

**CITY OF MENOMINEE, MICHIGAN
MENOMINEE CITY COUNCIL AGENDA FOR
JUNE 15, 2020 at 6:00 P.M.
COUNCIL CHAMBERS – 2511 10th STREET**

A) CALL THE MEETING TO ORDER.

B) ROLL CALL.

C) APPROVAL OF MEETING AGENDA.

D) MINUTES OF PREVIOUS MEETINGS.

- 1) Regular meeting of May 18, 2020.

E) COMMUNICATIONS.

F) PUBLIC HEARINGS.

- 1) City of Menominee Revolving Loan Fund utility project.

G) PUBLIC COMMENT.

- 1) This public comment session is intended for statements, not debate, limited to three minutes per person *on agenda items only*. Please be prepared to state your name and address before speaking.

H) REPORTS OF OFFICERS.

- 1) City Manager's report.

I) REPORTS OF BOARDS, COMMISSIONS, AND STANDING COMMITTEES.

- 1) The Planning Commission on rezoning the property at 3500-10th Street.
- 2) The Finance Committee on MERS pension benefits for the Housing Commission employees.
- 3) The Finance Committee on amendments to the Master Schedule of Fees and Charges.
- 4) The Judicial and Legislative/Personnel and Labor Committee on non-union employee pay adjustments.
- 5) The Judicial and Legislative/Personnel and Labor Committee on scheduling a public hearing on updating the Property Maintenance Code ordinance.
- 6) The Public Safety/Public Works Committee on the MDOT Agreement for the 48th Avenue project.
- 7) The Public Safety/Public Works Committee on accepting a bid for the 34th Avenue, 32nd Avenue, and 23rd Street reconstruction project.
- 8) The Public Safety/Public Works Committee on declaring the cardboard baler surplus property.
- 9) The Public Safety/Public Works Committee on a utility easement for 2511-10th Street.
- 10) The Public Safety/Public Works Committee on the Local Bridge Grant projects.

J) MISCELLANEOUS.

K) MOTIONS AND RESOLUTIONS.

- 1) Resolution regarding the Local Bridge Grant projects.
- 2) Resolution regarding the Revolving Loan Fund wastewater improvements project.
- 3) Resolution regarding the Revolving Loan Fund water improvements project.
- 4) Resolution regarding the August 4th Primary Election.

L) PUBLIC COMMENT.

- 1) This public comment session is *not limited to agenda items*. It is intended for statements, not debate, limited to three minutes per person. Please be prepared to state your name and address before speaking.

M) ADJOURN.

Requests from individuals with disabilities who need special accommodations to participate in this meeting or hearing should be made to the City Clerk's Office at 1-906-863-2656 with as much advanced notice prior to the meeting as possible.

The City of Menominee is an Equal Opportunity Provider and Employer



**CITY OF MENOMINEE, MICHIGAN
REGULAR COUNCIL PROCEEDINGS
MAY 18, 2020**

A regular meeting of the Menominee City Council, City of Menominee, County of Menominee, State of Michigan, was held on Monday, May 18, 2020 electronically.

The Honorable Jean Stegeman called the meeting to order at 6:00 p.m.

PRESENT: Council Members Fifarek, Jones, Klitzke, Nelson, Nutter, Plemel, and Pohlmann;
Mayor Stegeman

ABSENT: Council Member Robinson (excused)

PRESENT: 8 ABSENT: 1

A motion was made by Council Member Jones and seconded by Council Member Nelson that Council Member Robinson be excused from the meeting.

AYES: Jones, Nelson, Fifarek, Klitzke, Nutter, Plemel, Pohlmann, and Stegeman

NAYS: None

This motion was carried unanimously.

A motion was made by Council Member Plemel to remove the Ordinance Amending the Downtown Development Authority District Boundaries from the agenda. Council Member Plemel amended his motion, which was seconded by Council Member Pohlmann, to remove the Ordinance Amending the Downtown Development Authority District Boundaries and the public hearing on said ordinance from the agenda and to approve the amended agenda for the meeting dated May 15, 2020.

AYES: Plemel, Pohlmann, Stegeman, Fifarek, Jones, Klitzke, Nelson, and Nutter

NAYS: None

This motion was carried unanimously.

A motion was made by Council Member Nelson and seconded by Council Member Klitzke to approve the minutes of the regular meeting of April 20, 2020 as presented.

AYES: Nelson, Klitzke, Fifarek, Jones, Nutter, Plemel, Pohlmann, and Stegeman

NAYS: None

This motion was carried unanimously.

COMMUNICATIONS:

The Waterfront Festival Committee provided an update on planning for the 2020 Waterfront Festival.

A motion was made by Council Member Plemel and seconded by Council Member Jones to support the committee's recommendation to cancel the event in 2020.

Council Member Plemel amended his motion, which was seconded by Council Member Jones, to support the committee's recommendation to cancel the event in 2020 and nullify the agreement with Douglas Consulting for management of the festival.

AYES: Plemel, Jones, Fifarek, Klitzke, Nelson, Nutter, Pohlmann, and Stegeman
NAYS: None

This motion was carried unanimously.

PUBLIC HEARINGS:

Mayor Stegeman opened the public hearing called for the purpose of hearing citizen comment on the applications from KK Integrated Logistics, Inc., for two Industrial Facility Tax exemption certificates.

Comments were heard from Nancy Douglas and Jill Schwanz (on behalf of ValuTec).

A motion was made by Council Member Plemel and seconded by Council Member Jones to close the public hearing.

AYES: Plemel, Jones, Fifarek, Klitzke, Nelson, Nutter, Pohlmann, and Stegeman
NAYS: None

This motion was carried unanimously.

Mayor Stegeman opened the next public hearing which was called for the purpose of hearing citizen comment on the proposed Operating Budget for fiscal year 2020-2021.

No one was heard.

A motion was made by Council Member Jones and seconded by Council Member Klitzke to close the public hearing.

AYES: Jones, Klitzke, Fifarek, Nelson, Nutter, Plemel, Pohlmann, and Stegeman
NAYS: None

This motion was carried unanimously.

Mayor Stegeman opened the final public hearing which was called for the purpose of hearing citizen comment on the proposed Ordinance Adopting the Annual Appropriation Bill for the 2020-2021 fiscal year.

No one was heard.

A motion was made by Council Member Plemel and seconded by Council Member Jones to close the public hearing.

AYES: Plemel, Jones, Fifarek, Klitzke, Nelson, Nutter, Pohlmann, and Stegeman
NAYS: None

This motion was carried unanimously.

PUBLIC COMMENT:

Mayor Stegeman opened the public comment session that was called for the purpose of hearing citizen comments on agenda items only.

No one was heard.

A motion was made by Council Member Nelson and seconded by Council Member Plemel to close public comment.

AYES: Nelson, Plemel, Fifarek, Jones, Klitzke, Nutter, Pohlmann, and Stegeman

NAYS: None

This motion was carried unanimously.

REPORTS OF OFFICERS:

A report was heard from City Manager Graff.

COMMITTEE REPORT:

At a May 11, 2020 meeting, the Finance Committee discussed the proposed agreement with the Department of Natural Resources for Rip Rap installation at Harbor Drive and they recommended to City Council that Council accept the Cooperative agreement between the Michigan Department of Natural Resources (DNR) and the City of Menominee for \$100,000. for the purpose of conveying funds for Harbor Drive, contingent upon the DNR executing the agreement and approving the City's bid specifications and to authorize the City Manager and City Engineer to execute the contract.

FINANCE COMMITTEE

A motion was made by Council Member Jones and seconded by Council Member Klitzke to adopt the recommendation.

AYES: Jones, Klitzke, Fifarek, Nelson, Nutter, Plemel, Pohlmann, and Stegeman

NAYS: None

This motion was carried unanimously.

MOTIONS AND RESOLUTIONS:

The following resolution was presented for consideration next:

**RESOLUTION APPROVING THE APPLICATION
OF KK INTEGRATED LOGISTICS, INC., FOR A
FACILITIES EXEMPTION CERTIFICATE
FOR ITS FACILITIES IDENTIFIED AS PHASE 7 AND PHASE 8 IN MENOMINEE
INDUSTRIAL DEVELOPMENT DISTRICT NO. 2**

WHEREAS, pursuant to 1974 P.A. 198, M.C.L. 207.551 et. seq., after a duly noticed public hearing, the Menominee City Council, by Resolution, established Menominee Industrial Development District No. 2 on January 5, 1976;

WHEREAS, KK Integrated Logistics, Inc., has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within the Industrial Development District No. 2;

WHEREAS, before acting on said application, the Menominee City Council held a hearing on May 18, 2020 at City Hall in the Council Chambers at 6:00 p.m. at which hearing the Applicant, the City Assessor, and a representative of the effected units were given written notice and were afforded an opportunity to be heard on said Application;

WHEREAS, construction of the facility and installation of new machinery and equipment was completed by 11/30/2018 for Phase 7 and 7/31/2019 for Phase 8 the date of acceptance of the original Application for an Industrial Facilities Exemption Certificate which required corrections, and the corrected Application was received March 11, 2020;

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the Certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Menominee;

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Menominee, after granting this Certificate, will exceed five percent (5%) of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted;

WHEREAS, the City of Menominee cannot grant approval of the Application of KK Integrated Logistics, Inc., for an Industrial Facilities Exemption Certificate for a period of twelve (12) years consistent with the City of Menominee's policy because KK Integrated Logistics, Inc.'s present lease is for a period of less than twelve (12) years and the tax commission is prohibited from granting a certificate for real property covered under an industrial facilities tax exemption certificate that is leased unless the lessee is responsible for the property tax liability of the property for the length of the certificate;

WHEREAS, pursuant to 1974 P.A. 198, M.C.L. 207.551 et. seq., a local unit may state in its original resolution the number of years being granted and include an extension provision which contains the criteria to be used to determine whether someone qualifies for an extension provided the total period of the Industrial Facilities Exemption Certificate does not exceed a period of twelve (12) years.

NOW, THEREFORE, BE IT RESOLVED by the Menominee City Council that:

- 1) The Menominee City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Menominee, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Menominee.
- 2) The Application of KK Integrated Logistics, Inc., for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed on the following described parcel of real estate situated within the Menominee Industrial Development District No. 2, to-wit: 501 Fourth Ave Menominee, MI 49858 Property Description: Parcel 051-005-340-15 T31N R27W PARTS OF GL'S 5 & 6 IN SEC 2 & PRT OF GL 2 SEC 11. CS 1396 LOTS 1-3 48.9971 AC M/L COMBINED FROM 051-005-290-00 & 051-005-340-10 12/19/2018 OWNER REQUEST

be and the same is hereby approved.

- 3) The original Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after completion.
- 4) The City of Menominee shall administratively grant an extension to KK Integrated Logistics, Inc., for an Industrial Facilities Exemption Certificate for a period of two (2) years, provided KK Integrated Logistics, Inc., or a successor corporation that obtains approval of a transfer of KK Integrated Logistics, Inc.'s Industrial Facilities Exemption Certificate, provides notice to the City Clerk, subject to review and approval of the City Clerk and City Assessor, within twelve (12) months from the expiration of the original ten (10) year exemption period that it has fully complied with the provisions of the originally issued Industrial Facilities Exemption Certificate during the then term thereof and that KK Integrated Logistics, Inc., or a successor corporation that obtains approval of a transfer of KK Integrated Logistics, Inc.'s Industrial Facilities Exemption Certificate, has fully executed an extension or renewal of its lease for the subject property and provided a copy of said extension or renewal to the City Clerk; provided, however, that the total period of the initially approved Industrial Facilities Exemption Certificate and any extension thereof does not exceed a period of twelve (12) years..

A motion was made by Council Member Plemel and seconded by Council Member Jones to adopt the resolution.

Council Member Plemel then amended his motion, which was seconded by Council Member Jones, to adopt the revised resolution recommended by City Attorney Michael Celello.

AYES: Plemel, Jones, Fifarek, Klitzke, Nelson, Nutter, Pohlmann, and Stegeman

NAYS: None

This motion was carried unanimously.

The Ordinance Adopting the Annual Appropriation Bill for the 2020-2021 fiscal year as follows was considered next:

ORDINANCE 2020-001
AMENDING ADOPTING THE ANNUAL APPROPRIATIONS BILL FOR THE
FISCAL YEAR BEGINNING JULY 1, 201920 AND ENDING JUNE 30, 20201.

BE IT HEREBY RESOLVED, THE CITY OF MENOMINEE ORDAINS:

WHEREAS, pursuant to Article 5 of the Charter of the City of Menominee, the City Manager and Finance Committee have prepared a proposed budget for the fiscal year beginning July 1, 201920 and ending June 30, 20201; and

WHEREAS, pursuant to MCL 141.412, a public hearing has been held on said proposed budget; and

WHEREAS, the total taxable valuation for all the real and personal property within said city liable to taxation has been determined according to applicable law in the sum of \$~~194,578,272~~
\$199,791,752.

SECTION 1. That for the purpose of defraying the expenditures and liabilities of the City of Menominee, Michigan for the fiscal year beginning July 1, 2019~~20~~ and ending June 30, 2020~~1~~ and to meet the deficiencies of the several funds of said city for the past fiscal year and former years, if any, there is hereby provided for and appropriated the sum of ~~\$15,627,788~~ \$18,032,667 from which sum there shall be deducted the estimated revenues for said year, the sum of ~~\$15,627,788~~ \$18,032,667.

SECTION 2. For the purpose of paying the operating expenses of the General Fund a tax levy of ~~14.7953~~ 14.7007 mills on the dollar on all taxable property in the city according to valuation of same, which amount is included in the amount appropriated in Section 1, is hereby provided and appropriated.

SECTION 3. For the purpose of paying the principal and interest on bonds of said city due and payable during such fiscal year, there is hereby provided and appropriated the sum of ~~\$537,298~~ \$541,436 of which ~~\$537,298~~ \$541,436 will be levied by a tax of ~~2.2~~ 2.65 mills.

SECTION 4. For the purpose of maintaining the garbage system for collection and disposal of garbage in the city a tax levy of ~~1.96~~ 1.83 mills on the dollar of all taxable property in the city according to valuation of the same, which amount is included in the amount appropriated in Section 1, is hereby provided and appropriated.

SECTION 5. For the purpose of paying the cost of the city share of policemen and firemen pension expenditures tax levy of ~~4.0~~ 4.25 mills on the dollar on all taxable property in the city according to the valuation of the same, which amount is included in the amount appropriated in Section 1, is hereby provided and appropriated.

SECTION 6. For the purpose of paying the operating expenses of the Spies Public Library pursuant to MCL 397.201 a tax levy of ~~.9948~~ .9892 mills on the dollar on all taxable property in the city according to valuation of same, which amount is included in the amount appropriated in Section 1, is hereby provided and appropriated.

SECTION 7. The amounts provided for and appropriated by Section 1, 2, 3, 4, 5, and 6 shall total ~~23.9383~~ 24.4199 mills on the dollar valuation hereof ordered to be raised by general tax on all taxable property, both real and personal, within the city.

SECTION 8. The objects and purposes for which the amounts appropriated in Section 1, 3 and 4 hereof for the City General Fund Operations are as follows:

City Council	\$ 10,124. <u>\$ 10,122.</u>
Mayor	4,350. <u>4,348.</u>
Manager	240,160. <u>239,046.</u>
Board of Review	<u>3,984.</u>
Assessor	131,017. <u>137,757.</u>
Clerk/Treasurer	404,597. <u>421,253.</u>
Elections	41,648. <u>35,007.</u>
Buildings and Grounds	267,026. <u>246,431.</u>
Attorney	154,707. <u>140,057.</u>
Unallocated	378,806. <u>227,776.</u>
Police	2,078,225. <u>2,105,475.</u>
Auxiliary Police	<u>4,000.</u>
Crossing Guards	22,255. <u>22,756.</u>
MI Justice Training Fund	<u>4,500.</u>
Fire	1,500,771. <u>1,441,908.</u>

Rescue Squad	2,000.
Building Inspector	135,935. 155,983.
Engineer	105,867. 125,163.
Sidewalks	4,885. 5,313.
Dept. of Public Works-Streets	409,010. 300,919.
Street Lighting	143,607. 146,314.
Alleys	30,140. 61,050.
Economic Development	42,500. 42,250.
Recreation	111,890. 112,100.
Parks Maintenance	254,739. 194,746.
Spies Field Maintenance	44,118. 39,340.
Henes Park	95,930. 66,773.
TOTALS	\$6,626,791. \$6,296,371.

SECTION 9. The said estimated revenues and their sources for the city general fund operations are as follows:

Total Taxes	\$3,700,000. <u>\$3,830,000.</u>
Taxes Other than Assessed	148,000. <u>144,700.</u>
Business Licenses/Permits	150,350. <u>130,300.</u>
NonBusiness Licenses/Permits	22,500. <u>13,700.</u>
Federal Grant	49,000. <u>37,000.</u>
State Shared Revenues	1,174,500. <u>1,049,500.</u>
Charges for Services	5,100. <u>4,000.</u>
Other Revenues	990,703. <u>697,921.</u>
Fines and Forfeits	22,000. <u>20,250.</u>
Interest Earned	43,000. <u>35,000.</u>
Rents and Royalties	27,640. <u>25,000.</u>
Other Reimbursibles	293,998. <u>309,000.</u>
TOTAL	\$6,626,791. \$6,296,371.

SECTION 10. That for the purpose of defraying the expenditures and liabilities of the several other funds of the City of Menominee for the fiscal year here-to-fore mentioned and to meet the deficiencies of these funds for the past fiscal year and former years, if any, there is hereby provided for and appropriated the following sums: Major, Local Street, and Trunkline Maintenance ~~\$1,862,345~~ \$3,344,227; Cemetery Fund ~~\$176,030~~ \$183,615; Solid Waste ~~\$637,800~~ \$613,942; Library ~~\$499,356~~ \$520,656; Water/Sewer Utility ~~\$3,885,395~~ \$4,254,165; Special Revenues ~~\$102,200~~ \$86,000; Debt Service ~~\$537,298~~ \$541,436; Other Funds ~~\$215,500~~ \$1,464,200; River Park ~~\$390,363~~ \$225,110; and Marina ~~\$694,710~~ \$502,945.

The objects and purposes for which the amounts appropriated in this Section are as follows:

Major, Local Street and Trunkline Maint. Expenses	\$1,862,345 <u>\$3,344,227</u>
Cemetery Expenses	\$176,030 <u>\$183,615</u>
Solid Waste Expenses	\$637,800 <u>\$613,942</u>
Library Expenses	\$499,356 <u>\$520,656</u>

Water/Sewer Utility Expenses	\$3,885,395 \$4,254,165
Special Revenues	\$102,200 \$86,000
Debt Service	\$537,298 \$541,436
Other Funds	\$215,500 \$1,464,200
River Park	\$390,363 \$225,110
Marina	\$694,710 \$502,945
TOTAL	\$9,000,997 \$11,736,296.

SECTION 11. The Manager and City Council are hereby authorized to make such transfers as deemed necessary within the limits of applicable law.

SECTION 12. This ordinance shall take immediate effect.

A motion was made by Council Member Jones and seconded by Council Member Nelson to adopt the ordinance.

AYES: Jones, Nelson, Fifarek, Klitzke, Nutter, Plemel, Pohlmann, and Stegeman

NAYS: None

This motion was carried unanimously.

PUBLIC COMMENT:

Mayor Stegeman opened the public comment session.

Comments were heard from Steve Fifarek, Nancy Douglas, and Tony Graff.

A motion was made by Council Member Plemel and seconded by Council Member Klitzke to close public comment.

AYES: Plemel, Klitzke, Fifarek, Jones, Nelson, Nutter, Pohlmann, and Stegeman

NAYS: None

This motion was carried unanimously.

ADJOURN:

The meeting was adjourned.


Susan K. Johnson

PETITION FOR ZONING AMENDMENT

To: City Planning Commission
City Council

By: Nicolas Herrild et al
N-195 West Drive
Menominee, MI 49858
715-923-0597

Case No. PR20-0001
Date Received 5/11/20
Fee Received \$600.00
Receipt No. 309727
Hearing Date 5/26/20
Responsible Body Planning Commission
Action UNANIMOUS Recommendation TO
Date APPROVE
Responsible Body _____
Action _____
Date _____

I. ACTION REQUESTED.

Nicolas Herrild as owner and authorized agent does hereby request that the Planning Commission and City Council approve the following petition for zoning amendment:

- A. Rezone from **R-4, Manufactured Home Residential District** to **C-2, Waterfront and Central Business District** the property described in II. "Property Information" below, for the following purpose:

Proposed land use is for professional office building.

A portion of the property is proposed to be purchased and developed. The remainder of the property will be combined with the neighboring parcel to the north allowing for continued future development.

We are unaware of any previous application for a variance, special use permit or rezoning on this land.

II. PROPERTY INFORMATION

- A. Legal description of property proposed to be rezoned:

Parcel # 051-031-940-00

SEC 26 T32N R27W THAT PRT OF S 324' OF N 994' OF LOT 5 LNG E OF E LN OF 10TH ST

Address of Property: 3500 10th Street, Menominee, MI 49858

- B. List all deed restrictions: **N/A**

- C. Name and address of all other persons, firms or corporations have a legal or equitable interest in the land:

Legal Interest – Fee Simple:

Nicolas Herrild, Cherle Chartier, Howard Herrild, Karen Martzahl, and Nathan Herrild, c/o N-195 West Drive, Menominee, MI 49858

Equitable Interest – Purchaser:

Management Enterprises, Inc. or their assign, c/o 2221 South Webster Ave., Ste 111, Green Bay, WI 54301

- D. This area is platted, the name of the plat is: **N/A**

- E. Attach a site plan drawn to scale: **It is being requested that the current parcel in its entirety be rezoned C-2, Waterfront and Central Business District.**

See Attached Exhibit "A" depicting the property proposed to be rezoned scaled 1" = 150' along with a site plan scaled 1" = 100' for the proposed site of a medical office building to be split from the property upon rezoning approval by way of a parcel reconfiguration.

- F. Present use of the property is: **Undeveloped vacant land**

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION

- A. State specifically the reason for this amendment request at this time:

- 1. The subject property is undeveloped vacant land, zoned R-4, Manufactured Home Residential District. Having been on the market for quite some time, there has not been any interest, nor is there a reasonably calculated likelihood that the property will be utilized consistent with said present zoning.**
- 2. Even if such a use were plausible, the conditions have changed in the area generally, and arguably in the city which warrants this rezoning.**
- 3. The rezoning would certainly serve the interest of the Petitioner, but more importantly, it is in the general public's interest.**
- 4. The rezoning would further be appropriate in the area, as the present zoning is inconsistent with the economic reality of the neighboring improvements having been developed in recent history.**
- 5. The character of the neighborhood would not be adversely affected; the C-2 language is in all reality the most fitting zoning as it reflects the reality of the neighborhood and being in close proximity to the waterfront.**

6. **The proposed change better serves the City's intended future growth of the commercial corridor on Highway 41.**
7. **The proposed zoning change does not affect zoning plans of any adjacent governmental unit.**
8. **The rezoning is a reasonable request founded in sound social and economic evidence which will further the best interest of the City.**

B. If the amendment is a proposed rezoning, please answer the following questions.

1. Will this rezoning be in conformance with all adopted development plans of the City of Menominee?:

The rezoning of the subject property is in conformance in that it is located near other C-2 properties, both abutting and across the street. This would not be considered spot zoning by any means and fits within the language of the ordinance more so than does the current zoning.

2. If the proposed zone does not conform to the plan, why should the change be made? Please be specific, brief and attach any supporting documentation which substantiates your claim. This could include an allegation that the existing zoning is in error which would be corrected by the proposed change, or that specific changes or changing conditions in the immediate area or in the city make the rezoning necessary to the promotion of public health, safety and general welfare:

See Section III subpart A above. To promote the public health, safety and general welfare, it is in the best interest of the city, as it would bring this undeveloped property into a developed and productive use. In the alternative, without a rezoning, the property is likely to remain undeveloped. The current zoning significantly hinders future development and productive use of the subject property.

3. What do you anticipate the impacts of the proposed zoning change on the adjacent property to be? What steps do you propose to take to mitigate any negative impacts associated with the proposed change?

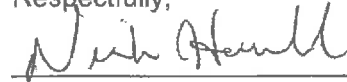
The use contemplated herein and permitted by the proposed rezoning is not of the kind, scope, or nature that would otherwise interfere with the adjacent property; such would be consistent with and otherwise complimentary.

IV. AFFIDAVIT

The undersigned affirms that he is owner and authorized agent involved in the Petition and that the answers and statements herein contained, and the information herewith submitted are in all respects true and correct to the best of his knowledge and belief.

Dated: 4-29-20

Respectfully,

A handwritten signature in dark ink, appearing to read "Nicolas Herrild", written over a horizontal line.

Nicolas Herrild
Owner and Authorized Agent



Planning Commission
City of Menominee

City Hall • 2511 10th Street • Menominee, MI 49858-1995

Phone (906) 863-2656 • FAX (906) 863-3266

STAFF REPORT

Report Date: May 19, 2020

Case #: PSU20-0001

Project Address: 3500 10th St. Property parcel # 051-031-940-00

Zoning District: R-4, Manufactured Home Residential District

Request: Amendment; Rezone the current R-4 District classification on said parcel to C-2 Waterfront and Central Business District.

Property Owner: Nicolas Herrild
N-195 West Drive
Menominee Mi. 49858

Applicant: Nicolas Herrild et al

Meeting Date: May 26, 2020 @ 4:15 PM

Public Hearing Required: YES

Date Legal Notice Published: May 7, 2020

Project Summary A proposal has been received to develop a portion of this parcel, for the purpose of developing a professional office building. This would be permissible under the C-2 district zoning.

Staff Recommendation: Staff has researched the Ordinance, current Master Plan, and future Master Plan in progress, past and future aspirations of the community input compiled indicate this would hold the majority of vote for a district zoning change. Additional information provided, compiled from Smith Group {Land Use and Redevelopment strategy} and maps, along with public comment should be used for the Planning Commission and Council's decision for amending the Zoning for this parcel.

Staff Contact: Derrick Schultz
Building Official/ Zoning Administrator
906-863-1742 dschultz@menomineeemi.gov



City of Menominee

City Hall • 2511 10th Street • Menominee, MI 49858-1995

Phone (906) 863-2656 • FAX (906) 863-3266

WATERFRONT MIXED-USE *(SMITH GROUP EXCERPTS)*

The Waterfront Mixed-Use district stretches to the east of 41 from 20th Avenue to N. Shore Drive. It is currently zoned C-2, M-1, R-4, and D-1 with the intent that C-2 will be repurposed as the true Waterfront District.

Priority Sites

Three sites were identified by city staff as prime redevelopment opportunities. They were selected as preliminary redevelopment-ready sites because of their scale, vacancy, and the short-term ability to demonstrate the goals of this plan update.

An additional area of possible future development potential is the waterfront. A challenge for Menominee is sustaining economic growth throughout all four seasons.

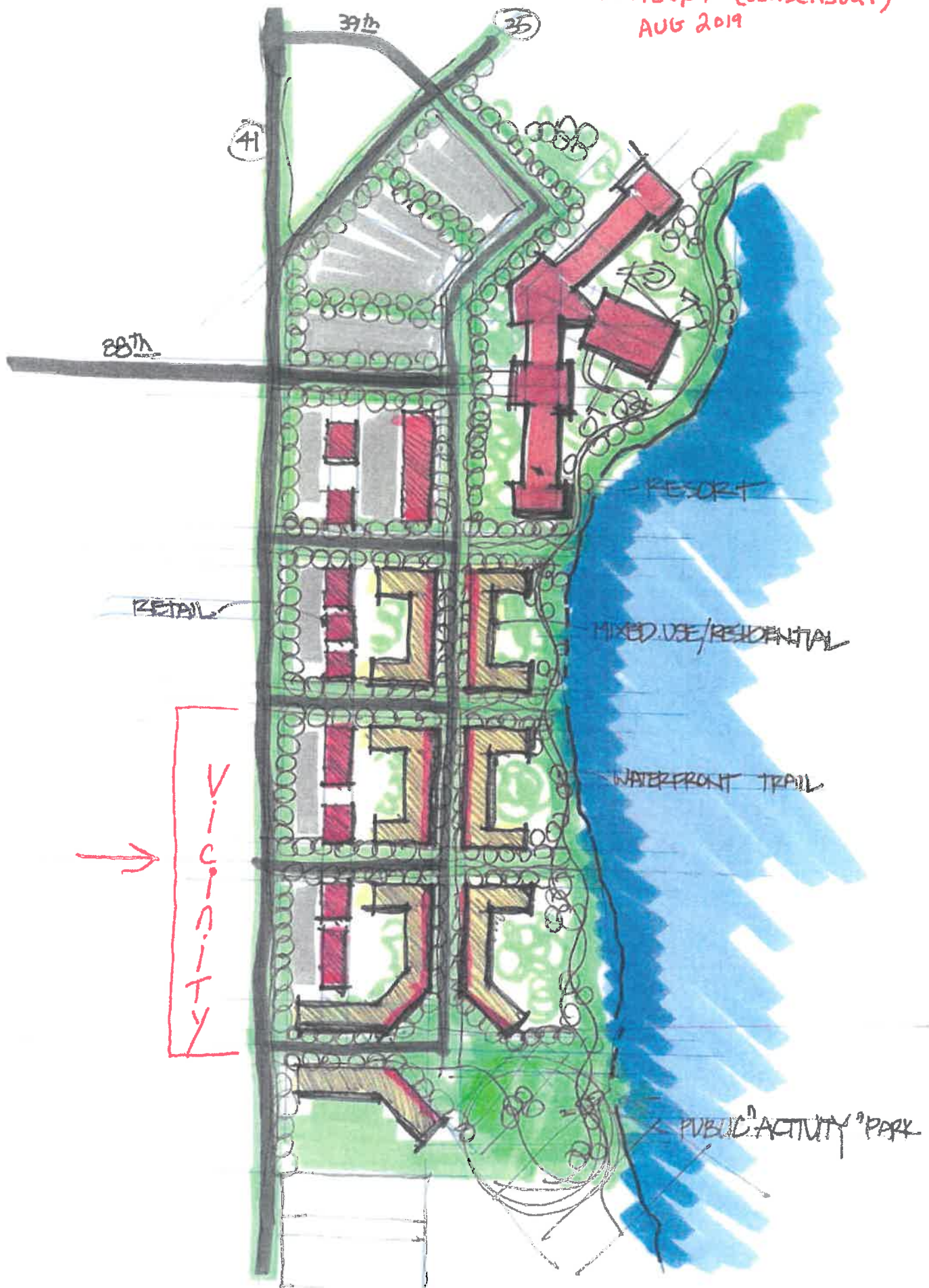
Redevelopment Strategies

How to Attract Developers? Developers typically look for project locations where the potential for success is certain and risks limited. This means that they are attracted to communities with strong markets where the infrastructure is in place, reasonably priced, quality development sites are available, and the development review process is quick. They also look for opportunities to enter a market right before it “takes off” and capture the heavy demand and associated real estate price or rent increases.







Good developers are usually inundated with requests from municipalities and DDA’s to develop in their community, citing the advantages they have to offer. Yet only a small percentage of communities provide the information necessary to interest developers. There is specific information they look for that will minimize the amount of time it takes to make a go- no-go decision. For example, is there a market for the type of development being sought by the community? What is the role of the community within the region (i.e. bedroom community, employment destination, transportation hub, etc.)? Are reasonably priced sites available for development or redevelopment? Is necessary infrastructure in place or will this be needed and add to the cost of the project? How accessible is the development location and how large a market area can they draw from?

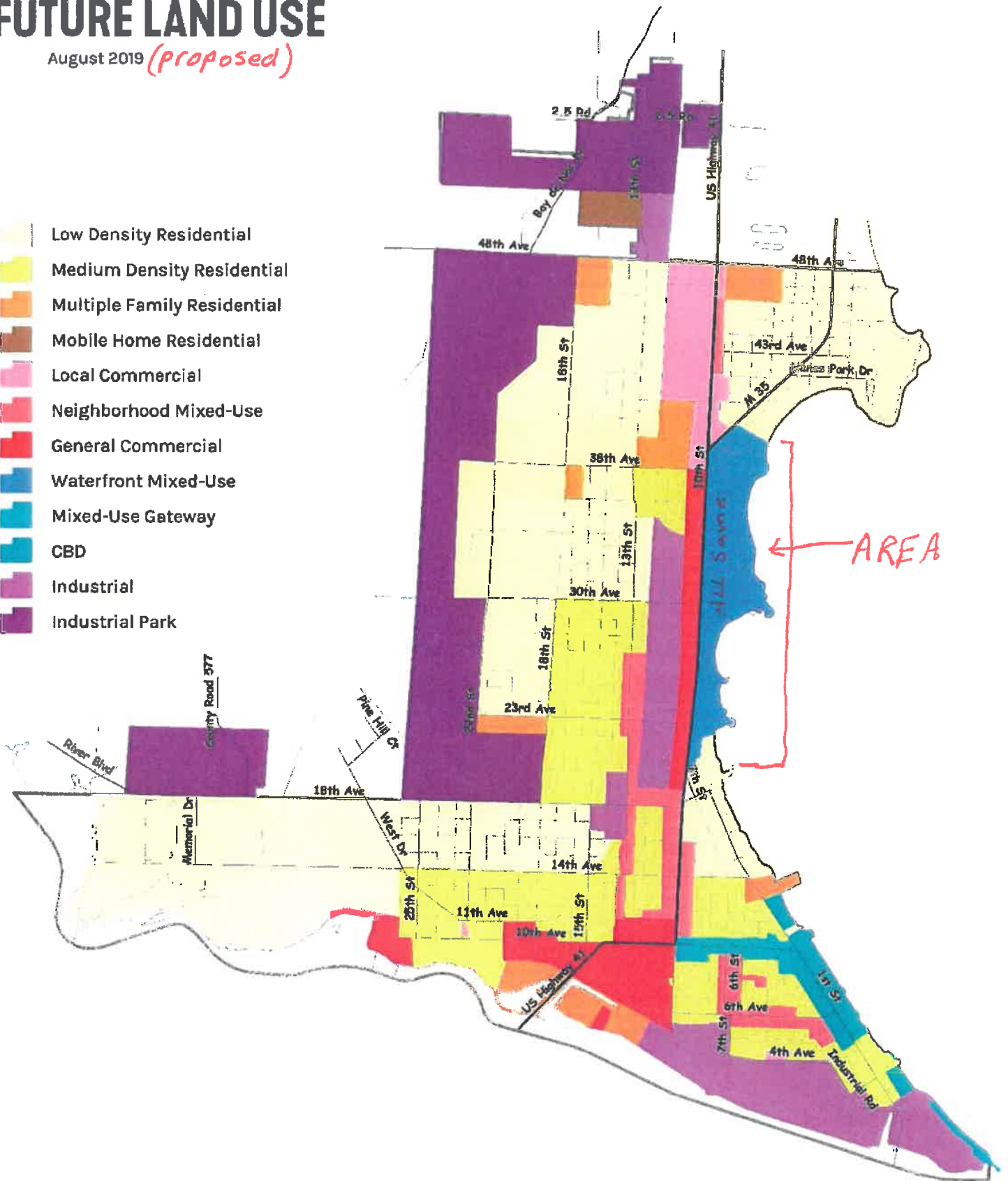
These are all vital questions that can be partly answered by the community, making it easier to pique the interest of a developer. Time is money and the less time developers must commit to looking at a project/community, the more likely they are to dig deeper and hopefully show interest in moving forward. Some of this information might already be available while additional work is needed to gather the remaining data. It is up to the City, DDA, business leaders, and civic associations to work together to assemble developer information and then actively recruit developers and businesses.

SMITH GROUP Concept (consensual)
AUG 2019



City of Menominee
FUTURE LAND USE
 August 2019 *(proposed)*

-  Low Density Residential
-  Medium Density Residential
-  Multiple Family Residential
-  Mobile Home Residential
-  Local Commercial
-  Neighborhood Mixed-Use
-  General Commercial
-  Waterfront Mixed-Use
-  Mixed-Use Gateway
-  CBD
-  Industrial
-  Industrial Park



0 0.25 0.5 1
 Miles





CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 5 IN THE SOUTHWEST QUARTER
OF SECTION 26, TOWNSHIP 32 NORTH, RANGE 27 WEST, CITY
OF MENOMINEE, MENOMINEE COUNTY, MICHIGAN

CLIENT SUPPLIED LEGAL DESCRIPTION LIBER XXX PAGE XXX OF MENOMINEE COUNTY
RECORDS

THAT PART OF THE SOUTH THREE HUNDRED TWENTY-FOUR (324) FEET OF THE NORTH NINE
HUNDRED NINETY-FOUR (994) FEET OF LOT FIVE (5) LYING EAST OF THE EAST LINE OF
TENTH STREET, IN SECTION TWENTY-SIX (26), TOWNSHIP THIRTY-TWO (32) NORTH OF RANGE
TWENTY-SEVEN (27) WEST, IN THE CITY OF MENOMINEE, STATE OF MICHIGAN.

PROPOSED LEGAL DESCRIPTION - PARCEL A

A PART OF GOVERNMENT LOT 5 IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 32
NORTH, RANGE 27 WEST, IN THE CITY OF MENOMINEE, MENOMINEE COUNTY, MICHIGAN MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 310.00 FEET OF THE NORTH 200.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:
THAT PART OF THE SOUTH THREE HUNDRED TWENTY-FOUR (324) FEET OF THE NORTH NINE
HUNDRED NINETY-FOUR (994) FEET OF LOT FIVE (5) LYING EAST OF THE EAST LINE OF
TENTH STREET, IN SECTION TWENTY-SIX (26), TOWNSHIP THIRTY-TWO (32) NORTH OF RANGE
TWENTY-SEVEN (27) WEST, IN THE CITY OF MENOMINEE, STATE OF MICHIGAN.

PRELIMINARY

ANDREW M. BUCK, P.S. 58062

LAKE STATE LAND SURVEYING, INC.
MICHIGAN • WISCONSIN
SURVEYING

P.O. BOX 533
IRON MOUNTAIN, MI 49801
(906) 235-0404
www.LakeStateLandSurveying.com

CERTIFIED BOUNDARY SURVEY

FOR: ROBERT E. LEE & ASSOCIATES, INC.
1250 CENTENNIAL CENTRE BLVD.
HOBART, WI 54155

DRAWN: A.M.B. JOB No: 20028 DRAWING: REL20028.dwg

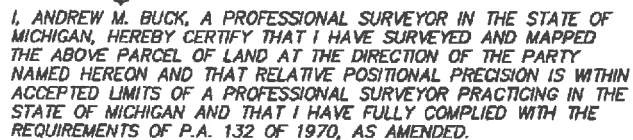
BASIS OF BEARING: MICHIGAN STATE PLANE NORTH ZONE

ERROR OF CLOSURE: LESS THAN 1/5000

DATE: 5/15/2020

PAGE 2 of 2

PART OF GOVERNMENT LOT 5 IN THE SOUTHWEST QUARTER
OF SECTION 26, TOWNSHIP 32 NORTH, RANGE 27 WEST, CITY
OF MENOMINEE, MENOMINEE COUNTY, MICHIGAN

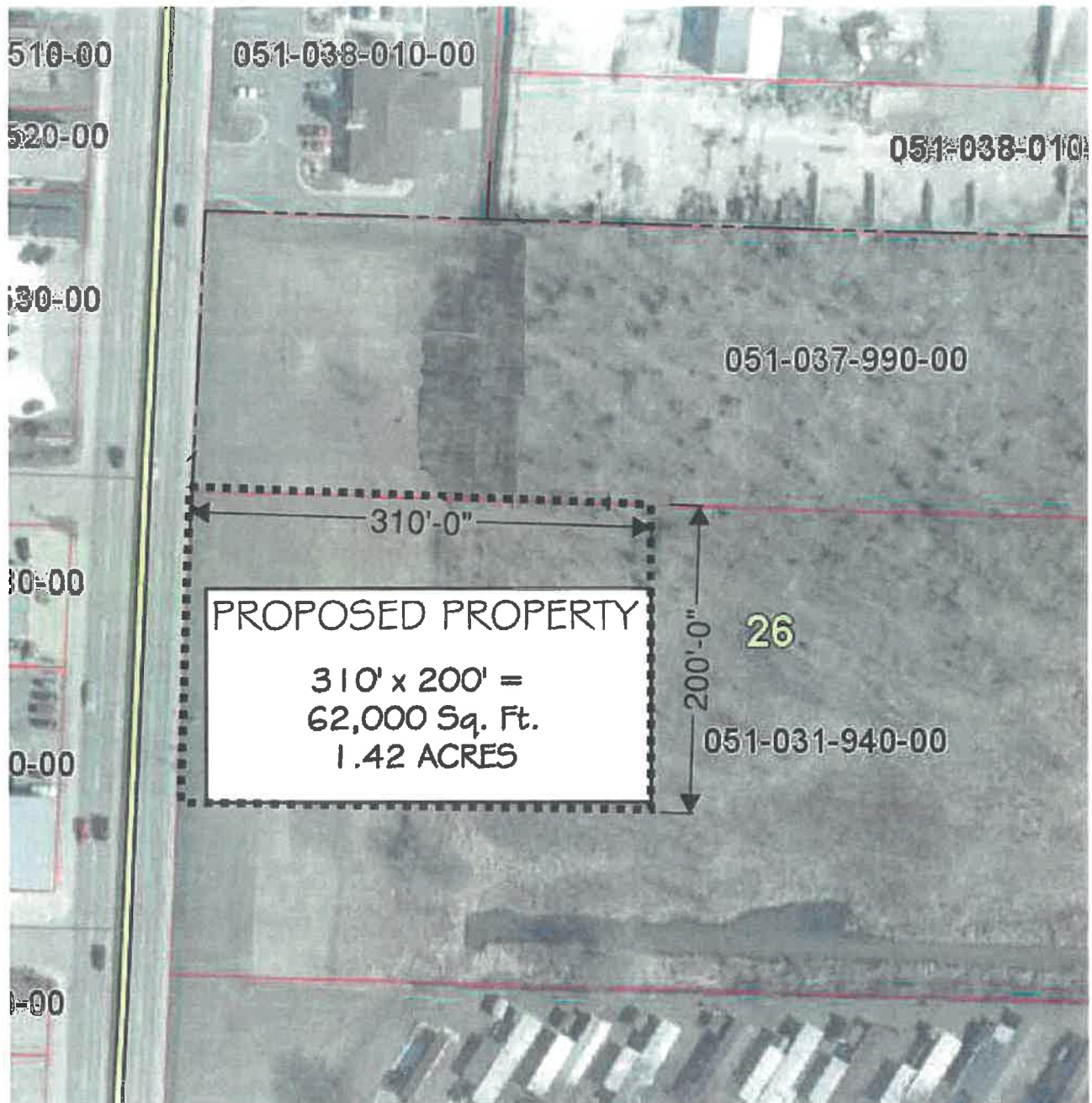


PAGE 1 of 2

EXHIBIT A

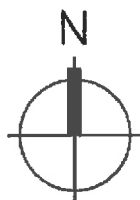


This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



PROPERTY BOUNDARY

SCALE: 1" = 100'-0"



Proposed Property

MENOMINEE, MI

Project: **7481** Date: **03/26/20**
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 Planrequest@somervilleinc.com
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Drawing: **C105**

3/26/2020 12:18:22
 PM



somerville
 architects|engineers

Somerville Inc. | 2100 Riverside Drive, Green Bay, WI 54301-2390
 P 920.437.8136 | F 920.437.1131 | www.somervilleinc.com

designmatters

Sec. 109-227. - Findings of fact required.

In reviewing any petition for a zoning amendment, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full, along with its resulting recommendations for the proper disposition of the petition to the City Council. The facts to be expressly considered by the planning commission shall include, but shall not be limited to, the following:

- (1) What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning.
- (2) What, if any, error in judgment, procedure or administration was made in the original ordinance which justifies the petitioned change in zoning.
- (3) What is the precedent and the possible effects of such precedent which might result from the approval or denial of the petition.
- (4) What is the impact of the amendment on the ability of the City and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved.
- (5) Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
- (6) Does the petitioned zoning change generally comply with the adopted City general plan.
- (7) Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. Surface water drainage problems.
 - b. Wastewater disposal problems.
 - c. Adverse effect on surface or subsurface water quality.
 - d. The loss of valuable natural resources (such as forest, wetlands, historic sites, wildlife or mineral deposits).

(Code 1979, § 11:1.1340)



City of Menominee

City Hall • 2511 10th Street • Menominee, MI 49858-1995

Phone (906) 863-2656 • FAX (906) 863-3266

Sec. 109-227. - Findings of fact required. (Part of Staff findings)

In reviewing any petition for a zoning amendment, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full, along with its resulting recommendations for the proper disposition of the petition to the City Council. The facts to be expressly considered by the planning commission shall include, but shall not be limited to, the following:

1. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning. *The parcel has been available for quite some time and no prospective development has been produced.*
2. What if any error in judgement, procedure or administration was made in the original ordinance which justifies the petitioned change in zoning? *The parcel is best suited for developing on the western portion (only), due to low wet conditions that exist on the east.*
3. What is the precedent and the possible effects of such precedent which might result from the approval or denial of the petition? *No adverse precedents or effects are created.*
4. What is the impact of the amendment on the ability of the City and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved? *Conditions are favorable and less likely to impact facilities.*
5. Does the petitioned zoning change adversely affect the environmental conditions or value the surrounding property? *Contrary, less adverse effects would be created than the current zoning and property values would likely increase w/ zoning district change.*
6. Does the petitioned zoning change generally comply with the adopted City general plan? *Yes, as additional documents in the Staff Report included indicate.*
7. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as? *None Less Impact*
 - a. Surface water drainage problems. *The Ordinance procedures will be adhered to.*
 - b. Wastewater disposal problems. *Adequate facilities currently exist.*
 - c. Adverse effect on surface or subsurface water quality. *none*
 - D. The loss of valuable natural resources (such as forest, wetlands, historic sites, wildlife Mineral deposits. *The area planned to be developed is predominantly vacant*

May 14, 2020

Derrick Schultz, Building/zoning Supervisor
City of Menominee
2511 10th Street
Menominee, MI 49858

Sir:

This letter refers to my concerns presented to you in our phone conversation Wednesday, May 13, with regard to a rezoning of property on 10th St, abutting Bayside Mobile Home Park.

As I explained, I, and many others like me, do not have any of the technical equipment by which we can participate in the meeting, and because of the politically-based closings, in-person attendance is not allowed. In fact, there are millions of us who do not have computers, smart phones or land line phones-- just the simple flip-phones to serve the purpose of basic phone communications without the vulnerability and costs of higher-tech equipment. This automatically cuts segments of population out of participation in such meetings and so forth instead of a basic format. There is no acceptable alternative for in-person attendance to visually evaluate the proceedings, body language, facial expressions, etc. It doesn't seem like a far-fetched idea to table the re-zoning matter until our commie governor (or public uprising of demands, whichever comes first) drops the politics she is applying to COVID-19 restrictions (noticeably not many are complying with anyway indicated by traffic flow and tempers) until area residents can attend in person. I'm sure the applicant's life is on hold in other areas, so why the rush on this? Such a push gives it the appearance of trying to cover something up or hoodwinking the re-zoning through quietly. We are already questioning the change in trash pick-up services in how the City made a good \$ deal for City Hall, while GAD is a pain the the rear for residents, with all their restrictions-- short of gift-wrapping the trash for them.

I realize the Notice described the purpose of the re-zoning as a "Professional Office Building". That's pretty broad. Is it a secret? Sounds like a nice, safe usage, but that's not always the case, and raises a lot of questions regarding that particular parcel, and am sure many questions would be raised as the proceedings would unfold in-person. As it stands, I would not be in favor of the change.

Thank you.

Linda Gould



City of Menominee

City Hall • 2511 10th Street • Menominee, MI 49858-1995

Phone (906) 863-2656 • FAX (906) 863-3266

5/21/2020

**Mrs. Linda Gould
3400 10th St. Lot 3
Menominee Mi. 49858**

Mrs. Gould,

I have received your letter in regards to the remote access only scheduled meeting for the Planning Hearing zoning amendment. I will provide the document for public comment to the chairmen.

Also, I've been told that anyone can attend by phone without internet connection by dialing in the number provided on public notice for listening and commenting when called on, to be certain you were aware of this.

Respectfully,

**Derrick Schultz
Zoning Administrator
863-1742**

COMMITTEE REPORT:

At a June 9, 2020 meeting, the Finance Committee discussed the Municipal Employees Retirement System (MERS) pension benefits for the Housing Commission employees, and they recommend to City Council that Council approve a separate division within the City of Menominee MERS for the Menominee Housing Commission effective September 1, 2020 and authorize staff to execute the Participation Agreement upon review by the City Attorney.

FINANCE COMMITTEE

MOTION BY: _____ SECOND BY: _____

ADOPT

	FIFAREK	JONES	KLITZKE	NELSON	NUTTER	PLEMEL	POHLMANN	ROBINSON	STEGEMAN
AYES									
NAYS									



City of Menominee
City Council
Agenda Item

TITLE: MERS Pension Request from the Housing Commission

Requesting Agency: Menominee Housing Commission	Meeting Date: June 15, 2020
---	-----------------------------

Contact: Tony Graff / Kathy Brofka	Public Hearing:
------------------------------------	-----------------

Phone: 863-1747	
-----------------	--

Attachments:	
--------------	--

PURPOSE:

The Menominee Housing Commission has requested to create a new separate division within the City's MERS Pension Plan.

BACKGROUND:

The Housing Commission employees were included in the payroll for the City until April 2020. The Housing Commission now processes their own payroll. The full-time employees are included in the City's MERS Non-union Division 10. The Housing Commission reimburses the City for the payroll and fringes for their employees.

The Housing Commission's Retirement System Report (Form 5572) reported the MERS pension as underfunded at 58.5%. Menominee Housing must prepare a corrective action plan to increase their funding ratio. By separating the Housing Commission employees any additional payment made can be applied only to lowering the Housing's accrued pension liability.

BUDGET IMPACT:

With an effective date of 09/01/2020, the MERS expense for the City would be impacted. The rate for MERS eligible employees (except the union employees) would be expected to be 21.88%. With the separate division, the new blended rate would be 16.76%, a decrease of 5.12%.

STAFF RECOMMENDATION / ACTION REQUESTED:

The staff recommends that the Finance Committee recommend to City Council to approve a separate division within the City of Menominee MERS for the Menominee Housing Commission effective September 1, 2020. This division would be closed to any new members. All new Housing Commission employees will receive the same benefits as new City employees.

COMMITTEE RECOMMENDATION / ACTION REQUESTED:

At a June 9, 2020 meeting, the Finance Committee recommended to City Council to approve a separate division within the City of Menominee MERS for the Menominee Housing Commission effective September 1, 2020.

Defined Benefit Plan Adoption Agreement



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

The Employer, a participating municipality or participating court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with the MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

I. Employer Name City of Menominee **Municipality #:** 5501

If new to MERS, please provide your municipality's fiscal year: _____ through _____.
Month Month

II. Effective Date

Check one:

A. ☐ If this is the **initial** Adoption Agreement for this group, the effective date shall be the first day of _____, 20____.

☐ This municipality or division is new to MERS, so vesting credit prior to the **initial** MERS effective date by each eligible employee shall be credited as follows (choose one):

- ☐ All prior service from date of hire
- ☐ Prior service proportional to assets transferred; all service used for vesting
- ☐ Prior service and vesting service proportional to assets transferred
- ☐ No prior service but grant vesting credit
- ☐ No prior service or vesting credit

☐ Link this new division to division number _____ for purposes of determining contributions (Unless otherwise specified, the standard transfer/rehire rules apply)

B. ☐ If this is an **amendment** of an existing Adoption Agreement (Defined Benefit division number _____), the effective date shall be the first day of _____, 20____. *Please note:* You only need to mark **changes** to your plan throughout the remainder of this Agreement.

C. ☐ If this is a **temporary benefit** that lasts 2-6 months, the effective dates of this temporary benefit are from ___/01/___ through ___/___/___ for Defined Benefit division number _____.
Last day of month
Please note: You only need to mark **changes** to your plan throughout the remainder of this Agreement.

D. ☒ If this is to **separate employees from an existing Defined Benefit division** (existing division number(s) 10 _____) into a new division, the effective date shall be the first day of September, 2020.

E. ☐ If this is to merge division(s) _____ into division(s) _____, the effective date shall be the first of _____, 20____.

Defined Benefit Plan Adoption Agreement

III. Eligible Employees

Only those Employees eligible for MERS membership may participate in the MERS Defined Benefit Plan. The following groups of employees are eligible to participate:

Housing Commission

(Name of Defined Benefit division – e.g. All Full Time Employees, or General after 7/01/13)

☐ Only retirees will be in this division.

These employees are (check one or both):

☐ In a collective bargaining unit (attach cover page, retirement section, signature page)

☐ Subject to the same personnel policy

To receive one month of service credit (check one):

☐ An employee shall work 10 _____ hour days.

☐ An employee shall work _____ hours in a month.

All employees as classified under eligible employees, whether full or part time, who meet this criteria must be reported to MERS. If you change your current day of work definition to be more restrictive, the new definition only applies to employees hired after the effective date.

To further define eligibility, check all that apply:

☐ **Probationary Periods** are allowed in one-month increments, no longer than 12 months. During this introductory period, the Employer will not report or provide service time for this period, including retroactively. Service will begin after the probationary period has been satisfied.

The probationary period will be _____ month(s).

☐ **Temporary employees** in a position normally requiring less than a total of 12 whole months of work in the position may be *excluded* from membership. These employees must be notified in writing by the participating municipality that they are excluded from membership within 10 business days of date of hire or execution of this Agreement.

The temporary exclusion period will be _____ month(s).

IV. Provisions

Valuation Date: March 2, 2020

1. Review the valuation results

It is recommended that your MERS representative presents and explains the valuation results to your municipality before adopting. Please choose one:

☐ Our MERS representative presented and explained the valuation results to the

_____ on _____.
(Board, Finance Cmte, etc.) (mm/dd/yyyy)

☐ As an authorized representative of this municipality, I _____
(Name)

_____ waive the right for a presentation of the results.
(Title)

Defined Benefit Plan Adoption Agreement

This Adoption Agreement will be implemented in conjunction with a current actuarial valuation certified by a MERS actuary that sets contribution rates.

Annually, the MERS actuary will conduct an actuarial valuation to determine the employers' contribution rates. Employers are responsible for payment of said contributions at the rate, in the form and at the time that MERS determines.

2. Benefit Multiplier (1%-2.5%, increments of 0.05%) 2.5 % (max 80% for multipliers over 2.25%)

☐ Check here if multiplier will be effective for existing active members' future service only (Bridged Benefit as of effective date on page 1)

If checked, select one below:

- ☐ Termination Final Average Compensation (calculated over the members entire wage history)
- ☐ Frozen Final Average Compensation (FAC is calculated twice, once for the timeframe that matches the original multiplier, and once for the new multiplier)

3. Final Average Compensation (Min 3 yr, increments of 1 yr) 5 years
4. Vesting (5 -10 yrs, increments of 1 yr) 6 years
5. Normal Retirement Age will be the later of: 60 (any age from 60-70), or the vesting provision selected above (#4).
6. Required employee contribution (Increments of 0.01%) 0 %
7. Compensation for the Defined Benefit Plan means the salary or wages paid to an employee for personal services rendered while a member of MERS. Compensation and any applicable employee contributions must be reported to MERS on a monthly basis.

Employers shall define compensation using the following options (choose one):

- ☐ Compensation including all items as allowed in the MERS Plan Document (Section 14).

If anything varies, specify here:

Included: _____

Excluded: _____

- ☐ Base wages only.

If any items should be included, specify here:

Included: _____

- ☐ Medicare taxable wages as reported on W2.
- ☐ Wages plus amounts otherwise not reported as gross compensation, such as elected amounts for Section 125(a) or 457(b) deferrals.

Defined Benefit Plan Adoption Agreement

8. Unreduced Early Retirement/Service Requirements:

<input type="checkbox"/> Age 50 – 54 _____ Service between 25 and 30 years _____
<input type="checkbox"/> Age 55 – 65 _____ Service between 15 and 30 years _____
<input type="checkbox"/> Service only (must be any number from 20 – 30 years accrued service): _____
<input type="checkbox"/> Age + Service Points (total must be from 70 – 90): _____ points

9. Other

- ☐ Surviving Spouse will receive _____% of Straight Life benefit without a reduction to the employee's benefit
- ☐ Duty death or disability enhancement (add up to additional 10 years of service credit not to exceed 30 years of service)
- ☐ Deferred Retirement Option Program (DROP)
- ☐ Annuity Withdrawal Program (AWP)
 - Calculation of the actuarial equivalent of the lump sum distribution made under AWP will be done using:
 - ☐ Interest rate for employee contributions as determined by the Retirement Board, or
 - ☐ MERS' assumed rate of return as of the date of the distribution.

10. Cost-of-Living Adjustment

<input type="checkbox"/> All current retirees as of effective date <input type="checkbox"/> Retirees who retire between ____/01/____ and ____/01/____	<input type="checkbox"/> Future retirees who retire after effective date
Increase of ____% or \$____ per month	Increase of ____% or \$____ per month
Select one: <input type="checkbox"/> Annual automatic increase <input type="checkbox"/> One-time increase	<input type="checkbox"/> Annual automatic increase
Select one: <input type="checkbox"/> Compounding <input type="checkbox"/> Non-compounding	Select one: <input type="checkbox"/> Compounding <input type="checkbox"/> Non-compounding
Employees must be retired ____ months (6-12 months, increments of 1 month)	Employees must be retired ____ months (6-12 months, increments of 1 month)

- ☐ Check here if the existing COLA will be bridged for active participants as of the effective date selected on this form. Benefits accrued for service after the effective date will have no COLA increase applied.

Defined Benefit Plan Adoption Agreement

11. Service Credit Purchase Estimates are:

- ☐ Not permitted
- ☒ Permitted

V. Appointing MERS as the Plan Administrator

The Employer hereby agrees to the provisions of this *MERS Defined Benefit Plan Adoption Agreement* and appoints MERS as the Plan Administrator pursuant to the terms and conditions of the Plan. The Employer also agrees that in the event of any conflict between the MERS Plan Document and the MERS Defined Benefit Plan Adoption Agreement, the provisions of the Plan Document control.

VI. Modification Of The Terms Of The Adoption Agreement

If the Employer desires to amend any of its elections contained in this Adoption Agreement, including attachments, the Governing Body or Chief Judge, by resolution or official action accepted by MERS, must adopt a new Adoption Agreement. The amendment of the new Agreement is not effective until approved by MERS.

VII. Enforcement

1. The Employer acknowledges that the Michigan Constitution of 1963, Article 9, Section 24, provides that accrued financial benefits arising under a public Employer's retirement plan are a contractual obligation of the Employer that may not be diminished or impaired, and prohibits the use of the Employer's required current service funding to finance unfunded accrued liabilities.
2. The Employer agrees that, pursuant to the Michigan Constitution, its obligations to pay required contributions are contractual obligations to its employees and to MERS and may be enforced in a court of competent jurisdiction;
3. In accordance with the Constitution and this Agreement, if at any time the balance standing to the Employer's credit in the reserve for employer contributions and benefit payments is insufficient to pay all service benefits due and payable to the entity's retirees and beneficiaries, the Employer agrees and covenants to promptly remit to MERS the amount of such deficiency as determined by the Retirement Board within thirty (30) days notice of such deficiency.
4. The Employer acknowledges that wage and service reports are due monthly, and the employee contributions (if any) and Employer contributions are due and payable monthly, and must be submitted in accordance with the MERS Enforcement Procedure for Prompt Reporting and Payment, the terms of which are incorporated herein by reference.
5. Should the Employer fail to make its required contribution(s) when due, the retirement benefits due and payable by MERS on behalf of the entity to its retirees and beneficiaries may be suspended until the delinquent payment is received by MERS. MERS may implement any applicable interest charges and penalties pursuant to the MERS Enforcement Procedure for Prompt Reporting and Payment and Plan Document Section 79, and take any appropriate legal action, including but not limited to filing a lawsuit and reporting the entity to the Treasurer of the State of Michigan in accordance with MCL 141.1544(d), Section 44 of PA 436 of 2012, as may be amended.
6. The Employer acknowledges that changes to the Employer's MERS Defined Benefit Plan must be made in accordance with the MERS Plan Document and applicable law, and agrees that MERS will not administer any such changes unless the MERS Plan Document and applicable law permit same, and MERS is capable of administering same.

Defined Benefit Plan Adoption Agreement

VIII. Execution

Authorized Designee of Governing Body of Municipality or Chief Judge of Court

The foregoing Adoption Agreement is hereby approved by _____ on
the ____ day of _____, 20____. (Name of Approving Employer)

Authorized signature: _____

Title: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20____ Signature: _____
(Authorized MERS Signatory)



Municipal Employees' Retirement System of Michigan
1134 Municipal Way • Lansing, MI 48917
800.767.MERS (6377) • Fax: 517.703.9717
www.mersofmich.com

Customer Contact Form

This form is for new Customers to ensure communications are sent to the appropriate staff in your organization.

Please print • Keep a copy for your own records

1. Municipality identification

Municipality name*

County*

2. Address information

Primary address

Name of location*

Street*

P.O. Box

City*

State

Zip*

Alternate address (if applicable)

Name of location

Street

P.O. Box

City

State

Zip

3. Municipal contacts

Primary contact* (one per employer)

Receives Annual Actuarial Valuation, Financial Reports, News Alerts, and other communications

Name*

Position title

E-mail*

Phone (area code and number)*

Fax (area code and number)

Address:*

☐ Primary

☐ Alternate

If applicable, please select the following roles/access:

☐ Authorized Signer

☐ Reporting Portal

☐ Plan Details Access

☐ ePayment

Finance contact (one per employer)

Receives Annual Actuarial Valuation, Financial Reports, News Alerts, Quarterly Statements, Invoices, Financial-specific Communications, and Plan Details Access

☐ Check here if same as Primary Contact

Name*

Position title

E-mail*

Phone (area code and number)*

Fax (area code and number)

Address:*

☐ Primary

☐ Alternate

If applicable, please select the following roles/access:

☐ Authorized Signer

☐ Reporting Portal

☐ Plan Details Access

☐ ePayment

* Required field

Customer Contact Form

3. Municipal contacts – continued

Human Resource contact (one per employer)

Receives Participant-specific Communication, News Alerts, Interest & Valuation Statement.

☐ Check here if same as Primary Contact

Name*	Position title	E-mail*
Phone (area code and number)*	Fax (area code and number)	Address:* <input type="checkbox"/> Primary <input type="checkbox"/> Alternate
If applicable, please select the following roles/access: <input type="checkbox"/> Authorized Signer <input type="checkbox"/> Reporting Portal <input type="checkbox"/> Plan Details Access <input type="checkbox"/> ePayment		

RHFV Investment Contact (one per Retiree Healthcare Funding Vehicle employer)

Applies when RHFV is adopted and the Governing Body has named a specific individual with permission to make investment allocation changes.

☐ Check here if same as Primary Contact

Name*	Position title	E-mail*
Phone (area code and number)*	Fax (area code and number)	Address:* <input type="checkbox"/> Primary <input type="checkbox"/> Alternate
This contact will have access to the Reporting Portal and will make investment changes on behalf of the municipality.		

4. Additional contacts

Use this section to add contacts other than those listed above.

Note: This is limited to Plan Details, Reporting Portal, ePayment, and some Financial Reports

Additional contact 1

Name	E-mail	Phone
Position title		
<input type="checkbox"/> Authorized Signer <input type="checkbox"/> Reporting Portal <input type="checkbox"/> Plan Details Access <input type="checkbox"/> ePayment <input type="checkbox"/> Quarterly Statements <input type="checkbox"/> Annual Actuarial Valuation <input type="checkbox"/> Authorized Contact		

Additional contact 2

Name	E-mail	Phone
Position title		
<input type="checkbox"/> Authorized Signer <input type="checkbox"/> Reporting Portal <input type="checkbox"/> Plan Details Access <input type="checkbox"/> ePayment <input type="checkbox"/> Quarterly Statements <input type="checkbox"/> Annual Actuarial Valuation <input type="checkbox"/> Authorized Contact		

Additional contact 3

Name	E-mail	Phone
Position title		
<input type="checkbox"/> Authorized Signer <input type="checkbox"/> Reporting Portal <input type="checkbox"/> Plan Details Access <input type="checkbox"/> ePayment <input type="checkbox"/> Quarterly Statements <input type="checkbox"/> Annual Actuarial Valuation <input type="checkbox"/> Authorized Contact		

Customer Contact Form

5. Approval

MERS is committed to respecting and protecting the privacy of its members, retirees, beneficiaries, and participating employers. For this reason MERS staff will not give out any information on your employees unless they are on this contact form.

MERS uses all the administrative, procedural, physical, and electronic safeguards required to keep your valuable information safe from foreseeable threats and unauthorized use. MERS is constantly working to update and improve these safeguards to better serve you and provide you with security, now and in the future.

MERS collects only the information necessary to administer the system and its benefits for the exclusive benefit of its members, retirees, beneficiaries and participating employers. We are dedicated to protecting personal information from unauthorized use and take every reasonable precaution to safeguard such information. We recommend that you encourage your employees and retirees to review statements and confirmations for accuracy.

Authorized by (Primary Contact or Chair of Governing Entity must sign)

Date (mm/dd/yyyy)

Submitting this form:

When you have completed this form, please email it to your MERS Regional Manager, or you can mail it to MERS at the following address:

Municipal Employees'
Retirement System of Michigan
1134 Municipal Way
Lansing, MI 48917

Questions? Please contact us at 800.767.6377

COMMITTEE REPORT:

At a June 9, 2020 meeting, the Finance Committee reviewed the Master Schedule of Fees and Charges and they recommend to City Council that Council adopt the following resolution to approve amending certain fees related to Riverside Cemetery and the Water and Wastewater Utilities to become effective on July 1, 2020:

RESOLUTION #2020- A RESOLUTION OF THE COUNCIL OF THE CITY OF MENOMINEE, MICHIGAN AMENDING THE MASTER SCHEDULE OF FEES AND CHARGES.

WHEREAS, the Michigan Constitution provides local governments with the power and authority to adopt resolutions and ordinances relating to its municipal concerns, property, and government, subject to the Constitution and law;

WHEREAS, the City of Menominee is a Michigan Home Rule City, and is permitted by the Michigan Home Rule Cities Act to provide in its charter for the exercise of municipal powers for the management and control of municipal property and for the administration of the municipal government;

WHEREAS, Section 2.11 of the Charter of the City of Menominee establishes that the City of Menominee may legislate by resolution those matters pertaining to the internal affairs or concerns of the City government not otherwise enumerated there;

WHEREAS, various ordinances in the 2013 City of Menominee ordinance codification, effective March 1, 2013, require fees and other charges to be established by resolution of the Council;

WHEREAS, the purpose of this Resolution is to amend the "Schedule of Fees and Charges";

NOW, THEREFORE, be it resolved by the Council of the City of Menominee as follows:

Fee Schedule Riverside Cemetery July 1, 2013 July 1, 2020

<u>Vault Burials:</u>		
Vault Burials - Resident	\$600.00	<u>\$750.00</u>
Vault Burials – Non-Resident	\$1,200.00	<u>\$1,500.00</u>
Saturday & <u>Sunday</u> Burial – Resident	\$1,200.00	<u>\$1,500.00</u>
Saturday & <u>Sunday</u> Burials – Non-Resident	\$2,400.00	<u>\$3,000.00</u>
<u>City Holiday Vault Burials - Resident</u>	\$2,000.00	<u>\$2,000.00</u>
<u>City Holiday Vault Burials – Non-Resident</u>	\$4,000.00	<u>\$4,000.00</u>
Disinterment to leave Riverside	\$1,200.00	<u>\$1,500.00</u>
Disinter/Reinter in Riverside	\$1,800.00	<u>\$2,250.00</u>
<u>Cremation Burials:</u>		
Cremation & infant Burials -Resident	\$200.00	<u>\$350.00</u>
Cremation & infant Burials - Non-Resident	\$400.00	<u>\$700.00</u>
If heater is used-Resident	\$300.00	<u>\$450.00</u>
If heater is used-Non-Resident	\$500.00	<u>\$800.00</u>
Saturday & <u>Sunday</u> Burial – Resident	\$400.00	<u>\$700.00</u>
Saturday & <u>Sunday</u> Burials – Non-Resident.....	\$800.00	<u>\$1,400.00</u>
Saturday & <u>Sunday</u> heater used-Resident	\$500.00	<u>\$800.00</u>
Saturday & <u>Sunday</u> heater is used-Non-Resident	\$900.00	<u>\$1,600.00</u>

<u>City Holiday Cremation Burials - Resident</u>	<u>\$875.00</u>
<u>City Holiday Cremation Burials – Non-Resident</u>	<u>\$1,750.00</u>
<u>City Holiday</u> heater is used-Resident	<u>\$975.00</u>
<u>City Holiday</u> heater is used-Non-Resident	<u>\$1,700.00</u>
Disinterment to leave Riverside	\$400.00 <u>\$600.00</u>
Disinter/Reinter in Riverside	\$600.00 <u>\$800.00</u>
Foundation/Flush Marker Setting:	\$0.35 -sq. inch <u>\$0.40</u> sq. inch
Burial Rights Sales:	
Two grave lot (100sf) – Resident	\$1,100.00
Two grave lot (100sf) – Non-Resident	\$2,200.00
Single grave lot (50sf) – Resident	\$550.00
Single grave lot (50sf) – Non-Resident	\$1,100.00
Baby Unit – Parent Resident	\$138.00
Baby Unit – Parent Non-Resident	\$276.00
Burial Rights Sales: (continued)	
Soldier Lot	No Charge
Tree and Brush Removal	\$5.00 per inch circumference
Transfer of Burial Right Recording	\$50.00
Private Owned Mausoleum:	
Opening & Closing	\$150.00
Vault Storage:	
Winter Season	\$5.00 <u>per day</u>

Water Utility

Cross Connection Fine:	\$100.00
Fire Protection (per Sprinkler Head):	\$0.64
Turn-On:	\$25.00
Turn-Off:	\$25.00
Service Calls:	\$25.00
2" or Smaller Connection Fee:	\$800.00
Service Line Replacement:	50% of Street reconstruction
Broken Meter Replacement	\$120.00
Lawn Meters Installation	\$120.00

Meter Charge:		<u>Outside City</u>	<u>Inside City</u>
5/8"	\$90.75 <u>\$93.47</u>	\$45.38 <u>\$46.74</u>	
3/4"	N/A	\$45.38 <u>\$46.74</u>	
1"	N/A	\$113.44 <u>\$116.84</u>	
1-1/2"	N/A	\$226.88 <u>\$233.69</u>	
2"	N/A	\$363.00 <u>\$373.89</u>	
3"	N/A	\$680.63 <u>\$701.05</u>	
4"	N/A	\$1,134.39 <u>\$1,168.42</u>	

Commodity Charge:

Per 100 cubic feet	\$4.34 <u>\$4.47</u>	\$2.17 <u>\$2.24</u>
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Temporary Water Service:

Meter Charge:

	<u>Inside City</u>
5/8"	\$ 45.38 <u>\$46.74</u>
3/4"	\$ 45.38 <u>\$46.74</u>
1"	\$ 113.44 <u>\$116.84</u>
1-1/2"	\$ 226.88 <u>\$233.69</u>
2"	\$ 363.00 <u>\$373.89</u>
3"	\$ 680.63 <u>\$701.05</u>
4"	\$1,134.39 <u>\$1,168.42</u>

Commodity Charge:

0-50,000 gpd	\$2.25
	<u>\$2.32</u>
50,001-100,000 gpd	\$2.02
	<u>\$2.08</u>
100,001-200,000 gpd	\$1.71
	<u>\$1.76</u>
200,001-500,000 gpd	\$1.37
	<u>\$1.41</u>
500,001-1,000,000 gpd	\$1.02
	<u>\$1.05</u>
Over 1,000,000 gpd	\$.66
	<u>\$.68</u>

Wastewater Utility**Sewer:**

Permit fee	.....	\$15.00
Security Deposit for connecting to City Sewer (refunded after sewer connection inspected by City)	.....	\$200.00

Meter Charge:

	<u>Outside City</u>	<u>Inside City</u>
5/8"	\$88.24 <u>\$90.89</u>	\$ 44.12 <u>\$45.44</u>
3/4"	N/A	\$ 44.12 <u>\$45.44</u>
1"	N/A	\$ 110.30 <u>\$113.61</u>
1-1/2"	N/A	\$ 220.60 <u>\$227.22</u>
2"	N/A	\$ 352.96 <u>\$363.55</u>
3"	N/A	\$ 661.80 <u>\$681.65</u>
4"	N/A	\$1,103.00 <u>\$1,136.09</u>

Commodity Charge:

Per 100 cubic feet	\$5.64 <u>\$5.81</u>	\$2.82 <u>\$2.90</u>
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Temporary Wastewater Service:**Meter Charge:**

5/8"	\$ 44.12 <u>\$45.44</u>
3/4"	\$ 44.12 <u>\$45.44</u>
1"	\$ 110.30 <u>\$113.61</u>
1-1/2"	.....	\$ 220.60 <u>\$227.22</u>
2"	.....	\$ 352.96 <u>\$363.55</u>
3"	.....	\$ 661.80 <u>\$681.65</u>
4"	.....	\$1,103.00 <u>\$1,136.09</u>

Commodity Charge:

0-50,000 gpd	.....	\$2.34 <u>\$2.41</u>
50,001-100,000 gpd	.....	\$2.10 <u>\$2.16</u>
100,001-200,000 gpd	.....	\$1.79 <u>\$1.84</u>
200,001-500,000 gpd	.....	\$1.43 <u>\$1.47</u>
500,001-1,000,000 gpd	.....	\$1.07 <u>\$1.10</u>
Over 1,000,000 gpd	.....	\$ .73 <u>\$.75</u>

COMMITTEE REPORT:

At a June 9, 2020 meeting, the Judicial and Legislative / Personnel and Labor Committee discussed pay adjustments for non-union hourly and salaried employees, and they recommend to City Council that Council approve Personnel Policy Supplement "C" effective July 1, 2020 that reflects a 2.5% increase.

JUDICIAL AND LEGISLATIVE / PERSONNEL AND LABOR COMMITTEE

MOTION BY: _____ SECOND BY: _____

ADOPT

	FIFAREK	JONES	KLITZKE	NELSON	NUTTER	PLEMEL	POHLMANN	ROBINSON	STEGEMAN
AYES									
NAYS									



City of Menominee
City Council
Agenda Item

TITLE: Hourly and Salaried Non-Union Pay Schedule for FY 20/21

Requesting Agency:	Administration	Meeting Date:	June 15, 2020
Contact:	Tony Graff, City Manager Kathy Brofka, Treasurer	Public Hearing:	N/A
Phone:	906-863-1747	Advertising Date:	N/A
		Council District:	All

Attachments: Personnel Policy Supplement "C" Hourly Non-Union Pay Schedule

PURPOSE: To update the Non-Union and Salaried Pay Schedule for Fiscal Year 2020/2021 as reflected within the approved Budget.

BACKGROUND: The approved budget included an increase of 2.5% for Non-Union Hourly and Salaried employees pay schedule. Furthermore, there was an increase for the Part-Time Code Enforcement Officer non-union hourly position (27 hours per week) with no benefits with an hourly rate of \$25.00 per hour. The hourly union employees received a 2.5% increase which is in their collective bargaining agreement (2nd year). There is no increase in the budget for the city manager's position.

BUDGET IMPACT: The increases for non-union hourly and salaried employees is \$19,777.

STAFF RECOMMENDATION / ACTION REQUESTED: The staff is recommending to approve the Personnel Policy Supplement "C" Hourly Non-Union and Salaried Pay Schedule which takes effect on July 1, 2020.

COMMITTEE RECOMMENDATION / ACTION: At a June 9, 2020 meeting, the Judicial and Legislative Personnel and Labor Committee recommended to City Council that Council approve the Personnel Policy Supplement "C" Hourly Non-Union and Salaried Pay Schedule which takes effect on July 1, 2020.

PERSONNEL POLICY SUPPLEMENT "C"
HOURLY NON-UNION PAY SCHEDULE

	2.50%	2.50%
TITLE	7/1/2019 BASE RATE	7/1/2020 BASE RATE
Custodian I (without benefits) = NEW	\$12.13	\$12.43
Custodian II (without benefits)	\$12.37	\$12.68
Custodian (with benefits)	\$11.88	\$12.18
Library Assistant I (without benefits)	\$12.37	\$12.68
Library Assistant I (with benefits)	\$11.88	\$12.18
Library Assistant II (without benefits)	\$12.52	\$12.83
Library Assistant II (with benefits)	\$12.01	\$12.31
Cashier (without benefits)	\$13.30	\$13.63
Cashier (with benefits)	\$12.82	\$13.14
Assistant Cashier	\$15.46	\$15.85
Library Assistant III	\$12.82	\$13.14
Secretary I	\$12.82	\$13.14
Cemetery Secretary	\$12.82	\$13.14
Legal Secretary/Code Enforcement Secretary	\$15.46	\$15.85
Asst. Code Enforcement Officer (without benefits)		\$25.00
Children's Librarian	\$14.63	\$15.00
Secretary II	\$14.63	\$15.00
Legal Secretary	\$15.46	\$15.85
Secretary III	\$15.79	\$16.18
Police Office Supervisor	\$16.74	\$17.16
Head Cashier	\$17.74	\$18.18
Cataloger/Bookkeeper/Systems Admin.	\$16.59	\$17.00
Secretary IV	\$16.59	\$17.00
Secretary V	\$19.48	\$19.97
Data Processing Oper./Payroll Clerk	\$16.15	\$16.55
Engineering Assistant I	\$19.32	\$19.80
Engineering Assistant II	\$20.51	\$21.02
Police Captain	\$31.81	\$32.61
Recreation Director Assistant	\$15.76	\$16.15
Assessor Assistant	\$15.00	\$15.38

**NON-UNION SALARIED NON-DEPARTMENT HEAD
PAY SCHEDULE**

TITLE	7/1/2019	7/1/2020
Accountant	\$45,718.40	\$46,861.36

\$100 Bonus First Pay-Day in January Each Year.

Does not reflect \$.10/\$.10/\$.15 raise for years of service for
Hourly Non-Union employees.

**NON-UNION SALARIED DEPARTMENT HEAD
PAY SCHEDULE**

TITLE	7/1/2019	7/1/2020
Police Chief	\$75,316.80	\$77,209.60
Fire Chief	\$65,936.00	\$67,579.20
Engineer		\$73,819.20
Assessor	\$56,326.40	\$57,740.80
Library Director	\$57,803.20	\$59,238.40
Recreation Director	\$52,936.00	\$54,267.20
Clerk/Treasurer	\$67,288.00	\$68,972.80
Building Inspector	\$51,251.20	\$52,540.80

COMMITTEE REPORT:

At a June 9, 2020 meeting, the Judicial and Legislative / Personnel and Labor Committee discussed the need to update the Property Maintenance Code, and they recommend to City Council that Council schedule a public hearing (to be held June 24, 2020) on the new Section 103-50a of the Code of Ordinances amending the Property Maintenance Code with the 2018 Edition of the International Property Maintenance Code and repeal Ordinance No. 103-50.

JUDICIAL AND LEGISLATIVE / PERSONNEL AND LABOR COMMITTEE

MOTION BY: _____ SECOND BY: _____

ADOPT

	FIFAREK	JONES	KLITZKE	NELSON	NUTTER	PLEMEL	POHLMANN	ROBINSON	STEGEMAN
AYES									
NAYS									



City of Menominee
City Council
Agenda Item

TITLE: Adopt the 2018 Edition International Property Maintenance Code

Requesting Agency:	Administration & Building Dept.	Meeting Date:	June 15, 2018
Contact:	Tony Graff, City Manager Derrick Schultz, Bldg. Insp.	Public Hearing:	June 24, 2020
Phone:	906-863-1747	Advertising Date:	June 17, 2020
		Council District:	All
Attachments:	Ordinance to Adopt Section 103-50a Amending Property Maintenance Code		

PURPOSE: Schedule a Public Hearing to adopt Section 103-50a of Code of Ordinances amending the Property Maintenance Code which will replace the outdated 2009 Edition of the International Property Maintenance with the 2018 Edition of the International Property Maintenance Code and repealing Ordinance No. 103-50.

BACKGROUND: The current 2009 Edition of the International Property Maintenance Code was adopted by the City Code of Ordinance No.103-50. Building Inspector Derrick Schultz realized the current ordinance is outdated and compliance criteria was a lengthy process before enforcement proceedings can begin along with the ability to have the legal authority to clean up yards, structures and condemnation orders. Working with City Attorney Michael Celello the updated 2018 Edition of the International Property Maintenance Code will improve and stream line efficiency for the code enforcement officer for regulating and governing the condition and maintenance of all property, buildings and structures: by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit occupation and use: and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures in the City providing for the issuance of permits and collection of fees.

STAFF RECOMMENDATION / ACTION REQUESTED: City Manager Tony Graff and Building Inspector Derrick Schultz are recommending to schedule a Public Hearing on June 29, 2020 to adopt Section 103-50a of the Code of Ordinances amending the Property Maintenance Code with the 2018 Edition of the International Property Maintenance Code and repealing Ordinance No. 103-50.

COMMITTEE RECOMMENDATION / ACTION: ,At a June 9, 2020 meeting, the Judicial and Legislative / Personnel and Labor Committee recommended to City Council that Council schedule a public hearing (to be held June 24, 2020) on the new Section 103-50a of the Code of Ordinances amending the Property Maintenance Code with the 2018 Edition of the International Property Maintenance Code and repeal Ordinance No. 103-50.

ORDINANCE NO. 103-50a

CITY OF MENOMINEE, MICHIGAN

ORDINANCE TO ADOPT SECTION 103-50a OF THE CODE OF ORDINANCES
OF THE CITY OF MENOMINEE, MICHIGAN, AMENDING
THE PROPERTY MAINTENANCE CODE

Sec. 2.11 (7), of the Code of Ordinances of the City of Menominee, Michigan (Code or Ordinances), requires action by the City of Council in the form of an ordinance if the action amends or repeals any ordinance previously adopted.

An ordinance of the City of Menominee, Michigan, adopting the 2018 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Menominee, Michigan providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. 103-50 of the City of Menominee.

The City Council of the City of Menominee, Michigan, does ordain as follows:

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Menominee, Michigan, being marked and designated as the *International Property Maintenance Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Menominee, in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Building Inspector for the City of Menominee are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 103-51.

That Ordinance No. 103-50 of the City of Menominee be repealed by definite mention and all other ordinances or parts of laws in conflict herewith are hereby repealed.

That the City Clerk is hereby ordered and directed to cause a summary of this legislation to be published.

That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

COMMITTEE REPORT:

At a June 9, 2020 meeting, the Public Safety/Public Works Committee discussed the proposed 48th Avenue reconstruction project and they recommend to City Council that Council adopt the following resolution:

RESOLUTION 2020-

RESOLVED, that the City of Menominee, Michigan does hereby accept the terms of Contract No. 20-5232 hot mix asphalt base crushing, shaping, and resurfacing work along 48th Avenue (No. 2 Road) from County Road 577 to 13th Street; including permanent pavement marking work; and all together with necessary related work; as received by the Michigan Department of Transportation and that the City of Menominee does hereby specifically agree, but not by way of limitation, as follows:

1. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Contract.
2. To authorize Anton Graff, City Manager, and Kathleen A. Brofka, City Clerk/Treasurer, to sign the contract.
3. To authorize Anton Graff, City Manager to be the local Authorized Representative to sign documents in behalf of the City of Menominee, Michigan.
4. To comply with any and all terms of said Contract including all terms not specifically set forth in the foregoing portions of this Resolution.

PUBLIC SAFETY/PUBLIC WORKS COMMITTEE

MOTION BY: _____ SECOND BY: _____

ADOPT

	FIFAREK	JONES	KLITZKE	NELSON	NUTTER	PLEMEL	POHLMANN	ROBINSON	STEGEMAN
AYES									
NAYS									



City of Menominee
City Council
Agenda Item

TITLE: 48th Avenue MDOT Agreement

Requesting Agency:	City Engineer's Office	Meeting Date:	June 15, 2020
Contact:	Tricia Alwin, City Engineer/DPW Director	Public Hearing:	N/A
Phone:	906-863-1751	Advertising Date:	N/A
		Council District:	4
Attachments:	MDOT Agreement 48 th Avenue Project Engineer's Opinion of Costs		

PURPOSE:

The MDOT Agreement for the 48th Avenue project with the Small Urban Planning grant joint project with the City of Menominee and Menominee County.

BACKGROUND:

This project was identified working together with County of Menominee and the City of Menominee as a Small Urban Planning (SUP) and Construction project for road and utility improvements with an estimate of \$640,000.00. The SUP program provides \$375,000.00 Grant, the city's costs is \$36,000 Water & \$115,000 City Road Improvement and \$115,000 County Road Improvement. A joint agreement will be created for the City and County to authorize which will be presented at later for approval.

The MDOT agreement was reviewed by City Attorney Michael Celello.

BUDGET IMPACT:

This project was included in the Capital Improvement Plan for FY 20/21 with the estimate of \$640,000.

STAFF RECOMMENDATION / ACTION REQUESTED:

City Engineer Tricia Alwin recommends to approve the MDOT Agreement and authorize the City Manager to execute the agreement.

COMMITTEE RECOMMENDATION / ACTION:

At a June 9, 2020 meeting, the Public Safety/Public Works Committee recommend to City Council that Council adopt the resolution agreeing to the terms of the MDOT Agreement.

STP

DA

Control Section	STUL 55428
Job Number	132927CON
Project	20A0(715)
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	20-5232

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF MENOMINEE, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in the City of Menominee, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated April 27, 2020, attached hereto and made a part hereof:

Hot mix asphalt base crushing, shaping, and resurfacing work along 48th Avenue (No. 2 Road) from County Road 577 to 13th Street; including permanent pavement marking work; and all together with necessary related work.

WITNESSETH:

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

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

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

SURFACE TRANSPORTATION PROGRAM

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

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

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

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

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

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

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has informed the DEPARTMENT that it adopted new administrative rules (R 325.10101, et. seq.) which prohibit any governmental agency from connecting and/or reconnecting lead and/or galvanized service lines to existing and/or new water main. Questions regarding these administrative rules should be directed to EGLE. The cost associated with replacement of any lead and/or galvanized service lines, including but not limited to contractor claims, will be the sole responsibility of the REQUESTING PARTY.

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

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

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

A. Design or cause to be designed the plans for the PROJECT.

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

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

5. The PROJECT COST shall be met in part by contributions by the Federal Government. Federal Surface Transportation Funds shall be applied to the eligible items of the PROJECT COST up to the lesser of: (1) \$375,000.00 or (2) an amount such that 81.85 percent, the normal Federal participation ratio for such funds, is not exceeded at the time of the award of the construction contract. The balance of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

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

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

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

7. At such time as traffic volumes and safety requirements warrant, the REQUESTING PARTY will cause to be enacted and enforced such ordinances as may be necessary to prohibit parking in the traveled roadway throughout the limits of the PROJECT.

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

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

Buy America Requirements (23 CFR 635.410) shall apply to the PROJECT and will be adhere to, as applicable, by the parties hereto.

9. The REQUESTING PARTY certifies that a) it is a person under the Natural Resources and Environmental Protection Act, MCL 324.20101 et seq., as amended, (NREPA) and is not aware of and has no reason to believe that the property is a facility as defined in the NREPA; b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

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

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

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the

DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

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

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

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

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

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

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

16. Each party to this contract will remain responsible for any and all claims arising out of its own acts and/or omissions during the performance of the contract, as provided by this contract or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This contract is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this contract.

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

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

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.
- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

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

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as written below.

CITY OF MENOMINEE

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
Department Director MDOT

By _____
Title:



April 27, 2020

EXHIBIT I

CONTROL SECTION	STUL 55428
JOB NUMBER	132927CON
PROJECT	20A0(715)

ESTIMATED COST

CONTRACTED WORK

Estimated Cost	\$646,000
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COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$646,000
Less Federal Funds*	<u>\$375,000</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$271,000

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

NO DEPOSIT

Engineer's Opinion of Costs

Project Number: 190139
Estimate Number: 1: 48th Avenue
Project Type: Miscellaneous
Location: 48th Avenue
 CR 577 to 13th Street
Description: Crush and Shape

Project Engineer: alo
Date Created: 1/8/2020
Date Edited: 1/8/2020
Fed/State #:
Fed Item:
Control Section:

Line	Pay Item	Description	Quantity	Units	Unit Price	Total
Category: 0001 County						
0001	1500001	Mobilization, Max	1.000	LSUM	\$27,200.00	\$27,200.00
0002	2050010	Embankment, CIP	200.000	Cyd	\$5.08	\$1,016.00
0003	2050016	Excavation, Earth	200.000	Cyd	\$7.11	\$1,422.00
0004	3050002	HMA Base Crushing and Shaping	14,550.000	Syd	\$1.35	\$19,642.50
0005	3070025	Approach, CI II, 3 inch	450.000	Syd	\$3.79	\$1,705.50
0006	3070125	Shoulder, CI II, 3 inch	2,500.000	Syd	\$3.57	\$8,925.00
0007	5010061	HMA Approach	90.000	Ton	\$115.80	\$10,422.00
0008	5010703	HMA, LVSP	2,500.000	Ton	\$85.00	\$212,500.00
0009	8110114	Pavt Mrkg, Polyurea, 24 inch, Stop Bar	60.000	Ft	\$8.69	\$521.40
0010	8110232	Pavt Mrkg, Waterborne, 4 inch, Yellow	10,880.000	Ft	\$0.05	\$544.00
0011	8110233	Pavt Mrkg, Waterborne, 6 inch, White	10,880.000	Ft	\$0.07	\$761.60
0012	8120130	Lighted Arrow, Type B, Furn	2.000	Ea	\$369.65	\$739.30
0013	8120131	Lighted Arrow, Type B, Oper	2.000	Ea	\$47.91	\$95.82
0014	8120170	Minor Traf Devices	1.000	LSUM	\$5,000.00	\$5,000.00
0015	8120250	Plastic Drum, High Intensity, Furn	50.000	Ea	\$20.17	\$1,008.50
0016	8120251	Plastic Drum, High Intensity, Oper	50.000	Ea	\$7.68	\$384.00
0017	8120310	Sign Cover	5.000	Ea	\$31.50	\$157.50
0018	8120350	Sign, Type B, Temp, Prismatic, Furn	350.000	Sft	\$4.56	\$1,596.00
0019	8120370	Traf Regulator Control	1.000	LSUM	\$5,000.00	\$5,000.00
0020	8160100	Slope Restoration, Type A	500.000	Syd	\$1.50	\$750.00
Category 0001 Total:						\$299,391.12

Line	Pay Item	Description	Quantity	Units	Unit Price	Total
Category: 0002 City						
0021	1500001	Mobilization, Max	1.000	LSUM	\$30,900.00	\$30,900.00
0022	2040020	Curb and Gutter, Rem	220.000	Ft	\$8.16	\$1,795.20
0023	2040050	Pavt, Rem	640.000	Syd	\$7.80	\$4,992.00
0024	2050010	Embankment, CIP	200.000	Cyd	\$5.08	\$1,016.00
0025	2050016	Excavation, Earth	200.000	Cyd	\$7.11	\$1,422.00
0026	2080020	Erosion Control, Inlet Protection, Fabric Drop	8.000	Ea	\$92.60	\$740.80
0027	3020020	Aggregate Base, 8 inch	650.000	Syd	\$9.17	\$5,960.50
0028	3050002	HMA Base Crushing and Shaping	13,600.000	Syd	\$1.35	\$18,360.00
0029	3070025	Approach, CI II, 3 inch	225.000	Syd	\$3.79	\$852.75
0030	3070125	Shoulder, CI II, 3 inch	1,200.000	Syd	\$3.57	\$4,284.00
0031	4030005	Dr Structure Cover, Adj, Case 1	8.000	Ea	\$524.59	\$4,196.72
0032	5010061	HMA Approach	155.000	Ton	\$115.80	\$17,949.00
0033	5010703	HMA, LVSP	2,350.000	Ton	\$85.00	\$199,750.00
0034	8020021	Curb and Gutter, Conc, Det C2	220.000	Ft	\$27.02	\$5,944.40
0035	8110100	Pavt Mrkg, Polyurea, Bike	4.000	Ea	\$130.00	\$520.00
0036	8110106	Pavt Mrkg, Polyurea, Directional Arrow Symbol, Bike	4.000	Ea	\$120.00	\$480.00
0037	8110114	Pavt Mrkg, Polyurea, 24 inch, Stop Bar	160.000	Ft	\$8.69	\$1,390.40
0038	8110232	Pavt Mrkg, Waterborne, 4 inch, Yellow	8,030.000	Ft	\$0.05	\$401.50
0039	8110233	Pavt Mrkg, Waterborne, 6 inch, White	8,030.000	Ft	\$0.07	\$562.10
0040	8120130	Lighted Arrow, Type B, Furn	2.000	Ea	\$369.65	\$739.30
0041	8120131	Lighted Arrow, Type B, Oper	2.000	Ea	\$47.91	\$95.82
0042	8120170	Minor Traf Devices	1.000	LSUM	\$5,000.00	\$5,000.00
0043	8120250	Plastic Drum, High Intensity, Furn	50.000	Ea	\$20.17	\$1,008.50
0044	8120251	Plastic Drum, High Intensity, Oper	50.000	Ea	\$7.68	\$384.00
0045	8120310	Sign Cover	5.000	Ea	\$31.50	\$157.50
0046	8120350	Sign, Type B, Temp, Prismatic, Furn	350.000	Sft	\$4.56	\$1,596.00
0047	8120370	Traf Regulator Control	1.000	LSUM	\$5,000.00	\$5,000.00
0048	8160100	Slope Restoration, Type A	500.000	Syd	\$1.50	\$750.00
0049	8230051	Gate Valve and Box, 6 inch	1.000	Ea	\$1,249.50	\$1,249.50
0050	8230151	Water Main, DI, 6 inch, Tr Det G	200.000	Ft	\$90.13	\$18,026.00

Line	Pay Item	Description	Quantity	Units	Unit Price	Total
0051	8230245	Water Serv, Long	2.000	Ea	\$2,409.61	\$4,819.22
Category 0002 Total: \$340,343.21						

Line	Pay Item	Description	Quantity	Units	Unit Price	Total
						Estimate Total: \$639,734.33

NOTICE OF AWARD

Date of Issuance: June 8, 2020

Owner: The City of Menominee
Engineer: Coleman Engineering Company
Project: 34th Avenue, 32nd Avenue & 23rd Street Reconstruction Plan
Contract Name: 34th Avenue, 32nd Avenue & 23rd Street Reconstruction Plan
Bidder: Barley Trucking & Excavating, Inc.
Bidder's Address: Barley Trucking & Excavating, Inc.

Owner's Contract No.:

Engineer's Project No.: 190678

TO BIDDER:

You are notified that Owner has accepted your Bid dated June 2, 2020 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for the 34th Avenue, 32nd Avenue & 23rd Street Reconstruction project.

The Contract Price of the awarded Contract is: Three Hundred Eighty-Three Thousand Eight Hundred Sixty-One Dollars and 37/100 (\$383,861.37)

No unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

☒ a set of the Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of this Notice of Award:

1. Deliver to Owner three (3) counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security *[e.g., performance and payment bonds]* and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any): N/A

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner: The City of Menominee

Authorized Signature

By:

Title:

Copy: Engineer



COLEMAN ENGINEERING COMPANY
CIVIL ENGINEERING • ENVIRONMENTAL ENGINEERING • GEOTECHNICAL ENGINEERING • SURVEYING

635 CIRCLE DRIVE • IRON MOUNTAIN, MI 49801 • PHONE: 906-774-3440

June 8, 2020

Mr. Tony Graff
City Manager
City of Menominee
2511 N. 10th Street
Menominee, MI 49858

Re: 34th Avenue, 32nd Avenue, and 23rd Street Project

Dear Mr. Graff:

We have reviewed the only received bid on June 2, 2020 for the above referenced project. We have prepared a bid tabulation (attached) and verified that all of the required forms for bidding were submitted.

The apparent low bid was received from Barley Trucking and Excavating, Inc. in the amount of \$383,861.37 for the work as specified in the Contract Documents. If the City accepts the bid of Barley Trucking and Excavating, Inc., we recommend the award be made in the amount of \$383,861.37.

We have prepared three copies of the Notice of Award to Barley Trucking and Excavating, Inc., in anticipation of your award. There are requirements listed on the Notice of Award that Barley Trucking and Excavating, Inc. will need to fulfill prior to completion of the award process. These requirements include providing bonds and insurance certificates.

If you decide to make the award to Barley Trucking and Excavating, Inc., please sign all three copies of the Notice of Award and return them to Coleman Engineering Company. We will distribute the executed documents to the Contractor along with other required contractual items. When the contract is complete, we will provide you with a fully executed set of Contract Documents. Please be aware this analysis is not binding on City of Menominee and we can change the award as you direct.

Please contact me if you have any questions or require additional information.

Sincerely,
COLEMAN ENGINEERING COMPANY


Scott Nowack, P.E.
Project Manager

SN/grp

Attachments

BID TABULATION - City of Menominee
34th Avenue, 32nd Avenue & 23rd Street Reconstruction Plan
EC-190678

**Barley Trucking &
Excavating, Inc.**

Item	Description	Unit	Qty.	Unit Price	Total
1	Mobilization, Max. (5%)	Lump Sum	1	\$ 8,423.51	\$ 8,423.51
2	6-inch Water Main	Foot	45	\$ 53.87	\$ 2,424.15
3	8 inch Water Main	Foot	1,315	\$ 58.15	\$ 76,467.25
4	8-inch Gate Valve and Box	Each	1	\$ 1,825.06	\$ 1,825.06
5	8-inch 45 Degree Bend	Each	8	\$ 292.84	\$ 2,342.72
6	8-inch x 6-inch Tee	Each	2	\$ 470.46	\$ 940.92
7	1-inch Corporation Stop	Each	13	\$ 206.54	\$ 2,685.02
8	1-inch Curb Stop	Each	1	\$ 271.08	\$ 271.08
9	Replace 1-inch Curb Box and Rod	Each	13	\$ 422.73	\$ 5,495.49
10	1-inch Type K Copper Water Service	Foot	175	\$ 31.54	\$ 5,519.50
11	Connect to Existing Water Main	Each	2	\$ 2,234.47	\$ 4,468.94
12	Fire Hydrant Assembly	Each	2	\$ 6,153.71	\$ 12,307.42
13	Connect to Existing Sanitary Sewer Lateral	Each	3	\$ 137.15	\$ 411.45
14	Replace Sanitary Sewer Wye	Each	3	\$ 5,007.42	\$ 15,022.26
15	Concrete End Section, 12 inch	Each	4	\$ 849.18	\$ 3,396.72
16	Sewer, CI E, 12-inch, Tr Det B	Foot	740	\$ 30.81	\$ 22,799.40
17	Dr Structure and Cover, 24-inch Dia.	Each	2	\$ 1,545.02	\$ 3,090.04
18	Dr Structure and Cover, 48-inch Dia.	Each	6	\$ 2,043.80	\$ 12,262.80
19	Dr Structure and Cover, 60-inch Dia.	Each	2	\$ 3,243.49	\$ 6,486.98
20	Curb and Gutter, Rem	Foot	169	\$ 3.02	\$ 510.38
21	HMA Surface, Rem	Square Yard	3,778	\$ 1.50	\$ 5,667.00
22	Sidewalk, Rem	Square Yard	20	\$ 3.62	\$ 72.40
23	Pavt, Rem	Square Yard	138	\$ 3.80	\$ 524.40
24	Aggregate Base, 8-inch	Square Yard	4,696	\$ 5.67	\$ 26,626.32
25	HMA, LVSP	Ton	647	\$ 116.61	\$ 75,446.67
26	Curb and Gutter, Conc, Det C2	Foot	169	\$ 42.45	\$ 7,174.05
27	Sidewalk, Conc, 4-inch	Square Foot	162	\$ 12.74	\$ 2,063.88
28	Shoulder, CI II, 4-inch	Square Yard	612	\$ 4.92	\$ 3,011.04
29	Approach CI I, 6-inch	Square Yard	356	\$ 5.45	\$ 1,940.20
30	Earthwork	Lump Sum	1	\$ 14,940.67	\$ 14,940.67
31	8-inch HDPE Culvert Pipe	Foot	17	\$ 36.11	\$ 613.87
32	Culv End Sect, Metal, 8-inch	Each	2	\$ 199.39	\$ 398.78
33	Culv End Sect, Conc, 12-inch	Each	4	\$ 849.18	\$ 3,396.72
34	Monument Preservation	Each	4	\$ 181.15	\$ 724.60
35	Mulch Blanket	Square Yard	2,653	\$ 2.96	\$ 7,852.88
36	Lawn Restoration, (Est. 3,025 SYD)	Lump Sum	1	\$ 13,713.37	\$ 13,713.37
37	Special Backfill	Cubic Yard	500	\$ 24.00	\$ 12,000.00
38	Stone Refill (MDOT 6A)	Cubic Yard	500	\$ 30.00	\$ 15,000.00
39	Erosion Control	Lump Sum	1	\$ 3,343.43	\$ 3,343.43
40	Utility Exploration	Each	4	\$ 550.00	\$ 2,200.00
				TOTAL	\$ 383,861.37

COMMITTEE REPORT:

At a June 9, 2020 meeting, the Public Safety / Public Works Committee discussed the Ver-Tech, Inc., M-60 cardboard baler that was used at the Recycling Center and they recommend to City Council that Council declare this piece of equipment surplus property.

PUBLIC SAFETY / PUBLIC WORKS COMMITTEE

MOTION BY: _____ **SECOND BY:** _____

ADOPT

	FIFAREK	JONES	KLITZKE	NELSON	NUTTER	PLEMEL	POHLMANN	ROBINSON	STEGEMAN
AYES									
NAYS									



City of Menominee
City Council
Agenda Item

TITLE: Surplus Property-Cardboard Baler

Requesting Agency: Director of DPW Office

Meeting Date: June 15, 2020

Contact: Tricia Alwin, City Engineer/DPW Director

Public Hearing: N/A

Phone: 906-863-1751

Advertising Date: N/A

Council District: All Districts

Attachments:

PURPOSE:

Request that the Public Works – Public Safety Board approve the sale of surplus equipment – cardboard baler.

BACKGROUND:

March 1, 2020 the City of Menominee began a new solid waste contract with Great American Disposal (GAD) and commenced curbside recycling. The recycling center remained open until May 2, 2020. Since the recycling center closed, the cardboard baler is no longer being used.

SUMMARY:

If a local organization purchases the cardboard baler, the citizens and small businesses in Menominee could still take advantage of recycling their cardboard and the organization could benefit from selling cardboard balers.

BUDGET IMPACT: The sale of the cardboard baler will increase revenue.

STAFF RECOMMENDATION / ACTION REQUESTED:

The Director of DPW recommends that the Public Works – Public Safety Board approve the sale of surplus equipment – cardboard baler.

COMMITTEE RECOMMENDATION / ACTION:

At a June 9, 2020 meeting, the Public Safety / Public Works Committee recommended to City Council that Council declare this piece of equipment surplus property.



City of Menominee
City Council
Agenda Item

TITLE: Upper MI Energy Resources -WPS Utility Easement

Requesting Agency: Administration

Meeting Date: June 15, 2020

Contact: Tony Graff, City Manager

Public Hearing: N/A

Phone: 906-863-1747

Advertising Date: N/A

Council District: Ward 3

Attachments: WPS Utility Easement Agreement with Exhibit A

PURPOSE: This is a request to approve a utility easement at 2511 10th Street with Upper Michigan Energy Resources Corporation.

BACKGROUND: This request involves replacing underground electric cables and above-ground equipment, such as pedestals and transformers located on city owned property at 2511 10th Street on the attached easement.

BUDGET IMPACT: There is no budget impact with this request.

STAFF RECOMMENDATION / ACTION REQUESTED: The City Manager recommends approval of granting the easement.

COMMITTEE RECOMMENDATION / ACTION: At a June 9, 2020 meeting, the Public Safety / Public Works Committee recommended to City Council that Council approve granting a utility easement to Upper Michigan Energy Resources Corporation for the 2511 10th Street work and that the City Manager and City Clerk/Treasurer be authorized to execute such.



Upper Michigan Energy
Resources Corporation
231 W. Michigan St.
Milwaukee, WI 53203

4/16/2020

City of Menominee
2511 10th St
Menominee, MI 49858

Dear Customer:

In an effort to provide improved service and reliability Upper Michigan Energy Resources Corporation is planning on rebuilding the electric facilities on your property at ***2511 10th St in the City of Menominee, County of Menominee, State of Michigan***. This work involves replacing underground electric cables and above-ground equipment, such as pedestals and transformers on your property in locations shown on the attached easement which, when executed, would grant us the right to install and maintain the necessary facilities.

I have enclosed two copies of the easement for your review. The exhibit is only temporary until the final one can be completed. When the final exhibit is complete we will send it along with a copy of the easement for your review. After you review the exhibit, the document will be recorded with the Office of the Register of Deeds. Signing this document will allow WPSC to install facilities on your property in the location described in the easement

*You will note that the documents **require** you to sign them in the presence of a **Notary Public**. Please make the necessary arrangements to meet with a Notary Public in your vicinity and have the Notary sign the documents where indicated. All signatures and blanks filled in must be completed in **BLACK INK** to be accepted by the Register of Deeds for recording.*

Please return one of the documents to me in the pre-paid envelope provided at your earliest convenience. The second document is for your records. Installation cannot be scheduled until the completed document has been received.

Please contact me if you have any questions regarding the easement. Please refer to Work Request **2936097**.

Thank you.

Sincerely,

Michelle Somers - Right of Way Agent
Upper Michigan Energy Resources
(920) 433-1107
Michelle.Somers@wecenergygroup.com

Enclosure

<p>1050270 U MERC Document Number</p>	<p>DISTRIBUTION EASEMENT ELECTRIC UNDERGROUND</p>	<p>RETURN TO: Attn: Real Estate Dept. UMERC PO Box 19001 Green Bay, WI 54307-9912</p>
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For \$1.00 in consideration, the receipt whereof is hereby acknowledged, **City of Menominee** with an address of **2511 10th St, Menominee, MI 49858**, hereinafter referred to as "Grantor", owner of land, grants and warrants to **UPPER MICHIGAN ENERGY RESOURCES CORPORATION**, a Michigan corporation, **231 W. Michigan Street, Milwaukee, Wisconsin 53203**, hereinafter referred to as "Grantee", a permanent easement upon, over and across a part of Grantor's land hereinafter referred to as "easement area."

Part of the Parcel described in Menominee County Register of Deeds Liber 254, page 76, being part of the Northeast Quarter of the Southeast Quarter (NE 1/4-SE 1/4) of Section 34, Township 32 N, Range 27 W, **City of Menominee, County of Menominee, State of Michigan**, as shown on the **attached Exhibit "A"**.

The attached Easement Description Map, marked Exhibit "A," shows the approximate location of said facilities and is made a part of this document.

Grantor and Grantee acknowledge that soil conditions and surface rock encountered during construction may cause alteration and rerouting to the facilities location. The actual location of said facilities will require locating by a utility locating service.

This easement is exempt from the Michigan Real Estate Transfer Tax by reason of MCLA 207.505(a) and MCLA 207.526(6)(a).

ELECTRIC UNDERGROUND

- Purpose** : The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted switch-fuse units, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
- Access**: Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands, over, upon, under, and across existing and future driveways, roadways, paths, walkways or access roads over and across Grantor's land from publicly dedicated roads to the easement area, as necessary to access, place, maintain, operate, replace and repair electrical distribution facilities within the easement area for use with and by Grantee, its employees, agents, contractors, sub-contractors and invitees.
- Buildings or Other Structures**: Grantor agrees that no structures will be erected in the easement area or in such close proximity to the electric facilities as to create a violation of the Michigan State Electrical Code or any amendments to it.

4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until sometime in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

[Remainder of page intentionally left blank]

WITNESS the hand and seal of the Grantor the day and year first above written.

City of Menominee

Corporate Name

Sign Name

Print name & title

Sign Name

Print name & title

STATE OF _____)
COUNTY OF _____)SS

This instrument was acknowledged before me this _____ day of _____, _____, by the above-named _____ **City of Menominee**, to me known to be the Grantor(s) who executed the foregoing instrument on behalf of said Grantor(s) and acknowledged the same

Sign

Name _____

Print Name

Notary Public, State of _____

My Commission expires: _____

This instrument was drafted by Michelle Somers on behalf of Upper Michigan Energy Resources Corporation, a Michigan corporation, 231 W. Michigan Street, Milwaukee, Wisconsin 53203.

Date	County	Municipality	Site Address	Parcel Identification Number
April 13, 2020	Menominee	City of Menominee	2511 10th St	051-032-950-00
Real Estate No.	WPSC District	WR#	WR Type	IFRIS
1050270	Menominee	2936097	EPLAN	EPLAN

COMMITTEE REPORT:

At a June 9, 2020 meeting, the Public Safety/Public Works Committee discussed the Local Bridge Grants to repair the 1st Street (Ogden/Menekaunee) and 26th Street (Hattie Street) Bridges and they recommend to City Council that Council approve the required resolution(s) regarding the Local Bridge grant funding.

PUBLIC SAFETY/PUBLIC WORKS COMMITTEE

MOTION BY: _____ SECOND BY: _____

ADOPT

	FIFAREK	JONES	KLITZKE	NELSON	NUTTER	PLEMEL	POHLMANN	ROBINSON	STEGEMAN
AYES									
NAYS									



City of Menominee
City Council
Agenda Item

TITLE: Bridge Local Bridge Grant Resolution

Requesting Agency:	City Engineer's Office	Meeting Date:	June 15, 2020
Contact:	Tricia Alwin, City Engineer/DPW Director	Public Hearing:	N/A
Phone:	906-863-1751	Advertising Date:	N/A
		Council District:	1 and 2
Attachments:	Resolution; Local Bridge Grant Application		

PURPOSE:

To sign the resolution to accept minimum of 5% of the cost to repair both 1st Street (Ogden-Menekaunee) Bridge and 26th Street (Hattie Street) Bridge prior to additional scouring or slope erosion.

BACKGROUND:

On June 1, 2020 I applied for a Local Bridge Grant on behalf of the City of Menominee in order to cover the majority of the cost to install rip rap on piers 3 and 4 of the 26th Street (Hattie Street) Bridge as well as repair the eroded slope on the northeast side of the 1st Street (Ogden-Menekaunee) Bridge.

SUMMARY:

The estimated cost for the 1st Street (Ogden-Menekaunee) Bridge slope restoration is \$26,000 and for rip rap installation on the 26th Street (Hattie Street) Bridge is \$41,000.

BUDGET IMPACT:

If awarded, the local bridge grant will provide up to 95% of the Preventative Maintenance Cost and the City of Menominee would provide a 5% local match.

STAFF RECOMMENDATION / ACTION REQUESTED:

The recommendation is to sign the resolution and accept 5% of the repair cost to lengthen the life of both the 1st Street (Ogden-Menekaunee) Bridge and 26th Street (Hattie Street) Bridge.

COMMITTEE RECOMMENDATION / ACTION:

At a June 9, 2020 meeting, the Public Safety / Public Works Committee recommended to City Council that Council adopt the required resolution for the Local Bridge Grant for the 1st Street (Ogden-Menekaunee) and 26th Street (Hattie Street) Bridges.

**RESOLUTION TO SEEK PARTICIPATION IN THE LOCAL BRIDGE PROGRAM
AND TO AFFIRM A COMMITMENT TO PROVIDE LOCAL FUNDS FOR THE
1ST STREET OGDEN-MENKAUNEE BRIDGE AND
26TH AVENUE HATTIE STREET BRIDGE
PROJECT**

WHEREAS the Mayor and the City Council are required under provisions of the Local Bridge Program to review, approve, and state they are actively seeking participation in certain bridge rehabilitation projects; and

WHEREAS the staff of the City of Menominee has reviewed the bridge system in Menominee and found that there is a need for repair and preventative maintenance to lengthen the life of the 26th Avenue Hattie Street Bridge and the 1st Street Ogden-Menekaunee Bridge slope; and

WHEREAS the available funds are insufficient to fund the bridge project submitted while still maintaining and upgrading the remainder of the road system.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Menominee City Council hereby seek participation in the Local Bridge Program for the following project and affirm a commitment to provide local funds in the amount of a 5% match in the event the project receives federal and state funding.

PROJECT

Structure Number	Facility Carried / Feature Intersected	Estimated Cost
6880	1 st Street Ogden-Menekaunee Bridge / Menominee River	\$26,000.00
6879	26 th Street Hattie Street Bridge / Menominee River	\$41,000.00
	Total	\$67,000.00

**A RESOLUTION ADOPTING A FINAL PROJECT
PLAN FOR WASTEWATER SYSTEM IMPROVEMENTS or
NPS POLLUTION CONTROL/STORMWATER IMPROVEMENTS AND
DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE**

WHEREAS, the City of Menominee, Michigan recognizes the need to make improvements to its existing wastewater treatment and collection system or its existing NPS pollution control/stormwater treatment system; and

WHEREAS, the City of Menominee, Michigan authorized Coleman Engineering Company, Inc. to prepare a Project Plan, which recommends the construction of sanitary sewer collection system replacement in designated areas; and

WHEREAS, said Project Plan was presented at a Public Hearing held on June 15, 2020 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Menominee, Michigan formally adopts said Project Plan and agrees to implement the selected alternative (Alternative No. 3).

BE IT FURTHER RESOLVED, that the City Manager, a position currently held by Tony Graff, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a revolving fund loan to assist in the implementation of the selected alternative.

**A RESOLUTION
ADOPTING A FINAL PROJECT PLAN
FOR WATER SYSTEM IMPROVEMENTS AND
DESIGNATING AN AUTHORIZED PROJECT
REPRESENTATIVE**

WHEREAS, the City of Menominee, Michigan recognizes the need to make improvements to its existing water treatment and distribution system; and

WHEREAS, the City of Menominee, Michigan authorized Coleman Engineering Company, Inc. to prepare a Project Plan, which recommends the construction of water distribution system replacement and lead service line replacement in designated areas; and

WHEREAS, said Project Plan was presented at a Public Hearing held on June 15, 2020 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Menominee, Michigan formally adopts said Project Plan and agrees to implement the selected alternative (Alternative 3).

BE IT FURTHER RESOLVED, that the City Manager, a position currently held by Tony Graff, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.



City of Menominee
City Council
Agenda Item

TITLE: Election Resolution

Requesting Agency: Executive

Meeting Date: June 15, 2020

Contact: Kathy Brofka

Public Hearing: N/A

Phone: 863-1746

Advertising Date: N/A

Council Ward: All

Attachments: Resolution

PURPOSE:

Resolution that approves the polling location, pay, and number of workers for the Primary Election on Tuesday, August 4, 2020.

BACKGROUND:

City Council adopts a resolution prior to each election that designates Menominee High School as the polling place for all four (4) wards, along with Absent Voter Counting Board and hours that the polls are open.

BUDGET IMPACT:

General Fund account numbers 101-262-702/728/900 have monies budgeted for wages, supplies, and publications.

STAFF RECOMMENDATION / ACTION REQUESTED:

Staff recommends approval by City Council.

SUGGESTED MOTION / ACTION:

To adopt Resolution 2020-00__ approving the polling location, number of and pay for election workers, etc., for the August 4, 2020 Primary Election.

RESOLUTION #2020- Election Resolution

WHEREAS, a Primary Election is scheduled to be held in all four wards of City of Menominee on Tuesday, August 4, 2020; and

WHEREAS, the polling place will be open from 7 a.m. to 8 p.m., Local Time, on said day; and

WHEREAS, that the Election Board shall consist of up to two (2) chairpersons and up to six (6) inspectors for each ward and that the rate of pay be \$14.00 per hour for the chairperson and \$13.00 per hour for inspectors; and

WHEREAS, the Absent Voter Counting Board shall consist of up to two (2) chairpersons and up to six (6) inspectors for all four wards and that the rate of pay be \$14.00 per hour for the chairperson and \$13.00 per hour for inspectors; and

WHEREAS, that all election personnel shall be paid their hourly rate (including travel time) or a \$20 minimum for attending required election training;

NOW, THEREFORE, BE IT RESOLVED, the following location is designated as the polling place for all four wards in the City of Menominee for the City Primary Election to be held Tuesday, August 4, 2020:

Menominee High School Cafeteria
2101-18th Street

/skj