baptiste Avenue and Mason Run Boulevard, Mason Run Boulevard between East Noble Avenue and future East Lorain Street, and East Lorain Street between the Mason Run Drain and Baptiste Avenue, known and designated as Paving Special Assessment District Number 331, in which there is levied against the property abutting said streets, the sum of \$51,288.03, and the City Clerk-Treasurer reporting no objections on file in writing to date; and

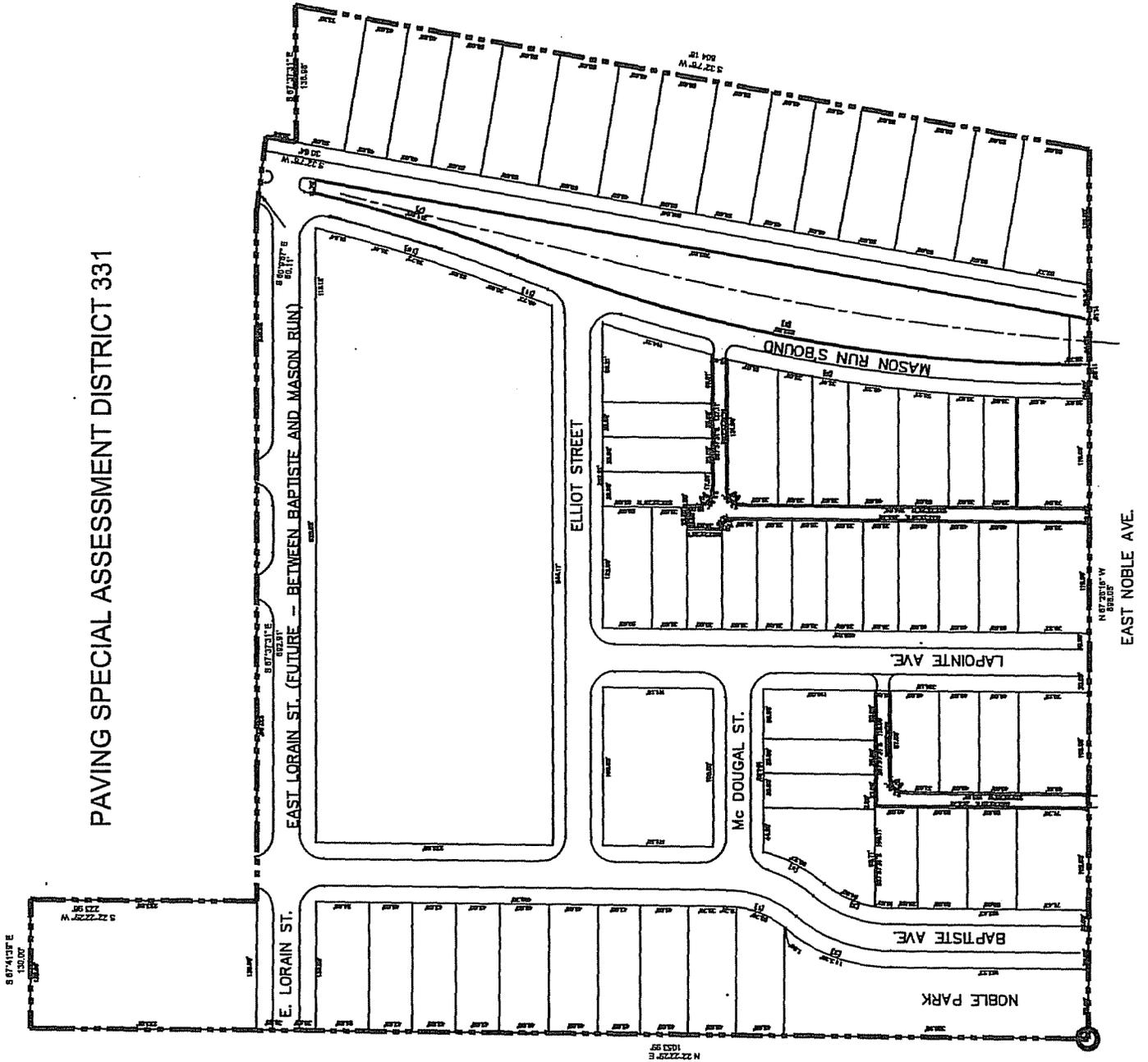
WHEREAS, affected property owners shall have the opportunity to provide verbal and written comments to the City Council regarding the assessment roll at said public hearing; therefore be it

RESOLVED, that said roll be and hereby is confirmed in all aspects, and be it further;

RESOLVED, that said roll be divided into ten (10) equal installments, the first installment being due and payable now; the second installment due and payable One (1) year from the date; the third installment due and payable Two (2) years from the date; the fourth installment due and payable Three (3) years from the date; the fifth installment due and payable Four (4) years from the date; the sixth installment due and payable Five (5) years from the date; the seventh installment due and payable Six (6) years from the date; the eighth installment due and payable Seven (7) year from the date; the ninth installment due and payable Eight (8) years from the date; and the tenth installment due and payable Nine (9) years from the date together with interest on such installment at the rate of 4.37% per annum, payable therefrom, from the date of confirmation of said special assessment roll, and be it further;

RESOLVED, that the City Clerk-Treasurer be and hereby is directed to attach his warrant to said roll, pursuant to the provisions of the Charter, and that the City Clerk-Treasurer be instructed in said warrant to make his return upon each installment within Sixty (60) days from the time the same shall be delivered for his collection.

PAVING SPECIAL ASSESSMENT DISTRICT 331



Mason Run II Final Street Paving - Paving Special Assessment District 331

Proposed assessable costs - based on frontage of all roadways within district

Note: "Corner lots" are entitled to 1/2 discount of each roadway frontage (75 feet maximum discount for each frontage) per City resolution.

Note: Parcels 59-01788-501 (Noble Park) and 59-01788-905 (future development) are general common elements and their frontage must be distributed among 62 parcels (61 condominium units and Elliot Park), not assessed separately

Note: Elliot Park not deeded from City to Creative Land Design. Elliot Park identified as public park in Master Deed, not common element.

Note: City Parcels do not receive corner lot discount, all frontage listed as P.O. share for these.

Parcel ID 59-01788-XXX	Property Address	Owner Name	Owner Property Address	Primary Frontage	Side Yard Frontage	Share of Common*	Total Frontage	City Share Frontage	P.O. Share Frontage	P.O. Projected Assessment
501	401 Bapliste	General common element	*Common element, must be divided 1/62 to each lot							
13	431 Bapliste	Washington, Allen R	431 Bapliste Avenue, Monroe, MI 48162	54.35	0.00	16.76	71.11	0.00	71.11	\$923.20
14	437 Bapliste	Wright, Garland B.	437 Bapliste Avenue, Monroe, MI 48162	48.02	0.00	16.76	64.78	0.00	64.78	\$841.02
15	443 Bapliste	Miller, Christian A & Jennifer A	443 Bapliste Avenue, Monroe, MI 48162	48.00	0.00	16.76	64.76	0.00	64.76	\$840.76
16	449 Bapliste	Zimmerman, Robert & Renee	449 Bapliste Avenue, Monroe, MI 48162	43.00	0.00	16.76	59.76	0.00	59.76	\$775.84
17	455 Bapliste	Wille, James M. & Carey Leigh	455 Bapliste Avenue, Monroe, MI 48162	49.00	0.00	16.76	65.76	0.00	65.76	\$853.74
18	459 Bapliste	Zavela, Corey N & Lori L	459 Bapliste Avenue, Monroe, MI 48162	49.00	0.00	16.76	65.76	0.00	65.76	\$853.74
19	463 Bapliste	Bux, Dennis M	463 Bapliste Avenue, Monroe, MI 48162	43.00	0.00	16.76	59.76	0.00	59.76	\$775.84
20	467 Bapliste	Scott, David & Kalhryn	467 Bapliste Avenue, Monroe, MI 48162	43.00	0.00	16.76	59.76	0.00	59.76	\$775.84
21	471 Bapliste	St. Bernard, Nicholas M	471 Bapliste Avenue, Monroe, MI 48162	43.00	0.00	16.76	59.76	0.00	59.76	\$775.84
22	475 Bapliste	Counlry Wide Home Loans	7105 Corporate Dr. #PTX B-32, Plano, TX 75024	54.00	130.00	16.76	200.76	92.00	108.76	\$1,411.99
12	402 Bapliste	Blank St. Real Estate Investors	1200 17th st., STE 880, Denver, CO 80202	71.43	0.00	16.76	88.19	35.72	52.47	\$681.20
11	406 Bapliste	Lowenstein, Lisa	406 Bapliste Avenue, Monroe, MI 48162	50.00	0.00	16.76	66.76	0.00	66.76	\$866.72
10	410 Bapliste	Smith, Howard E & Theresa A	410 Bapliste Avenue, Monroe, MI 48162	50.00	0.00	16.76	66.76	0.00	66.76	\$866.72
9	414 Bapliste	Garner, Marty L & Andrea L	414 Bapliste Avenue, Monroe, MI 48162	42.07	0.00	16.76	58.83	0.00	58.83	\$763.77
500	444 Bapliste	City of Monroe - Elliot Park	120 East First Street, Monroe, MI 48161	111.18	431.18	16.76	559.12	0.00	559.12	\$7,258.87
8	902 McDougal	Gapuz, Raph & Angela L	902 McDougal Street, Monroe, MI 48162	123.95	44.50	16.76	185.21	84.23	100.98	\$1,310.99
7	906 McDougal	Aicher, Todd S & Torrie M	906 McDougal Street, Monroe, MI 48162	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
6	910 McDougal	Thompson, Debra S	910 McDougal Street, Monroe, MI 48162	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
5	914 McDougal	Renwick, Thomas L Jr. & Nicole M	914 McDougal Street, Monroe, MI 48162	50.00	110.00	16.76	176.76	80.00	96.76	\$1,256.20
1	401 Lapointe	Manclini, Dino A & Sally	401 Lapointe Avenue, Monroe, MI 48162	70.15	0.00	16.76	86.91	35.08	51.83	\$672.89
2	405 Lapointe	Fritz, Brian David & Andrea	405 Lapointe Avenue, Monroe, MI 48162	40.00	0.00	16.76	56.76	0.00	56.76	\$736.90
3	409 Lapointe	Carpenter, Jeffrey G & Heather M	409 Lapointe Avenue, Monroe, MI 48162	40.00	0.00	16.76	56.76	0.00	56.76	\$736.90
4	413 Lapointe	Rickard, Kenneth L & Kimberly D	413 Lapointe Avenue, Monroe, MI 48162	48.00	0.00	16.76	64.76	0.00	64.76	\$840.76
23	402 Lapointe	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	70.52	0.00	16.76	87.28	35.26	52.02	\$675.36
24	406 Lapointe	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	40.00	0.00	16.76	56.76	0.00	56.76	\$736.90
25	410 Lapointe	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	40.00	0.00	16.76	56.76	0.00	56.76	\$736.90
26	414 Lapointe	Umfress, Andrea L	414 Lapointe Avenue, Monroe, MI 48162	40.00	0.00	16.76	56.76	0.00	56.76	\$736.90
27	418 Lapointe	Brent Huber	336 Bapliste Avenue, Monroe, MI 48162	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
28	422 Lapointe	Ibershoff, James G & Evelyn J	422 Lapointe Avenue, Monroe, MI 48162	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
29	426 Lapointe	Woolf, Charles F & Debra A	426 Lapointe Avenue, Monroe, MI 48162	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
30	430 Lapointe	Lavanway, Jon L & Anita O	430 Lapointe Avenue, Monroe, MI 48162	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
31	434 Lapointe	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
32	438 Lapointe	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
33	442 Lapointe	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
34	446 Lapointe	Seely, Russell G & Lisa M	446 Lapointe Avenue, Monroe, MI 48162	50.00	122.00	16.76	188.76	86.00	102.76	\$1,334.10
35	938 Elliot	Medlin, Janell	938 Elliot Street, Monroe, MI 48162	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
36	942 Elliot	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
37	946 Elliot	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	35.00	0.00	16.76	51.76	0.00	51.76	\$671.98
38	950 Elliot	Hughes, Thomas G & Debra A	950 Elliot Street, Monroe, MI 48162	80.21	114.21	16.76	211.18	97.21	113.97	\$1,479.63
46	401 Mason Run	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	71.30	0.00	16.76	88.06	35.65	52.41	\$680.42
45	407 Mason Run	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	35.03	0.00	16.76	51.79	0.00	51.79	\$672.37
44	411 Mason Run	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	35.07	0.00	16.76	51.83	0.00	51.83	\$672.89
43	415 Mason Run	Hall, Willie R & Darleen L	415 Mason Run Blvd., Monroe, MI 48162	50.21	0.00	16.76	66.97	0.00	66.97	\$869.45
42	419 Mason Run	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	49.38	0.00	16.76	66.14	0.00	66.14	\$858.67
41	425 Mason Run	Palmer, Jeremiah T & Renee M	425 Mason Run Blvd., Monroe, MI 48162	35.41	0.00	16.76	52.17	0.00	52.17	\$677.31
40	429 Mason Run	Creative Land Design, Inc.	41050 Vincent Court, Novi, MI 48375	35.55	0.00	16.76	52.31	0.00	52.31	\$679.12

Paving Special Assessment District 331

Proposed Cost Breakdown

Prepared by Patrick M. Lewis, P.E., Director of Engineering and Public Services

Mason Run II Final Street Paving - Paving Special Assessment District 331

Proposed assessable costs - based on frontage of all roadways within district

Note: "Corner lots" are entitled to 1/2 discount of each roadway frontage (75 feet maximum discount for each frontage) per City resolution.

Note: Parcels 59-01788-501 (Noble Park) and 59-01788-905 (future development) are general common elements and their frontage must be distributed among 62 parcels (61 condominium units and Elliot Park), not assessed separately

Note: Elliot Park not deeded from City to Creative Land Design. Elliot Park identified as public park in Master Deed, not common element.

Note: City Parcels do not receive corner lot discount, all frontage listed as P.O. share for these.

Parcel ID 59-01788-XXX	Property Address	Owner Name	Owner Property Address	Primary Frontage	Side Yard Frontage	Share of Common*	Total Frontage	City Share Frontage	P.O. Share Frontage	P.O. Projected Assessment
39	433 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	51.07	0.00	16.76	67.83	0.00	67.83	\$880.61
47	402 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	87.73	0.00	16.76	104.49	43.87	60.62	\$787.01
48	408 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	50.00	0.00	16.76	66.76	0.00	66.76	\$866.72
49	414 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	60.00	0.00	16.76	76.76	0.00	76.76	\$996.55
50	420 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	55.00	0.00	16.76	71.76	0.00	71.76	\$931.64
51	426 Mason Run	Stephanie Gesner	426 Mason Run Blvd., Monroe, MI 48162	45.00	0.00	16.76	61.76	0.00	61.76	\$801.81
52	432 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	45.00	0.00	16.76	61.76	0.00	61.76	\$801.81
53	438 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	55.00	0.00	16.76	71.76	0.00	71.76	\$931.64
54	444 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	55.00	0.00	16.76	71.76	0.00	71.76	\$931.64
55	450 Mason Run	O'Grady, Michael & Christlina	450 Mason Run Blvd., Monroe, MI 48162	45.00	0.00	16.76	61.76	0.00	61.76	\$801.81
56	456 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	60.00	0.00	16.76	76.76	0.00	76.76	\$996.55
57	462 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	58.00	0.00	16.76	74.76	0.00	74.76	\$970.58
58	468 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	50.00	0.00	16.76	66.76	0.00	66.76	\$866.72
59	474 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	45.00	0.00	16.76	61.76	0.00	61.76	\$801.81
60	480 Mason Run	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	43.00	0.00	16.76	59.76	0.00	59.76	\$775.84
61	486 Mason Run	U.S. Bank National Association	155 N. Lake Ave., Pasadena, CA 91101	50.00	0.00	16.76	66.76	0.00	66.76	\$866.72
905	E. Noble - Vacant	General common element	*Common element, must be divided 1/62 to each lot							
903	E. Noble - Vacant	Creative Land Design, Inc.	41050 Vincenll Court, Novi, MI 48375	130.00	0.00	0.00	130.00	65.00	65.00	\$843.87
Project Totals				3208.63	951.89	1039.12	5199.64	690.02	4509.62	\$58,546.90

Assessable Frontage less corner lot of common	5199.64
Corner Lot Share of Common Elements	300.00
Total Assessable Frontage	5499.64
Projected Assessable Cost (w/eng. & Contingencies)	\$71,400
Assessable Cost per front foot	\$ 12,9827

Note: City corner lot share not accounted for in above table (Parcel nos. 59-01788-501 [75 feet] and 59-01788-905 [225 feet])

Property Owner Costs (Less Elliot Park)	\$51,288.03
City Costs (Elliot Park)	\$7,258.87
City Costs (Corner Frontage of Condominium Units)	\$8,958.30
City Costs (Corner Frontage of Common Elements)	\$3,894.80
Total Project Costs	\$71,400.00



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: REPORT BACK ON BIDS RECEIVED FOR THE WASTERWATER PUMP STATION ELEVATOR SYSTEM REMOVALS AND LADDER SYSTEM INSTALLATIONS

DISCUSSION: The Wastewater Department received three (3) bids to remove the elevator system and install ladder systems in five (5) existing collection system pump stations (bid tabulation attached). The low bidder meeting all bid specifications is from Abetter Elevator LLC for \$13,803.00 (fiberglass-reinforced plastic ladder system). A fiberglass-reinforced plastic ladder system is recommended based on the submitted design and resistance of the ladder system in a wastewater environment.

The Wastewater Department maintains 37 pump stations such that five of them have an elevator system that have come into disrepair and are regulated by the MDEQ which requires annual inspections by an outside consultant. The elevators are used to lift & lower equipment / tools into the stations for routine maintenance / repair. Wastewater vehicles and equipment are equipped with crane systems which are used to perform the same task. In an effort to reduce operating expenses of inspection, replacement and maintenance costs on the elevator systems it was recommended with the FY 2009-2010 budget to remove the elevator systems and install ladder systems in the five pump stations. Adequate funding was budgeted for this project.

IT IS RECOMMENDED that the City Council award a purchase order to remove the elevator systems and install fiberglass-reinforced plastic ladder systems in the five existing collection system pump stations in accordance with the bid specifications to Abetter Elevator LLC in the amount of \$13,803.00.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

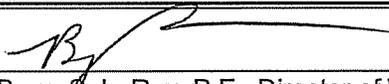
APPROVAL DEADLINE: December 8, 2009

REASON FOR DEADLINE: Bid is good for sixty (60) days.

STAFF RECOMMENDATION: For Against

REASON AGAINST: N/A

INITIATED BY:


Barry S. LaRoy, P.E., Director of Water & Wastewater Utilities

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: Wastewater Department

FINANCES

COST AND REVENUE PROJECTIONS:	Cost of Total Project	\$ 15,000.00
	Cost of This Project Approval	\$ 13,803.00
	Related Annual Operating Cost	\$ N/A
	Increased Revenue Expected/Year	\$ N/A

SOURCE OF FUNDS:	<u>City</u>	<u>Account Number</u>	<u>Amount</u>
	Operating Equipment	590-75.530-975.000	\$ 13,803.00

Other Funds

Budget Approval: _____

FACT SHEET PREPARED BY: Barry S. LaRoy, P.E., Director of Water & Wastewater Utilities **DATE:** October 12, 2009

REVIEWED BY: _____ **DATE:** _____

COUNCIL MEETING DATE: October 19, 2009

BIDS RECEIVED LIST (DIRECT MAIL/FAX) FOR REMOVAL OF PUMP STATION
ELEVATOR SYSTEM AND INSTALLATION OF LADDER SYSTEM FOR THE
WASTEWATER DEPARTMENT. BID REQUESTS MAILED 9/21/09. BIDS DUE
FRIDAY, OCTOBER 9, 2009.

OTIS ELEVATOR CO
5960 ANGOLA RD SUITE 1
TOLEDO OH 43615

BID AMOUNT

NO BID

AZ SHMINA INC
11711 GRAND RIVER
BRIGHTON MI 48116
ATTN: ANDREW SHMINA

NO BID

ABETTER ELEVATOR
33417 KELLY RD
FRASER MI 48026
ATTN: RICK AKERS

\$ 12,912.00 (STEEL)
\$ 13,803.00 (PLASTIC) ←
(CHECK)

DETROIT ELEVATOR
2121 BURDETTE
FERNDALE MI 48220
ATTN: MARILYN RUSSELL

\$ 29,550.00
(BID BOND)

LARDNER ELEVATOR CO
729 MELDRUM
DETROIT MI 48207
ATTN: MIKE LARDNER

NO BID

2ND STEP INC
327 RIDGEMONT
GROSSE POINTE FARMS MI 48236

NO BID

SCHINDLER ELEVATOR CO
PO BOX 960
HOLLAND OH 43528-0960
ATTN: LOUIS HAEFNER

\$ 41,888.00
(BID BOND)

INDUSTRIAL POWER SYSTEMS
1650 INDIAN WOOD CIRCLE
SUITE 100
MAUMEE OH 43537

NO BID

MARINE BUILDING GROUP
501 W SOPHIA ST
SUITE H
MAUMEE OH 43537

NO BID



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: REPORT BACK ON BIDS RECEIVED FOR THE REPLACEMENT OF A 500 KVA TRANSFORMER AT THE WASTEWATER TREATMENT PLANT

DISCUSSION: The Wastewater Department received four (4) bids to remove and replace an existing 500 kVA transformer at the Wastewater Treatment Plant (bid tabulation attached). The low bidder meeting all bid specifications is from Transformer Inspection Retrofill for \$19,830.00.

Per routine inspections of the existing transformer, it was determined that the transformer is at the end of its service life and has recently deteriorated to point that it is leaking and needs to be replaced. The transformer is one of several transformers used at the Wastewater Treatment Plant. Adequate funding has been budgeted for this project.

IT IS RECOMMENDED that the City Council award a purchase order to remove and replace an existing 500 kVA transformer at the Wastewater Treatment Plant in accordance with the bid specifications to Transformer Inspection Retrofill in the amount of \$19,830.00.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

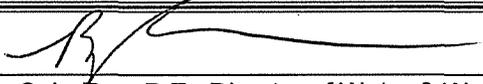
APPROVAL DEADLINE: November 13, 2009

REASON FOR DEADLINE: Bid is good for thirty-five (35) days and must be replaced ASAP.

STAFF RECOMMENDATION: For Against

REASON AGAINST: N/A

INITIATED BY:


Barry S. LaRoy, P.E., Director of Water & Wastewater Utilities

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: Wastewater Department, Building Department

FINANCES

COST AND REVENUE PROJECTIONS:

Cost of Total Project	\$ 30,000.00
Cost of This Project Approval	\$ 19,830.00
Related Annual Operating Cost	\$ N/A
Increased Revenue Expected/Year	\$ N/A

SOURCE OF FUNDS:

City	Account Number	Amount
Operating Equipment	590-75.527-977.000 08Z09	\$ 19,830.00

Other Funds

Budget Approval: _____

FACT SHEET PREPARED BY: Barry S. LaRoy, P.E., Director of Water & Wastewater Utilities **DATE:** October 12, 2009

REVIEWED BY:

DATE:

COUNCIL MEETING DATE: October 19, 2009

BIDS RECEIVED LIST (DIRECT MAIL/FAX) FOR REPLACEMENT OF 500 KVA
PADMOUNT TRANSFORMER T-6 THE WASTEWATER PLANT. BID REQUESTS
MAILED 9/23/09. BIDS DUE FRIDAY, OCTOBER 9, 2009.

	<u>BID AMOUNT</u>
POWER PLUS ENGINEERING INC 46575 MAGELLAN DRIVE NOVI MI 48377-2452 ATTN: CHRIS KIDD	NO BID
DYNEX INDUSTRIES INC 23460 INDUSTRIAL DRIVE FARMINGTON MI 48335 ATTN: DAVE LAURA	\$ 26,879.00 (BID BOND)
TRANSFORMER INSPECTION RETROFILL 2704 NORMANDY RD ROYAL OAK MI 48073 ATTN: DIANA CAMPBELL	\$ 19,830.00 ← (BID BOND)
TURNER ELECTRICAL SERVICES 8530 W CENTRAL AVE TOLEDO OH 43560	NO BID
HURON VALLEY ELECTRIC 425 JACKSON PLAZA ANN ARBOR MI 48103 <u>EMALEY@HURONVALLEYELECTRIC.COM</u>	\$ 21,000.00 (BID BOND)
CORBY ENERGY SERVICES 6001 SCHOONER DRIVE BELLEVILLE MI 48112 <u>JCORBY@CORBYENERGY.COM</u>	\$ 23,879.00 (BID BOND)



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: 2009 DRINKING WATER REVOLVING FUND (DWRF) WATER MAIN PROJECTS – CONSULTANT INSPECTION CONTRACTS

DISCUSSION: At the March 16, 2009 City Council meeting, four (4) consultant contracts were awarded for inspection services on 2009 construction projects. The City-wide Operational Assessment in 2007 report identified inspection of construction projects as a particular area where it was felt that the City could utilize the private sector to assist with spikes in workload, particularly during the Summer months. Thus far in 2009, this utilization has been absolutely necessary, though we are using our full-time personnel to manage all of our contracts, perform all surveying activities, and perform some inspection as time allows. We have generally tried to keep personnel from one firm assigned to one contract through completion for consistency purposes and based on their particular skill sets, and all have been performing well.

The next grouping of construction projects that is about to commence includes water main replacement in twelve (12) geographic locations totaling 3.0 miles, and water main rehabilitation in four (4) geographic locations totaling 1.3 miles. All of this work is being funded through low-interest loans through the State's Drinking Water Revolving Fund (DWRF) program administered by the Michigan Department of Environmental Quality (MDEQ), but in addition the City will receive up to 40% of the project costs (close to \$2 million) forgiven through the American Recovery and Reinvestment Act (ARRA). Contract work is set to commence as soon as late October, with final completion dates of all contracts set for June 30, 2010. Work on the replacement sections is expected to continue through the Winter months as weather permits, but the rehabilitation contract will be suspended sometime in late November due to freezing of the above-ground bypass water lines. Based on the project schedules provided by the contractors, it is possible that up to five (5) inspectors may be necessary during the months of November and December, with at least two (2) required from that point until contract completion.

At this point, even though some of the original consultant contracts from March still have some remaining Council expenditure authority, we would like to issue completely new contracts for the DWRF program inspection, since these are subject to additional tracking requirements under the ARRA and MDEQ and the City is borrowing funds for the costs through the DWRF program itself. It is most likely that one inspector from each of the original four (4) firms will be used for most of the contract term through June, but it is still difficult to predict exactly the distribution of funding between firms for the next eight (8) months. While we have reported the upper end of potential inspection costs as a larger amount to the MDEQ to avoid having to request additional authority, most consulting firm costs have been approximately \$10,000 per month for the 2009 projects, and as such, the maximum cost per firm is more likely to be \$80,000 for the next eight (8) months. As a result, we are asking for Council authority of up to \$80,000 per firm for the 2009-10 DWRF program inspection activities. As before, we will schedule our contract inspectors to the maximum benefit of the Engineering Department, and will supplement with our own personnel when possible. The original proposals included standard agreements with each firm, which are acceptable to the City and can be extended for this project.

IT IS RECOMMENDED that the City Council award a professional services contract to Dietrich, Bailey, and Associates; The Mannik and Smith Group; TTL Associates; and David Arthur Consultants, each for up to \$80,000 for the 2009-10 DWRF water main projects inspection. **IT IS FURTHER RECOMMENDED** that the Director of Engineering and Public Services be authorized to execute said contracts and issue purchase orders in this amount to each.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: As soon as possible

REASON FOR DEADLINE: Contracts for which inspection is needed are expected to commence within the next two (2) weeks.

STAFF RECOMMENDATION: X For Against

REASON AGAINST: N/A

INITIATED BY: Department of Engineering and Public Services

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: City Council, Engineering Department, Water Department, residents and property owners within project areas.

FINANCES

COST AND REVENUE PROJECTIONS:

Cost of Total Project	\$320,000*
Cost of This Project Approval	\$320,000*
Related Annual Operating Cost	\$ N/A
Increased Revenue Expected/Year	\$ N/A

*Costs include inspection costs for this program only.

<u>SOURCE OF FUNDS:</u>	<u>City</u>	<u>Account Number</u>	<u>Amount</u>
	Water Main Improv. – Year 2	591-40.538-818.020 09W08	\$320,000.00
	<u>Other Funds</u>		

Budget Approval: _____

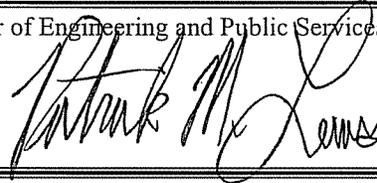
FACT SHEET PREPARED BY: Patrick M. Lewis, P.E., Director of Engineering and Public Services

DATE: 10/12/09

REVIEWED BY:

DATE:

COUNCIL MEETING DATE: October 19, 2009





CITY COUNCIL AGENDA FACT SHEET

RELATING TO: CITY POLICIES AND PROCEDURES

DISCUSSION: The purpose of the following policies is to establish procedures to effectively communicate the City's expectations for non-union employees and Appointed Officials who request leaves of absences and for those employees who are trustees on the City of Monroe Municipal Employees' Retirement Board who wish to attend educational conferences, seminars and workshops. Attached please find two (2) new policies addressing these issues:

- 1) Leaves of Absence
- 2) City of Monroe Municipal Employees' Retirement System Educational Conferences, Seminars and Workshops.

After review and input from the Appointed Staff, I am recommending that the Mayor and City Council approve the attached Policies and direct City administration to proceed with implementation.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: October 19, 2009

REASON FOR DEADLINE:

STAFF RECOMMENDATION: X For Against

REASON AGAINST: N/A

INITIATED BY: Peggy A. Howard, Human Resources Director

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:

FINANCES

COST AND REVENUE PROJECTIONS:

Cost of Total Project	\$ N/A
Cost of This Project Approval	\$ N/A
Related Annual Operating Cost	\$ N/A
Increased Revenue Expected/Year	\$ N/A

<u>SOURCE OF FUNDS:</u>	<u>City</u>	<u>Account Number</u>	<u>Amount</u>
			\$ N/A
	<u>Other Funds</u>		\$ N/A
			\$ N/A
			\$ N/A
			\$ N/A

Budget Approval: _____

FACT SHEET PREPARED BY: Peggy A. Howard, Human Resources Director

DATE: 10-13-09

REVIEWED BY:



DATE:

COUNCIL MEETING DATE: 10/19/09



Section Name: Employee Relations Effective Date: October 19, 2009
Section Number: 400 Date of Revision:
Policy Number: 012
Page: 1 of 6

Subject: Leaves of Absence

1. Purpose: The purpose of this policy is to establish procedures for regular full-time non-union employees and Appointed Officials who request leaves of absences.

2. Statement of Policy:

2.1 Sick Leave.

(a) Regular full-time employees are entitled to seven and one-half (7.5) hours of paid sick leave per month after one month of employment. In order to be eligible for sick leave credit, an employee must be on the payroll for at least ten (10) work days during the month for which it is earned. All paid leave days, except sick leave days, shall be considered as days worked for accumulation of sick leave credits. Each eligible employee will be allowed to accrue sick time up to a maximum of seven hundred and fifty (750) hours. Any time in excess of this amount shall be forfeited.

(b) As used in this Section, the term "sick leave" refers to the absence of the employee due to sickness or non-occupational illness or injury to such an extent that he/she is unable to perform his/her scheduled.

A regular employee shall be allowed one (1) day's regular pay for each work day off due to legitimate illness or injury until the employee's sick leave credits are exhausted. The Employer may require a physician's certificate showing that the time off was due to actual non-occupational illness or injury and that such illness or injury was disabling to the extent that the employee could not perform regular work duties.

(c) If the employee so elects, after all accrued sick leave is used, vacation leave may be used upon approval of the Department Head.

(d) Each employee is required to notify his/her supervisor or his/her designee no later than fifteen (15) minutes prior to the start of the shift if he/she will be absent or tardy, except for extreme cases of emergency and under circumstances beyond his/her control.

(e) An employee who has exhausted his/her accrued sick leave benefits but is unable to return to work due to a continuing illness or injury will be eligible for up to twenty-six (26) weeks indemnity pay. Indemnity pay will be calculated at forty-percent (40%) of the employee's base pay with a minimum of One Hundred Fifty Dollars (\$150.00) per week. In order to be eligible for this benefit, the individual must be a regular full-time employee with one (1) year of service.

(f) In January of each calendar year, employees shall receive a sick bonus payment for one-half (½) of the unused portion of sick leave earned the preceding calendar year. The remaining one-half shall be credited to the employee's sick leave bank. The sick leave bonus payment shall be determined by using the employee's rate of pay as of December 31. In no event shall the amount of the bonus be for more than forty-five (45) hours pay. In order to be eligible for this payment, the individual must be a full-time regular employee with a minimum of six (6) months of service as of December 31. When an employee terminates his/her employment, is discharged, retires or dies, the employee (or his/her estate) shall be entitled to a pro-rated sick leave bonus for all unused days during his/her last calendar year of employment up to the date of termination. Such payment shall be made payable to the employee or his/her estate at the employee's current rate of pay at the time of termination, discharge, retirement, or death.

2.2 Long Term Disability Benefits. The City shall provide and maintain group long-term disability benefits for full-time employees commencing on the employee's 90th day of regular employment. Benefits shall begin on the employee's 181st calendar day or the number of accumulated sick leave days (whichever is greater) of disability and shall be in an amount equal to 67% of the employee's regular monthly earnings, up to a maximum benefit of \$1,600 per month. The maximum benefit period shall be two (2) years.

Disability benefits are subject to reduction by any of the following other income benefits for which the employee may be eligible:

- Workers' Compensation Disability Benefits.
- Pension Disability Benefits.
- Disability Benefits under any "no-fault" automobile reparation insurance law.
- Indemnity pay.

To qualify for long-term disability benefits as described above, each employee must individually enroll and make proper application for such benefits at the Human Resources Department.

Except as otherwise provided in the City's Policies and Procedures, an employee's long-term disability benefits plan shall terminate on the date that the employee retires, is terminated, is laid off, the disability benefits plan terminates, or the employee goes on an unpaid leave of absence.

The benefits hereinabove provided shall be subject in all respects to the terms, conditions, exclusions, limitations and other provisions of the group insurance policy between the City and its carrier.

2.3 Personal Leave. Regular full-time non-union employees are eligible for five (5) personal leave days off, with pay, each calendar year. Appointed officials are eligible for unlimited personal leave subject to approval by the City Manager. **Effective January 1, 2010, regular, Appointed Officials who have completed one (1) year of service shall be entitled to five (5) personal days off, with pay, each calendar year.** (Employees who have completed one (1) year of service after January 1 shall receive prorated personal days during the first year of eligibility.) The City Manager may approve additional personal leave for Appointed Officials in consideration for hours worked well in excess of normal work hours. Any unused personal leave shall be forfeited at the end of the calendar year.

Regular full-time employees with six (6) months or more of service may also be granted an unpaid personal leave of absence for compelling reasons. Personal leaves may be approved by the Department Head and the City Manager for an initial period of up to thirty (30) days. Extensions may be approved for a maximum period of an additional thirty (30) days at the discretion of the Department Head and City Manager. Applications for personal leave shall be filed in writing with the Department Head and the Human Resources Director and shall provide a detailed explanation of the reason for the leave. Where possible, leave requests must be submitted not less than thirty (30) days prior to the desired commencement date of the leave, or any extensions of the leave. In all events, applications must be received prior to the commencement of a leave or the expiration of the original leave. Employees granted a personal leave shall be subject to the following provisions:

- (a) The employee may be required to submit to a physical and/or mental examination at the conclusion of the leave.
- (c) The employee must keep the Department Head informed of any change in status or any change in the conditions which caused the request for the leave.
- (d) The employee must not engage in any gainful employment during such a leave.
- (e) Vacation time, holiday pay, sick leave, longevity pay, length of service credit for retirement or compensation purposes, and other employee benefits shall not accumulate or be paid during a leave of absence, except that all City paid insurance's will be paid for a maximum of thirty (30) calendar days. The employee's benefit status shall be frozen as of the date the leave commences and those benefits shall be reinstated upon the employee's return to work following termination of the leave. However, employees desiring to continue their health care benefits, dental and/or life

insurance coverage may do so at their own expense if the leave is granted for a period exceeding thirty (30) days. Time spent on personal leave shall not be included in an employee's length of service for pay grade increases.

2.4 Military Leave. Employees who enter the armed forces of the United States while employed by the City shall be given all benefits accorded them by applicable state and federal law.

2.5 Bereavement Leave. An employee may be granted a bereavement leave of absence, with pay, for a death in the immediate family.

The maximum duration of such bereavement leave shall be thirty-seven and one-half (37.5) hours for the death of the employee's spouse, child, or stepchild; twenty-two and one-half (22.5) hours for the death of the employee's parent, brother, sister, stepparent, father-in-law, mother-in-law, grandparent or grandchild; seven and one-half (7.5) hours for the death of the spouse's grandparent or spouse's brother or sister.

Should a death in his immediate family occur while an employee is on a scheduled vacation leave, he shall be eligible to receive these benefits provided he notifies the Employer prior to the date of the funeral.

2.6 Jury Duty Leave. If an employee is summoned and reports for jury duty, such employee shall be granted time off without loss of pay or benefits. Any jury duty fee received by the employee shall be submitted to the City.

2.7 Court Leave. An employee subpoenaed as a witness to testify in connection with any matters arising out of his employment shall be granted time off for such testimony without loss of pay or benefits status. Any witness fees received by the employee resulting from this leave shall be submitted to the City.

2.8 Emergency Leave. Effective October 19, 2009, non-union employees and Appointed Officials will no longer be eligible for emergency leave pay.

2.9. Duty Disability Leave. Regular full-time non-union employees and Appointed Officials who have completed one (1) year of service shall be eligible for duty disability. The terms and conditions governing such leaves shall as follows.

A "duty disability leave" shall mean a leave required as a result of the regular full-time employee incurring an illness or injury while in the employ of the Employer that is compensable under the Michigan Workers' Disability Compensation Act ("MWDCA").

In order to be eligible for duty disability leave, an employee shall immediately report any illness or injury to his/her immediate supervisor and take such first-aid treatment as may be recommended, or waive such first-aid in writing.

Regular full-time employees on duty disability leave shall accrue all fringe benefits in the same manner as other employees for the first twelve (12) months

on duty disability leave. Benefits will not be accrued or continued after the first twelve (12) months. Employees may elect to continue insurance coverage at their own expense on an individual basis after twelve (12) months, subject to the provisions of the respective insurance contracts and, if applicable, COBRA. The Human Resources Department will establish the policy for the collection of employee payments.

All regular full-time employees who are unable to work as a result of an illness or injury sustained in the course of employment with the Employer shall continue to receive their regular pay for the working days falling within the first seven (7) calendar days of disability. Employee's sick leave will not be charged for this time. (Note: After fourteen (14) days continuous absence, MWDCa will reimburse the employee at the standard workers' compensation rate for the first week's absence previously paid by the Employer. The employee shall immediately reimburse the Employer upon receipt of such payment.)

After seven (7) calendar days, payment shall be governed by the regulations of the MWDCa. In addition, for the first twelve (12) months of duty disability leave, an employee shall be paid bi-weekly the difference between the payment received under the MWDCa and his normal bi-weekly pay. Thereafter, if the employee has sufficient accrued sick leave, he/she will be paid bi-weekly the difference between the payment received under the MWDCa and his normal bi-weekly pay. Such supplemental payment shall not exceed the employee's accrued sick leave benefits.

A regular full-time employee who is continuing to work and being treated for a duty disability injury may be treated for such injury during regular working hours and will be compensated at his/her regular rate of pay. He/she shall report promptly to work once the appointment is completed.

If the Employer offers "favored work" to an individual on duty disability which the employee is capable of performing, the employee shall report as directed or forfeit all supplemental compensation and sick leave benefits provided by the Employer under this Section and such other benefits as may be terminated in accordance with the provisions of the MWDCa.

3. Definitions: None.
4. Application: This policy shall apply to all full time non-union employees and Appointed Officials of the City of Monroe, unless modified by an employment agreement and/or the written terms of appointment.
5. Responsibility: The Human Resources Director will have the responsibility of implementing and overseeing this policy.
6. Administrative Procedure: None.

7. Legislative History of Authority for Creation or Revision:

Adopted pursuant to action of the Monroe City Council, dated October 19, 2009.



Section Name: Employee Relations Effective Date: October 19, 2009
Section Number: 400 Date of Revision:
Policy Number: 013
Page: 1 of 2

Subject: City of Monroe Municipal Employees' Retirement System
Educational Conferences, Seminars and Workshops

1. Purpose: The purpose of this policy is to establish a uniform system for allowing City employed Pension Board trustees the opportunity to attend educational conferences, seminars and workshops, and to balance that activity with departmental budget and staffing limitations and other professional training requirements or opportunities.

2. Statement of Policy:

2.1 The City recognizes that for development purposes, employees who volunteer to serve as a trustee on the board of the City of Monroe's Municipal Employees' Retirement System should receive a reasonable amount of training related to their responsibilities and duties as a trustee. While the City encourages the Pension Board to schedule training programs in conjunction with their regularly scheduled meetings when feasible, it is recognized that some relevant training opportunities may be held at locations outside of the City, during the employee-trustee's regularly scheduled work hours.

To help facilitate this development, the City has adopted this procedure to outline the approval process.

- (a) All regular full-time employees are eligible for professional development training while volunteering to serve as a trustee on the board of the City of Monroe Municipal Employees' Retirement System.
- (b) Employees must request permission from their immediate supervisor to attend educational conferences, seminars and workshops during their regular work hours. For work scheduling purposes, the employee's request for attendance must be received at least thirty (30) days in advance of the event, and is subject to the approval or denial of the department head. In determining whether to approve or deny the request,

the department head shall consider factors such as whether scheduling the employee's absence for training would be the cause for overtime, the amount of paid work absences the employee has incurred and/or will incur to attend other professional training programs and whether the employee's proposed absence will cause significant public-service impacts.

(c) Employees will be permitted to attend pension-related conferences, seminars or workshops that involve up to 24 hours of paid, regularly scheduled work time annually, provided overtime does not have to be incurred and the time off does not conflict with other urgent City business.

3. Definitions: None.
4. Application: This policy shall apply to all employees of the City of Monroe.
5. Responsibility: The Human Resources Director shall be responsible for implementing and overseeing the administration of this policy.
6. Administrative Procedure: None
7. Legislative History of Authority for Creation or Revision:

Adopted pursuant to action of the Monroe City Council, dated October 19, 2009.

Revised pursuant to action of the Monroe City Council,
dated _____.



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: WEST THIRD STREET RESURFACING FUNDING CONTRACT WITH MDOT

DISCUSSION: The City of Monroe annually receives a share of Federal dollars specifically dedicated for use on our busiest roadways, known as Federal-Aid routes. The Michigan Department of Transportation (MDOT) is the administering agency for these funds, and as such, an agreement is necessary between the City of Monroe and MDOT to enable them to be used for this project. For the state fiscal year that runs from October 1, 2008 through September 30, 2009, the City has approximately \$405,000 in Federal obligational authority, and must provide at least a 20% local match. Although the previous Federal fiscal year (2009) has ended, we are still able to use the funding for 2009 since it was obligated prior to September 30, 2009.

At the July 6, 2009 City Council meeting, the Engineering Department presented a funding contract for the rehabilitation of the beam ends on the Winchester Street Bridge, as it was our original intention to use our 2009 Federal funds for that project. Unfortunately, as is now common knowledge, the bids received were more than \$350,000 over the estimate of roughly \$900,000, and the City could not meet our local share of such a large project. A separate bridge millage that would provide funding for this and two other bridge projects has been placed on the November 3, 2009 City ballot for adoption.

In order to ensure that the 2009 Federal Aid funds were not lost, the Engineering Department quickly re-programmed these funds into the next planned project, which is the resurfacing of West Third Street between Union / Front Streets and South Monroe Street. This project includes milling and resurfacing of the top three inches (3”) of pavement, replacement of all curb and gutter sections, some storm sewer replacement, and replacement of all drive approaches and sidewalk ramps (we had deliberately held off working on these under the ADA ramp program in anticipation of this project). This project has already been placed into the November 6, 2009 MDOT bid letting, although for obvious weather reasons the project will not occur until April 2010, with a final completion date of June 30, 2010. It should be noted that since this project is being constructed with 2009 Funds, the City will still have another \$405,000 available in entitlement Federal Transportation Funds for 2010 as well.

In order to utilize any Federal Funds, the City of Monroe must enter into a funding agreement with MDOT. Page 8 of the attached agreement details the cost participation based on the construction estimate, and the present cost estimate is \$614,800 in total. Attached to this fact sheet is a resolution delineating the terms of the agreement, and the actual agreement itself. The language of the agreement is standard for MDOT Local Agency Program projects, and is essentially unchanged from those approved in previous years. The dollar share for each entity is based on the project cost estimate. Since the milling and resurfacing of the parking lanes is considered entirely Local Agency cost, the City must fund \$39,300 in “non-participating” costs for this work, and then must pay at least a 20% local share for the remaining work items, as well as all costs for design and construction engineering and any overruns. Based on the above, the expected City share is \$209,800 in construction costs. \$27,000 was funded already for design engineering costs, and of this amount, \$7,063 is still available for use in construction inspection, though this will be inadequate to complete all necessary work. It is recommended that beyond the available funding in the project account, an additional \$25,000 in contingencies (4% of construction costs) and \$25,000 in construction engineering costs (4% of construction costs) be appropriated for this project to ensure adequate funding. The Engineering Department recommends that as a condition of this bid award, that the Finance Director be given the authorization to appropriate up to \$259,800 in Major Street Fund Balance if needed. \$295,000 was previously allocated for the Winchester Street bridge project local share and contingencies, but now is available for use on this project instead. We are hopeful that due to the poor economy, actual bids will come in below the estimate, and all of these additional funds will not need to be appropriated. We plan to manage and inspect this project with City staff.

IT IS RECOMMENDED that the attached resolution be approved, and that the local share of the costs be appropriated as detailed in the financial information detail below. **IT IS FURTHER RECOMMENDED** that the Finance Director be authorized to appropriate up to \$259,800 in funds from the Major Street Fund Balance into this project as necessary based on the actual project bids and the corresponding funding needs.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: As soon as possible

REASON FOR DEADLINE: MDOT award of the contract cannot occur until after the City approves the funding contract.

STAFF RECOMMENDATION: X For Against

REASON AGAINST: N/A

INITIATED BY: Department of Engineering and Public Services

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: City Council, Engineering Department, traveling public at large

FINANCES

COST AND REVENUE PROJECTIONS:	Cost of Total Project	\$691,800*
	Cost of This Project Approval	\$259,800**
	Related Annual Operating Cost	\$ N/A
	Increased Revenue Expected/Year	\$ N/A

*Includes \$405,000 in Federal Funds, \$27,000 already allocated for design, \$209,800 in base line construction costs – local share, \$25,000 contingencies, and \$25,000 in additional construction engineering costs.

**Includes \$209,800 in base construction costs, \$25,000 contingencies, and \$25,000 in additional construction engineering costs.

SOURCE OF FUNDS:	City	Account Number	Amount
	Major Street Fund Balance		\$259,800
	Previous Funding	202-60.451-825.005 09M02	\$27,000
	<u>Other Funds</u>		
	Federal Urban Area Funds		\$405,000

Budget Approval: _____

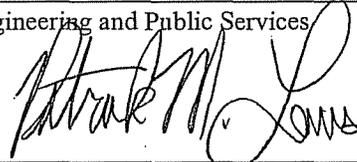
FACT SHEET PREPARED BY: Patrick M. Lewis, P.E., Director of Engineering and Public Services

DATE: 10/13/09

REVIEWED BY:

DATE:

COUNCIL MEETING DATE: October 19, 2009



RESOLUTION

WHEREAS, West Third Street between Front Street / Union Street and South Monroe Street (M-125) is under the jurisdiction of the City of Monroe; and

WHEREAS, this roadway surface is in poor condition, such that the City of Monroe has developed plans and specifications for the milling and resurfacing of the top three inches (3") of bituminous pavement, along with curb and gutter replacement, driveway approach replacement, storm sewer replacement, and other associated work; and

WHEREAS, this roadway is eligible for the use of Federal Funds as it has been classified as an Urban Collector in the National Functional Classification System; and

WHEREAS, Federal Funding in the amount of \$405,000 is available to the City of Monroe for use on this project; and

WHEREAS, the City of Monroe and the Michigan Department of Transportation have reached an understanding with each other regarding the performance of the project work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, BE IT RESOLVED, that the Monroe City Council hereby approves Contract Number 09-5632 with the Michigan Department of Transportation; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk-Treasurer be authorized to sign the contract on behalf of the City of Monroe.

STP

DAB

Control Section	STUL 58171
Job Number	108009
Project	STP 0958(017)
Federal Item No.	HH 6128
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	09-5632

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF MONROE, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Monroe, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated September 18, 2009, attached hereto and made a part hereof:

PART A – FEDERAL PARTICIPATION

Hot mix asphalt cold milling and resurfacing work along West Third Street from Front Street to South Monroe Avenue (Highway M-125); including curb and gutter work; and all together with necessary related work.

PART B – NO FEDERAL PARTICIPATION

Paving parking areas work along West Third Street from Front Street to South Monroe Avenue (Highway M-125); and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

SURFACE TRANSPORTATION PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT, including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

- A. Design or cause to be designed the plans for the PROJECT.
- B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.
- C. Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in accordance with the following:

PART A

Federal Surface Transportation Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST up to the lesser of: (1) \$405,000, or (2) an amount such that 81.85 percent, the normal Federal participation ratio for such funds, for the PART A portion of the PROJECT is not exceeded at the time of the award of the construction contract. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B

The PART B portion of the PROJECT COST is not eligible for Federal participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

9. The REQUESTING PARTY certifies that a) it is a person under 1995 PA 71 and is not aware of and has no reason to believe that the property is a facility as defined in MSA 13A.20101(1)(l); b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); MSA 13A.20126(3)(h); c) it conducted a visual inspection

of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402, MSA 3.996(102).

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

17. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.

- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.

- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

18. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

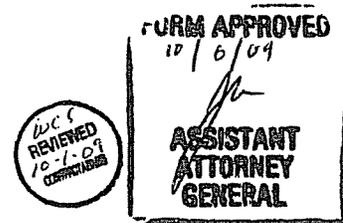
CITY OF MONROE

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
Department Director MDOT

By _____
Title:



September 18, 2009

EXHIBIT I

CONTROL SECTION STUL 58171
JOB NUMBER 108009
PROJECT STP 0958(017)

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$575,500	\$39,300	\$614,800

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$575,500	\$39,300	\$614,800
Less Federal Funds*	<u>\$405,000</u>	<u>\$ 0</u>	<u>\$405,000</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$170,500	\$39,300	\$209,800

*Federal Funds for the PART A portion of the PROJECT are limited to an amount as described in Section 5.

NO DEPOSIT

DOT

TYPE B
BUREAU OF HIGHWAYS
03-15-93

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
 - 1. Engineering
 - a. FAPG (6012.1): Preliminary Engineering
 - b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
 - c. FAPG (23 CFR 635A): Contract Procedures
 - d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
 - 2. Construction
 - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
 - b. FAPG (23 CFR 140B): Construction Engineering Costs
 - c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
 - d. FAPG (23 CFR 635A): Contract Procedures
 - e. FAPG (23 CFR 635B): Force Account Construction
 - f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement

- g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)
 - h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
 - i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
 - 3. Modification Or Construction Of Railroad Facilities
 - a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
 - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
 - 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by twenty percent (20%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate

arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

a. Agencies expending a total of \$500,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

- The Reporting Package
- The Data Collection Form
- The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$500,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation
Bureau of Highways Technical Services
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final

or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).

5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

**APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS**

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: 2009 CURB REPLACEMENT AND RESURFACING PROGRAM – CHANGE ORDER FOR PAVING OF MUNSON PARK ACCESS ROAD

DISCUSSION: On August 17, the City Council awarded a contract for the 2009 Curb Replacement and Resurfacing Program to C & D Hughes Inc, of Charlotte, Michigan in the amount of \$369,950.16. Since that time, a change order for resurfacing work on Augusta and Riviera Drive was awarded on September 21, and a recommendation to add final paving work for Mason Run Phase 2 to this contract has also been placed on the agenda for the October 19 meeting.

The last paving project that we would like to accomplish in 2009 that has not yet been awarded is the paving of the gravel portions of the main access road through Munson Park. This roadway is heavily used by park visitors, primarily those using the soccer fields at the north end of the park, as well as overflow parking for the ball diamonds and other using the sledding hill and exercise trails. The current roadway surface consists of some stone, with asphalt millings from previous paving projects, and is the source of numerous dust complaints. In addition, since the southerly portions of the roadway were never designed to shed water to the sides, they are poorly drained and often result in regular pothole development. Annual dust palliative treatments average \$3,000 per year, though if actually performed more regularly as is really needed the costs would be substantially higher.

The Engineering Department surveyed this area to ensure that the proposed work would be compatible with potential future paving projects. \$100,000 in funding through the 2009-10 Capital Improvements Program was allocated for this project, and \$8,000 of this was set aside for design engineering costs (\$10,102 was actually spent due to the extensive survey work required). Since we would prefer to complete the entire project rather than stopping a few hundred feet short of the north end, of small amount of additional money will be needed to pave a roadway 24 feet wide and 3 inches thick from the end of the existing pavement near the tennis courts to the north end of the roadway near the entrance to the nature trails. We feel that given the thickness of the stone and millings base that has been built up over the years, a 3-inch section is adequate. Payment for the work will be made according to the existing pay items in the contract as follows below:

Remove & Dispose Pavement & Approach (blend to south end pavement)	\$10.00/syd x 300 syd =	\$ 3,000
Furnish & Install MDOT 21A Stone (up to 3" new stone to create crown)	\$30.00/ton x 300 tons=	\$ 9,000
Furnish & Install MDOT 13A Levelling Course (1-1/2" bottom course)	\$59.00/ton x 700 tons=	\$41,300
Furnish & Install MDOT 36A Wearing Course (1-1/2" top course)	\$61.50/ton x 700 tons=	\$43,050
Contingencies (roughly 4% of base construction costs)		<u>\$ 3,650</u>
Total Project Costs		\$100,000

C & D Hughes and their paving subcontractor, Barrett Paving, have indicated that this project will be completed within the next two weeks, weather permitting, but certainly by November 15, which is the typical date when asphalt paving plants close for the year due to temperature limitations.

IT IS RECOMMENDED that the City Council award a Change Order to the 2009 Curb Replacement and Resurfacing Program to C & D Hughes, Inc. for the Munson Park Access Road Paving in the amount of \$100,000. **IT IS FURTHER RECOMMENDED** that the City Engineer be authorized to sign the change order on behalf of the City of Monroe.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: October 19, 2009

REASON FOR DEADLINE: Contractor would like to complete work within the next two weeks, paving can only occur before November 15, 2009

STAFF RECOMMENDATION: X For Against

REASON AGAINST: N/A

INITIATED BY: Department of Engineering and Public Services

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: City Council, Engineering and Public Services Department, park users

FINANCES

COST AND REVENUE PROJECTIONS:

Cost of Total Project	\$100,000
Cost of This Project Approval	\$100,000
Related Annual Operating Cost	\$ N/A
Increased Revenue Expected/Year	\$ N/A

SOURCE OF FUNDS:

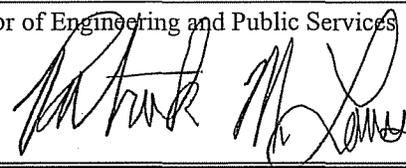
<u>City</u>	<u>Account Number</u>	<u>Amount</u>
Munson Park Paving	401-95.756-818.020 10C01	\$92,000
Sidewalk Replacement Program	401-95.449-818.020 10C03	\$ 8,000
<u>Other Funds</u>		

Budget Approval: _____

FACT SHEET PREPARED BY: Patrick M. Lewis, P.E., Director of Engineering and Public Services

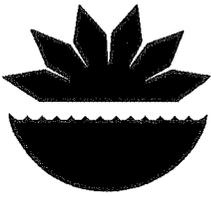
DATE: 10/15/09

REVIEWED BY:



DATE:

COUNCIL MEETING DATE: October 19, 2009



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: CENTENNIAL COMMEMORATION OF THE CUSTER MONUMENT

DISCUSSION: The City received a request from Mr. Richard Micka on behalf of the Little Big Horn Associates for permission to hold festivities to commemorate the centennial anniversary of the Custer Monument. Specifically the request is to use St. Mary's Park, Solider's and Sailors Park, and Loranger Square on June 4-5, 2010 and to close West Elm and North Monroe Street.

The organizers would like to reserve **St. Mary's Park**, bandshell, and shelter on June 4th & 5th for a period military camp to educate students and the community. They also request that West Elm and North Monroe Street be closed on June 4th for approximately one hour beginning at 10:00 a.m. for the recreation of the unveiling ceremony as it occurred on June 4, 1910, with assistance from the City in providing a ladder truck with a boom or similar equipment to lower and raise flags over the monument.

The Little Big Horn Associates request to use **Soldiers and Sailors Park** in the morning for another observance ceremony but no city services are required to accommodate this request.

All events / requests to use the Loranger Square and the pavilion should be directed to the County of Monroe.

The requests were reviewed by the administrative staff and there were no objections to the request subject to emergency vehicle access being maintained, inspection of tents prior to event opening by the Fire Department (contact FD for inspection), and that insurance requirements are met.

DPS staff will assist as their capabilities allow, street closures and use of park are acceptable as is. The request to use the forestry hi-ranger for the flag ceremony is possible, but further review is needed to accommodate request as described.

Therefore, it is recommended, that City Council approve the request contingent upon items being met as outlined by the administration, subject to costs recovery & fee waivers in accordance with City Council adopted policy, that all necessary park deposits are paid and recreation facility use permits submitted, insurance requirements being met, subject to coordination and consolidation where appropriate with the Monroe County Historical Society coordinated events and activities on June 4, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: N/A

REASON FOR DEADLINE: N/A

STAFF RECOMMENDATION: For Against

REASON AGAINST: N/A

INITIATED BY:

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: DPS, Recreation, City Manager

FINANCES

COST AND REVENUE PROJECTIONS:

Cost of Total Project	\$ N/A
Cost of This Project Approval	\$ N/A
Related Annual Operating Cost	\$ N/A
Increased Revenue Expected/Year	\$ N/A

<u>SOURCE OF FUNDS:</u>	<u>City</u>	<u>Account Number</u>	<u>Amount</u>
			\$ N/A
	<u>Other Funds</u>		\$ N/A
			\$ N/A
			\$ N/A
			\$ N/A

Budget Approval: _____

FACT SHEET PREPARED BY: Manager's Office

DATE: 10/14/09

REVIEWED BY:

DATE:

COUNCIL MEETING DATE: 10/19/09

LITTLE BIG HORN ASSOCIATES, INC.
47 East Elm Avenue
Monroe, Michigan 48162

September 9, 2009

Mr. George Brown
City Manager
120 East First Street
Monroe, Michigan 48161

Dear George:

June 4 and 5, 2010, will be set aside for the Centennial Commemoration of the Custer Monument in the City of Monroe. In order to accommodate all of the activities planned for those dates, would you please reserve St. Mary's Park and the band shelter for a period military camp to educate students and community on Saturday, June 5, 2010.

The Little Big Horn Associates, Inc., are interested renting this area for these events. Please advise how much it would cost for this day and what the City cancellation policy is in the event we need to reschedule.

The LBHA will utilize the new commons at St. Mary's Catholic Central High School for a symposium on June 5, 2010, making it possible for them to access St. Mary's Park and other city destinations. Tourism is a valuable commodity for local merchants. We expect at least 200 people to participate. This may generate public interest as well for the outdoor portion of the Conference, thereby generating more revenue for local merchants.

Respectfully,

Dick

Richard Micka, Project Officer
Little Big Horn Associates, Inc.

RECEIVED

SEP 9 2009

CITY MANAGER'S OFFICE

THE LITTLE BIG HORN ASSOCIATES, INC.
47 East Elm Avenue
Monroe, Michigan 48162

September 9, 2009

Mr. George Brown, City Manager
230 East First Street
City Hall
Monroe, Michigan 48161

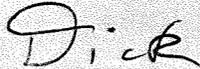
Dear George:

Part of the Centennial Observance for the Custer Monument on June 4, 2010, requires street closings and crowd control. We expect over 300 people in the vicinity of the Monument and a number of dignitaries to carry out the unveiling of the Monument as happened on June 4, 1910.

In order to accommodate the unveiling ceremony, we would need a ladder truck or similar equipment with a substantial boom extension. The truck would be required on scene at 9:00 a.m. to lower flags over the Monument and to remove the flags on command at 10:15 a.m. The flags would be 20' by 30' and gathered at the top so as to form a drape to cover the Monument. Can the City provide this service? I have had a brief conversation with Pat Lewis about this.

Please advise. Thanks.

Respectfully,



Richard Micka, Project Officer
Little Big Horn Associates, Inc.

RECEIVED

SEP 9 2009

CITY MANAGER'S OFFICE

LITTLE BIG HORN ASSOCIATES, INC.
47 East Elm Avenue
Monroe, Michigan 48162

September 9, 2009

Mr. George Brown
120 East First Street
City Hall
Monroe, Michigan 48161

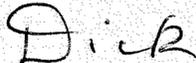
Dear George:

Please see if the City Engineer, Patrick Lewis, can arrange for North Monroe Street (M-125) at West Elm Avenue to be closed for a period of one hour on Friday, June 4, 2010, at 10:00 a.m. The reason for redirecting traffic at that time is to set up a photo opportunity for the Little Big Horn Associates and to conduct a brief ceremony at the Custer Monument honoring the Custer Family. We expect representatives of the Family to say a few words to greet the Mayor and other City, County and State Officials during the Centennial Observance. Arrangements will be made to shroud the Monument with two large U.S. flags (as was done June 4, 1910). The scope of this project requires coordination with state and local law enforcement agencies.

We have already had brief conversation with Mr. Lewis and Chief Michrina in this regard.

Thanks for your kind assistance.

Respectfully,


Richard Micka, Project Officer
Little Big Horn Associates, Inc.

cc: Patrick Lewis
Chief Michrina

RECEIVED

SEP 9 2009

CITY MANAGER'S OFFICE

10-7-09

Mr. George Brown
City Manager, City of Monroe
120 East First Street
Monroe, Michigan 48161

Dear George:

Please reserve SOLDIERS AND SAILORS PARK on E. Front St. for a Centennial Observance Ceremony JUNE 4, 2010, in the morning.

The Little Bighorn Associates, Inc., will assemble there to see where the Custer Monument was moved to in 1923. They will also have the opportunity to see where Monroe's Civil War Monument will be located.

The plan is to arrive by bus from Loranger Square following a brief program about the unveiling of the Custer Monument in 1910 at its original location.

Please advise how much it will cost for use of this location and what the City cancellation policy is in the event we need to reschedule.

Respectfully,

Richard G. Micka

Richard G. Micka
Project Officer
734-242-0909 rgm@core.com

RECEIVED

OCT 7 2009

CITY MANAGER'S OFFICE

10-7-09

Mr. George Brown
City Manager, City of Monroe
120 East First Street
Monroe, Michigan 48162

Dear George:

Please reserve the PAVILLION on LORANGER SQUARE on E. First St. and Washington St. for a Centennial Observance Ceremony JUNE 4, 2010, in the Morning. The Little Bighorn Associates, Inc., will assemble there to honor the original unveiling of the Custer Monument on June 4, 1910. Approximately 200 people are expected to participate. The plan is to arrive by bus from the Holiday Inn and to travel from there to Soldiers and Sailors Park which was the place where the Monument was moved to in 1923.

Please advise how much it will cost for this request and what the City cancellation policy is in the event we need to reschedule.

Respectfully,

Richard Micka
Richard Micka
Project Officer
734-242-0909 rgm@core.com

RECEIVED

OCT 5 7 2009

CITY MANAGER'S OFFICE

FILE COPY

RECEIVED

OCT 13 7 2009

CITY OF MONROE PARKS OFFICE



OFFICE USE ONLY

Invoice # _____

Date Paid _____

Initials _____

R _____ NR _____

MONROE RECREATION
 734-384-9156 www.monroemi.gov
 120 East First Street, Monroe, MI 48161
 FAX: 734-243-8683 TDD: 734-243-2338

FACILITY USE PERMIT

DATE OF APPLICATION: 9.9.09

This application is for use of open space and facilities located within city park boundaries only and may require a Special Event Permit and be subject to approval by the Monroe City Council. Special uses of the parks or other public property (i.e. monument, boulevard, street, alley, parking lot, sidewalk, right of way, historical marker) be requested in writing to the Monroe City Council at least two (2) months prior to date of proposed event/activity to allow ample time for review by city staff and the Monroe City Council. Special Event Permits are available through the City of Monroe Planning Department.

THE CITY OF MONROE RESERVES THE RIGHT TO GRANT OR CANCEL PERMITS AT ANYTIME. PLEASE NOTIFY MONROE PARKS AND RECREATION IF YOU NO LONGER WISH TO USE FACILITY RESERVED. GROUPS MUST VACATE THE FACILITY BY THE END OF THE TIME STATED ON PERMIT.

This permit is governed by the Park Use Policy Rules and Regulations (Enforcement: Under City Ordinance #95-017)

PRESS FIRMLY - TYPE OR PRINT CLEARLY

PARK ST. Mary's Circle: Shelter Bandshell Other: PARK AREA

Purpose HISTORY DEMONSTRATION Number of People 300

Date of Activity 6-4-6-5-2010 Time: 8 am pm to 6 am/pm

Person Applying Richard Micka
 Home Address 47 E- Elm Ave
 City Monroe State MI Zip 48162
 Day Phone (334)242-0909 Eve: 242-0909

Organization LITTLE BIG HORN ASSOCIATES
 Organization Address 47 E- Elm Avenue
 City Monroe State MI Zip 48162
 Day Phone 242-0909 Eve: 242-0909

I certify that I am at least 18 years of age and an authorized representative of the agency/group making application for use of park facilities. I accept full responsibility for the orderly conduct of the persons who attend the function and for any damage to park property and assume all responsibilities for damage to persons who are part of the group and hold the City of Monroe harmless in the event any injury claim or judgement is filed against said city.

Fee/Deposit: _____ Print Applicant's Name: Richard G. Micka

Drivers Lic. # M 200 738 275 420 Applicant's Signature: Richard G. Micka

WHITE copy to Applicant
 YELLOW copy to Parks & Recreation

Given copy of Park Rules: Yes X No _____

Recreation Department Approval

OCT 27 2008

FILE COPY

CITY MANAGER'S OFFICE

OFFICE USE ONLY

Invoice # _____

Date Paid _____

Initials _____

R _____ NR _____

MONROE RECREATION

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LOCATION PARK Custer Monument PRESS FIRMLY - TYPE OR PRINT CLEARLY CORNER (SW)
Circle: Shelter Bandshell Other: W. Elm / N. Monroe St.
PHOTO OPPORTUNITY 3rd LOCATION OF CUSTER MONUMENT
Purpose COMMEMORATION CEREMONY Number of People 300
Date of Activity 6-4-2010 Time: 9 am/pm to NOON am/pm

Person Applying Richard Micka
Home Address 47 E. Elm Avenue
City MONROE State MI Zip 48162
Day Phone 242-0909 Eve: 242-0909

Organization LITTLE BIG HORN ASSOC.
Organization Address 47 E. Elm Avenue
City MONROE State MI Zip 48162
Day Phone 242-0909 Eve: 242-0909

I certify that I am at least 18 years of age and an authorized representative of the agency/group making application for use of park facilities. I accept full responsibility for the orderly conduct of the persons who attend the function and for any damage to park property and assume all responsibilities for damage to persons who are part of the group and hold the City of Monroe harmless in the event any injury claim or judgement is filed against said city.

Fee/Deposit: _____ Print Applicant's Name: Richard G. Micka

Drivers Lic. # M 200 738 275 420 Applicant's Signature: Richard R. Micka

WHITE copy to Applicant
YELLOW copy to Parks & Recreation

Given copy of Park Rules: Yes No _____

Recreation Department Approval _____

FILE COPY RECEIVED

OCT 7 2009



OFFICE USE ONLY

Invoice # _____

Date Paid _____

Initials _____

R _____ NR _____

MONROE RECREATION
734-384-9156 www.monroemi.gov
 120 East First Street, Monroe, MI 48161
 FAX: 734-243-8683 TDD: 734-243-2338

FACILITY USE PERMIT

DATE OF APPLICATION: 10-7-09

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This permit is governed by the Park Use Policy Rules and Regulations (Enforcement: Under City Ordinance #95-017)

PRESS FIRMLY - TYPE OR PRINT CLEARLY

PARK Soldiers + Sailors Circle: Shelter Bandshell Other: PARK AREA
 and location of CUSTER MONUMENT

Purpose Commemoration Ceremony Number of People 200

Date of Activity 6-4-2010 Time: 9 am/pm to NOON am/pm

Person Applying Richard G. Micka
 Home Address 47 E. Elm Ave.
 City Monroe State MI Zip 48162
 Day Phone 242-0909 Eve: 242-0909

Organization LITTLE Big HORN Assoc.
 Organization Address 47 E. Elm Ave.
 City Monroe State MI Zip 48162
 Day Phone 242-0909 Eve: 242-0909

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Fee/Deposit: _____ Print Applicant's Name: Richard G. Micka

Drivers Lic. # M 200 738 275 420 Applicant's Signature: Richard G. Micka

WHITE copy to Applicant
 YELLOW copy to Parks & Recreation

Given copy of Park Rules: Yes X No _____

Recreation Department Approval _____

RECEIVED

FILE COPY

OCT 27 2009



OFFICE USE ONLY

Invoice # _____

Date Paid _____

Initials _____

R _____ NR _____

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 120 East First Street, Monroe, MI 48161
 FAX: 734-243-8683 TDD: 734-243-2338

FACILITY USE PERMIT

DATE OF APPLICATION: 10-7-09

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This permit is governed by the Park Use Policy Rules and Regulations (Enforcement: Under City Ordinance #95-017)

LOCATION **PRESS FIRMLY - TYPE OR PRINT CLEARLY**

PARK LORANGER Square Circle: Shelter Bandshell Other: Gazebo
FIRST LOCATION OF CLUSTER MONUMENT

Purpose Commemoration Service Number of People 200

Date of Activity 6-4-2010 Time: 9 am pm to NOON am/pm

Person Applying <u>Richard Micka</u>	Organization <u>Little Big Horn Assoc.</u>
Home Address <u>47 E. Elm Ave</u>	Organization Address <u>47 E. Elm Ave</u>
City <u>Monroe</u> State <u>MI</u> Zip <u>48162</u>	City <u>Monroe</u> State <u>MI</u> Zip <u>48162</u>
Day Phone <u>242-0909</u> Eve: <u>242-0909</u>	Day Phone <u>242-0909</u> Eve: <u>242-0909</u>

I certify that I am at least 18 years of age and an authorized representative of the agency/group making application for use of park facilities. I accept full responsibility for the orderly conduct of the persons who attend the function and for any damage to park property and assume all responsibilities for damage to persons who are part of the group and hold the City of Monroe harmless in the event any injury claim or judgement is filed against said city.

Fee/Deposit: _____ Print Applicant's Name: Richard G. Micka

Drivers Lic. # M 200 738 275 420 Applicant's Signature: Richard G. Micka

WHITE copy to Applicant
 YELLOW copy to Parks & Recreation

Given copy of Park Rules: Yes No _____

Recreation Department Approval _____