

---

**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) 384-9138. The City of Monroe website address is [www.monroemi.gov](http://www.monroemi.gov).

---

**AGENDA - CITY COUNCIL REGULAR MEETING  
MONDAY, JULY 18, 2011  
7:30 P.M.**

**I. CALL TO ORDER.**

**II. ROLL CALL.**

**III. INVOCATION/PLEDGE OF ALLEGIANCE.**

**IV. PROCLAMATION.**

140 "Matt Mahalak Day" – July 18, 2011.

**V. PUBLIC HEARINGS.**

142 Public hearing to hear public comments on the potential permanent closure of the Norfolk Southern railroad crossing at Franklin Street, adjacent to Kentucky Avenue. There are no comments on file in the Clerk-Treasurer's Office.

**VI. COUNCIL ACTION.**

152 Communication from the Director of Human Resources, submitting Proposed Ordinance No. 11-008, an Ordinance to amend Chapter 127, Retirement Article I, Municipal Employees' Retirement System, of the Code of the City of Monroe; specifically amending Sections 127.6, 127.51, K, and 127.51, E.

Proposed Ordinance No. 11-008, up for its first reading and recommending that the second reading and anticipated passage of the Ordinance be scheduled before July 28, 2011.

**VII. 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 Tuesday, July 5, 2011.

B. Approval of payments to vendors in the amount of \$\_\_\_\_\_.

Action: Bills be allowed and warrants drawn on the various accounts for their payment.

- 141 Sister City Relationship with Amherstburg, Ontario and Put-in-Bay, Ohio.
1. Communication from the Mayor's Office, submitting a proposed resolution supporting the possible establishment of a "Sister City" relationship with Amherstburg, Ontario and Put-in-Bay, Ohio, and recommending that Council give public support and the resolution be adopted.
  2. Supporting documents.
  3. Accept, place on file and the resolution be adopted.
- 142 Franklin Street Railroad Crossing Closure Resolution.
1. Communication from the Director of Engineering & Public Services, submitting a proposed resolution for the closure of the Norfolk Southern railroad crossing at Franklin Street, adjacent to Kentucky Avenue, and recommending that the attached resolution be adopted, and that the Mayor and Clerk-Treasurer be authorized to execute it on behalf of the City of Monroe, and further recommending that the Engineering Department be authorized to commence survey work for the closure project.
  2. Supporting documents.
  3. Accept, place on file and the resolution be adopted.
- 143 Scottwood Avenue Block Party.
1. Communication from the City Manager's Office, reporting back on a request from the residents and families of Scottwood Avenue for permission to hold their annual block party on July 23, 2011 and to close the 500 block of Scottwood Avenue from 1:00 p.m. – 11:00 p.m., and recommending that Council approve the request contingent upon items being met as outlined by the administration, subject to no additional overtime or other costs to the city, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.
  2. Supporting documents.
  3. Accept, place on file and the recommendation be carried out.
- 144 Darin Hoskins Block Party Day.
1. Communication from the City Manager's Office, reporting back on a request from Faye McFadden for permission to hold a charitable block party on July 23, 2011, in honor of Darin Hoskins who is battling the debilitating effects of diabetes and to close a portion of Fifth Street between Conant and Almyra from 12 noon – 6:00 p.m., and recommending that council approve the request contingent upon items being met as outlined by the administration, subject to no additional overtime or other costs to the city, charitable solicitation permit required from the Clerk's Office, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.
  2. Supporting documents.
  3. Accept, place on file and the recommendation be carried out.
- 145 2011 Sidewalk Program – Final Notice to affected Property Owners.
1. Communication from the Director of Engineering & Public Services, submitting a list of property owners who have not repaired the sidewalks adjacent to their property in conjunction with the 2011 Sidewalk Replacement Program, and recommending that Council resolve to direct the Engineering

- Department to repair the walks of those property owners on the attached list that do not do so within the next ten (10) calendar days, and to authorize the Engineering Department to bill the cost to them following repairs.
2. Supporting documents.
  3. Accept, place on file and the recommendation be carried out.
- 146 2011 Sidewalk Replacement Program Bid Award.
1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the replacement of sidewalks east of Kentucky Avenue and south of the River Raisin, and recommending that Council award the above contract to the second low bidder, G.V. Cement Contracting Co., in the amount of \$93,081.42, and that a total of \$107,000 be encumbered to include a 15% project contingency, 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. Accept, place on file and the recommendation be carried out.
- 147 Water Treatment Plant - East Reservoir Existing Joint & Concrete Crack Repairs - Bids.
1. Communication from the Director of Water & Wastewater Utilities, reporting back on bids received for the East Reservoir Existing Joint & Concrete Crack Repairs Project at the Water Treatment Plant, and recommending that a purchase order in the amount of \$16,350 and a total amount of \$19,700 be encumbered to include a 20% contingency for the East Reservoir Existing Joint and Concrete Crack Repairs project at the Water Treatment Plant, be awarded to Smith's Waterproofing, LLC out of Almont, MI in accordance with the bid specifications.
  2. Supporting documents.
  3. Accept, place on file and the recommendation be carried out.
- 148 East Fifth Street Curb Replacement Change Order Award.
1. Communication from the Director of Engineering & Public Services, submitting a Change Order to the East Fifth Street Curb Replacement Program which would consist of the following items: Remove and Dispose Curb & Gutter, Furnish and Install Curb & Gutter, Remove and Dispose Pavement & Approach, Furnish and Install 6" Pavement & Approach, Adjust, Clean, and Plaster Structure, and recommending that Council award a change order to the 2011 Curb Replacement and Resurfacing Program for the above work to C & D Hughes, Inc., in the amount of \$10,801, that a total of \$12,500 be encumbered to include a 15% project contingency, and further recommending that the Director of Engineering & Public Services be authorized to execute it on behalf of the City of Monroe.
  2. Supporting documents.
  3. Accept, place on file and the recommendation be carried out.
- 149 2011 Bituminous Pavement Maintenance Program Bids.
1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the 2011 Bituminous Pavement Maintenance Program, and recommending that Council award the above contract to D.G. Slurry Seal of Toledo in the amount of \$101,383.22, and that a total of \$117,000 be encumbered to include a 15% project contingency, 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. Accept, place on file and the recommendation be carried out.

150 CDBG Sub-recipient Agreement with the Monroe Housing Commission.

1. Communication from the Director of Economic & Community Development, submitting a CDBG Sub-recipient Agreement to enable the Monroe Housing Commission to hire a seasonal staff person to supervise a Tot-Lot program at their Greenwood Apartments facility, 900 Greenwood Avenue, and purchase basic supplies, and recommending that Council approve the proposed CDBG Sub-recipient Agreement with the Monroe Housing Commission and authorize the City Manager to execute the agreement.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

151 2011 Concrete Paving Program Bids.

1. Communication from the Director Engineering & Public Services, reporting back on bids received for the 2011 Concrete Paving Program contract that consist of the following locations: Location A – Reisig Street, Location B – Intersection of Roeder/Ninth and Roeder/Eighth, and Location C – Alley east of Kentucky Avenue and south of E. Second Street, and recommending that Council award a contract for the 2011 Concrete Paving Program to Century Cement Company, Inc., in the amount of \$258,859.30, that a total of \$297,300 be encumbered to include a 15% project contingency, and that the Finance Director be authorized to make the necessary transfers, 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. Accept, place on file and the recommendation be carried out.

**VIII. MAYOR'S COMMENTS.**

**IX. CITY MANAGER COMMUNICATION.**

**X. COUNCIL COMMENTS.**

**XI. CITIZEN COMMENTS**

**XII. CLOSED SESSION FOR THE CITY MANAGER'S ANNUAL EVALUATION.**

**XIII. ADJOURNMENT.**

## PROCLAMATION

**WHEREAS**, it is an honor and privilege that the Mayor and City Council have been given this opportunity to pay tribute to Matt Mahalak; and

**WHEREAS**, Matt is the son of Ralph Jr. and Joan Mahalak, the youngest of three children, and a brother to Anna and RJ; and

**WHEREAS**, Matt is a resident of Monroe, a 2010 graduate of St. Mary Catholic Central High School and a student at the University of Michigan - Dearborn; and

**WHEREAS**, his hockey career began at the Monroe Multi-Sports Complex at the age of 4 in 1997 and the positive experiences at every level of the Monroe Hockey Association provided Matt with the necessary training to advance to the AAA level; and

**WHEREAS**, Matt has had many accomplishments while playing hockey and has won several State championships, a National Championship, and the Peewee Hockey World Championship; and

**WHEREAS**, Monroe Goalie Matt Mahalak was the number one overall pick in the 2009 USHL entry draft and was drafted by the Plymouth Whalers in the second round of the OHL draft, that same year; and

**WHEREAS**, on June 25, 2011, Matt was drafted by the Carolina Hurricanes in the 2011 NHL entry draft; and

**WHEREAS**, this Mayor and City Council recognize the importance of school sports programs for their contribution to the shaping of today's youth and future community leaders; and

**WHEREAS**, his family, friends, and the entire community are proud of his personal accomplishments and we are extremely pleased and honored to have Matt as a citizen of Monroe and he is an exemplary role model all would do well to follow.

**NOW, THEREFORE**, I, Robert E. Clark, Mayor of the City of Monroe, with the full support of City Council, do hereby proclaim July 18, 2011, as

### "MATT MAHALAK DAY"

in Monroe, and we take this opportunity to commend and recognize the many contributions he has made to his community and we are pleased to offer him our congratulations for his achievements and our best wishes and support for a long and prosperous career with the Carolina Hurricanes.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of the City of Monroe to be affixed this 18<sup>th</sup> day of July 2011.

Council Members:

\_\_\_\_\_  
Robert E. Clark, Mayor

\_\_\_\_\_  
Jeffery A. Hensley, Precinct 1

\_\_\_\_\_  
Edward F. Paisley, Precinct 2

\_\_\_\_\_  
Christopher M. Bica, Precinct 3

\_\_\_\_\_  
Jeremy J. Molenda, Precinct 4

\_\_\_\_\_  
Mary V. Conner, Precinct 5

\_\_\_\_\_  
Brian P. Beneteau, Precinct 6

# Memo

Date: July 12, 2011

To: City Council Members

From: Robert E. Clark, Mayor 

Re: Sister City Relationship with Amherstburg, Ontario and Put-in-Bay, Ohio

Attached is a resolution supporting the possible establishment of a "Sister City" relationship with Amherstburg, Ontario and Put-In-Bay, Ohio communities. What started with the idea of completing a peace garden in conjunction with the approaching 1812 Bicentennial has generated conversation of establishing a broader perspective and relationship.

On June 16<sup>th</sup> I traveled to Amherstburg with a Monroe contingency made up of the Rotary International, Monroe County Historical Society, City staff, 1812 Steering Committee, Monroe County Community College and the National Parks Service to have preliminary discussion on the feasibility of setting up a three way partnership within a sister city format.

This creative sister city relationship would extend to educational, cultural, promotional and commercial exchanges beyond the friendship foundation of these programs. There is no denying that our communities have ties that extend beyond 200 years. With the Bicentennial approaching this is a great opportunity to start this relationship not just for the understandable Bicentennial events, but for longer term benefits for each community. The proximity of our communities within an inter-state and international connection encompassing Lake Erie is a unique opportunity. All in attendance recognized the potential of developing a direct link of geotourism as well.

On June 27, 2011 the Amherstburg City Council unanimously passed a resolution to "twin" among the communities of Amherstburg, Put-in-Bay and Monroe.

The proposed resolution asks for public support from the Monroe City Council and will be presented for adoption at Monday's, July 18, 2011 Council meeting.

If you have any questions or concerns, please do not hesitate to contact me.

## RESOLUTION

1           **WHEREAS**, the Sister City concept was inaugurated by the President of the United  
2 States in 1956 to establish greater friendship and understanding between the peoples of the  
3 United States and other nations through the medium of direct personal contact; and

4           **WHEREAS**, the City of Monroe, through its City Council, recognizes and endorses this  
5 program; and

6           **WHEREAS**, the cities of Amherstburg, Ontario, and Put-in-Bay, Ohio would like to  
7 establish a Sister City relationship with Monroe, Michigan, in conjunction with the War of 1812  
8 Bicentennial, which involves all three communities; and

9           **WHEREAS**, each municipalities citizens and City officials can benefit from the  
10 exchange of culture, education, trade, commerce, and friendship.

11           **NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City  
12 of Monroe officially invite members of the administration of the City of Amherstburg, Ontario,  
13 and Put-in-Bay, Ohio to visit Monroe, Michigan.

14           **BE IT FURTHER RESOLVED**, that the City Council of the City of Monroe on behalf  
15 of the people of the City of Monroe does hereby extend an invitation to the government and the  
16 people of the City of Amherstburg, Ontario, Canada and Put-in-Bay, Ohio to become the Sister  
17 City of the City of Monroe, Michigan, United States of America.

18           **BE IT FURTHER RESOLVED**, that the Mayor of the City of Monroe is hereby  
19 authorized to act as the official representative of the City in formalizing the relation should the  
20 Cities of Amherstburg and Put-in-Bay accept the invitation.



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO: FRANKLIN STREET RAILROAD CROSSING CLOSURE RESOLUTION**

**DISCUSSION:** At the Mayor's Traffic Committee meeting on June 22, 2011, the potential permanent closure of the Norfolk Southern railroad crossing at Franklin Street, adjacent to Kentucky Avenue, was discussed. As a result of a Diagnostic Study Team Review in 2008, the Michigan Department of Transportation (MDOT) ordered the installation of flashing lights and gates at the crossing, and design has been underway. However, due to multiple complications at this crossing, including the inability to properly signalize eastbound traffic due to its proximity to Kentucky Avenue, MDOT and the City began considering making Franklin Street one-way westbound, or closing the crossing entirely. Per the attached letter from Nikkie Johnson with MDOT, the City is eligible for \$150,000 in incentive funds if we voluntarily close this crossing to vehicular traffic, in addition to up to \$7,500 in matching funds from Norfolk Southern Railroad. Per the attached letter from Derrick Mason from Norfolk Southern, they will also offer \$10,000, bringing the total available funding to \$167,500 that would be available to the City (please note that Luna Pier was mistakenly listed instead of the City of Monroe). These funds would be funneled into the Major or Local Street Fund, and while they should be used first for any work associated with effectuating the crossing closure and mitigation of any adverse effects of this, surplus funds can be used for any eligible purpose under Public Act 51 of 1951 at any time in the future.

The single largest effect of closing of this crossing appears to be the restrictions it would impose on Jim's Towing, as it may be difficult for them to circulate certain types of vehicles if Franklin Street became a dead end on its current alignment. In addition to Jim's Towing, there is one residence on this block, as well as a church that appears to no longer be in use. Neither of these appear to have any circulation issues that would be affected by the closure, and ready access is still available via Winchester Street. Based on discussion between the Traffic Committee and the owner of Jim's Towing, it appears that if the City were able to construct a cul-de-sac within the 66-foot right-of-way we currently have, and construct a new driveway approach for his property to access East First Street, he would be able to circulate in and out of his site adequately. The City may also consider the purchase of additional property on the north side of Franklin Street to construct a larger "T" turnaround or even to connect the dead end of Humphrey Street with Franklin Street for even further improvement. While the Engineering Department has not begun design activities yet for this location, it appears that meeting the needs of Jim's Towing will indeed be possible even without purchase of additional property, so at this point we are recommending that the City proceed with the approval steps to close the Franklin Street crossing.

A public hearing is scheduled for this City Council meeting as well. This was scheduled in order to ensure that all interested parties have the opportunity to voice their concerns about this potential closing, and notice was published in the Monroe Evening News with letters sent to each property owner with frontage on Franklin Street between Kentucky Avenue and Winchester Street, even if the properties are vacant. Provided there are not significant issues raised at the public hearing that have not been considered or seem to be difficult to meet, it is the recommendation of the Engineering Department that this process continue to move forward. According to Nikkie Johnson at MDOT, if the subsequent decision is made to move forward, both a resolution (attached for possible approval) and later a formal contract with MDOT must both be approved before the closure process can begin, and at the time of signing of the contract, the City would immediately receive \$10,000 to begin work, with the remainder paid upon verification of closure. MDOT has verbally indicated that as long as a commitment was made to close the crossing, roadway modifications could be done in 2012, though we will attempt to complete work in Fall 2011 if possible, depending on possible property acquisition desires.

**IT IS RECOMMENDED** that the attached resolution be adopted, and that the Mayor and Clerk-Treasurer be authorized to execute it on behalf of the City of Monroe. **IT IS FURTHER RECOMMENDED** that the Engineering Department be authorized to commence survey work for the closure project.

**CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:** N/A

**REASON FOR DEADLINE:**

**STAFF RECOMMENDATION:**           X For            Against

**REASON AGAINST:** N/A

**INITIATED BY:** Department of Engineering and Public Services

**PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:** Engineering Department, Department of Public Services, Police Department, traveling public, adjacent residents

## 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	\$167,500*

\*\$150,000 cash incentive available from Michigan Department of Transportation (MDOT), plus up to \$7,500 in matching funds from railroad, and \$10,000 cash incentive from Norfolk Southern Railroad (NS). It is believed that the \$157,500 from MDOT would be deposited into the City's Major and / or Local Street Funds, whereas the NS funds could be used for any purpose. Proceeds would be used first at this location for physical improvements needed to accommodate the affected property owners.

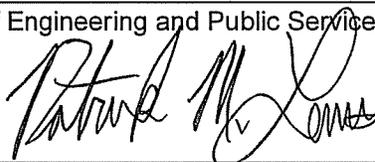
<b><u>SOURCE OF FUNDS:</u></b>	<u>City</u>	Account Number	Amount
--------------------------------	-------------	----------------	--------

Other Funds

Budget Approval: \_\_\_\_\_

**FACT SHEET PREPARED BY:** Patrick M. Lewis, P.E., Dir. of Engineering and Public Services   **DATE:** 07/11/11

**REVIEWED BY:**



**DATE:**

**COUNCIL MEETING DATE:** July 18, 2011

## RESOLUTION FOR RAILROAD CROSSING CLOSURE

**WHEREAS**, the Michigan Department of Transportation has assured the City of certain funds, conditioned upon the closing of certain railroad crossings; and

**WHEREAS**, these funds appear to be sufficient to provide for improvements within the public right-of-way and upon and serving private property as appropriate to mitigate any adverse effects to any property owners that will occur by the closure of the crossing; and

**WHEREAS**, it appears the elimination of the at-grade roadway crossing at Franklin Street at the Norfolk Southern Railroad right of way is determined to be in the interest of the safety and welfare of the inhabitants of the City; therefore, let it be,

**RESOLVED** that Franklin Street be permanently closed to vehicular traffic at the Norfolk Southern Railroad right of way on both sides of the intersections, with the City reserving all crossing utility easements, pedestrian crossing rights, and right of way appurtenant thereto; and let it be further

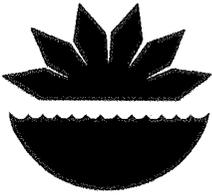
**RESOLVED** that this closure be contingent the execution of a contract to obtain certain funding from the Michigan Department of Transportation which can be used for the costs of performing the closure and other transportation purposes within the City's jurisdiction.

\_\_\_\_\_  
Robert E. Clark, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charles D. Evans, Clerk-Treasurer

\_\_\_\_\_  
Date



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO: SCOTTWOOD AVENUE BLOCK PARTY**

**DISCUSSION:** The City received a request from the residents and families of Scottwood Avenue for permission to hold their annual block party on July 23, 2011. Specifically the request is to close the 500 block of Scottwood Avenue from 1:00 p.m. – 11:00 p.m. for their annual picnic.

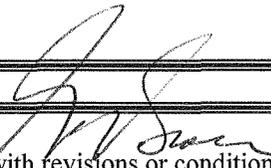
The request was reviewed by the administrative staff and there were no objections to the request subject to emergency vehicle access being maintained.

DPS personnel will place and pick up barricades on normal hours, residents can place in street.

The Police Department does not foresee any traffic issues as long as D.P.S. provides barricades to prevent motor vehicle traffic within the requested area. The Afternoon Shift Commanders will be made aware of the event so their shifts can make periodic checks.

Therefore, it is recommended, that City Council approve the request contingent upon items being met as outlined by the administration, **subject to no additional overtime or other costs to the city**, 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:**

**REASON FOR DEADLINE:**

**STAFF RECOMMENDATION:**

For

Against

**REASON AGAINST:**

**INITIATED BY:** City Manager's Office

**PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:** D.P.S., Police, Attorney, Engineering, Fire, Finance, Building and Manager

## 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:** City Manager's Office

**DATE:** 7/11/11

**REVIEWED BY:**

**DATE:**

**COUNCIL MEETING DATE:** 7/18/11

The Honorable Robert E. Clark,  
Mayor of Monroe and  
Members of the Monroe City Council  
120 East First Street  
Monroe, MI 48161

RECEIVED

JUL 7 2011

MAYOR'S OFFICE

Dear Mayor Clark and Members of the City Council:

The residents and families of Scottwood Avenue, Monroe, Michigan request permission to hold our annual Scottwood Avenue Block Party on Saturday July 23, 2011 from 1PM to 11PM. We also request permission to use city-owned barricades to block off the 500 block of the street right-of-way which begins at Riverview Avenue and ends at Arbor Avenue for the purpose of gathering for our picnic and barbeque.

Thank you for your consideration on this matter.

Sincerely,

The Valmassei Family  
506 Scottwood  
734-457-2221

*Carl Valmassei*

The Emerson Family  
421 Scottwood  
734-243-9595

*Melanie Emerson*

*Jennifer Pflot*

The Pflot Family  
619 Scottwood  
734-457-6550



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO: DARIN HOSKINS BLOCK PARTY DAY**

**DISCUSSION:** The City received a request from Faye McFadden for permission to hold a charitable block party on July 23, 2011, in honor of Darin Hoskins who is battling the debilitating effects of diabetes. Specifically the request is to close a portion of Fifth Street between Conant and Almyra from 12 noon - 6:00 p.m. The event organizers also plan to conduct an educational fair for the community and have representatives from the Diabetes and Kidney Foundation in attendance.

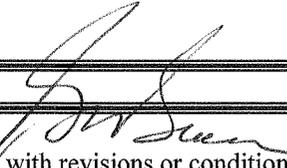
The request was reviewed by the administrative staff and there were no objections to the request subject to emergency vehicle access being maintained.

DPS personnel will place and pick up barricades on normal hours, residents can place in street.

The Police Department does not foresee any traffic issues as long as D.P.S. provides barricades to prevent motor vehicle traffic within the requested area. The Day/Afternoon Shift Commanders will be made aware of the event so their shifts can make periodic checks.

Therefore, it is recommended, that City Council approve the request contingent upon items being met as outlined by the administration, subject to no additional overtime or other costs to the city, charitable solicitation permit required from the Clerk's Office, 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:**

**REASON FOR DEADLINE:**

**STAFF RECOMMENDATION:**

For

Against

**REASON AGAINST:**

**INITIATED BY:** City Manager's Office

**PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:** D.P.S., Police, Attorney, Engineering, Fire, Finance, Building and Manager

## **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:** City Manager's Office

**DATE:** 7/11/11

**REVIEWED BY:**

**DATE:**

**COUNCIL MEETING DATE:** 7/18/11

City of Monroe  
Office of the Mayor  
120 E First St  
Monroe, MI 48161

June 29, 2011

Honorable Mayor Clark and City Council Members:

The purpose of this letter is to request cooperation from the City of Monroe in conducting a charitable event on Saturday, July 23, 2011. Specifically, we are asking to close a portion of Fifth Street between Conant and Almyra on that date from Noon until 6:00pm. We are organizing a "Darin Hoskins Day" in honor of a courageous young man as he battles the debilitating effects of diabetes. The disease has caused renal failure and requires a kidney transplant and his local neighbors wish to conduct a fundraising event to help with the expenses.

But the purpose of the event is not solely for the benefit of Mr. Hoskins but also to educate the community, as well. Representatives of the Diabetes and Kidney Foundations, and others, will have information booths set up, and various activities will be conducted throughout the day. It would be extremely helpful to have that section of the street closed off.

Mr. Hoskins is an outstanding person and has always been Charitable and Community-minded, involved in fundraising for Cancer programs and Big Brothers Big Sisters, and conducting youth basketball programs. We hope you will be able to help our small group in this matter.

Thank you for your consideration,

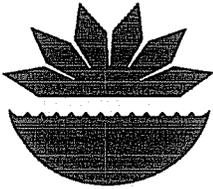


Faye McFadden  
2840 N Monroe St Apt 313A  
Monroe, MI 48162  
734-652-5876

**RECEIVED**

JUN 30 2011

CITY'S OFFICE



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO:** 2011 SIDEWALK PROGRAM – FINAL NOTICE TO AFFECTED PROPERTY OWNERS

**DISCUSSION:** Every year, the City Council selects an area of the City for replacement of sidewalks, and this year's program area is east of Kentucky Avenue and south of the River Raisin. This program began in 1978, and generally the program proceeds on an 8-year cycle rotating counter-clockwise around the City. This program was originally developed in order to continue to improve the City's sidewalk system and protect the City from excessive liability due to defective sidewalk sections, goals that are still very valid today.

An informational letter was sent to all of the residents of this area on April 8, 2011, prior to the inspection of any sidewalks. The sidewalks were then inspected and all potentially hazardous sidewalks were marked with either a "C", "X", or "T". A "C" indicates that the necessary repairs will be made by the City at its expense. If the walk is marked with an "X", the necessary repairs are the responsibility of the property owner. A "T" indicates a utility trench settlement caused by a house water service and the cost is shared equally between the City and the property owner. As have been our typical standards, "potentially hazardous" sidewalks are those that exhibit deterioration or spalling greater than a single crack per square, or are separated from the adjacent square by  $\frac{3}{4}$ " or more.

In accordance with the Monroe Codified Ordinances, the property owners affected by this program are required to receive two (2) notices; ones which gives them thirty (30) days to make the necessary repairs, and a final notice which gives them a ten (10) day extension. On June 2, 2011, the first notice was sent to the affected property owners.

Attached please find a list of property owners who have not repaired their walks. These property owners will receive a letter stating that they have a ten (10) day extension in which to make the repairs. Also on this City Council agenda for your approval is a request to award a contract for this work, and the Contractor will be directed not to commence work on any of the walks that are to be assessed to the property owners until this 10-day period has expired.

**IT IS RECOMMENDED** that the City Council resolve to direct the Engineering Department to repair the walks of those property owners on the attached list that do not do so within the next ten (10) calendar days, and to authorize the Engineering Department to bill the cost to them following repairs.

**CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:** As soon as possible

**REASON FOR DEADLINE:** Sidewalk program typically commences in August

**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, fronting property owners, pedestrians at large

## FINANCES

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

\*Cost of overall project will be reported with 2011 Sidewalk Program bid award.

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

Budget Approval: \_\_\_\_\_

**FACT SHEET PREPARED BY:** Patrick M. Lewis, P.E., Dir. of Engineering & Public Services

**DATE:** 07/11/11

**REVIEWED BY:**



**DATE:**

**COUNCIL MEETING DATE:** July 18, 2011

City of Monroe 2011 Sidewalk Replacement Program - List of Property Owners Liable for an Assessment

TAX_NO	NBR STREET	NAME	ADDRESS	CITY	ST	ZIP
49-00061-000	230 ALMYRA AVE	PALMER, PAUL & PHYLLIS	1422 LASALLE RD	MONROE	MI	48162
49-01399-000	320 ALMYRA AVE	BARTON, JAMES A & SUZANNE	620 W HURD RD	MONROE	MI	48162
49-01405-000	404 ALMYRA AVE	CHEATHAM, BARBARA	427 CLARK	MONROE	MI	48161
49-01410-000	428 ALMYRA AVE	LAVENDER, AARON J	1868 ELKTON DR.	MONROE	MI	48162
49-00414-000	516 ALMYRA AVE	YOUNG, WILLIAM J	8494 NEWBURG RD	CARLETON	MI	48117
49-00416-000	520 ALMYRA AVE	AGUILERA, MARTIN & MICHAELENE	520 ALMYRA AVE	MONROE	MI	48161
49-00241-000	1610 BAYVIEW DR	FALWELL, JEROME C	30301 WORTH ST	GIBRALTER	MI	48173
49-00233-000	1638 BAYVIEW DR	JENKINS, JANA L & JONES, DUSTIN J	1638 BAYVIEW DR	MONROE	MI	48161
49-00223-000	1804 BAYVIEW DR	VINING, ROBERT & LAURA	1804 BAYVIEW DR	MONROE	MI	48161
49-00180-000	1821 BAYVIEW DR	JONES, ANTHONY K	1821 BAYVIEW DR	MONROE	MI	48161
49-00515-000	502 CLARK ST	STATE OF MICHIGAN	P O BOX 30448	LANSING	MI	48909
49-00518-000	510 CLARK ST	JOHNSON, WILLIE R JR	510 CLARK ST	MONROE	MI	48161
49-00522-000	526 CLARK ST	STRINGER, STACI	14930 LAPLAISANCE RD STE 111	MONROE	MI	48161
49-00094-000	209 CONANT AVE	BARTON, JAMES & SUZANNE	620 W HURD RD	MONROE	MI	48162
49-00095-000	213 CONANT AVE	BARTON, JAMES & SUZANNE	620 W HURD RD	MONROE	MI	48162
49-00098-000	221 CONANT AVE	ANSEL, NORMAN R & SUSAN	13133 HULL RD	LASALLE	MI	48145
49-00615-000	304 CONANT AVE	SHEPARD, FAITH (ETAL)	2553 JOHN R ST	DETROIT	MI	48201
49-00610-000	318 CONANT AVE	TAYLOR, VERNON	516 FERNWOOD AVE	MONROE	MI	48161
49-00592-000	329 CONANT AVE	BEDFORD, FRED	329 CONANT AVE	MONROE	MI	48161
49-00593-000	333 CONANT AVE	BEDFORD, FRED	329 CONANT AVE	MONROE	MI	48161
49-00594-000	339 CONANT AVE	BEDFORD, FRED	329 CONANT AVE	MONROE	MI	48161
49-00475-000	505 CONANT AVE	BLACK, LARRY & SUE	505 CONANT AVE	MONROE	MI	48161
49-00458-000	518 CONANT AVE	ESTES, RICK	518 CONANT AVE	MONROE	MI	48161
49-00469-000	527 CONANT AVE	WOOD, BRUCE & SUE (LC)	3849 W DUNBAR RD	MONROE	MI	48161
49-00459-000	528 CONANT AVE	VINSON, BOBBY	307 CLARK ST	TOLEDO	OH	43605
49-00463-000	618 CONANT AVE	BARTON, JAMES A	620 W HURD RD	MONROE	MI	48161
49-01244-000	1002 E FIFTH ST	ANSEL, NORMAN R	13133 HULL ROAD	LASALLE	MI	48145
49-01100-000	1002 E FIRST ST	BYRD, MARY B	1002 E FIRST ST	MONROE	MI	48161
49-01103-000	1020 E FIRST ST	LEATHERY, RAY & TERESA	1020 E FIRST ST	MONROE	MI	48161
49-01107-000	1102 E FIRST ST	MONROE BANK & TRUST	102 E FRONT ST	MONROE	MI	48161
49-01094-000	1123 E FIRST ST	MONROE BANK & TRUST	102 E FRONT ST	MONROE	MI	48161
49-01112-000	1126 E FIRST ST	SOAVE, MICHAEL & OROZCO, JOSE	33611 PLYMOUTH RD	LIVONIA	MI	48150
49-01113-000	1130 E FIRST ST	HOPKINS, JOHN & JUANITA	1095 N MACOMB ST	MONROE	MI	48162
49-00001-000	1258 E FIRST ST	BARTLEY, JOHN A & DIANE	824 SMITH ST	MONROE	MI	48161
49-00002-000	1260 E FIRST ST	GRIMES, RUBY & SAMANTHA C	5814 KENWOOD LANE	PHOENIX	AZ	85283
49-00004-000	1268 E FIRST ST	LINDSAY, CHARLOTTE M	1268 E FIRST ST	MONROE	MI	48161
49-01506-000	1510 E FIRST ST	DETROIT STOKER COMPANY	1510 E FIRST ST	MONROE	MI	48161
49-01214-000	1004 E FOURTH ST	GREAT MOOSE PROPERTIES	P O BOX 66241	NEWPORT	MI	48166
49-01204-000	1017 E FOURTH ST	ABBOTT, HENRY JR & RHONDA	4934 GREENVILLE ROAD	NEWPORT	MI	48166
49-01210-000	1104 E FOURTH ST	MONROE MARKET PALACE, LLC	21387 PATTERSON DR	MACOMB	MI	48044
49-01208-000	1116 E FOURTH ST	CARMAN, DAVID M	708 BENTLEY DR	MONROE	MI	48162
49-01023-000	1011 E FRONT ST	GIBSON, RONNIE & BETTY JANE	1011 E FRONT ST	MONROE	MI	48161
49-01019-000	1023 E FRONT ST	CLARK, DENNIS L	5308 TORRINGTON	MONROE	MI	48161
49-01033-000	1030 E FRONT ST	ZEIDAN, ABDELHAKIM M	1030 E FRONT ST	MONROE	MI	48161
49-01018-000	1031 E FRONT ST	CLARK, DENNIS L	5308 TORRINGTON	MONROE	MI	48161
49-01015-000	1103 E FRONT ST	PRIDEMORE, GARY D & MONIQUE C	540 OAK DRIVE	MONROE	MI	48161
49-01036-000	1108 E FRONT ST	AMERICAN GENERAL FINANCIAL SERVICES	904 S HAMILTON RD	COLUMBUS	OH	43213
49-01037-000	1118 E FRONT ST	RUSSELL, ESSIE	1118 E FRONT ST	MONROE	MI	48161
49-01038-000	1122 E FRONT ST	PRIDEMORE, LOLA	1122 E FRONT ST	MONROE	MI	48161

City of Monroe 2011 Sidewalk Replacement Program - List of Property Owners Liable for an Assessment

TAX_NO	NBR STREET	NAME	ADDRESS	CITY	ST	ZIP
49-01010-000	1125 E FRONT ST	KILLION, WILLIAM TR	2857 4 TH ST DB	MONROE	MI	48162
49-01039-002	1128 E FRONT ST	MCMULLEN, WILLIAM D	12857 S DIXIE HWY	LASALLE	MI	48145
49-01008-000	1131 E FRONT ST	TURNER, CLYDE A JR	1815 BAYVIEW DR	MONROE	MI	48161
49-01131-000	1001 E SECOND ST	ANSEL, BRETT & SANDRA	4888 MORTAR CREEK RD	MONROE	MI	48161
49-01130-000	1003 E SECOND ST	FREEMAN, PATRICK & MICHELLE	405 HUBER	MONROE	MI	48162
49-01128-000	1011 E SECOND ST	MONROE COUNTY HOUSING COMMISSION	106 E FIRST ST	MONROE	MI	48161
49-01127-000	1017 E SECOND ST	BREDSCHNEIDER, ARNOLD SCOTT	402 E FRONT ST	MONROE	MI	48161
49-01140-000	1114 E SECOND ST	MCKART, HAROLD & BETTY	1114 E SECOND ST	MONROE	MI	48161
49-01142-000	1120 E SECOND ST	SIEB, RICHARD A	630 E SECOND ST	MONROE	MI	48161
49-01144-000	1128 E SECOND ST	SIEB, RICHARD (ETAL)	630 E SECOND ST	MONROE	MI	48161
49-01330-000	1002 E SIXTH ST	DEUTSCHE BANK NATIONAL TRUST CO	4600 REGENT BLVD STE 200	IRVING	TX	75063-2478
49-01263-000	1011 E SIXTH ST	KELLEY, LEWIS W	1011 E SIXTH ST	MONROE	MI	48161
49-01164-000	1001 E THIRD ST	BNB PROPERTIES	1956 N RAISINVILLE RD	MONROE	MI	48162
49-01184-000	1002 E THIRD ST	YONO, MUNIM	2271 KEITH RD	WEST BLOOMFIEI	MI	48324
49-01178-000	1028 E THIRD ST	YONO, MUNIM	2271 KEITH RD	WEST BLOOMFIEI	MI	48324
49-01175-000	1120 E THIRD ST	FARRIS, SHERRY	417 HUMPHREY ST	MONROE	MI	48161
49-01172-000	1126 E THIRD ST	FARRIS, ROBERT & SHERRY	417 HUMPHREY ST	MONROE	MI	48161
49-01171-000	1130 E THIRD ST	FARRIS, ROBERT SR & SHERRY	417 HUMPHREY ST	MONROE	MI	48161
49-01513-000	1204 E THIRD ST	MONROE TRANSFER, LLC	9607 DEARBORN AVE	DETROIT	MI	48209
49-01501-000	1225 E THIRD ST	DROUILLARD, MARC	8363 N CUSTER	MONROE	MI	48162
49-01422-000	1308 E THIRD ST	SHEPARD, WILLIAM & IDA	2553 JOHN R ST	DETROIT	MI	48201
49-01092-001	92 EASTCHESTER ST	WICKENHEISER, JOHN D (ETAL)	P O BOX 1243	MONROE	MI	48161
49-01233-000	428 EASTCHESTER ST	KNUEVE, EUGENE V	1665 OAKMONT LANE	SANDUSKY	OH	44870
49-01234-000	502 EASTCHESTER ST	VALMASSEI, TODD R & GAIL A	506 SCOTTWOOD	MONROE	MI	48162
49-01256-000	526 EASTCHESTER ST	KELLEY, ETTA E	526 EASTCHESTER ST	MONROE	MI	48161
49-00295-000	512 FERNWOOD DR	GODA, DONALD & LARRY	510 FERNWOOD DR	MONROE	MI	48161
49-00307-000	614 FERNWOOD DR	BREITNER, S, FRITZ, H & COURTNEY, J	614 FERNWOOD DR	MONROE	MI	48161
49-01082-000	1012 FRANKLIN ST	FLP PROPERTIES, LLC	819 RAMBOW	MONROE	MI	48161
49-01077-000	1017 FRANKLIN ST	FEDERAL NATIONAL MORTGAGE ASSOC	20300 CIVIC CENTER DR STE 403	SOUTHFIELD	MI	48037-2171
49-01087-000	1114 FRANKLIN ST	FLORY, BART & JOANN	13403 DUNLAP	LASALLE	MI	48145
49-01092-000	1132 FRANKLIN ST	WICKENHEISER, JOHN D (ETAL)	P O BOX 1243	MONROE	MI	48161
49-00532-000	1415 HAGANS ST	BADILLO, JESUS	1415 HAGANS ST	MONROE	MI	48161
49-00543-000	1440 HAGANS ST	GATES, RUBY	14422 CARDINAL DR	MONROE	MI	48161
49-00525-000	1443 HAGANS ST	BROWN, MARY L	1402 FITCHLAND AVE	TOLEDO	OH	43606
49-01056-000	1002 HUMPHREY ST	WICKENHEISER, JOHN D (ETAL)	P O BOX 1243	MONROE	MI	48161
49-01054-000	1007 HUMPHREY ST	F & M PROPERTIES	405 HUBER DR	MONROE	MI	48162
49-01053-000	1013 HUMPHREY ST	HERSHBERGER, REX A & SONYA	20 MARION DRIVE	MONROE	MI	48162
49-01059-000	1020 HUMPHREY ST	OWENS, BETTY A	7681 N CUSTER	MONROE	MI	48162
49-01051-000	1021 HUMPHREY ST	LINTON, JAMES WALKER	1021 HUMPHREY ST	MONROE	MI	48161
49-01055-000	49 KENTUCKY AVE	SEKERES, ROBERT & LAURA	23260 WOODRUFF APT 4	FLAT ROCK	MI	48134
49-01099-000	111 KENTUCKY AVE	HALL, CHARLES & NANCY	111 KENTUCKY AVE	MONROE	MI	48161
49-01191-000	313 KENTUCKY AVE	YONO, MUNIM	2271 KEITH RD	WEST BLOOMFIEI	MI	48324
49-01192-000	317 KENTUCKY AVE	ROGERS, HILLARY S	57 HOOVER #2	BLOOMFIELD	NJ	07003-5227
49-01203-000	325 KENTUCKY AVE	FARRIS, ROBERT & SHERRY	417 HUMPRHEY ST	MONROE	MI	48161
49-00145-000	501 NORWOOD DR	MONTAGUE, LAWRENCE & ANNA	25970 PRINCETON	INKSTER	MI	48141
49-00146-000	503 NORWOOD DR	ROSE, JEFFREY SCOTT	503 NORWOOD DR	MONROE	MI	48161
49-00161-000	707 NORWOOD DR	HALL, WILLIE LOIS	707 NORWOOD DR	MONROE	MI	48161
49-00164-000	715 NORWOOD DR	HALL, WILLIE L & WILLIE R	707 NORWOOD DR	MONROE	MI	48161
49-00108-000	1623 OAK ST	STONER, NORMAN & JOANN	1623 OAK ST	MONROE	MI	48161

City of Monroe 2011 Sidewalk Replacement Program - List of Property Owners Liable for an Assessment

TAX_NO	NBR STREET	NAME	ADDRESS	CITY	ST	ZIP
49-00109-000	1706 OAK ST	BARBIER, JOHNNIE & LAURIE	1706 OAK ST	MONROE	MI	48161
49-00288-000	1714 OAK ST	STONER, DAVID C	1714 OAK ST	MONROE	MI	48161
49-00115-000	1727 OAK ST	ANSEL, NORMAN R	13133 HULL RD	LASALLE	MI	48145
	Glenwood St. EXTND					
49-00123-000	1763 OAK ST	GILBERT, DENNY	1763 OAK ST	MONROE	MI	48161
49-00131-000	1801 OAK ST	PETERS, MATTHEW & DAWN	1801 OAK ST	MONROE	MI	48161
49-00504-000	1419 PETERS ST	FREELON, MARTIN L	1419 PETERS ST	MONROE	MI	48161
49-00501-000	1427 PETERS ST	LAWSON, ROY & EVA	1427 PETERS ST	MONROE	MI	48161
49-00511-000	1432 PETERS ST	CONLEY, WILLIAM & CAROL	OUN14930 LAPLAISANCE RD STE	MONROE	MI	48161
49-00497-000	1437 PETERS ST	WHITE, PATRICIA	1437 PETERS ST	MONROE	MI	48161
49-00266-000	1603 PETERS ST	WICKENHEISER, J/D & ZACHOWSKI, R/A	P O BOX 1243	MONROE	MI	48161
49-00257-000	1632 PETERS ST	EASLEY, JANE M	212 THEODORE DR	MONROE	MI	48162
49-00256-000	1636 PETERS ST	THURMAN W AUTRY REVOCABLE LIVING TR	53670 8 MILE RD	NORTHVILLE	MI	48167
49-00190-000	1821 PETERS ST	MONROE PUBLIC SCHOOLS	1275 N MACOMB ST	MONROE	MI	48162
49-01412-000	321 RAILROAD ST	SIDDIQUI, SHAHID	44410 WHITE PINE CIRCLE W	NORTHVILLE	MI	48168
49-01414-000	401 RAILROAD ST	LEE, LINDA LAIWA	205-4345 GRANGE ST	BURNABY, BC V5H1P4	CANADA	
49-01000-000	14 WINCHESTER ST	MONROE COUNTY COMMUNITY C U	14 WINCHESTER ST	MONROE	MI	48161
49-01043-000	65 WINCHESTER ST	GREYSON PROPERTIES, LLC	3131 HIAWATHA	MONROE	MI	48161
49-01060-000	72 WINCHESTER ST	LYKE, JOHN	1002 HARRISON	MONROE	MI	48161
49-01061-000	75 WINCHESTER ST	HACKERT, JAY D	3245 PARKWOOD DR	MONROE	MI	48162
49-01074-000	79 WINCHESTER ST	MONROE BANK & TRUST	102 E FRONT ST	MONROE	MI	48161
49-01075-000	80 WINCHESTER ST	MILLHOUSE, GEORGE & W	5540 CENTRAL DR	MONROE	MI	48161
49-01084-000	85 WINCHESTER ST	DUSSEAU, RICHARD & KIM	232 IDA-MAYBEE RD	MONROE	MI	48162
49-01083-000	98 WINCHESTER ST	SCHAFFER, DONALD E (TR)	22 WOODFOREST PKY	SYLVANIA	OH 43560	1880
49-01098-000	99 WINCHESTER ST	DUSSEAU, RICHARD A & KIMBERLY	232 IDA-MAYBEE RD	MONROE	MI	48162
49-01106-000	102 WINCHESTER ST	AUDUBON GROUP, LLC	1305 BALFOUR	GROSSE POINTE	MI	48230
49-01149-000	211 WINCHESTER ST	FARRIS, ROBERT & SHERRY	417 HUMPHREY ST	MONROE	MI	48161
49-01189-000	311 WINCHESTER ST	HUDKINS, JILL M	3674 POST RD	NEWPORT	MI	48166
49-01205-000	326 WINCHESTER ST	MORAN-SMITH, DIANA	326 WINCHESTER ST	MONROE	MI	48161
49-01206-000	327 WINCHESTER ST	H50840 WINCHESTER TRUST	2401 HWY 70	HICKORY	NC	28602
49-01223-000	417 WINCHESTER ST	WILSON, CHARLES & CYNTHIA	417 WINCHESTER ST	MONROE	MI	48161
49-01239-000	502 WINCHESTER ST	MYERS, HENRY & VERA WILLIAMS	502 WINCHESTER ST	MONROE	MI	48161
49-01245-000	508 WINCHESTER ST	MANIACI, EDITH	508 WINCHESTER ST	MONROE	MI	48161
49-01258-000	523 WINCHESTER ST	CAPBELL, JASON	819 WESTWOOD	MONROE	MI	48161
49-01335-000	602 WINCHESTER ST	ROBERTSON, MARIO & ALAINA	14930 LAPLAISANCE RD STE 111	MONROE	MI	48161
49-01358-000	609 WINCHESTER ST	HOGAN, DAVID	4830 BLUEBUSH	MONROE	MI	48162
49-01366-000	631 WINCHESTER ST	STANLEY, SHIRLEY	P. O. BOX 2604	MONROE	MI	48161-7604
49-01371-000	727 WINCHESTER ST	GIBSON, JUDY M	727 WINCHESTER ST	MONROE	MI	48161



# CITY COUNCIL AGENDA FACT SHEET

## RELATING TO: 2011 SIDEWALK REPLACEMENT PROGRAM BID AWARD

**DISCUSSION:** Every year, the City Council selects an area of the City for replacement of sidewalks, and this year's program area is east of Kentucky Avenue and south of the River Raisin. This program began in 1978, and generally the program proceeds on an 8-year cycle rotating counter-clockwise around the City. This program was originally developed in order to continue to improve the City's sidewalk system and protect the City from excessive liability due to defective sidewalk sections, goals that are still very valid today. In addition to the quantities described above, each year there are numerous "extra areas" that are scattered throughout the City where concrete driveway approaches, sidewalks, and street pavements must be replaced due to water main breaks and other utility repairs, along with isolated concrete patches on major and local streets. Also, some of these are complaints that we receive throughout the year outside the program area, mostly related to City trees heaving sidewalks, and related issues. This list is compiled prior to bidding of the program, but as expected does expand somewhat between bidding and program completion, due to the near-constant referrals that come to the City's attention. Also included in this project is a new run of approximately 300 feet in length that will connect an existing dead end sidewalk in front of the Salvation Army shelter on East First Street with Kentucky Avenue, which is being funded through the City's Community Development Block Grant (CDBG) program.

The Engineering Department opened bids for this project on Wednesday, July 6, 2011. There were five (5) bidders for this project and a bid tabulation is attached for your review. The low bidder is Barker Construction and Development, Inc. from Maybee, and their low bid of \$82,994.94 is 6.8% below the Engineer's Estimate of \$89,044.60. Unfortunately, after contacting the company, they indicated that they had misunderstood the Labor Harmony Standards that were included as a part of the bid documents, and would be unable to meet their terms at this time. A letter to this effect from the owner of the company has been attached to this Fact Sheet for information. As this oversight is believed to be an honest mistake from a bidder unfamiliar with our standard bidding procedures, we would recommend that no action be taken on the bid bond, as they requested verbally. The second low bidder for the work is G.V. Cement Contracting Co., Inc. of Brownstown Township, with a bid amount of \$93,081.42, which is 4.5% above the Engineer's Estimate. They have performed concrete work for the City at various times in the past, including last year's sidewalk program and a smaller project to reconstruct a portion of the intersection of South Monroe Street and Third Street. They are certainly capable of completing the work successfully, and were able to meet the City's Labor Harmony requirements last year, so it is assumed that they can do so again.

Unfortunately, after the time of bid opening and the request for withdrawal of Barker Construction's bid, the Labor Harmony issue has become substantially more clouded. As of this writing, Senate Bill 165 (attached) has been approved by both chambers, and is awaiting possible signature by Governor Snyder. While we are still reviewing the implications of this bill, should it be signed into law, it could immediately preclude the City from executing a contract where collective bargaining agreements are a condition of the contract. On the surface, this is believed to include Project Labor Agreements such as are contained within our Labor Harmony requirements, so in all likelihood these would be rendered unenforceable. More problematic for this contract is the uncertainty this brings forth, particularly since this very issue is the reason the award is being recommended to the second low bidder. At this time, we are not recommending any change to our original recommendation since it is unclear when this proposed bill might take effect, but this is an issue to keep in mind when considering this award.

**IT IS RECOMMENDED** that the City Council award the above contract to the second low bidder, G.V. Cement Contracting Co., in the amount of \$93,081.42, and that a total of \$107,000 be encumbered to include a 15% project contingency. **IT IS FURTHER RECOMMENDED** that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.

### **CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:** As soon as possible

**REASON FOR DEADLINE:** Contractor will be ready to start work in the area as soon as the 10-day notice to property owners has expired.

**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, fronting property owners, disabled individuals, pedestrians at large, Water Department

## FINANCES

<b>COST AND REVENUE PROJECTIONS:</b>	Cost of Total Project	\$107,000.00*
	Cost of This Project Approval	\$107,000.00*
	Related Annual Operating Cost	\$ N/A
	Increased Revenue Expected/Year	\$ N/A

\*Includes 15% contingency

<b>SOURCE OF FUNDS:</b>	<u>City</u>	Account Number	Amount
	Sidewalk Repl. Program	401-95.449-818.020 12C02	\$61,400.00
	Water Dept. Contractual	591-40.538-818.020	\$ 6,300.00
	Water Sys. Improvements	591-40.538-972.000 11W01	\$ 1,800.00*
	E. First Sidewalk Installation	401-95.449-818.020 12C06	\$ 5,300.00**

\*A portion of the patches attributable to the Water Department are related to past and future capital projects.

\*\*New project code needs to be created for this project, work was funded through the Annual CDBG Action Plan.

<u>Other Funds</u>	
Property Owner Assessments	\$32,200.00*

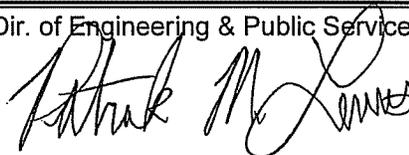
\*Property owner assessments are typically encumbered against 401-95.449-818.020 12C02 until billed.

Budget Approval: \_\_\_\_\_

**FACT SHEET PREPARED BY:** Patrick M. Lewis, P.E., Dir. of Engineering & Public Services

**DATE:** 07/12/11

**REVIEWED BY:**



**DATE:**

**COUNCIL MEETING DATE:** July 18, 2011

**2011 Sidewalk Replacement Program**

**BID TABULATION**

**BIDS DUE: Wednesday, July 6, 2011**

**Page 1 of 1**

No.	Item	# units	Units	0 - Engineer's Estimate		1 - Barker Constr. & Dev., Inc.		2 - G.V. Cement Contracting Co.	
				Unit Price	Amt.	Unit Price	Amt.	Unit Price	Amt.
1	Remove & Dispose Conc. & Misc. Flatwork	17448.00	SFT	1.00	17,448.00	1.00	17,448.00	1.10	19,192.80
2	Remove & Dispose Curb & Gutter	231.40	LFT	5.00	1,157.00	5.00	1,157.00	5.00	1,157.00
3	Furnish & Install Curb & Gutter	231.40	LFT	15.00	3,471.00	14.00	3,239.60	15.00	3,471.00
4	Furnish & Install 4" Concrete Flatwork	14486.20	SFT	3.00	43,458.60	2.75	39,837.05	3.10	44,907.22
5	Furnish & Install 4" Concrete ADA Ramps	953.40	SFT	9.00	8,580.60	8.75	8,342.25	10.00	9,534.00
6	Furnish & Install 6" Concrete Flatwork	3208.40	SFT	3.50	11,229.40	3.10	9,946.04	3.50	11,229.40
7	Subgrade Preparation for New Walk	1200.00	SFT	1.00	1,200.00	0.75	900.00	1.50	1,800.00
8	Furnish & Install Reinforcing Wire Mesh	500.00	LBS	1.00	500.00	0.95	475.00	1.00	500.00
9	Furnish & Install Bituminous Hand Patching	10.00	TON	150.00	1,500.00	150.00	1,500.00	110.00	1,100.00
10	Adjust Structure	1.00	EA	500.00	500.00	150.00	150.00	190.00	190.00
	<b>Total</b>				<u>89,044.60</u>		<u>82,994.94</u>		<u>93,081.42</u>

No.	Item	# units	Units	3 - Dominic Gaglio Constr.		4 - Quinn Conc. Constr., Inc.		5 - Andrews Constr. Co., Inc.	
				Unit Price	Amt.	Unit Price	Amt.	Unit Price	Amt.
1	Remove & Dispose Conc. & Misc. Flatwork	17448.00	SFT	2.15	37,513.20	1.20	20,937.60	2.00	34,896.00
2	Remove & Dispose Curb & Gutter	231.40	LFT	22.00	5,090.80	7.00	1,619.80	10.00	2,314.00
3	Furnish & Install Curb & Gutter	231.40	LFT	20.00	4,628.00	18.00	4,165.20	25.00	5,785.00
4	Furnish & Install 4" Concrete Flatwork	14486.20	SFT	2.55	36,939.81	3.70	53,598.94	4.60	66,636.52
5	Furnish & Install 4" Concrete ADA Ramps	953.40	SFT	2.95	2,812.53	9.00	8,580.60	6.00	5,720.40
6	Furnish & Install 6" Concrete Flatwork	3208.40	SFT	2.80	8,983.52	4.30	13,796.12	5.15	16,523.26
7	Subgrade Preparation for New Walk	1200.00	SFT	1.20	1,440.00	0.50	600.00	4.15	4,980.00
8	Furnish & Install Reinforcing Wire Mesh	500.00	LBS	2.25	1,125.00	1.00	500.00	1.00	500.00
9	Furnish & Install Bituminous Hand Patching	10.00	TON	450.00	4,500.00	200.00	2,000.00	200.00	2,000.00
10	Adjust Structure	1.00	EA	350.00	350.00	250.00	250.00	300.00	300.00
	<b>Total</b>				<u>103,382.86</u>		<u>106,048.26</u>		<u>139,655.18</u>

Barker Construction And Development Inc

6321 Zink Rd

Maybee Mi 48159

(734) 587-3195 Fax (734) 587-6000

City of Monroe

Engineering Dept.

Pat Lewis

To whom it may concern:

Barker Construction and Development Inc. would like to respectfully withdraw our bid for the 2011 sidewalk replacement program. The part of the contract that stated working with the unions in harmony was misunderstood on our part. We currently pay prevailing wages to our employees but we have no agreement with the union at this time. We are seeking these agreements with the local unions in hope of doing business with the City of Monroe at a later date. We feel it would be to your and our best interest to have you go to the next bidder. We apologize for any inconvenience this may have caused.

Thank You

Mark Barker

**STATE OF MICHIGAN  
96TH LEGISLATURE  
REGULAR SESSION OF 2011**

**Introduced by Senators Moolenaar, Kahn, Jansen, Booher, Meekhof, Green, Caswell, Walker, Pavlov, Proos, Marlean, Schuitmaker, Hildenbrand, Pappageorge, Robertson, Hansen, Emmons, Colbeck, Jones, Casperson and Brandenburg**

**ENROLLED SENATE BILL No. 165**

AN ACT to provide for fair and open competition in governmental construction contracts, grants, tax abatements, and tax credits; to prohibit requirements for certain terms in government contracts and contracts supported through government grants and tax subsidies and abatements; to prohibit expenditure of public funds under certain conditions; to prohibit certain terms in procurement documents for certain expenditures involving public facilities; and to provide for powers and duties of certain public officers, employees, and contractors.

*The People of the State of Michigan enact:*

Sec. 1. This act shall be known and may be cited as the "fair and open competition in governmental construction act".

Sec. 3. As used in this act:

(a) "Facility" means any actual physical improvement to real property owned, or leased, directly or through a building authority, by a governmental unit, including, but not limited to, roads; bridges; runways; rails; or a building or structure along with the building's or structure's grounds, approaches, services, and appurtenances.

(b) "Governmental unit" means this state, a county, city, township, village, school district, intermediate school district, community college, or public university that receives appropriations from this state, or any agency, board, commission, authority, or instrumentality of the foregoing.

Sec. 5. A governmental unit shall not enter into or expend funds under a contract for the construction, repair, remodeling, or demolition of a facility if the contract or a subcontract under the contract contains any of the following:

(a) A term that requires, prohibits, encourages, or discourages bidders, contractors, or subcontractors from entering into or adhering to agreements with a collective bargaining organization relating to the construction project or other related construction projects.

(b) A term that discriminates against bidders, contractors, or subcontractors based on the status as a party or nonparty to, or the willingness or refusal to enter into, an agreement with a collective bargaining organization relating to the construction project or other related construction projects.

Sec. 7. A governmental unit shall not award a grant, tax abatement, or tax credit that is conditioned upon a requirement that the awardee include a term described in section 5(a) or (b) in a contract document for any construction, improvement, maintenance, or renovation to real property or fixtures that are the subject of the grant, tax abatement, or tax credit. This section does not prohibit a governmental unit from awarding a grant, tax abatement, or tax credit to a private owner, bidder, contractor, or subcontractor who enters into or who is party to an agreement with a collective bargaining

organization, if being or becoming a party or adhering to an agreement with a collective bargaining organization is not a condition for award of the grant, tax abatement, or tax credit, and if the governmental unit does not discriminate against a private owner, bidder, contractor, or subcontractor in the awarding of that grant, tax abatement, or tax credit based upon the status as being or becoming, or the willingness or refusal to become, a party to an agreement with a collective bargaining organization.

Sec. 9. A governmental unit or a construction manager or other contracting entity acting on behalf of a governmental unit shall not place any of the terms described in section 5 in bid specifications, project agreements, or other controlling documents relating to the construction, repair, remodeling, or demolition of a facility. Any such included term is void and of no effect.

Sec. 11. The requirements of this act do not do either of the following:

- (a) Affect any provision in 1965 PA 166, MCL 408.551 to 408.558.
- (b) Apply to construction contracts executed before the effective date of this act.

Sec. 13. This act does not do either of the following:

- (a) Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the national labor relations act, 29 USC 151 to 169.
- (b) Interfere with labor relations of parties that are protected under the national labor relations act, 29 USC 151 to 169.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Jay E. Randall*

Clerk of the House of Representatives

Approved .....

.....  
Governor



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO:** REPORT BACK ON BIDS RECEIVED FOR THE EAST RESERVOIR EXISTING JOINT & CONCRETE CRACK REPAIRS PROJECT AT THE WATER TREATMENT PLANT

**DISCUSSION:** The Water Department received four (4) bids for the East Reservoir Existing Joint and Concrete Crack Repairs project at the Water Treatment Plant. The low bidder meeting all bid specifications is Smith's Waterproofing, LLC out of Almont, MI for \$13,250.00 for crack injection repairs (\$26.50 / lft – 500 lft estimated) and \$3,100.00 for existing joint repairs (\$155.00 / location – 20 estimated).

The east 2.81 MG water reservoir was constructed in 1922 and has had crack and joint sealant system installation / repairs to the roof, walls, and floor in 1988, 2003 and several other years by staff as part of routine scheduled maintenance and or capital projects. During recent water system investigations related to water quality the east reservoir was drained for inspection. It was found that some new cracks have formed since our last inspection and repairs in 2010. It has been determined that the new cracks / existing joints may become compromised during high groundwater or wet weather events such that it is recommended to make repairs while the reservoir it is out of service. It is intended to make repairs / clean / disinfect the east reservoir and then put it back into service so that the west reservoir can then be drained and inspected as part of the ongoing water system investigations related to water quality. Both reservoirs cannot be out of service at the same time to maintain proper treatment. The project includes repairing new cracks that have developed and repairing the existing joint sealant system. This maintenance needs to be completed to maintain the structural integrity of the reservoir and to uphold the water quality produced by the Water Treatment Plant.

Smith's Waterproofing, LLC has not worked for the City of Monroe in the past, however after checking references along with the product representative to be used with this project we are confident they will perform well. The water budget has adequate funding budgeted for the project.

IT IS RECOMMENDED that a purchase order in the amount of \$16,350.00 and a total amount of \$19,700.00 be encumbered to include a 20% contingency for the East Reservoir Existing Joint and Concrete Crack Repairs project at the Water Treatment Plant, be awarded to Smith's Waterproofing, LLC out of Almont, MI in accordance with the bid specifications.

**CITY MANAGER RECOMMENDATION:**

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

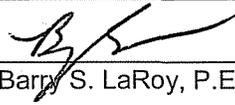
**APPROVAL DEADLINE:** August 10, 2011

**REASON FOR DEADLINE:** Bid is good for thirty (30) days.

**STAFF RECOMMENDATION:**  For  Against

**REASON AGAINST:** N/A

**INITIATED BY:**

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

**PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:** Water Department, Water Customers

## FINANCES

**COST AND REVENUE PROJECTIONS:**

Cost of Total Project	\$ 19,700.00
Cost of This Project Approval	\$ 19,700.00
Related Annual Operating Cost	\$ N/A
Increased Revenue Expected/Year	\$ N/A

**SOURCE OF FUNDS:**

	Account Number	Amount
City Water System	59140537 972000 12W11	\$ 19,700.00
Other Funds		

Budget Approval: \_\_\_\_\_

**FACT SHEET PREPARED BY:** Barry S. LaRoy, P.E., Director of Water & Wastewater Utilities **DATE:** July 12, 2011

**REVIEWED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**COUNCIL MEETING DATE:** July 18, 2011

**BIDS RECEIVED LIST FOR EAST RESERVOIR EXISTING JOINT  
& CONCRETE CRACK REPAIRS FOR THE WATER  
DEPARTMENT. BID REQUESTS MAILED 06/30/11. BIDS DUE  
MONDAY, JULY 11, 2011.**

	<u>BID AMT</u>
<b>RAM CONSTRUCTION SERVICES 13800 ECKLES RD LIVONIA MI 48150</b>	<b>\$24,000.00 \$ 8,500.00 (BOND)</b>
<b>ROYAL RESTORATION &amp; WATERPROOFING LLC 30633 SCHOOLCRAFT LIVONIA MI 48150</b>	<b>NO BID</b>
<b>STRUCTURAL PRESERVATION SYSTEMS 280 W JEFFERSON AVE TRENTON MI 48183</b>	<b>\$19,000.00 \$10,100.00 (BOND)</b>
<b>SMITH'S WATERPROOFING 3821 VAN DYKE ALMONT MI 48003</b>	<b>\$13,250.00 \$ 3,100.00 (BOND)</b> ←
<b>CHEZCORE INC 2000 DIVISION DETROIT MI 48207</b>	<b>\$29,400.00 \$16,420.00 (BOND)</b>



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO:** EAST FIFTH STREET CURB REPLACEMENT CHANGE ORDER AWARD

**DISCUSSION:** The Engineering Department has been contacted by John Kohler Architects, the principal architectural firm representing Monroe Public Schools, regarding their desire to replace much of the deteriorated sidewalk adjacent to Monroe Middle School along East Fifth Street, mostly between Macomb Street extended and their east property line. This also coincides with a City project to cape seal East Fifth Street through this area, which is included in the bid award for the 2011 Bituminous Maintenance Program on this Council agenda. However, since some of the deterioration is in the paved terrace adjacent to the curbs, which are also deteriorated in many areas, this seems an optimum time for the City to partner with Monroe Public Schools to repair the entire area in conjunction with or prior to our cape sealing project. Obviously, the curb and sidewalk work should be completed prior to the start of school on September 6 since this area is used for loading and unloading school buses every day. As per discussions with the architect, the City is responsible for the curb costs and the adjacent property owner is responsible for the adjacent sidewalk / paved terrace and any drive approaches within the project area. In addition to the work adjacent to the school, we will also be extending the curb replacement past the school to Scott Street, in order to ensure that required minimum grades for drainage can be met, and in these areas the City would also plan to pay for the replacement of the drive approaches for the adjacent home owners, since they are not driving the project.

We have determined that the City's available pricing for curb work is far lower than that provided by the school's selected contractor(s), so rather than provide reimbursement to the school's contractor for the curb work on our behalf, a change order should be issued under one of our contracts, and the 2011 Curb Replacement and Resurfacing Program offers the cheapest alternative of our available contracts. The proposed change order would consist of the following items:

Remove and Dispose Curb and Gutter	414 feet x \$6.00 / foot	\$2,484.00
Furnish and Install Curb and Gutter	414 feet x \$10.50 / foot	\$4,347.00
Remove and Dispose Pavement & Approach	65 square yards x \$8.00 / square yard	\$ 520.00
Furnish and Install 6" Pavement & Approach	65 square yards x \$30.00 / square yard	\$1,950.00
Adjust, Clean, and Plaster Structure	3 each x \$500 / each	<u>\$1,500.00</u>
Total Pay Item Costs		\$10,801.00

This work would be added to the contract as Division G, and the contractor has indicated that they would be willing to accelerate this work to ensure that it occurs within the needed schedule. Funding has been deliberately set aside in the Major Street Surface Maintenance budget to provide for this work. Although this project is fairly well-defined, due to the small project amount, we still feel it is appropriate to include a 15% contingency as well.

**IT IS RECOMMENDED** that the City Council award a change order to the 2011 Curb Replacement and Resurfacing Program for the above work to C & D Hughes, Inc. in the amount of \$10,801.00, that a total of \$12,500.00 be encumbered to include a 15% project contingency. **IT IS FURTHER RECOMMENDED** that the Director of Engineering and Public Services be authorized to execute it on behalf of the City of Monroe.

**CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:** As soon as possible

**REASON FOR DEADLINE:** Only six weeks remain to complete the work prior to the start of school.

**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, adjacent property owners and residents, traveling public, school children and employees

## FINANCES

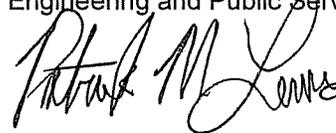
<b>COST AND REVENUE PROJECTIONS:</b>	Cost of Total Project	\$12,500
	Cost of This Project Approval	\$12,500
	Related Annual Operating Cost	\$ N/A
	Increased Revenue Expected/Year	\$ N/A

<b>SOURCE OF FUNDS:</b>	<u>City</u>	<u>Account Number</u>	<u>Amount</u>
	Major St. Surf. Maintenance	202-60.464-818.020	\$12,500
	<u>Other Funds</u>		

Budget Approval: \_\_\_\_\_

**FACT SHEET PREPARED BY:** Patrick M. Lewis, P.E., Director of Engineering and Public Services    **DATE:** 07/13/11

**REVIEWED BY:**



**DATE:**

**COUNCIL MEETING DATE:** July 18, 2011



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO:** 2011 BITUMINOUS PAVEMENT MAINTENANCE PROGRAM – REPORT ON BIDS RECEIVED

**DISCUSSION:** The Engineering Department opened bids for the above project on Monday, July 11, 2011. As you know, each year the Engineering Department manages a program for routine maintenance on bituminous (asphalt) streets, including crack sealing and slurry sealing, both of which are designed to lengthen the service life of these pavements. This program typically includes streets that have been targeted for maintenance activities that can extend their surface life for five years or more, and for permanent pavement patching in areas where the Water Department has had main breaks within the past year.

Also, for the second year, we are experimenting with a "cape seal", which takes a traditional chip seal, where small stone chips are spread over the existing pavement, and adds a slurry seal over the top. In such a fashion, the chip seal process, which is generally used in rural areas, can be modified to the urban environment by minimizing the amount of stone that is dislodged by traffic when bound by the slurry. Last year we used this process on West Lorain Street between the dead end lying west of Godfroy Avenue and North Monroe Street, with somewhat mixed success. That particular roadway exhibited a high degree of surface deformities, and while the process did thoroughly seal it from further damage, the ride quality did not improve much. Since this process still has promise as a long-term "heavy" maintenance tool, we are planning to cape seal East Fifth Street between South Monroe Street and Scott Street with this year's program. The primary distress on this section is widespread "alligator" cracking too dense to properly crack seal, but we feel that by adding larger stone chips as an interlayer, the slurry seal will not be nearly as prone to reflective cracking as early. This work will be scheduled around school hours if it is not performed prior to Labor Day. The breakdown of streets where the work activities are planned to occur is attached in three (3) separate spreadsheets to this Fact Sheet as well.

There was only one (1) bidder, and a bid tabulation is attached for your review. The bidder, D.G. Slurry Seal of Toledo, submitted a bid of \$101,383.22 is 0.7% below the Engineer's Estimate of \$102,117.90. D.G. Slurry Seal was the only bidder for this project in 2005, 2006, and 2007, were awarded a change order in 2008, and were the low bidder in 2009 and 2010 as well. They have performed satisfactorily each year, and we of course recommend awarding this contract to them as well. Since this contract is for maintenance type work, the typical labor harmony requirements do not apply to this project.

**IT IS RECOMMENDED** that the City Council award the above contract to D.G. Slurry Seal of Toledo in the amount of \$101,383.22, and that a total of \$117,000 be encumbered to include a 15% project contingency. **IT IS FURTHER RECOMMENDED** that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.

**CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:** As soon as possible

**REASON FOR DEADLINE:** Bids are only good for forty-five (45) days.

**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, adjacent property owners and residents, traveling public

## FINANCES

<b>COST AND REVENUE PROJECTIONS:</b>	Cost of Total Project	\$117,000*
	Cost of This Project Approval	\$117,000*
	Related Annual Operating Cost	\$ N/A
	Increased Revenue Expected/Year	\$ N/A

\*Includes 15% contingency

<b>SOURCE OF FUNDS:</b>	<u>City</u>	Account Number	Amount
	Local Streets – Surface Main.	203-60.464-818.020	\$48,100
	Major Streets – Surface Main.	202-60.464-818.020	\$30,000
	Water Department Contr.	591-40.538-818.020	\$30,000
	Water System Improvements	591-40.538-972.000 11W01	\$ 8,900*

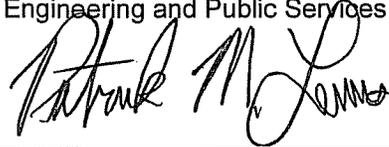
\*A portion of the patches attributable to the Water Department are related to past and future capital projects.

Other Funds

Budget Approval: \_\_\_\_\_

**FACT SHEET PREPARED BY:** Patrick M. Lewis, P.E., Director of Engineering and Public Services   **DATE:** 07/12/11

**REVIEWED BY:**



**DATE:**

**COUNCIL MEETING DATE:** July 18, 2011

**2011 Bituminous Pavement Maintenance Program**

**BID TABULATION**

**BIDS DUE: Monday, July 11, 2011**

**Page 1 of 1**

No.	Item	# units	Units	0 - Engineer's Estimate		1 - D.G. Slurry Seal of Toledo	
				Unit Price	Amt.	Unit Price	Amt.
1	Remove and Dispose Pavement	397.00	SYD	36.00	14,292.00	36.50	14,490.50
2	Furnish & Install Bit. Hand Patching	123.00	TON	225.00	27,675.00	207.00	25,461.00
3	Furnish & Install Overband Crack Seal	15000.00	LBS	2.25	33,750.00	2.15	32,250.00
4	Furnish & Install Emulsified Slurry Seal	7614.00	SYD	2.25	17,131.50	2.25	17,131.50
5	Furnish & Install Single Chip Seal	3089.80	SYD	3.00	9,269.40	3.90	12,050.22
Total					<u>102,117.90</u>		<u>101,383.22</u>

**2011 Bituminous Pavement Maintenance Program - Slurry Seal and Cape Seal Streets**

City reserves the right to add or subtract streets from this list based on actual costs spent on crack sealing

#	Street	Limits	Slurry Area (syd)	Chip Seal Area (syd)	Patch Rem. (syd)	Patch Repl. (ton)
A	Godfroy	Noble to Lorain	2116	0	10.3	2.3
B	E. Grove	Monroe to Macomb	2408.2	0	12.4	2.7
C	E. Fifth	Monroe to Scott	3089.8	3089.8	50.7	11.2
Totals			7614	3089.8	73.4	16.2

**2011 Bituminous Pavement Maintenance Program - Crack Seal Streets**

City reserves the right to eliminate or add streets to reach plan quantity.

Below are first priority streets at time of bidding.

#	Street	Limits	Street Length (feet)
1	S. Roessler St.	Seventh to Eighth	466.00
2	Washington St.	Second to Front	833.24
3	Borgess Ave.	Lorain to north end	1145.50
4	W. Fourth St.	Harrison to Adams	1034.00
5	Jerome St.	South end to Seventh	1241.65
6	E. Lorain St.	Monroe to Macomb	920.00
7	Orchard Dr.	Hollywood to Riverview	347.40
8	Richards Ct.	Full length	219.00
9	St. Mary's Ave.	Lorain to Grove	430.75
10	Tremont Ave.	Full length	1273.00
11	Waterloo Ave.	Full length	1816.25
12	Winchester St.	Third to Fourth	365.00
13	N. Custer Rd.	City line to Telegraph	5241.14
14	E. Front St.	I-75 to east end	6636.47
Totals			<b>21503.4</b>

**2011 Bituminous Pavement Maintenance Program**

**List of Extra Area Patches (not on streets to be slurried or crack sealed)**

No.	Address	Dir.	Street	Cross Street	FT	FT	SYD	IN	Tons	Location	Notes
1	5662		PARKSIDE		14.00	8.00	12.44	6	4.11		
2			WILLOW	N. MONROE	7.00	7.00	5.44	6	1.80		
3	38		E. GROVE		10.00	7.00	7.78	6	2.57		
4			S. MONROE	W. FIFTH	9.00	7.00	7.00	6	2.31		
5	510		CONANT		14.00	9.00	14.00	6	4.62		
6	1544		HOLLYWOOD		12.00	12.00	16.00	6	5.28		
7	5928		OAKWOOD		10.00	7.00	7.78	6	2.57		
8	827		PATTERSON		6.00	2.00	1.33	6	0.44		
9			E. THIRD	CONANT	7.00	5.00	3.89	6	1.28		
10	502		CONANT		5.00	10.00	5.56	6	1.83		
11	1001		HUMPHREY		19.00	13.00	27.44	6	9.06		
12	530		CONANT		8.00	7.00	6.22	6	2.05		
13	891		RAMBOW		13.00	4.00	5.78	6	1.91		
14	15626		TELEGRAPH		6.00	6.00	4.00	6	1.32		
15	606		E. FIRST		9.00	8.00	8.00	6	2.64		
16	317		CASS		9.00	5.00	5.00	6	1.65		
17	212		CASS		9.00	6.00	6.00	6	1.98		
18	15486		MILITARY		13.00	6.00	8.67	6	2.86		
19			N. MACOMB	WILLOW	25.00	12.00	33.33	6	11.00		
20			N. MACOMB	LORAIN	20.00	15.00	33.33	6	11.00		
21			E. FIRST	WINCHESTER	10.00	10.00	11.11	6	3.67		
22			M-50	MULLHOLLEN	10.00	6.00	6.67	6	2.20		
23			M-50	WESTWOOD	5.00	10.00	5.56	6	1.83		
24	111		E. FRONT		9.00	9.00	9.00	6	2.97		
25	1850		RIVIERA		5.00	12.00	6.67	6	2.20		
26	1043		RIVERVIEW		9.00	9.00	9.00	6	2.97		
27	414		CASS		7.00	10.00	7.78	6	2.57		
28			ERIE	WINSTON	12.00	5.00	6.67	6	2.20		
29			PARKSIDE	S. DIXIE	10.00	10.00	11.11	6	3.67		
30			NOBLE	RIVERVIEW	20.00	6.00	13.33	6	4.40		
31	20		S. MONROE		8.00	8.00	7.11	6	2.35		
32			ERIE	WINSTON	9.00	5.00	5.00	6	1.65		
33			M-50	WATERLOO	10.00	5.00	5.56	6	1.83		
34	1232		E. ELM		20.00	9.00	20.00	6	6.60		

Total of Water Department Patches

**343.56**

**113.37**



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO:** CDBG Sub-recipient Agreement with the Monroe Housing Commission

**DISCUSSION:** In its Community Development Block Grant (CDBG) Annual Action Plan for fiscal year 2011-12, the City of Monroe approved a budget item for improving recreation opportunities in the City for low to moderate income individuals. When the City initiated the Tot-Lot program this year, the Monroe Housing Commission approached City representatives about starting a similar program at their Greenwood Apartments facility located at 900 Greenwood Ave. The City's Tot-Lot program provides recreational opportunities such as sports, games, arts and crafts, and supervised play for children ages 5-12. Several options for providing a Tot-Lot program at Greenwood or expanding programming at one of the City's established Tot-Lots were explored. It was determined that the Monroe Housing Commission was best suited to organize a program internally for their residents, if the City could provide funding for the program. Therefore, the Monroe Housing Commission submitted a request for \$1,800.00 in CDBG funds.

The Monroe Housing Commission provides subsidized housing in the City for low to moderate income residents, and has determined that the likely program participants will all be eligible under the federal CDBG income guidelines. The CDBG funds will enable the Monroe Housing Commission to hire a seasonal staff person to supervise the Tot-Lot and purchase basic supplies. The City is also providing resource materials and supplies through the existing Tot-Lot program. Receiving CDBG funds from the City will allow the Monroe Housing Commission to pursue other funds to provide more positive recreational opportunities for the Greenwood residents.

According to CDBG regulations, in order to provide these funds the City must execute a sub-recipient agreement. This agreement establishes the scope of work and expenses for which the Monroe Housing Commission will be reimbursed, specifies records that must be kept, and incorporates other standard items required by federal CDBG regulations.

IT IS THEREFORE RECOMMENDED that City Council approve the proposed CDBG Sub-recipient Agreement with the Monroe Housing Commission and authorize City Manager to execute the agreement.

**CITY MANAGER RECOMMENDATION:**

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



This COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUBRECIPIENT AGREEMENT (Agreement) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the CITY OF MONROE (City) and the MONROE HOUSING COMMISSION (Commission) as an expression of their mutual interest in working toward the provision of recreational programming for low to moderate income families within the boundaries of the City. The terms and conditions of this program follow, as do the responsibilities of the subrecipient and the City.

1. Statement of work            The Monroe Housing Commission agrees that for the City of Monroe's fiscal year spanning the period of time from July 1, 2011 to June 30, 2012 they will be compensated an amount not to exceed **\$1,800.00** for the provision of services in the City of Monroe at the Greenwood Apartments, Monroe Housing Commission, located at 900 Greenwood Avenue. These funds are expected to reimburse the Commission for the payroll expenses of providing staffing and materials for "Tot-Lot" recreational programming at the Greenwood, Monroe Housing Commission facility as described in Exhibit A. The program is a youth recreation program for low to moderate income families. The purpose of the program is to provide a positive, active, outdoor recreational experience for youth during the summer months. It is a free program offering children ages 5 through 12 an opportunity for safe supervised play. Activities will include daily offerings of creative crafts projects, games and athletic activities.

2. Records and reports            The Monroe Housing Commission is expected to maintain records which support any and all costs associated with this agreement. These should include employee time sheets and hourly rates, invoices supporting eligible costs, and any other documents which serve as evidence that activities to be completed as part of this agreement have taken place.

In addition to the records anticipated to accumulate throughout the year, the Commission is expected to present the City with a report of its progress either quarterly or with the submission of invoices for reimbursement, whichever is more frequent. The Commission is also expected to submit a final report detailing its accomplishments relative to stated goals within sixty (60) days of the end of the program.

Upon the receipt of the final report, the City will complete its annual audit, as required by 24 CFR 85.40. This audit will include a site visit to the Commission and a review of records (any information pertaining to residents will remain confidential) to ensure proper recordkeeping, cost eligibility and compliance with all applicable requirements and regulations.

3. Program Income            The Monroe Housing Commission and the City agree no activities associated with this agreement shall generate program income. The Commission will not charge fees for services provided as part of this agreement, and their only reimbursement will be the result of activities detailed in this agreement in the amount detailed in this agreement.

4. Uniform administrative requirements The Monroe Housing Commission agrees to comply with all applicable uniform administrative requirements, as described in 24 CFR 570.502, which are included as Attachment B.

5. Other program requirements The Monroe Housing Commission agrees to carry out each activity carried out as part of this agreement in compliance with all Federal laws and regulations described in 24 CFR 570.600, also referred to as Subpart K and included as Attachment C, except that:

a. The subrecipient does not assume the recipient's environmental responsibilities described at 24 CFR 570.604; and

b. The subrecipient does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR part 52.

6. Suspension and termination In accordance with 24 CFR 85.43, suspension or termination may occur if the Monroe Housing Commission materially fails to comply with any term of the award, and the award may be terminated for convenience in compliance with 24 CFR 85.44.

7. Reversion of assets The Monroe Housing Commission will not receive any CDBG funds except as a reimbursement of costs eligible as part of this agreement. If for some reason at the expiration of the agreement, the Commission should have CDBG funds on hand, they shall be transferred to the City. The Commission is not to acquire any real property with CDBG funds.

8. Indemnification The Monroe Housing Commission, its successors and assigns, hereby agrees to indemnify, defend, and hold harmless the City and any of its representatives, elected or appointed officials, officers, or employees from and against any and all demands, claims, and damages to persons or property, losses and liabilities, including reasonable attorney's fees, arising out of or caused by the performance, preparation for performance or nonperformance of any provision of this agreement by the Commission.

Representatives of both the City and the Monroe Housing Commission have read this agreement, reviewed and understand the conditions and attachments detailed within, and are willing to carry out the agreement as described.

\_\_\_\_\_  
Signature, Subrecipient representative

\_\_\_\_\_  
Signature, City representative

\_\_\_\_\_  
Name, Subrecipient representative

\_\_\_\_\_  
Name, City representative

ATTACHMENT A  
DESCRIPTION OF SERVICES

# MONROE HOUSING COMMISSION

---

June 15, 2011

City of Monroe

Dan Swallow

120 E First St.

Monroe, MI 48162

RE: Tot Lot program

Sir:

This letter is to touch base with you in regards to our phone conversation pertaining to the Summer Tot Lot at Greenwood.

The Monroe Housing Commission would be happy to team up with the City and bring this program to the children at Greenwood. As stated on our phone conversation we have over 200 kids at Greenwood. These kids fall below the poverty line. See enclosed attachments.

We are grateful that the city sees the need for a Tot Lot program in this area in order for it to be successful:

- We would like to see the program run for an Eight week period.
- The Housing Commission would oversee and hire a qualified person.
- The Tot Lot would be open for four hours during the day, Monday –Friday( excluding Holidays)
- Lunch would be provided through the Summer Food Program, at Speckled Frog Day Care Center.
- \$1800.00 is necessary to implement the program.
- Program guidance and game projects ( if the city has any)
- Pavilion is available, as well as a play-scape area for children.

If you have any questions, please feel free to call or email me.

Sincerely,



Sara Waldecker

Resident Service Coordinator

Monroe Housing Commission

[swaldecker@monroehousing.org](mailto:swaldecker@monroehousing.org)



20 North Roessler Street • Monroe, Michigan 48162-2497

Telephone: (734) 242-5880 • FAX: (734) 242-3562

Email: [monroe\\_housing@sbcglobal.net](mailto:monroe_housing@sbcglobal.net)

ATTACHMENT B

24 CFR 570.502

not include contractors providing supplies, equipment, construction, or services subject to the procurement requirements in 24 CFR 85.36 or 84.40, as applicable.

[53 FR 8058, Mar. 11, 1988, as amended at 57 FR 27120, June 17, 1992; 60 FR 1952, Jan. 5, 1995; 60 FR 17445, Apr. 6, 1995; 60 FR 56914, Nov. 9, 1995]

**§ 570.501 Responsibility for grant administration.**

(a) One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of the recipient to undertake activities assisted by this part. A public agency so designated shall be subject to the same requirements as are applicable to subrecipients.

(b) The recipient is responsible for ensuring that CDBG funds are used in accordance with all program requirements. The use of designated public agencies, subrecipients, or contractors does not relieve the recipient of this responsibility. The recipient is also responsible for determining the adequacy of performance under subrecipient agreements and procurement contracts, and for taking appropriate action when performance problems arise, such as the actions described in § 570.910. Where a unit of general local government is participating with, or as part of, an urban county, or as part of a metropolitan city, the recipient is responsible for applying to the unit of general local government the same requirements as are applicable to subrecipients, except that the five-year period identified under § 570.503(b)(3)(i) shall begin with the date that the unit of general local government is no longer considered by HUD to be a part of the metropolitan city or urban county, as applicable, instead of the date that the subrecipient agreement expires.

[53 FR 8058, Mar. 11, 1988, as amended at 57 FR 27120, June 17, 1992]

**§ 570.502 Applicability of uniform administrative requirements.**

(a) Recipients and subrecipients that are governmental entities (including public agencies) shall comply with the requirements and standards of OMB Circular No. A-87, "Cost Principles for

State, Local, and Indian Tribal Governments"; OMB Circular A-128, "Audits of State and Local Governments" (implemented at 24 CFR part 44); and with the following sections of 24 CFR part 85 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" or the related CDBG provision, as specified in this paragraph:

- (1) Section 85.3, "Definitions";
- (2) Section 85.6, "Exceptions";
- (3) Section 85.12, "Special grant or subgrant conditions for 'high-risk' grantees";
- (4) Section 85.20, "Standards for financial management systems," except paragraph (a);
- (5) Section 85.21, "Payment," except as modified by § 570.513;
- (6) Section 85.22, "Allowable costs";
- (7) Section 85.26, "Non-federal audits";
- (8) Section 85.32, "Equipment," except in all cases in which the equipment is sold, the proceeds shall be program income;
- (9) Section 85.33, "Supplies";
- (10) Section 85.34, "Copyrights";
- (11) Section 85.35, "Subawards to debarred and suspended parties";
- (12) Section 85.36, "Procurement," except paragraph (a);
- (13) Section 85.37, "Subgrants";
- (14) Section 85.40, "Monitoring and reporting program performance," except paragraphs (b) through (d) and paragraph (f);
- (15) Section 85.41, "Financial reporting," except paragraphs (a), (b), and (e);
- (16) Section 85.42, "Retention and access requirements for records," except that the period shall be four years;
- (17) Section 85.43, "Enforcement";
- (18) Section 85.44, "Termination for convenience";
- (19) Section 85.51 "Later disallowances and adjustments" and
- (20) Section 85.52, "Collection of amounts due."

(b) Subrecipients, except subrecipients that are governmental entities, shall comply with the requirements and standards of OMB Circular No. A-122, "Cost Principles for Non-profit Organizations," or OMB Circular No. A-21, "Cost Principles for Educational Institutions," as applicable, and OMB Circular A-133, "Audits of Institutions

§ 570.503

24 CFR Ch. V (4-1-10 Edition)

of Higher Education and Other Non-profit Institutions” (as set forth in 24 CFR part 45). Audits shall be conducted annually. Such subrecipients shall also comply with the following provisions of the Uniform Administrative requirements of OMB Circular A-110 (implemented at 24 CFR part 84, “Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations”) or the related CDBG provision, as specified in this paragraph:

- (1) Subpart A—“General”;
- (2) Subpart B—“Pre-Award Requirements,” except for § 84.12, “Forms for Applying for Federal Assistance”;
- (3) Subpart C—“Post-Award Requirements,” except for:
  - (i) Section 84.22, “Payment Requirements.” Grantees shall follow the standards of §§ 85.20(b)(7) and 85.21 in making payments to subrecipients;
  - (ii) Section 84.23, “Cost Sharing and Matching”;
  - (iii) Section 84.24, “Program Income.” In lieu of § 84.24, CDBG subrecipients shall follow § 570.504;
  - (iv) Section 84.25, “Revision of Budget and Program Plans”;
  - (v) Section 84.32, “Real Property.” In lieu of § 84.32, CDBG subrecipients shall follow § 570.505;
  - (vi) Section 84.34(g), “Equipment.” In lieu of the disposition provisions of § 84.34(g), the following applies:
    - (A) In all cases in which equipment is sold, the proceeds shall be program income (prorated to reflect the extent to which CDBG funds were used to acquire the equipment); and
    - (B) Equipment not needed by the subrecipient for CDBG activities shall be transferred to the recipient for the CDBG program or shall be retained after compensating the recipient;
  - (vii) Section 84.51 (b), (c), (d), (e), (f), (g), and (h), “Monitoring and Reporting Program Performance”;
  - (viii) Section 84.52, “Financial Reporting”;
  - (ix) Section 84.53(b), “Retention and access requirements for records.” Section 84.53(b) applies with the following exceptions:
    - (A) The retention period referenced in § 84.53(b) pertaining to individual

CDBG activities shall be four years; and

(B) The retention period starts from the date of submission of the annual performance and evaluation report, as prescribed in 24 CFR 91.520, in which the specific activity is reported on for the final time rather than from the date of submission of the final expenditure report for the award;

(x) Section 84.61, “Termination.” In lieu of the provisions of § 84.61, CDBG subrecipients shall comply with § 570.503(b)(7); and

(4) Subpart D—“After-the-Award Requirements,” except for § 84.71, “Close-out Procedures.”

[53 FR 8058, Mar. 11, 1988, as amended at 60 FR 1916, Jan. 5, 1995; 60 FR 56915, Nov. 9, 1995]

§ 570.503 Agreements with subrecipients.

(a) Before disbursing any CDBG funds to a subrecipient, the recipient shall sign a written agreement with the subrecipient. The agreement shall remain in effect during any period that the subrecipient has control over CDBG funds, including program income.

(b) At a minimum, the written agreement with the subrecipient shall include provisions concerning the following items:

(1) *Statement of work.* The agreement shall include a description of the work to be performed, a schedule for completing the work, and a budget. These items shall be in sufficient detail to provide a sound basis for the recipient effectively to monitor performance under the agreement.

(2) *Records and reports.* The recipient shall specify in the agreement the particular records the subrecipient must maintain and the particular reports the subrecipient must submit in order to assist the recipient in meeting its recordkeeping and reporting requirements.

(3) *Program income.* The agreement shall include the program income requirements set forth in § 570.504(c). The agreement shall also specify that, at the end of the program year, the grantee may require remittance of all or part of any program income balances (including investments thereof) held by the subrecipient (except those needed

ATTACHMENT C

24 CFR 570.600 – 570.606, Subpart K

## § 570.600

(f) *Recordkeeping requirements.* The recipient shall maintain in its files a copy of the written agreement and related documents establishing conformance with this section and concerning performance by a financial institution in accordance with the agreement.

### Subpart K—Other Program Requirements

SOURCE: 53 FR 34456, Sept. 6, 1988, unless otherwise noted.

#### § 570.600 General.

(a) This subpart K enumerates laws that the Secretary will treat as applicable to grants made under section 106 of the Act, other than grants to States made pursuant to section 106(d) of the Act, for purposes of the Secretary's determinations under section 104(e)(1) of the Act, including statutes expressly made applicable by the Act and certain other statutes and Executive Orders for which the Secretary has enforcement responsibility. This subpart K applies to grants made under the Insular areas program in § 570.405, with the exception of § 570.612. The absence of mention herein of any other statute for which the Secretary does not have direct enforcement responsibility is not intended to be taken as an indication that, in the Secretary's opinion, such statute or Executive Order is not applicable to activities assisted under the Act. For laws that the Secretary will treat as applicable to grants made to States under section 106(d) of the Act for purposes of the determination required to be made by the Secretary pursuant to section 104(e)(2) of the Act, see § 570.487.

(b) This subpart also sets forth certain additional program requirements which the Secretary has determined to be applicable to grants provided under the Act as a matter of administrative discretion.

(c) In addition to grants made pursuant to section 106(b) and 106(d)(2)(B) of the Act (subparts D and F, respectively), the requirements of this subpart K are applicable to grants made pursuant to sections 107 and 119 of the Act (subparts E and G, respectively),

## 24 CFR Ch. V (4-1-06 Edition)

and to loans guaranteed pursuant to subpart M.

[53 FR 34456, Sept. 6, 1988, as amended at 61 FR 11477, Mar. 20, 1996]

#### § 570.601 Public Law 88-352 and Public Law 90-284; affirmatively furthering fair housing; Executive Order 11063.

(a) The following requirements apply according to sections 104(b) and 107 of the Act:

(1) Public Law 88-352, which is title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), and implementing regulations in 24 CFR part 1.

(2) Public Law 90-284, which is the Fair Housing Act (42 U.S.C. 3601-3620). In accordance with the Fair Housing Act, the Secretary requires that grantees administer all programs and activities related to housing and community development in a manner to affirmatively further the policies of the Fair Housing Act. Furthermore, in accordance with section 104(b)(2) of the Act, for each community receiving a grant under subpart D of this part, the certification that the grantee will affirmatively further fair housing shall specifically require the grantee to assume the responsibility of fair housing planning by conducting an analysis to identify impediments to fair housing choice within its jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and maintaining records reflecting the analysis and actions in this regard.

(b) Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652; 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing), and implementing regulations in 24 CFR part 107, also apply.

[61 FR 11477, Mar. 20, 1996]

#### § 570.602 Section 109 of the Act.

Section 109 of the Act requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions

against discrimination on the basis of age under the Age Discrimination Act and the prohibitions against discrimination on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs. The policies and procedures necessary to ensure enforcement of section 109 are codified in 24 CFR part 6.

[64 FR 3802, Jan. 25, 1999]

#### § 570.603 Labor standards.

(a) Section 110(a) of the Act contains labor standards that apply to nonvolunteer labor financed in whole or in part with assistance received under the Act. In accordance with section 110(a) of the Act, the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) also applies. However, these requirements apply to the rehabilitation of residential property only if such property contains not less than 8 units.

(b) The regulations in 24 CFR part 70 apply to the use of volunteers.

[61 FR 11477, Mar. 20, 1996]

#### § 570.604 Environmental standards.

For purposes of section 104(g) of the Act, the regulations in 24 CFR part 58 specify the other provisions of law which further the purposes of the National Environmental Policy Act of 1969, and the procedures by which grantees must fulfill their environmental responsibilities. In certain cases, grantees assume these environmental review, decisionmaking, and action responsibilities by execution of grant agreements with the Secretary.

[61 FR 11477, Mar. 20, 1996]

#### § 570.605 National Flood Insurance Program.

Notwithstanding the date of HUD approval of the recipient's application (or, in the case of grants made under subpart D of this part or HUD-administered small cities recipients in Hawaii, the date of submission of the grantee's consolidated plan, in accordance with 24 CFR part 91), section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) and the regulations in

44 CFR parts 59 through 79 apply to funds provided under this part 570.

[61 FR 11477, Mar. 20, 1996]

#### § 570.606 Displacement, relocation, acquisition, and replacement of housing.

(a) *General policy for minimizing displacement.* Consistent with the other goals and objectives of this part, grantees (or States or state recipients, as applicable) shall assure that they have taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of activities assisted under this part.

(b) *Relocation assistance for displaced persons at URA levels.* (1) A displaced person shall be provided with relocation assistance at the levels described in, and in accordance with the requirements of 49 CFR part 24, which contains the government-wide regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601-4655).

(2) *Displaced person.* (i) For purposes of paragraph (b) of this section, the term "displaced person" means any person (family, individual, business, nonprofit organization, or farm) that moves from real property, or moves his or her personal property from real property, permanently and involuntarily, as a direct result of rehabilitation, demolition, or acquisition for an activity assisted under this part. A permanent, involuntary move for an assisted activity includes a permanent move from real property that is made:

(A) After notice by the grantee (or the state recipient, if applicable) to move permanently from the property, if the move occurs after the initial official submission to HUD (or the State, as applicable) for grant, loan, or loan guarantee funds under this part that are later provided or granted.

(B) After notice by the property owner to move permanently from the property, if the move occurs after the date of the submission of a request for financial assistance by the property owner (or person in control of the site) that is later approved for the requested activity.



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO:** 2011 CONCRETE PAVING PROGRAM – REPORT ON BIDS RECEIVED

**DISCUSSION:** The Engineering Department opened bids for the above project on Monday, July 11, 2011. There were nine (9) bidders, and a bid tabulation is attached for your review. This contract consists of three (3) locations as follows:

Location A: Reisig Street – reconstruction of entire pavement – Dead end to Seventh Street

Location B: Intersections of Roeder / Ninth and Roeder / Eighth – reconstruction of entire pavement

Location C: Alley east of Kentucky Avenue, south of East Second Street – paving of northerly 150 feet of alley

The low bidder on the project is Century Cement Company, Inc. of Riverview, Michigan. Their low bid of \$258,859.30 is 9.8% below the Engineer's Estimate of \$286,828.50. They were the successful bidder on the 2006 Concrete Paving Program, which was of similar scope, and they completed all work satisfactorily. They met the City's Labor Harmony requirements in 2006, and it is believed that they can do so again. However, as delineated in the discussion for the 2011 Sidewalk Replacement Program bid also on tonight's agenda, there is one potential complication with our Labor Harmony requirements that has surfaced within the past week. As of this writing, Senate Bill 165 (attached) has been approved by both chambers, and is awaiting possible signature by Governor Snyder. While we are still reviewing the implications of this bill, should it be signed into law, it could immediately preclude the City from executing a contract where collective bargaining agreements are a condition of the contract. On the surface, this is believed to include Project Labor Agreements such as are contained within our Labor Harmony requirements, so in all likelihood these would be rendered unenforceable. At this time, we are not recommending any change to our recommendation to award the contract since it is unclear when this proposed bill might take effect, but in a worst-case scenario, re-bidding of this project could prove necessary. Further details will hopefully be available by the time of the Council meeting.

Locations A and B are funded with General Funds that were transferred to the Local Street Fund as a part of the Capital Improvements Program process, and Location C is funded through the City's Community Development Block Grant (CDBG) program. Originally, the Engineering Department had proposed that Location A would consist only of reconstruction on Reisig Street between Eighth and Seventh Streets, and that the intersection of Reisig / Ninth would be included with the funding for Location B. However, when design began, it appeared that funding would come close to reconstructing the entire street including the mid-block between Eighth and Ninth and the dead end south of Ninth, so the design was completed and contracts packaged accordingly. Additionally, since the 2011 Curb Replacement and Resurfacing Program bids came in favorably, \$35,500 was transferred as a part of that award to the Reisig Street project. Between the previous budget transfer and the extremely favorable bids for this project, there is adequate funding for the base construction costs for all projects including the additional two blocks of Reisig Street, plus some contingency, but we are also asking that the Council authorize up to a \$20,000 transfer from the Local Street Fund Balance to provide for the full 15% contingency if needed. Assuming that it is not all used, remaining funds would simply be returned to the Fund Balance at the end of construction.

**IT IS RECOMMENDED** that the City Council award a contract for the 2011 Concrete Paving Program to Century Cement Company, Inc. in the amount of \$258,859.30, that a total of \$297,300 be encumbered to include a 15% project contingency, and that the Finance Director be authorized to make the necessary transfers. **IT IS FURTHER RECOMMENDED** that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.

**CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:** As soon as possible

**REASON FOR DEADLINE:** Work can commence as soon as the contracts are finalized.

**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, adjacent property owners and residents, traveling public

## FINANCES

<b>COST AND REVENUE PROJECTIONS:</b>	Cost of Total Project	\$297,300*
	Cost of This Project Approval	\$297,300*
	Related Annual Operating Cost	\$ N/A
	Increased Revenue Expected/Year	\$ N/A

\*includes 15% contingencies

<b>SOURCE OF FUNDS:</b>	<u>City</u>	<u>Account Number</u>	<u>Amount</u>
	Reisig Street Reconstruction	203-60.451-818.020 12L05	\$217,000*
	Roeder Intersections	203-60.451-818.020 12L06	\$68,500**
	Alley Paving	203-60.451-818.020 12C07	\$11,800***

\*Requires a transfer of \$20,000 from Local Street Fund Balance and transfer of \$37,500 from Roeder Intersections project, since the intersection of Reisig / Ninth is now being included in the Reisig Street (12L05) project allocation.

\*\*Includes transfer of \$37,500 into 12L05 as described above.

\*\*\* New project code needs to be created for this project, work was funded through the Annual CDBG Action Plan.

Other Funds

Budget Approval: \_\_\_\_\_

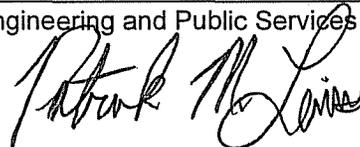
**FACT SHEET PREPARED BY:** Patrick M. Lewis, P.E., Director of Engineering and Public Services

**DATE:** 07/12/11

**REVIEWED BY:**

**DATE:**

**COUNCIL MEETING DATE:** July 18, 2011



2011 CONCRETE PAVING PROGRAM BID TABULATION				ENGINEER'S ESTIMATE		1- CENTURY CEMENT CO. INC.		2 - G.V. CEMENT CONTRACTING CO.		3 - SALENBIEN TRUCKING & EXCAVATING, INC.	
ITEM NO.	DESCRIPTION	NO. OF UNITS	UNITS	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
1	R&D CURB & GUTTER	28.0	LFT	\$6.00	\$ 168.00	\$ 6.00	\$ 168.00	\$ 5.00	\$ 140.00	\$ 6.00	\$ 168.00
2	R&D SIDEWALK	1,352.0	SFT	\$1.00	\$ 1,352.00	\$ 1.00	\$ 1,352.00	\$ 1.25	\$ 1,690.00	\$ 1.00	\$ 1,352.00
3	R&D PAVEMENT & APPROACH	4,843.0	SYD	\$9.00	\$ 43,587.00	\$ 7.00	\$ 33,901.00	\$ 5.00	\$ 24,215.00	\$ 8.00	\$ 38,744.00
4	SUBGRADE MANIPULATION	4,809.4	SYD	\$2.50	\$ 12,023.50	\$ 2.50	\$ 12,023.50	\$ 6.00	\$ 28,856.40	\$ 2.00	\$ 9,618.80
5	EARTH EXCAVATION	42.3	SYD	\$20.00	\$ 846.00	\$ 3.00	\$ 126.90	\$ 6.00	\$ 253.80	\$ 20.00	\$ 846.00
6	SUBGRADE UNDERCUTTING	60.0	CYD	\$20.00	\$ 1,200.00	\$ 10.00	\$ 600.00	\$ 18.00	\$ 1,080.00	\$ 12.00	\$ 720.00
7	ADJUST VALVE BOX	2.0	EA	\$300.00	\$ 600.00	\$ 250.00	\$ 500.00	\$ 250.00	\$ 500.00	\$ 300.00	\$ 600.00
8	ADJUST, CLEAN, & PLASTER STRUCTURE	25.0	EA	\$500.00	\$ 12,500.00	\$ 500.00	\$ 12,500.00	\$ 200.00	\$ 5,000.00	\$ 400.00	\$ 10,000.00
9	RECONSTRUCT STRUCTURE	1.0	EA	\$800.00	\$ 800.00	\$ 550.00	\$ 550.00	\$ 1,200.00	\$ 1,200.00	\$ 650.00	\$ 650.00
10	ABANDON STRUCTURE	1.0	EA	\$400.00	\$ 400.00	\$ 200.00	\$ 200.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00
11	F&I 4' DIA. STRUCTURE	1.0	EA	\$2,000.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,400.00	\$ 1,400.00	\$ 1,800.00	\$ 1,800.00
12	F&I #1040 WATERTIGHT EJ CASTING	7.0	EA	\$500.00	\$ 3,500.00	\$ 450.00	\$ 3,150.00	\$ 350.00	\$ 2,450.00	\$ 450.00	\$ 3,150.00
13	F&I #1040 EJ CASTING	1.0	EA	\$500.00	\$ 500.00	\$ 320.00	\$ 320.00	\$ 350.00	\$ 350.00	\$ 450.00	\$ 450.00
14	F&I #7045 EJ CASTING	14.0	EA	\$700.00	\$ 9,800.00	\$ 380.00	\$ 5,320.00	\$ 375.00	\$ 5,250.00	\$ 600.00	\$ 8,400.00
15	F&I 6" CONCRETE PAVEMENT & APPROACH	238.1	SYD	\$30.00	\$ 7,143.00	\$ 27.00	\$ 6,428.70	\$ 29.00	\$ 6,904.90	\$ 32.00	\$ 7,619.20
16	F&I 8" CONCRETE PAVEMENT & APPROACH	4,809.4	SYD	\$35.00	\$ 168,329.00	\$ 34.00	\$ 163,519.60	\$ 34.50	\$ 165,924.30	\$ 35.00	\$ 168,329.00
17	F&I HAND PATCH	3.0	TON	\$200.00	\$ 600.00	\$ 100.00	\$ 300.00	\$ 110.00	\$ 330.00	\$ 150.00	\$ 450.00
18	F&I 4" CONCRETE ADA RAMP	1,246.6	SFT	\$8.00	\$ 9,972.80	\$ 7.00	\$ 8,726.20	\$ 9.00	\$ 11,219.40	\$ 7.00	\$ 8,726.20
19	F&I 4" CONCRETE SIDEWALK	27.6	SFT	\$7.00	\$ 193.20	\$ 3.00	\$ 82.80	\$ 3.30	\$ 91.08	\$ 10.00	\$ 276.00
20	F&I MDOT 21A STONE	19.7	TON	\$20.00	\$ 394.00	\$ 18.00	\$ 354.60	\$ 9.00	\$ 177.30	\$ 20.00	\$ 394.00
21	F&I CONTROLLED DENSITY BACKFILL	5.0	CYD	\$100.00	\$ 500.00	\$ 80.00	\$ 400.00	\$ 15.00	\$ 75.00	\$ 90.00	\$ 450.00
22	F&I F-4 CURB & GUTTER	28.0	LFT	\$15.00	\$ 420.00	\$ 12.00	\$ 336.00	\$ 22.00	\$ 616.00	\$ 20.00	\$ 560.00
23	TRAFFIC CONTROL - DIVISION A	1.0	LS	\$2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 750.00	\$ 750.00	\$ 1.00	\$ 1.00
24	SITE RESTORATION - DIVISION A	1.0	LS	\$2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00	\$ 8,500.00	\$ 8,500.00
25	TRAFFIC CONTROL - DIVISION B	1.0	LS	\$1,500.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
26	SITE RESTORATION - DIVISION B	1.0	LS	\$2,000.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 1,800.00	\$ 1,800.00
27	TRAFFIC CONTROL - DIVISION C	1.0	LS	\$1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
28	SITE RESTORATION - DIVISION C	1.0	LS	\$1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 1,800.00	\$ 1,800.00
			<b>TOTAL</b>		<b>\$ 286,828.50</b>		<b>\$ 258,859.30</b>		<b>\$ 262,373.18</b>		<b>\$ 277,804.20</b>

2011 CONCRETE PAVING PROGRAM BID TABULATION				4 - DOMINIC GAGLIO CONSTRUCTION, INC.		5 - C&D HUGHES, INC.		6 - FLORENCE CEMENT COMPANY		7 - FIORE ENTERPRISES, LLC	
ITEM NO.	DESCRIPTION	NO. OF UNITS	UNITS	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
1	R&D CURB & GUTTER	28.0	LFT	\$ 15.00	\$ 420.00	\$ 25.00	\$ 700.00	\$ 13.00	\$ 364.00	\$ 10.50	\$ 294.00
2	R&D SIDEWALK	1,352.0	SFT	\$ 2.50	\$ 3,380.00	\$ 2.00	\$ 2,704.00	\$ 1.00	\$ 1,352.00	\$ 0.65	\$ 878.80
3	R&D PAVEMENT & APPROACH	4,843.0	SYD	\$ 13.50	\$ 65,380.50	\$ 10.00	\$ 48,430.00	\$ 5.00	\$ 24,215.00	\$ 8.25	\$ 39,954.75
4	SUBGRADE MANIPULATION	4,809.4	SYD	\$ 3.60	\$ 17,313.84	\$ 1.00	\$ 4,809.40	\$ 5.00	\$ 24,047.00	\$ 3.80	\$ 18,275.72
5	EARTH EXCAVATION	42.3	SYD	\$ 18.00	\$ 761.40	\$ 20.00	\$ 846.00	\$ 9.00	\$ 380.70	\$ 17.20	\$ 727.56
6	SUBGRADE UNDERCUTTING	60.0	CYD	\$ 15.00	\$ 900.00	\$ 35.00	\$ 2,100.00	\$ 33.00	\$ 1,980.00	\$ 29.30	\$ 1,758.00
7	ADJUST VALVE BOX	2.0	EA	\$ 175.00	\$ 350.00	\$ 400.00	\$ 800.00	\$ 100.00	\$ 200.00	\$ 275.00	\$ 550.00
8	ADJUST, CLEAN, & PLASTER STRUCTURE	25.0	EA	\$ 200.00	\$ 5,000.00	\$ 400.00	\$ 10,000.00	\$ 300.00	\$ 7,500.00	\$ 450.00	\$ 11,250.00
9	RECONSTRUCT STRUCTURE	1.0	EA	\$ 325.00	\$ 325.00	\$ 1,000.00	\$ 1,000.00	\$ 200.00	\$ 200.00	\$ 650.00	\$ 650.00
10	ABANDON STRUCTURE	1.0	EA	\$ 600.00	\$ 600.00	\$ 400.00	\$ 400.00	\$ 500.00	\$ 500.00	\$ 250.00	\$ 250.00
11	F&I 4' DIA. STRUCTURE	1.0	EA	\$ 3,050.00	\$ 3,050.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,200.00	\$ 1,200.00
12	F&I #1040 WATERTIGHT EJ CASTING	7.0	EA	\$ 495.00	\$ 3,465.00	\$ 600.00	\$ 4,200.00	\$ 400.00	\$ 2,800.00	\$ 450.00	\$ 3,150.00
13	F&I #1040 EJ CASTING	1.0	EA	\$ 500.00	\$ 500.00	\$ 600.00	\$ 600.00	\$ 400.00	\$ 400.00	\$ 425.00	\$ 425.00
14	F&I #7045 EJ CASTING	14.0	EA	\$ 550.00	\$ 7,700.00	\$ 700.00	\$ 9,800.00	\$ 600.00	\$ 8,400.00	\$ 500.00	\$ 7,000.00
15	F&I 6" CONCRETE PAVEMENT & APPROACH	238.1	SYD	\$ 28.00	\$ 6,666.80	\$ 27.00	\$ 6,428.70	\$ 30.00	\$ 7,143.00	\$ 30.00	\$ 7,143.00
16	F&I 8" CONCRETE PAVEMENT & APPROACH	4,809.4	SYD	\$ 30.00	\$ 144,282.00	\$ 30.00	\$ 144,282.00	\$ 35.00	\$ 168,329.00	\$ 34.50	\$ 165,924.30
17	F&I HAND PATCH	3.0	TON	\$ 400.00	\$ 1,200.00	\$ 200.00	\$ 600.00	\$ 200.00	\$ 600.00	\$ 250.00	\$ 750.00
18	F&I 4" CONCRETE ADA RAMP	1,246.6	SFT	\$ 5.00	\$ 6,233.00	\$ 5.00	\$ 6,233.00	\$ 6.00	\$ 7,479.60	\$ 8.50	\$ 10,596.10
19	F&I 4" CONCRETE SIDEWALK	27.6	SFT	\$ 3.50	\$ 96.60	\$ 10.00	\$ 276.00	\$ 6.00	\$ 165.60	\$ 4.50	\$ 124.20
20	F&I MDOT 21A STONE	19.7	TON	\$ 22.00	\$ 433.40	\$ 30.00	\$ 591.00	\$ 28.00	\$ 551.60	\$ 13.50	\$ 265.95
21	F&I CONTROLLED DENSITY BACKFILL	5.0	CYD	\$ 50.00	\$ 250.00	\$ 150.00	\$ 750.00	\$ 100.00	\$ 500.00	\$ 75.00	\$ 375.00
22	F&I F-4 CURB & GUTTER	28.0	LFT	\$ 18.00	\$ 504.00	\$ 20.00	\$ 560.00	\$ 25.00	\$ 700.00	\$ 18.00	\$ 504.00
23	TRAFFIC CONTROL - DIVISION A	1.0	LS	\$ 3,000.00	\$ 3,000.00	\$ 18,000.00	\$ 18,000.00	\$ 11,000.00	\$ 11,000.00	\$ 8,500.00	\$ 8,500.00
24	SITE RESTORATION - DIVISION A	1.0	LS	\$ 1,500.00	\$ 1,500.00	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ 1,500.00	\$ 1,500.00
25	TRAFFIC CONTROL - DIVISION B	1.0	LS	\$ 2,500.00	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00
26	SITE RESTORATION - DIVISION B	1.0	LS	\$ 1,250.00	\$ 1,250.00	\$ 3,000.00	\$ 3,000.00	\$ 4,000.00	\$ 4,000.00	\$ 750.00	\$ 750.00
27	TRAFFIC CONTROL - DIVISION C	1.0	LS	\$ 800.00	\$ 800.00	\$ 1,000.00	\$ 1,000.00	\$ 4,000.00	\$ 4,000.00	\$ 500.00	\$ 500.00
28	SITE RESTORATION - DIVISION C	1.0	LS	\$ 600.00	\$ 600.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 350.00	\$ 350.00
			<b>TOTAL</b>		\$ 278,461.54		\$ 284,110.10		\$ 297,807.50		\$ 286,146.38

2011 CONCRETE PAVING PROGRAM BID TABULATION				8 - ANGELO IAFRATE CONSTRUCTION COMPANY		9 - DOAN CONSTRUCTION CO.	
ITEM NO.	DESCRIPTION	NO. OF UNITS	UNITS	UNIT PRICE	COST	UNIT PRICE	COST
1	R&D CURB & GUTTER	28.0	LFT	\$ 14.00	\$ 392.00	\$ 15.00	\$ 420.00
2	R&D SIDEWALK	1,352.0	SFT	\$ 1.00	\$ 1,352.00	\$ 1.45	\$ 1,960.40
3	R&D PAVEMENT & APPROACH	4,843.0	SYD	\$ 5.00	\$ 24,215.00	\$ 9.00	\$ 43,587.00
4	SUBGRADE MANIPULATION	4,809.4	SYD	\$ 3.50	\$ 16,832.90	\$ 7.50	\$ 36,070.50
5	EARTH EXCAVATION	42.3	SYD	\$ 5.00	\$ 211.50	\$ 25.00	\$ 1,057.50
6	SUBGRADE UNDERCUTTING	60.0	CYD	\$ 36.00	\$ 2,160.00	\$ 60.00	\$ 3,600.00
7	ADJUST VALVE BOX	2.0	EA	\$ 150.00	\$ 300.00	\$ 250.00	\$ 500.00
8	ADJUST, CLEAN, & PLASTER STRUCTURE	25.0	EA	\$ 350.00	\$ 8,750.00	\$ 275.00	\$ 6,875.00
9	RECONSTRUCT STRUCTURE	1.0	EA	\$ 550.00	\$ 550.00	\$ 750.00	\$ 750.00
10	ABANDON STRUCTURE	1.0	EA	\$ 250.00	\$ 250.00	\$ 500.00	\$ 500.00
11	F&I 4' DIA. STRUCTURE	1.0	EA	\$ 2,000.00	\$ 2,000.00	\$ 2,750.00	\$ 2,750.00
12	F&I #1040 WATERTIGHT EJ CASTING	7.0	EA	\$ 350.00	\$ 2,450.00	\$ 475.00	\$ 3,325.00
13	F&I #1040 EJ CASTING	1.0	EA	\$ 300.00	\$ 300.00	\$ 350.00	\$ 350.00
14	F&I #7045 EJ CASTING	14.0	EA	\$ 350.00	\$ 4,900.00	\$ 450.00	\$ 6,300.00
15	F&I 6" CONCRETE PAVEMENT & APPROACH	238.1	SYD	\$ 37.00	\$ 8,809.70	\$ 31.00	\$ 7,381.10
16	F&I 8" CONCRETE PAVEMENT & APPROACH	4,809.4	SYD	\$ 33.00	\$ 158,710.20	\$ 36.00	\$ 173,138.40
17	F&I HAND PATCH	3.0	TON	\$ 250.00	\$ 750.00	\$ 400.00	\$ 1,200.00
18	F&I 4" CONCRETE ADA RAMP	1,246.6	SFT	\$ 8.00	\$ 9,972.80	\$ 8.00	\$ 9,972.80
19	F&I 4" CONCRETE SIDEWALK	27.6	SFT	\$ 4.00	\$ 110.40	\$ 8.00	\$ 220.80
20	F&I MDOT 21A STONE	19.7	TON	\$ 35.00	\$ 689.50	\$ 40.00	\$ 788.00
21	F&I CONTROLLED DENSITY BACKFILL	5.0	CYD	\$ 100.00	\$ 500.00	\$ 125.00	\$ 625.00
22	F&I F-4 CURB & GUTTER	28.0	LFT	\$ 20.00	\$ 560.00	\$ 35.00	\$ 980.00
23	TRAFFIC CONTROL - DIVISION A	1.0	LS	\$ 35,000.00	\$ 35,000.00	\$ 1,500.00	\$ 1,500.00
24	SITE RESTORATION - DIVISION A	1.0	LS	\$ 9,000.00	\$ 9,000.00	\$ 8,500.00	\$ 8,500.00
25	TRAFFIC CONTROL - DIVISION B	1.0	LS	\$ 10,000.00	\$ 10,000.00	\$ 1,500.00	\$ 1,500.00
26	SITE RESTORATION - DIVISION B	1.0	LS	\$ 3,000.00	\$ 3,000.00	\$ 4,000.00	\$ 4,000.00
27	TRAFFIC CONTROL - DIVISION C	1.0	LS	\$ 6,000.00	\$ 6,000.00	\$ 1,500.00	\$ 1,500.00
28	SITE RESTORATION - DIVISION C	1.0	LS	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
			<b>TOTAL</b>		<b>\$ 308,766.00</b>		<b>\$ 320,351.50</b>

**STATE OF MICHIGAN  
96TH LEGISLATURE  
REGULAR SESSION OF 2011**

Introduced by Senators Moolenaar, Kahn, Jansen, Booher, Meekhof, Green, Caswell, Walker, Pavlov, Proos, Marlean, Schuitmaker, Hildenbrand, Pappageorge, Robertson, Hansen, Emmons, Colbeck, Jones, Casperson and Brandenburg

**ENROLLED SENATE BILL No. 165**

AN ACT to provide for fair and open competition in governmental construction contracts, grants, tax abatements, and tax credits; to prohibit requirements for certain terms in government contracts and contracts supported through government grants and tax subsidies and abatements; to prohibit expenditure of public funds under certain conditions; to prohibit certain terms in procurement documents for certain expenditures involving public facilities; and to provide for powers and duties of certain public officers, employees, and contractors.

*The People of the State of Michigan enact:*

Sec. 1. This act shall be known and may be cited as the "fair and open competition in governmental construction act".

Sec. 3. As used in this act:

(a) "Facility" means any actual physical improvement to real property owned, or leased, directly or through a building authority, by a governmental unit, including, but not limited to, roads; bridges; runways; rails; or a building or structure along with the building's or structure's grounds, approaches, services, and appurtenances.

(b) "Governmental unit" means this state, a county, city, township, village, school district, intermediate school district, community college, or public university that receives appropriations from this state, or any agency, board, commission, authority, or instrumentality of the foregoing.

Sec. 5. A governmental unit shall not enter into or expend funds under a contract for the construction, repair, remodeling, or demolition of a facility if the contract or a subcontract under the contract contains any of the following:

(a) A term that requires, prohibits, encourages, or discourages bidders, contractors, or subcontractors from entering into or adhering to agreements with a collective bargaining organization relating to the construction project or other related construction projects.

(b) A term that discriminates against bidders, contractors, or subcontractors based on the status as a party or nonparty to, or the willingness or refusal to enter into, an agreement with a collective bargaining organization relating to the construction project or other related construction projects.

Sec. 7. A governmental unit shall not award a grant, tax abatement, or tax credit that is conditioned upon a requirement that the awardee include a term described in section 5(a) or (b) in a contract document for any construction, improvement, maintenance, or renovation to real property or fixtures that are the subject of the grant, tax abatement, or tax credit. This section does not prohibit a governmental unit from awarding a grant, tax abatement, or tax credit to a private owner, bidder, contractor, or subcontractor who enters into or who is party to an agreement with a collective bargaining

organization, if being or becoming a party or adhering to an agreement with a collective bargaining organization is not a condition for award of the grant, tax abatement, or tax credit, and if the governmental unit does not discriminate against a private owner, bidder, contractor, or subcontractor in the awarding of that grant, tax abatement, or tax credit based upon the status as being or becoming, or the willingness or refusal to become, a party to an agreement with a collective bargaining organization.

Sec. 9. A governmental unit or a construction manager or other contracting entity acting on behalf of a governmental unit shall not place any of the terms described in section 5 in bid specifications, project agreements, or other controlling documents relating to the construction, repair, remodeling, or demolition of a facility. Any such included term is void and of no effect.

Sec. 11. The requirements of this act do not do either of the following:

- (a) Affect any provision in 1965 PA 166, MCL 408.551 to 408.558.
- (b) Apply to construction contracts executed before the effective date of this act.

Sec. 13. This act does not do either of the following:

- (a) Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the national labor relations act, 29 USC 151 to 169.
- (b) Interfere with labor relations of parties that are protected under the national labor relations act, 29 USC 151 to 169.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Jay E. Randall*

Clerk of the House of Representatives

Approved .....

.....  
Governor



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO:** Ordinance No.11-008, an Ordinance to amend Chapter 127, Retirement, Article I, Municipal Employees' Retirement System, of the Code of the City of Monroe; specifically amending Sections 127.6, 127.51, K, and 127.51, E.

**DISCUSSION:** On April 29, 2011, the IRS issued a favorable Determination Letter for the City of Monroe Employees' Retirement System regarding the attached pension amendments. This Determination is subject to City Council adoption and must be incorporated into the City's Retirement Ordinance within ninety-one (91) days of April 29, 2011 or by July 28, 2011.

It is recommended that Ordinance No. 11-008, an Ordinance to amend Chapter 127, Retirement, Article I, Municipal Employees' Retirement System, of the Code of the City of Monroe; specifically amending Sections 127.6, 127.51, K, and 127.51, E, be placed on the floor for its first reading on July 18, 2011, and that the public hearing, second reading and anticipated passage of the Ordinance be scheduled before July 28, 2011.

**CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:** July 28, 2011

**REASON FOR DEADLINE:** IRS Regulations

**STAFF RECOMMENDATION:**  For  Against

**REASON AGAINST:** N/A

**INITIATED BY:** Peggy A. Howard

**PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:** Municipal Employees' Retirement System

## FINANCES

<b>COST AND REVENUE PROJECTIONS:</b>	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

<b>SOURCE OF FUNDS:</b>	<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:** Peggy A. Howard, Human Resources Director

**DATE:** 7/14/11

**REVIEWED BY:**

*P. Howard*

**DATE:**

**COUNCIL MEETING DATE:**

**ORDINANCE 11-008**

1 An Ordinance to amend several sections of Chapter 127, Retirement, Article I, Municipal  
2 Employees' Retirement System, of the Code of the City of Monroe.

3 **THE CITY OF MONROE ORDAINS:**

4 SECTION 1. AMENDMENT OF § 127-6, DEFINITIONS.

5 §127-6, Definitions, shall be amended to read as follows:

6 § 127-6. Definitions.

7 The following words and phrases, as used in this article, shall have the meanings set forth in this  
8 section unless a different meaning is clearly required by the context:

9 ACCUMULATED CONTRIBUTIONS - The sum of all amounts credited to a member's  
10 individual account in the reserve for employee contributions, including regular interest.

11 ACTUARIAL EQUIVALENT - Amounts which have the same actuarial present value. For  
12 purposes of adjusting any benefit or limitation under Internal Revenue Code § 415, the mortality table  
13 used shall be the table prescribed by the United States Secretary of the Treasury in accordance with  
14 § 767 of the Retirement Protection Act of 1994.

15 BENEFICIARY - An individual who is being paid or who has entitlement to future payment of a  
16 retirement allowance or other benefit by the retirement system for a reason other than the individual's  
17 membership in the retirement system.

18 BOARD - The Board of Trustees provided in § 127-30 et seq. for the administration and  
19 management of the retirement system.

20 CITY - The City of Monroe, Michigan, including its offices, boards, departments and  
21 instrumentalities.

22 COMPENSATION - The salary or wages paid a member for personal service rendered the City  
23 while a member of the retirement system. Compensation shall include base salary or wages; longevity

24 pay; workers' compensation payments (except for medical expenses) during periods the City  
25 supplements workers' compensation payments; salary or wages while absent from work on account of  
26 vacation, holiday or illness; overtime pay; cost of living payments; and member contributions picked up  
27 and paid by the City in lieu of being paid by the member under § 127-47. Compensation shall not  
28 include the value of any fringe benefit not specifically included; uniform allowances; equipment  
29 allowances; the value of work equipment furnished by the City; termination or severance allowances;  
30 reimbursement of expenses; redemptions or payments in consideration of unused sick leave and vacation  
31 time; and any other item not specifically included. The annual compensation of each member taken into  
32 account in determining benefit accruals in any retirement system year beginning after December 31,  
33 2001, shall not exceed \$200,000. "Annual compensation" means compensation during the calendar year  
34 or such other consecutive twelve-month period over which compensation is otherwise determined under  
35 this article (the "determination period"). In determining benefit accruals in years beginning after  
36 December 31, 2001, the annual compensation limit for determination periods beginning before January  
37 1, 2002, shall be \$150,000 for any determination period beginning in 1996 or earlier; \$160,000 for any  
38 determination period beginning in 1997, 1998, or 1999; and \$170,000 for any determination period  
39 beginning in 2000 or 2001. The \$200,000 limit on annual compensation shall be adjusted for cost-of-  
40 living increases in accordance with § 401(a)(17)(B) of the Internal Revenue Code. The cost-of-living  
41 adjustment in effect for a calendar year applies to annual compensation for the determination period that  
42 begins with or within such calendar year.

43 Compensation for purposes of IRC §415(c)(3) shall also include, (1) regular pay after severance  
44 from employment; (2) leave cashouts and deferred compensation including cash out of accrued sick,  
45 vacation or other leave time if the employee would have been able to use the leave if employment had  
46 continued or the payment of nonqualified deferred compensation that would have been paid to the  
47 employee at the same time if the employee had remained employed and only to the extent that the

48 payment is includable in the employee's gross income. The compensation items listed in this paragraph  
49 must be paid by the later of two and one-half-months of severance from employment or the end of the  
50 limitation year that includes the date of severance with the city.

51 COUNCIL - The City Council of the City of Monroe.

52 CREDITED SERVICE - The service credited a member as provided in §§ 127-8 and 127-9 (or  
53 as determined by the Board).

54 FINAL AVERAGE COMPENSATION - The monthly average of the aggregate amount of  
55 compensation paid a member during the stipulated period of credited service in which the aggregate  
56 amount of compensation paid is the greatest. The stipulated period of credited service shall be contained  
57 within the member's last 10 years of credited service. If a member has less than the stipulated period of  
58 credited service, "final average compensation" means the aggregate amount of compensation paid the  
59 member divided by the member's credit service expressed in months. The stipulated period of credited  
60 service is three years for benefit group police and fire, five years for all other benefit groups, or as  
61 established otherwise through collective bargaining contract or by ordinance.

62 MEMBER - Any individual who is a member of the retirement system (§ 127-7).

63 REGULAR INTEREST - Such rate or rates of interest per annum, compounded annually, as the  
64 Board shall from time to time adopt. However, solely for the purpose of crediting regular interest at the  
65 end of each fiscal year on the individual balances in the reserve for employee contributions at the  
66 beginning of the fiscal year pursuant to § 127-36, where a member is covered under § 127-48, the term  
67 "regular interest" shall mean 1% less than the annual rate of return for that fiscal year on the market  
68 value of the assets of the retirement system as certified by the Board of Trustees.

69 RETIRANT - An individual who is being paid a retirement allowance on account of credited  
70 service acquired by the individual as a member of the retirement system.

71 RETIREMENT ALLOWANCE - A series of monthly payments by the retirement system  
72 throughout the future life of a retirant or beneficiary, or for a temporary period, as provided in this  
73 article.

74 RETIREMENT SYSTEM - The City retirement system maintained pursuant to this article.

75 SERVICE - Personal service rendered the City while a member of the retirement system,  
76 military service qualifying under § 127-9 and governmental service qualifying under § 127-48B(8).

77 WORKERS' COMPENSATION BENEFIT - The periodic workers' compensation paid a  
78 member, retirant or beneficiary on account of disability or death arising out of and in the course of a  
79 member's or retirant's employment by the City, as determined by the Board. In the event that a  
80 settlement is made of a workers' compensation claim, the Board shall determine the applicable periodic  
81 payment. Payments in consideration of medical expenses shall be disregarded in the determination of a  
82 workers' compensation benefit.

83 WORKERS' COMPENSATION PERIOD - The period for which workers' compensation is paid  
84 a retirant or beneficiary on account of disability or death arising out of and in the course of employment  
85 by the City as determined by the Board. In the event that periodic workers' compensation benefits are  
86 redeemed or a settlement of a workers' compensation claim is made, "workers' compensation period"  
87 means the period, if any, during which periodic workers' compensation benefits are paid plus the period  
88 obtained by dividing the redemption or settlement by the applicable workers' compensation periodic  
89 benefit, as determined by the Board. Payments in consideration of medical expenses shall be disregarded  
90 in the determination of the workers' compensation period

91 SECTION 2. AMENDMENT OF § 127-51, REQUIRED MINIMUM DISTRIBUTION EFFECTIVE  
92 JANUARY 1, 2003, SUBSECTION E, REQUIRED BEGINNING DATE.

93 § 127-51, E, Required beginning date, shall be amended to read as follows:

94 E. Required beginning date. The member's entire interest will be distributed, or begin to be  
95 distributed, to the member no later than the member's required beginning date.

96 If distributions have commenced before the member's death, the remaining interest shall be  
97 distributed at least as rapidly as under the method being used at the date of the member's death in  
98 accordance with IRC Section 401(a)(9)(a)(i).

99 SECTION 3. AMENDMENT OF § 127-51, REQUIRED MINIMUM DISTRIBUTION EFFECTIVE  
100 JANUARY 1, 2003, SUBSECTION K, JOINT LIFE ANNUITIES WHERE THE  
101 BENEFICIARY IS NOT THE MEMBER'S SPOUSE.

102 § 127-51, K, Joint life annuities where the beneficiary is not the member's spouse, shall be  
103 amended to read as follows:

104 K. Joint life annuities where the beneficiary is not the member's spouse. If the member's interest  
105 is being distributed in the form of a joint and survivor annuity for the joint lives of the member and a  
106 nonspouse beneficiary, annuity payments to be made on or after the member's required beginning date to  
107 the designated beneficiary after the member's death must not at any time exceed the applicable percentage  
108 of the annuity payment for such period that would have been payable to the member using the table set  
109 forth in Q&A-2 of § 1.401(a)(9)-6F of the Treasury regulations. If the form of distribution combines a  
110 joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary and a period  
111 certain annuity, the requirement in the preceding sentence will apply to annuity payments to be made to  
112 the designated beneficiary after the expiration of the period certain

113 SECTION 4. REPEALER.

114 This Ordinance repeals and replaces all former ordinances or parts thereof conflicting or inconsistent  
115 with the provisions of this Ordinance.

116

117 SECTION 5. SAVINGS CLAUSE.

118 All proceedings pending and all rights and liabilities existing, acquired or incurred under § 127-6,  
119 § 127-51, E, and § 127.51, K, of the Code of the City of Monroe at the time this Ordinance takes effect are  
120 saved and may be consummated according to the law in force when they are/were commenced.

121 SECTION 6. SEVERABILITY.

122 If any section, subsection, sentence, clause or phrase of this Ordinance is declared unconstitutional by  
123 a court of competent jurisdiction, such decision or holding shall not affect the validity of the remaining  
124 portions of this Ordinance.

125 SECTION 7. EFFECTIVE DATE.

126 This Ordinance shall be in full force and effect immediately upon passage.

# SULLIVAN, WARD, ASHER & PATTON, P.C.

ATTORNEYS AND COUNSELORS AT LAW



1000 MACCABEES CENTER  
25800 NORTHWESTERN HIGHWAY  
SOUTHFIELD, MICHIGAN 48075-1000

TELEPHONE: (248) 746-0700

FAX: (248) 746-2760

WEB SITE: [www.swappc.com](http://www.swappc.com)

ROBERT E. SULLIVAN, SR. (1922-1998)  
DAVID M. TYLER (1930-2002)  
RICHARD G. WARD (RETIRED)

CYNTHIA J. BILLINGS  
[cbillings@swappc.com](mailto:cbillings@swappc.com)  
(248) 746-2747

May 17, 2011

Board of Trustees  
c/o Mr. Charles Evans, Secretary  
City of Monroe Employees' Retirement System  
120 East First Street  
Monroe, Michigan 48161

Re: IRS Determination Letter

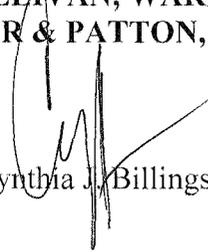
Dear Board of Trustees:

Please be advised that on April 29, 2011, the IRS issued a favorable Determination Letter for the City of Monroe Employees' Retirement System. The Determination is subject to the adoption of the proposed amendments enclosed herewith. The enclosed proposed amendments must be incorporated into the Retirement System ordinance within ninety-one (91) days of April 29, 2011, or by July 28, 2011.

If you have any questions or comments with respect to this matter, please do not hesitate to give me a call.

Very truly yours,

**SULLIVAN, WARD,  
ASHER & PATTON, P.C.**

  
Cynthia J. Billings

CJB/lak  
Enclosures  
W1008226.DOC

## AMENDMENT

**Section 296.06(f) shall be amended by adding the following paragraph to the end thereof:**

Compensation for purposes of IRC §415(c)(3) shall also include, (1) regular pay after severance from employment; (2) leave cashouts and deferred compensation including cash out of accrued sick, vacation or other leave time if the employee would have been able to use the leave if employment had continued or the payment of nonqualified deferred compensation that would have been paid to the employee at the same time if the employee had remained employed and only to the extent that the payment is includable in the employee's gross income. The compensation items listed in this paragraph must be paid by the later of two and one-half-months of severance from employment or the end of the limitation year that includes the date of severance with the city.

*Explanation: IRC §415(c)(3) limits an employer's contribution on behalf of a member to the lesser of \$40,000 or 100% of their compensation. (This is only applicable to the Hybrid portion of the Retirement System, not the Defined Benefit Plan.) The IRS requires this amendment simply to define a period of time to determine compensation for a terminated employee.*

**Section 296.51(k) is restated as follows:**

(k) Joint Life Annuities Where the Beneficiary Is Not the Member's Spouse. If the member's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary, annuity payments to be made on or after the member's required beginning date to the designated beneficiary after the member's death must not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the member using the table set forth in Q&A-2 of section 1.401(a)(9)-6 of the Treasury regulations. If the form of distribution combines a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary and a period certain annuity, the requirement in the preceding sentence will apply to annuity payments to be made to the designated beneficiary after the expiration of the period certain.

*Explanation: This provision is already in the Retirement System Ordinance. The only change the IRS requires is that reference to Q&A-2 of section 1.401(a)(9)-6T be revised to deleted the capital T after the 6 as the capital T referred to IRS Temporary Regulations that are no longer applicable. The above amendment just deleted the capital T.*

**Section 296.51(e) is amended and restated in its entirety as follows**

(e) Required Beginning Date. The member's entire interest will be distributed, or begin to be distributed, to the member no later than the member's required beginning date.

If distributions have commenced before the member's death, the remaining interest shall be distributed at least as rapidly as under the method being used at the date of the member's death in accordance with IRC Section 401(a)(9)(B)(i).

***Explanation: The IRS requires that a member must start to receive his/her benefit by the later of their retirement date or April 1<sup>st</sup> of the year following the year the person attained age 70 ½. This is defined as the "Required Beginning Date." The IRS requires this amendment because it does not want individuals to avoid paying income tax on their benefit by not collecting their benefit.***

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: APR 29 2011

CITY OF MONROE  
C/O CYNTHIA J BILLINGS  
PO BOX 222  
SOUTHFIELD, MI 48037-0222

Employer Identification Number:  
38-6004638  
DLN:  
17007364055028  
Person to Contact:  
JENNIFER M THIMMADASIAH ID# 31316  
Contact Telephone Number:  
(513) 263-4613  
Plan Name:  
CITY OF MONROE EMPLOYEES  
RETIREMENT SYSTEM  
Plan Number: 001

Dear Applicant:

We have made a favorable determination on the plan identified above based on the information you have supplied. Please keep this letter, the application forms submitted to request this letter and all correspondence with the Internal Revenue Service regarding your application for a determination letter in your permanent records. You must retain this information to preserve your reliance on this letter.

Continued qualification of the plan under its present form will depend on its effect in operation. See section 1.401-1(b)(3) of the Income Tax Regulations. We will review the status of the plan in operation periodically.

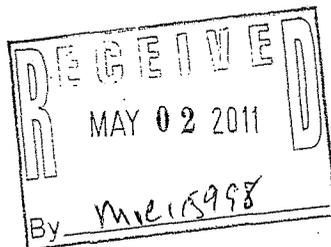
The enclosed Publication 794 explains the significance and the scope of this favorable determination letter based on the determination requests selected on your application forms. Publication 794 describes the information that must be retained to have reliance on this favorable determination letter. The publication also provides examples of the effect of a plan's operation on its qualified status and discusses the reporting requirements for qualified plans. Please read Publication 794.

This letter relates only to the status of your plan under the Internal Revenue Code. It is not a determination regarding the effect of other federal or local statutes.

This determination letter gives no reliance for any qualification change that becomes effective, any guidance published, or any statutes enacted, after the issuance of the Cumulative List (unless the item has been identified in the Cumulative List) for the cycle under which this application was submitted.

This letter may not be relied on after the end of the plan's first five-year remedial amendment cycle that ends more than 12 months after the application was received. This letter expires on January 31, 2014. This letter considered the 2007 Cumulative List of Changes in Plan Qualification Requirements.

This determination is subject to your adoption of the proposed amendments



Letter 2002 (DO/CG)

Attorney Report File Copy

CITY OF MONROE

submitted in your letter dated August 11, 2010. The proposed amendments should be adopted on or before the date prescribed by the regulations under Code section 401(b).

This determination letter is based solely on your assertion that the plan is entitled to be treated as a Governmental plan under section 414(d) of the Internal Revenue Code.

This determination letter is applicable to the plan and related documents submitted in conjunction with your application filed during the remedial amendment cycle ending January 31, 2009.

We have sent a copy of this letter to your representative as indicated in the Form 2848 Power of Attorney or appointee as indicated by the Form 8821 Tax Information Authorization.

If you have questions concerning this matter, please contact the person whose name and telephone number are shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew E. Zuckerman". The signature is written in a cursive style with a large initial "A" and a distinct "Z".

Andrew E. Zuckerman  
Director, EP Rulings & Agreements

Enclosures:  
Publication 794

# SULLIVAN, WARD, ASHER & PATTON, P.C.

ATTORNEYS AND COUNSELORS AT LAW



1000 MACCABEES CENTER  
25800 NORTHWESTERN HIGHWAY  
SOUTHFIELD, MICHIGAN 48075-1000

TELEPHONE: (248) 746-0700

FAX: (248) 746-2760

WEB SITE: [www.swappc.com](http://www.swappc.com)

ROBERT E. SULLIVAN, SR. (1922-1998)  
DAVID M. TYLER (1930-2002)  
RICHARD G. WARD (RETIRED)

CYNTHIA J. BILLINGS  
[cbillings@swappc.com](mailto:cbillings@swappc.com)  
(248) 746-2747

August 11, 2010

Ms. Jennifer Thimmadasaiah  
Employee Plans Specialist  
Internal Revenue Service  
P.O. Box 12192  
Covington, Kentucky 41012-0192

**FILE**

Re: City of Monroe Employees Retirement System  
EIN: 38-6004638

Dear Ms. Thimmadasaiah:

This correspondence is in response to your correspondence of July 28, 2010. For your convenience, I have restated your questions and provided my response thereto:

1. *Please provide us with a copy of the good-faith EGTRRA amendment, per Notices 2001-56 and 2001-57.*

Response:

Relevant EGTRRA amendments may be found in the Ordinance provided under Section 296.05(f), defining compensation (Ordinance 02-003, passed 3-18-2002); Section 296.49 related to rollovers (Ordinance 02-002, passed 3-18-2002); and Section 296.46 incorporating IRC §415 by reference (Ordinance 02-011, passed 1-6-2003). Please note that at the end of the relevant section the ordinance number and the date the ordinance was passed is provided.

2. *Please update 296.46 of the plan's definition of 415 Compensation to provide that payment be made within 2 1/2 months after severance from employment or within the limitation year that contains the severance from employment, per the Final 415 Regulations*

Response:

See attached proposed amendment.

SULLIVAN, WARD, ASHER & PATTON, P.C.

ATTORNEYS AND COUNSELORS AT LAW

Ms. Jennifer Thimmadasaiah

August 11, 2010

Page 2

3. *Please also update section 296.51(k) to eliminate 1.401(a)(9)-6T and replace it with 1.401(a)(9)-6, per the Final 401(a)(9) Regulations. See Revenue Procedure 2003-10.*

Response:

Please see attached proposed amendment.

4. *Please provide the section of the retirement system that provides that plan prohibits the reversion of the trust funds except for those permitted by Revenue Ruling 91-4.*

Response:

Please refer to Section 296.44 of the Retirement System Ordinance which provides in part:

"... However no such action shall cause any part of the corpus or income of of the assets to be used for, or diverted to, purposes other than for the exclusive benefit of participants or their beneficiaries and other persons entitled to be paid benefits by the system..."

5. *Please also provide the section of the plan where the plan [provides] that if distributions have commenced before the participant's death, the remaining interest will be distributed at least as rapidly as under the method being used at the date of the participant's death.*

Response:

Section 296.51 was drafted pursuant to the IRS Model Amendment set forth in Rev. Proc. 2002-29. Section 296.51(c) provides that all distributions will be determined and made in accordance with the final Treasury regulations under Section 401(a)(9).

SULLIVAN, WARD, ASHER & PATTON, P.C.

ATTORNEYS AND COUNSELORS AT LAW

Ms. Jennifer Thimmadasaiah

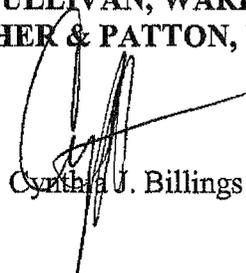
August 11, 2010

Page 3

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

**SULLIVAN, WARD,  
ASHER & PATTON, P.C.**



Cynthia J. Billings

Enclosure

cc (w/enc. via legal report): Charles Evans

cc (w/enc. via legal report): Board of Trustees

W0906163/moe/115998



Department of the Treasury  
Internal Revenue Service

Date: July 28, 2010

Cynthia J Billings  
P.O. Box 222  
Southfield, MI 48037-0222

**Name of Plan:**  
City of Monroe Employees  
Retirement System  
**Plan Number:**  
001  
**Employer Identification Number:**  
38-6004638  
**Person to Contact:**  
Jennifer Thimmadasaiah  
**Telephone Number:**  
(513) 263-4613  
**Response Due Date:**  
8/11/10

Dear Sir or Madam:

We are considering your request for a determination on the above plan. However, we need more information before we can continue processing your request. The enclosed checksheet(s) show the information we need and, if applicable, amendments to be submitted.

Please reply by the response date and attach this letter to your reply. If we do not hear from you within that time, we may process your application on the basis of the information you have already supplied us. This could result in a determination that your plan is not qualified for favorable tax treatment.

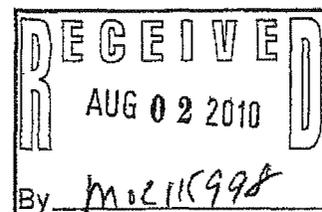
If you have any questions concerning this matter or cannot meet the response date, please contact the person whose name and telephone number are shown above.

Sincerely,

  
Jennifer Thimmadasaiah  
Employee Plans Specialist

Enclosure:  
List of Information Needed  
Checksheet

C: City of Monroe  
120 E First St  
Monroe, MI 48161-9986



P.O. Box 12192, Covington, KY 41017-0192

Letter 1196

CC: A2 File

## CHECKSHEET

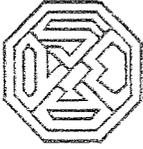
Sponsor's Name: City of Monroe  
EIN: 38-6004638

### Information Needed

1. Please provide us a copy of the good-faith EGTRRA amendment, per Notices 2001-56 and 2001-57.
2. Please update 296.46 of the plan's definition of 415 Compensation to provide that payment be made within 2 ½ months after severance from employment or within the limitation year that contains the severance from employment, per the Final 415 Regulations.
3. Please also update section 296.51(k) to eliminate 1.401(a)(9)-6T and replace it with 1.401(a)(9)-6, per the Final 401(a)(9) Regulations. See Revenue Procedure 2003-10.
4. Please provide the section of retirement system that provides that plan prohibits the reversion of trust funds except those permitted by Revenue Ruling 91-4..
5. Please also provide the section of the plan where the plan that if distributions have commenced before the participant's death, the remaining interest will be distributed at least as rapidly as under the method being used at the date of the participant's death.

# SULLIVAN, WARD, ASHER & PATTON, P.C.

ATTORNEYS AND COUNSELORS AT LAW



1000 MACCABEES CENTER  
25800 NORTHWESTERN HIGHWAY  
SOUTHFIELD, MICHIGAN 48075-1000

TELEPHONE: (248) 746-0700

FAX: (248) 746-2760

WEB SITE: [www.swappc.com](http://www.swappc.com)

ROBERT E. SULLIVAN, SR. (1922-1998)  
DAVID M. TYLER (1930-2002)  
RICHARD G. WARD (RETIRED)

CYNTHIA J. BILLINGS  
[cbillings@swappc.com](mailto:cbillings@swappc.com)  
(248) 746-2747

December 19, 2008

**FILE COPY**

*Via Federal Express*

Internal Revenue Service  
201 West Rivercenter Boulevard  
Attention Extracting Stop 312  
Covington, Kentucky 41011

Re: City of Monroe Employees Retirement System  
Application for Determination for Employee Benefit Plan

Dear Madam/Sir:

On behalf of the City of Monroe, 120 East First Street, Monroe, Michigan 48161-9986, request is hereby made for a determination that the above-referenced collectively bargained governmental defined benefit plan is qualified under Section 401(a) of the Internal Revenue Code and that it is exempt from tax under Section 501(a) of the Internal Revenue Code.

In connection with the application for determination, the following documents are enclosed:

1. Form 5300, Application for Determination for Employee Benefit Plan;
2. Form 8717, User Fee for Employee Plan Determination Letter Request, with a check in the amount of \$1,000.00 payable to the United States Treasury attached thereto;
3. Form 2848, Power of Attorney and Declaration of Representative;
4. Retirement System's prior IRS Letter of Determination dated October 25, 2002; and

# SULLIVAN, WARD, ASHER & PATTON, P.C.

ATTORNEYS AND COUNSELORS AT LAW

Internal Revenue Service

December 19, 2008

Page 2

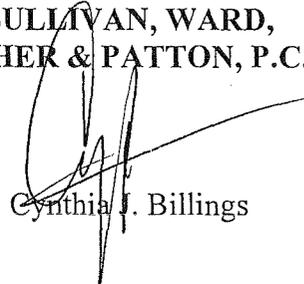
5. A copy of Chapter 296 of the City of Monroe Administration Code containing the provisions of the City of Monroe Employees Retirement System.

Please be advised that the copy of the Plan submitted is complete in all respects and a Determination Letter is being requested on qualification of the entire Plan. In the event a favorable Determination Letter is not contemplated, a conference is requested.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

**SULLIVAN, WARD,  
ASHER & PATTON, P.C.**

  
Cynthia J. Billings

Enclosures

cc: Charles D. Evans, Clerk/Treasurer

W0688655/moe/115998

## RESOLUTION

1           **WHEREAS**, the Sister City concept was inaugurated by the President of the United  
2 States in 1956 to establish greater friendship and understanding between the peoples of the  
3 United States and other nations through the medium of direct personal contact; and

4           **WHEREAS**, the City of Monroe, through its City Council, recognizes and endorses this  
5 program; and

6           **WHEREAS**, the cities of Amherstburg, Ontario, and Put-in-Bay, Ohio would like to  
7 establish a Sister City relationship with Monroe, Michigan, in conjunction with the War of 1812  
8 Bicentennial, which involves all three communities; and

9           **WHEREAS**, each municipalities citizens and City officials can benefit from the  
10 exchange of culture, education, trade, commerce, and friendship.

11           **NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City  
12 of Monroe officially invite members of the administration of the City of Amherstburg, Ontario,  
13 and Put-in-Bay, Ohio to visit Monroe, Michigan.

14           **BE IT FURTHER RESOLVED**, that the City Council of the City of Monroe on behalf  
15 of the people of the City of Monroe does hereby extend an invitation to the government and the  
16 people of the City of Amherstburg, Ontario, Canada and Put-in-Bay, Ohio to become the Sister  
17 City of the City of Monroe, Michigan, United States of America.

18           **BE IT FURTHER RESOLVED**, that the Mayor of the City of Monroe is hereby  
19 authorized to act as the official representative of the City in formalizing the relation should the  
20 Cities of Amherstburg and Put-in-Bay accept the invitation.