



CITY COMMISSION
MEETING
OCTOBER 7, 2013



PRE-MEETING AGENDA

**ADRIAN CITY COMMISSION
AGENDA
PRE-MEETING STUDY SESSION
MONDAY,
OCTOBER 7, 2013**

The City Commission will meet for a pre-meeting study session on Monday, October 7, 2013 at 5:30 p.m. at the City Chambers at 159 East Maumee Street, Adrian, Michigan.

1. Oil and gas royalties trust discussion.
2. Other items as time permits.



COMMISSION AGENDA

**AGENDA
ADRIAN CITY COMMISSION
OCTOBER 7, 2013
7:00PM**

- I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 16, 2013 REGULAR MEETING OF THE ADRIAN CITY COMMISSION.
- IV. PRESENTATION OF ACCOUNTS
- V. PUBLIC COMMENT ON AGENDA ITEMS
- VI. REGULAR AGENDA
 - A. ORDINANCES
 - 1. **Ord. 13-020.** Introduction of an ordinance to amend the Stormwater ordinance.
 - B. RESOLUTIONS
 - 1. **R13-198. Fire Department.** Resolution to award a bid for the purchase of an Ambulance Cot and related accessories.
 - 2. **R13-199. Assessing.** Resolution to approve the FY2012-13 Auto Parking Fund Financial Plan, and to set a public hearing date to hear and consider comments regarding the proposed Special Assessment District in the Downtown Development District.
 - 3. **R13-200. City Commission.** Resolution to authorize/deny a street/parking closure application from Mandy's Uptown Bar & Grill for November 2, 2013.
 - 4. **R13-201. Administration.** Resolution to approve and accept a declaration of trust for oil and gas royalties and authorize the mayor and city clerk to execute said declaration of trust.
 - 5. **R13-202. Downtown Development.** Resolution to approve the expenditure of DDA funds for a loan for a project at 143 S. Main Street.
- VII. MISCELLANEOUS
 - 1. Adrian Fire Department Report.
 - 2. D.A.R.T. Passenger Ridership Report.
 - 3. Planning Commission Minutes.

VIII. PUBLIC COMMENTS

IX. COMMISSIONER COMMENTS



MINUTES

**MINUTES
ADRIAN CITY COMMISSION
SEPTEMBER 16, 2013
7:00 P.M.**

Official proceedings of the September 16, 2013 regular meeting of the City Commission, Adrian, Michigan.

The regular meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

PRESENT: Mayor DuMars and Commissioners Gallatin, Jacobson, Faulhaber, Berryman Adams, Warren and Carrico.

Mayor DuMars in the Chair.

Commissioner Carrico motioned to approve the minutes from the September 3, 2013 Commission meeting; seconded by Commissioner Jacobson, and the motion was carried by a unanimous vote.

PRESENTATION OF ACCOUNTS

Utility Department Receiving Fund Voucher # 3832 through # 3839	\$127,431.97
General Fund Vouchers # 21656 through # 21667	\$453,634.46
Clearing Account Vouchers amounting to	<u>\$1,006,375.66</u>
TOTAL EXPENDITURES	<u>\$1,587,442.09</u>

On motion by Commissioner Faulhaber, seconded by Commissioner Warren, this resolution was adopted by a unanimous vote.

PUBLIC COMMENT

1. David Thomas – Culvers – asked the Commission for their approval of the street closure that is on the agenda for the Blues and Brews Festival on October 19th.

COMMUNICATIONS

C-1. Finance. – Audited June 30, 2013 revenue and expenditure statement.

REGULAR AGENDA

R13-193

RE: INFORMATION TECHNOLOGY – Microsoft Exchange 2010

WHEREAS, the City of Adrian has used Microsoft Exchange to process email, keep calendars and contacts on the city's network; and

WHEREAS, as an integral part of the business and communications function of the city's information technology system resides in the ability for users throughout the city to rely on Microsoft Exchange; and

WHEREAS, the current server is five years old and is being replaced for reliability purposes; and

WHEREAS, the most effective time to upgrade server email software is during a migration to a new server with the current software being a six year old version; and

WHEREAS, Microsoft server software pricing is standard and does not vary from vendor to vendor.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the purchase of one server license and 159 client access licenses through IT Right of Bath, Michigan in the amount of \$11,729 from the Information Technology Capital Budget, line item 661.290.00-977.000 and that the bid process be waived.

On motion by Commissioner Jacobson, seconded by Commissioner Berryman Adams, this resolution was adopted by a unanimous vote.

R13-194

RE: UTILITIES DEPARTMENT –Operations & Maintenance – Authorization to Purchase Backhoe Loader

WHEREAS the Adrian City Commission by Resolution # 13-030 dated April 15, 2012 adopted the FY 2013-14 Budget and General Appropriations Act, which included \$90,000 to purchase a backhoe loader to replace a 1994 John Deere model backhoe; and

WHEREAS the O&M Superintendent and the Utilities Director secured competitive pricing through the Michigan State Cooperative Purchasing Program (MI-DEAL) for acquisition of a 2013 Caterpillar Model 420FACCOM backhoe from Michigan CAT, Novi, MI for a total cost including trade-in of our 1994 John Deere backhoe of \$88,627.00; and

WHEREAS the Finance Director indicates that sufficient funds are available in the FY2013-14 Water and Sewer Capital Budgets (496-557.00-977.559) and (497-555.00-977.575) for this purchase; and

WHEREAS the Utilities Director and City Administrator recommend waiver of the bid process, in the best interests of the City, and acquisition a Caterpillar Model 420FACCOM backhoe loader from Michigan CAT of Novi, MI through the Michigan State Cooperative Purchasing Program (MI-DEAL), for a total cost including trade-in of \$88,627.00.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acquisition of a Caterpillar Model 420FACCOM backhoe

loader from Michigan CAT of Novi, MI through the Michigan State Cooperative Purchasing Program (MI-DEAL), for a total cost including trade-in of \$88,627.00.

BE IT FURTHER RESOLVED that, in the best interest of the City, the competitive bid process be waived, in accordance with the City's Purchasing Policy as specified in Chapter 12 of the City Charter and Section 2-304 of the Codified City Ordinances.

On motion by Commissioner Carrico, seconded by Commissioner Warren, this resolution was adopted by a unanimous vote.

R13-195

RE: DEPARTMENT OF PARKS & FORESTRY – Request to Purchase one (1) Utility Cart

WHEREAS the Department of Parks & Forestry, in conjunction with the City of Adrian Purchasing Office, recommends waiving the sealed bid process in order to utilize the Michigan State Cooperative Purchasing Program (MI-DEAL) to purchase a replacement maintenance cart for use in the Parks and Forestry Department.

WHEREAS the Parks & Forestry Director and City Administrator recommends the purchase of a John Deere HPX Diesel Gator for \$11,666.56 from Bader and Sons Company, Tecumseh, MI

WHEREAS the Finance Director indicates that sufficient funds are available in the FY2013-14 Parks & Recreation Operating Budget for this purpose in the following accounts:

(101-697.00-977.000) Parks & Forestry Capital Equipment	\$12,000.00
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NOW THEREFORE BE IT RESOLVED that the Adrian City Commission by this resolution hereby waives the sealed bid process and authorizes the Parks & Forestry Department to purchase one (1) John Deere HPX Diesel Gator from Bader and Sons Company, Tecumseh MI at a cost not to exceed \$11,666.56

On motion by Commissioner Gallatin, seconded by Commissioner Warren, this resolution was adopted by a unanimous vote.

R13-196

RE: UTILITIES DEPARTMENT – Wastewater Treatment Plant – Authorization to Contract with Consumer's Energy to Update Primary Electrical Service

WHEREAS the wastewater treatment plant has experienced continual settling of soils in the area in and around the main switchgear, metering pad and thickener tank due to an improper abandonment of an Imhoff tank that was abandoned in 1948 and filled with soil in 1967; and

WHEREAS the settling has caused physical damage to the main switchgear pad that has resulted in additional stress on conduit and wiring within the switchgear as well as settling of soils in the surrounding meter pad, thickener tank and old lab building; and

WHEREAS the WWTP Superintendent and Utilities Director have received a proposal from Consumer's Energy of Jackson, MI, for a project that would involve removing the existing metering cubicle from this area that has experienced continued soil settling over the years from an improperly abandoned Imhoff Tank demolition; and

WHEREAS Consumer's Energy would provide two new electrical poles for our dual electrical feeds, setting of new metering equipment on the poles and running two new feeds into the existing switchgear equipment; and

WHEREAS Consumer's Energy has provided a proposal to complete this project for a total of \$49,210.04; and

WHEREAS the Finance Director indicates that there are sufficient funds available for this purpose in the Sewer Fund – Municipal Equity Account (590-000.00-697.000); and

WHEREAS the Utilities Director and City Administrator recommend approval of this resolution for authorization to engage Consumer's Energy of Jackson, MI in the City's Standard Professional Services Contract for purposes of providing labor and material to update the WWTP primary electrical service and remove the existing metering cubicle at a cost not to exceed \$49,210.04.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes to engage Consumer's Energy of Jackson, MI in the City's Standard Professional Services Contract for purposes of providing labor and material to update the WWTP primary electrical service and remove the existing metering cubicle at a cost not to exceed \$49,210.04.

BE IT FURTHER RESOLVED that, in the best interests of the City, the competitive bid process be waived, in accordance with the City's Purchasing Policy as specified in Chapter 12 of the City Charter and Section 2-304 of the Codified City Ordinances.

BE IT FURTHER RESOLVED that \$49,210.04.00 be appropriated from the Sewer Fund – Municipal Equity Account (590-000.00-697.000) and that the FY2013-14 Budget be amended as follows:

SEWER FUND (590)

Revenue:		
(590-000.00-697.000)	Prior Years' Revenue	\$49,210.04
Expenditures:		
(590-965.00-969.497)	Transfer out Capital Projects Sewer	<u>49,210.04</u>
	Total	<u>\$ -0-</u>
Revenue:		
(497-553.00-975.137)	Primary Electrical Service Update	\$49,210.04
Expenditures:		
(497-000.00-676.590)	Transfer in	<u>49,210.04</u>

Total

\$ -0-

On motion by Commissioner Berryman Adams, seconded by Commissioner Carrico, this resolution was adopted by a unanimous vote.

R13-197

RE: CITY COMMISSION – Resolution to approve or deny an application for the closure of a street or public parking area for the Blues & Brews Festival.

WHEREAS, organizers of the Blues & Brews festival have applied for the closure of the City Pavillion parking lot on Toledo Street, as well as 100 feet of Toledo Street at the intersection of N. Main Street heading East on Saturday October 19, 2013 from 2:00pm to 11:00pm; and

WHEREAS, the City Commission has considered said request including all requested waivers from standard requirements.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the application of organizers of the Blues & Brews Festival is hereby (**approved**/denied).

IT IS FURTHER RESOLVED that requested waivers of standard conditions are (**approved**/denied).

IT IS FURTHER RESOLVED that the fee for use of City barricades shall be 0 .

On motion by Commissioner Faulhaber, seconded by Commissioner Carrico, this resolution **to approve the application for a street or public parking area closure** was adopted by a unanimous vote.

MISCELLANEOUS

1. DEPARTMENTAL REPORT.

PUBLIC COMMENTS

1. Allen Kern – 1249 Vine St – Questioned why the City hired a sidewalk contractor whose employees did not speak English as it is difficult to address them if there is an issue or a concern. Would also like to see the City use some of the oil money to correct issues that they are having at the Water Treatment and Wastewater Treatment plants instead of saving it all.
2. Beth McCauley – 113 Renfrew Ave and Kelly Beatty – 114 Renfrew Ave – each had concerns about 3 properties on Renfrew (105, 111, & 135) that are not owned by Adrian College but have numerous students living in them. They had concerns about the number of students in the buildings and had many issues with destruction, abusive language and loud music from the students.

They have had no luck asking Adrian College to intervene and are now asking the City to step in and enforce our ordinances.

3. Jack Minster – 424 Feeman Ct – asked the Commission if they have as many complaints regarding Siena Heights University; Administrator Nelson stated that he has had one call in the last 5 years. He also stated that Adrian College had leveled the mounds of dirt on the property behind his house and that all that did was raise the water table even higher and that the culvert has not been removed. Administrator Nelson said that he and Todd Brown would try to stop out tomorrow to see this.
4. Nancy O'Connor – 1384 Harrison Place – stated that she had talked to Jerry Wright from Adrian College at the Planning Commission meeting and asked what they would be doing with the old Maintenance building and he said that the building would not be removed; she asked if we would treat it like a vacant building. There was also a concern about the trash containers that were to be removed but were only moved to a different location behind the building.
5. Tom Neill – 149 S Madison St – was very unhappy with the current sidewalk contractor that the City has employed to do residential work. Would also like to see the oil revenue money spent on keeping the 3 Firefighters that we will lose when the grant money runs out.
6. Allen Heldt – Meadowbrook Dr – agrees with the decision to save the oil money and feels that it is best to save for the future as we are unsure of what it may bring.
7. Victoria Powell – Madison Township – asked the Commission numerous questions regarding the amount of money that the City has made on the oil wells and why the Commission still has not had an open forum on oil revenue.
8. John Kuschell – 632 State St – reiterated that he continues to be concerned about the environment and does not feel that we as a City are prepared if there is an accident regarding the oil wells. There continue to be many people in the community that are concerned about the environmental issues surrounding oil drilling.

COMMISSIONER COMMENTS

1. Tom Faulhaber said that he does have a concern about not spending at least some of the oil money because there are so many issues that the City faces.
2. Chuck Jacobson stated that part of the reason for saving the oil money is because we do not know what problems we will face in the future; who is to say that the issues will be any less serious than what we are facing now. He stated that the Planning Commission at their last meeting recommended a resolution to have Glenn Preston, our Code Enforcement Officer check any possible violations of outdoor storage for any ERO district and it was unanimously approved. They recommended that the City Commission also approve such a resolution so that we could equally enforce our ordinances. Commissioner Jacobson then made a motion to have Glenn Preston review any

possible violations of outdoor storage for ERO Districts. This motion did not receive a second as Commissioners Carrico and Berryman Adams did not agree on the need to adopt a resolution to enforce an ordinance that has already been adopted. After much discussion between the Commissioners, Administrator Nelson stated that up until now, the City has tried to work with Adrian College in particular to get compliance with violations, but now our Code Enforcement Officers will act with enforcement on violations to achieve compliance. There was no further discussion

3. Mayor DuMars thanked everyone who helped with the River Raisin Clean up last Saturday and also reminded everyone about Art-a-licious this Friday and Saturday in downtown Adrian.

The next regular meeting of the Adrian City Commission will be held on Monday, October 7, 2013 at 7:00 p.m. in the City Chambers Building, 159 E. Maumee St, Adrian, MI 49221.

Greg DuMars
Mayor

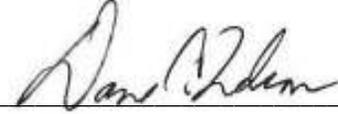
Pat Baker
City Clerk



CHECK REGISTER

October 7, 2013

I have examined the attached vouchers and recommend approval of them for payment.



Dane C. Nelson
City Administrator

DCN:mlD

RESOLVED, that disbursements be and they are hereby authorized for warrants directed to be drawn on the City Treasurer for the following:

Utility Department Vouchers	
Vouchers # 3840 through # 3848	\$263,340.06
General Fund	
Vouchers # 21668 through # 21693	\$376,066.54
Clearing Account Vouchers	
amounting to.....	<u>\$773,984.70</u>
TOTAL EXPENDITURES	<u>\$1,413,391.30</u>

On motion by Commissioner _____, seconded by
Commissioner _____, this resolution was _____
by a _____ vote.

October 7, 2013

UTILITIES FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
3840	\$ 90,103.34	City of Adrian: Clearing	Sept 16 Ck Register
3841		***Void***	
3842	\$ 67,255.31	Consumers Energy	Various Electric Bills
3843	\$ 134,718.85	City of Adrian	August Billings
3844	\$ 206.83	Citizens Gas Fuel Co	Various Heat Bills
3845	\$ 67.98	Frontier	Water Phone Bills
3846	\$ 60,926.99	City of Adrian: Payroll	Payroll for Sept 27
3847	\$ 14.10	City of Adrian: Utilities	Wastewater Water Bill
3848	\$ 150.00	City of Adrian: Rec Trust	July, Aug Fees
	\$ 353,443.40		
	\$ (90,103.34)	Less: Check 3840	
	\$ 263,340.06	TOTAL	

October 7, 2013

October 7, 2013

GENERAL FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
21668		City of Adrian: Utilities	Transfer State of MI Funds
21669	\$ 367,899.97	City of Adrian: Clearing Acct	Sept 16 Ck Register
21670	\$ 33,513.11	Lenawee Fuels	Gas & Diesel Motor Pool
21671	\$ 8,010.63	Nola's Transportation	Payroll Sept 20
21672	\$ 1,923.11	US Postmaster	Postage for Trash Bills
21673		City of Adrian: Utilities	Transfer State of MI Funds
21674	\$ 536.92	US Postmaster	Postage Stormwater Refunds
21675		***Void***	
21676	\$ 21,438.02	Consumers Energy	Various Electric Bills
21677	\$ 25.00	City of Adrian: Trust Fund	August Expenses
21678	\$ 636.07	Frontier	Various Phone Bills
21679	\$ 396.50	Citizens Gas Fuel Co	Various Heat Bills
21680	\$ 244,264.81	City of Adrian: Payroll	Payroll for Sept 27
21681	\$ 16,886.66	First Federal Bank	Soc Security for Sept 27
21682		City of Adrian: Utilities	Transfer State of MI Funds
21683	\$ 16.00	Lenawee Co Circuit Court	Certify Title
21684	\$ 20.00	Len Cty Register of Deeds	Quiet Title
21685	\$ 478.81	City if Adrian: Utilities	Bohn Pool Water Bill
21686	\$ 35,712.69	Lenawee Fuels	Gas & Diesel Motor Pool
21687	\$ 30.00	Jane Handy	Refund Rental Registration
21688	\$ 60.00	Mechanical Extremes	Permit Refund
21689	\$ 4,142.90	C.E. Gleeson	Permit Refund
21690	\$ 75.00	Adrian Mechanical	Permit Refund
21691	\$ 60.00	Thompson Plumbing	Permit Refund
21692	\$ 200.00	Britney Hillard	Recreation Deposit Refund
21693	\$ 7,640.31	Nola's Transportation	Payroll for Oct 4

\$ 743,966.51

\$ (367,899.97) Less : Check 21669

\$ 376,066.54

October 7, 2013

User: SHOLTZ

DB: Adrian

EXP CHECK RUN DATES 10/01/2012 - 10/07/2013
 BOTH JOURNALIZED AND UNJOURNALIZED
 OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
1. AAA POWER WASH & ROOF CLEANING SERV	375.00		
2. ADDISON VETERINARY CLINIC, P.C.	243.18		
3. ADRIAN DESIGN GROUP LLC	3,000.00		
4. ADRIAN FIRST CHURCH OF THE	1,892.70		
5. ADRIAN HIGH SCHOOL	65.00		
6. ADRIAN LOCKSMITH & CYCLERY	70.59		
7. ADRIAN NAPA	15.41		
8. ADRIAN PAINTERS SUPPLY & EQUIPMENT	113.12		
9. ADRIAN PLAZA LLC	853.08		
10. ADRIAN WATER CONDITIONING INC	19.50		
11. ADVANCE AUTO PARTS COMMERCIAL CHRG	2.99		
12. AIRGAS USA, LLC	70.65		
13. ALL METALS INC.	174.37		
14. AMAZON CREDIT PLAN	375.65		
15. AMERICAN LIBRARY ASSOCIATION	50.00		
16. AMERICAN OFFICE SOLUTIONS, INC.	58.59		
17. AMERICAN WATER WORKS ASSN	625.95		
18. ANAYA AUTO RECONDITIONING	70.00		
19. ANN ARBOR WELDING SUPPLY	72.90		
20. APPLE MAT RENTAL	674.05		
21. APPLIED INDUSTRIAL TECHNOLOGIES	177.38		
22. APPLIED SPECIALTIES INC	4,059.00		
23. ARCH WIRELESS	34.64		
24. ARCHBOLD EQUIPMENT CO	6,483.05		
25. AUTO ZONE COMMERCIAL	170.63		
26. BAKER & TAYLOR BOOKS	689.15		
27. THE BANK OF NEW YORK	15,634.38		
28. BARRETT'S GARDEN CENTER, INC	217.88		
29. BATTERY WHOLESALE	49.59		
30. KRISTIN BAUER	20.00		
31. GREG BELL CHEVROLET CADILLAC INC	19.95		
32. CYNTHIA KAAY BENNETT	250.00		
33. BILL'S SERVICE, INC.	443.76		
34. MARK BISHOP	20.00		
35. ROBERT BISHOP	244.52		
36. BLACK SWAMP EQUIPMENT	153.00		
37. BOOK OF THE MONTH CLUB	67.77		
38. BRIAN SCHWENKE	19.20		
39. BRINT ELECTRIC	93,827.74		
40. TERRY BROWN	236.84		
41. TODD BROWN	20.00		
42. BUCK & KNOBBY EQUIP CO INC	51.00		
43. BW OF MICHIGAN LLC	2.00		
44. CANON SOLUTIONS AMERICA	243.38		
45. CARUS CORPORATION	5,917.60		
46. CDW-G COMPUTER SUPPLIES	1,230.38		
47. CENGAGE LEARNING	454.26		
48. CLIFT BUICK-GMC	249.02		
49. COLUMBIA UNIVERSITY PRESS	595.00		

User: SHOLTZ

DB: Adrian

EXP CHECK RUN DATES 10/01/2012 - 10/07/2013
 BOTH JOURNALIZED AND UNJOURNALIZED
 OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
50. JUSTIN COMBS	20.00		
51. COMCAST	5.38		
52. COMPUTER CARE COMPANY, INC.	49.95		
53. CONSUMER ENERGY	26,775.04		
54. CONTINENTAL CARBONIC PRODUCTS INC	770.50		
55. CUTLER DICKERSON CO	88.84		
56. DAILEY ENGINEERING, INC.	2,100.00		
57. JERRY DAVIS	20.00		
58. DELAROSA, CHRISTOPHER	47.70		
59. DELTON DISTRICT LIBRARY	58.94		
60. DEMCO INC	1,470.07		
61. THE DETROIT NEWS	168.02		
62. MICHELLE DEWEY	20.00		
63. E & B SALVAGE LLC	250.64		
64. STEVE EBERLE	20.00		
65. EJ USA, INC.	7,678.22		
66. ELWOOD, SIMON	34.50		
67. ENGLEWOOD ELECTRICAL SUPPLY	1,558.33		
68. FASTENAL COMPANY	805.91		
69. FEDERAL EXPRESS	86.35		
70. FOSTER, CARLA	520.37		
71. GALLANT & SON	161.90		
72. GALL'S INC	187.98		
73. GEAR UP INC	20.00		
74. GEMPLER'S INC.	372.55		
75. GERKEN MATERIALS INC.	178,108.45		
76. MARK GIGAX	20.00		
77. GM & SONS INC	56,551.31		
78. GOODWILL INDUSTRIES	92.00		
79. GOVERNOR CROSWELL TEA ROOM	400.00		
80. GRAINGER INC.	120.41		
81. GRAPHICS UNLIMITED	493.00		
82. GREAT LAKES AUTOMATIC DOOR, INC.	361.00		
83. DENISE GRITZMAKER	20.00		
84. HACH COMPANY	84.76		
85. HADDEN TIRE COMPANY	100.00		
86. HAENGEL & ASSOCIATES ENG., INC	13,250.00		
87. HILLS AUTO & TRUCK REPAIR INC	296.35		
88. HOBBY LOBBY	0.00		
89. SHANE HORN	20.00		
90. HUBBARD'S AUTO CENTER INC	1,046.83		
91. ICMA RETIREMENT CORPORATION	158.68		
92. INFOGROUP	2,312.00		
93. INGRAM LIBRARY SERVICES	113.99		
94. JONES & HENRY ENGINEERS, LTD.	6,559.27		
95. JAMES KARLE	20.00		
96. KELLER THOMA, P.C.	858.40		
97. ERIC KELLY	20.00		

User: SHOLTZ

DB: Adrian

EXP CHECK RUN DATES 10/01/2012 - 10/07/2013
 BOTH JOURNALIZED AND UNJOURNALIZED
 OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
98. KEMIRA WATER SOLUTIONS INC	7,221.76		
99. KIEMLE HANKINS COMPANY	4,210.00		
100. KONICA MINOLTA BUSINESS SOLUTIONS	32.47		
101. LANSING SANITARY SUPPLY INC	1,089.22		
102. LEGACY PRINTING	176.64		
103. LENAWEE COUNTY EQUALIZATION DEPT.	481.45		
104. LENAWEE COUNTY FIRE CHIEFS ASSOC	300.00		
105. LENAWEE COUNTY HISTORICAL	10.14		
106. LENAWEE COUNTY IT	9,356.00		
107. LENAWEE ECONOMIC DEVELOPMENT CORP.	3,750.00		
108. LENAWEE FUELS INC	573.12		
109. LENAWEE HEART & SOUL, LLC	300.00		
110. LENAWEE TIRE & SUPPLY CO, INC.	4,147.30		
111. Lenco PAINTING, INC.	19,358.00		
112. LEXIS NEXIS RM INC	305.00		
113. LIBRARY DESIGN ASSOCIATES INC	300.00		
114. DOUG LOLLEY	106.00		
115. LONG'S OUTDOOR POWER	120.88		
116. LOWE'S CREDIT SERVICES	2,195.19		
117. LYDEN OIL COMPANY	87.40		
118. MACOMB COMMUNITY COLLEGE	275.00		
119. MANPOWER OF LANSING MI INC.	1,842.75		
120. MAPLE CITY GLASS INC.	216.18		
121. MICHAEL MARVIN	20.00		
122. ARIC MASSINGILL	137.80		
123. MASSON'S ELECTRIC, INC	454.71		
124. MCGOWAN ELECTRIC SUPPLY INC	638.13		
125. MICHIGAN ASSOCIATION CHIEFS	100.00		
126. MICHIGAN LIBRARY ASSOC	85.00		
127. MICHIGAN METER TECHNOLOGY GROUP INC	8,935.65		
128. MICHIGAN MUNICIPAL LEAGUE	12,235.04		
129. MICHIGAN SCRAPBOOKER	62.00		
130. STATE OF MICHIGAN	4,042.04		
131. MICHIGAN WATER ENVIROMENT ASSOC.	540.00		
132. MICRO SOURCE INC	100.56		
133. MICROMARKETING LLC	566.71		
134. MIDWEST COLLABORATIVE FOR	1,749.76		
135. MIDWEST GAS INSTRUMENT SERVICE	558.54		
136. MIDWEST TAPE	170.43		
137. MT BUSINESS TECHNOLOGIES, INC	114.49		
138. MUGS N' MORE IMAGING	12.00		
139. MUNICIPAL WEB SERVICES	495.00		
140. NATIONAL GEOGRAPHIC SOCIETY	93.40		
141. NELSON TREE SERVICE INC	6,839.28		
142. NEWSBANK INC	2,000.00		
143. NOLA'S TRANSPORTATION	8,236.05		
144. NORON INC	393.00		
145. NORTH EASTERN UNIFORMS & EQUIPMENT	1,574.97		
146. OAKS OF ADRIAN LIMITED	155.18		

User: SHOLTZ

DB: Adrian

EXP CHECK RUN DATES 10/01/2012 - 10/07/2013
 BOTH JOURNALIZED AND UNJOURNALIZED
 OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
147. OMNIGRAPHICS INC.	163.70		
148. ON THE SPOT	1,199.00		
149. MIKE OSBORN	20.00		
150. OSBURN ASSOCIATES INC	2,375.10		
151. OTIS ELEVATOR COMPANY	1,008.00		
152. PARAGON LABORATORIES INC	223.00		
153. DAVID PATE	20.00		
154. PEERLESS SUPPLY INC	393.90		
155. PEST PATROL	750.00		
156. PHYSIO-CONTROL, INC.	2,821.55		
157. PINK ELEPHANT POWERWASH	550.00		
158. PIONEER MANUFACTURING CO.	1,688.00		
159. PITNEY BOWES PURCHASE POWER	3,294.94		
160. PLATINUM PLUS	3,088.84		
161. GLENN PRESTON	20.00		
162. PROAIR	745.00		
163. PROMEDICA CORP OF MICHIGAN	120.00		
164. R & W NURSERY, LLC	1,450.00		
165. RECORDED BOOKS LLC.	454.20		
166. RHINO	2,431.99		
167. TIM RITCHIE	20.00		
168. GARY RIVERA	38.15		
169. ROADWAY SERVICES, INC	13,078.72		
170. ROBERT'S FLOORS CO.	1,330.00		
171. ROSEMOUNT	3,350.00		
172. WILLIAM SADLER	20.00		
173. SAFETY SYSTEMS INC.	120.00		
174. SAFEWAY MOVING & STORAGE	3,843.60		
175. CHARLES SCHMENK	80.00		
176. SCHUG CONCRETE CONSTRUCTION INC	5,227.50		
177. SEBCO BOOKS	41.30		
178. SERVICE MASTER OF LENAWEE	2,196.50		
179. SIGNAL 88 SECURITY, INC	9,900.65		
180. SLUSARSKI EXCAVATING & PAVING INC	31,032.12		
181. SPECTRUM PROCESS CONTROLS	1,065.00		
182. STAPLES CREDIT PLAN	777.05		
183. STAPLES CREDIT PLAN	48.31		
184. STEVENS DISPOSAL	1,399.17		
185. STEVENSON LUMBER, INC.	149.63		
186. STITCH WIZARD EMBROIDERY INC	926.00		
187. SUPERMEDIA LLC	54.60		
188. SYNAGRO TECHNOLOGIES INC.	56,157.21		
189. T & L RENTALS	330.00		
190. THOMSON WEST	424.53		
191. TIME EMERGENCY EQUIPMENT INC	93.50		
192. T-MOBILE	6.00		
193. TOLEDO SPRING SERVICE, INC.	212.84		
194. PAUL TRINKA	59.10		

EXP CHECK RUN DATES 10/01/2012 - 10/07/2013
BOTH JOURNALIZED AND UNJOURNALIZED
OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
195. TTB CLEANING LLC	3,915.00		
196. U S POSTMASTER	1,800.00		
197. UNIVERSITY OF MICHIGAN	6,450.00		
198. UNUM LIFE INSURANCE COMPANY	2,160.57		
199. USA BLUEBOOK	835.67		
200. UTILITIES INSTRUMENTATION SERVICE I	484.00		
201. UTILITIES REDUCTION SPECIALISTS INC	436.61		
202. VAN BRUNT TRANSPORT INC	729.03		
203. WADE VANDENBUSCHE	182.48		
204. VERIZON WIRELESS	43.74		
205. DENNIS VESCELIUS	20.00		
206. VISION PERFORMANCE GROUP	266.00		
207. WEISKOPF INDUSTRIES CORP	459.43		
208. WENDLING SHEET METAL	30,775.00		
209. WEPHOTO LLC	100.00		
210. WESTERN LIME CORPORATION	16,442.74		
211. RYAN WHITE	20.00		
212. WILLIAMS & WORKS	2,500.00		
213. WITT ELECTRIC LLC	100.00		
TOTAL ALL CLAIMS	773,984.70		



REGULAR AGENDA

ORDINANCE 13-020

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, SECTION 74-161 THROUGH 74-172

Section 74-161 through 74-172, of the Adrian Code is hereby amended to read as follows:

Sec. 74-161. – Purpose

This article shall be known as the "Stormwater Utility Ordinance" of the City of Adrian. This article amends the City of Adrian's stormwater utility for the purpose of conducting the City's stormwater management program to protect public health, safety, and welfare; ~~provides for the proportional allocation to property owners of the necessary costs of the stormwater utility; permits the establishment and collection of just and equitable rates and charges to fund the stormwater utility; provides for credits, adjustments, exemptions and appeals;~~ **and** establishes regulations for the use of the stormwater system, and prescribes the powers and duties of certain municipal agencies, departments and officials.

Sec. 74-162. – Findings

The Commission finds all of the following:

- 1) The constitution and laws of the State of Michigan authorize local units of government to provide stormwater management services and systems that will contribute to the protection and preservation of the public health, safety and welfare, and to the protection of the state's natural resources.
- 2) Property owners influence the quantity, character and quality of stormwater from their property in relation to the nature of the alterations made to property.
- 3) Stormwater contributes to the diminution of water quality, adversely impacting the public health, safety and welfare, and endangering natural resources.
- 4) Control of the quantity and quality of stormwater from developed and undeveloped property is essential to protect and improve the quality of surface waters and ground waters, thereby protecting natural resources and public health, safety and welfare.
- 5) The Federal Clean Water Act and rules and regulations promulgated there under place increased mandates on the City to develop, implement, conduct and make available to its citizens and property owners stormwater management services which address water quality, velocity, and volume impacts of stormwater.
- 6) Water quality is improved by stormwater management measures that control the quantity or quality, or both, of stormwater discharging directly or indirectly to receiving waters, that reduce the velocity of stormwater, or that divert stormwater from sanitary sewer systems.
- 7) The City, having a responsibility to protect the public health, safety, and welfare, has a major role in ensuring appropriate water quality related to stormwater flow.
- 8) Improper management of stormwater runoff causes erosion of lands, threatens businesses and residences and other facilities with water damage from flooding, adversely impacts

- public health, safety, and welfare, and creates environmental damage to rivers, streams and other bodies of water in Michigan, including the Great Lakes.
- 9) The public health, safety, and welfare are adversely affected by poor ambient water quality and flooding that results from inadequate management of both the quality and quantity of stormwater.
 - 10) ~~An adequate funding source is necessary to provide for stormwater management in the City.~~
 - 11) ~~It is appropriate for the City to establish user fees to offset entirely or in part the cost of its stormwater management program.~~
 - 12) ~~It is in the interest of protecting both the waters of the state from pollution and the public health, safety, and welfare for the City to fund stormwater management with a user fee that allocates the costs of these services to property owners within the City based upon the extent to which each parcel of real property contributes to the need for stormwater management.~~
 - 13) ~~Impervious and pervious surfaces on a given property relate to the volume, rate and/or pollutant loading of stormwater runoff discharged from that property.~~
 - 14) ~~The measurement of impervious and pervious surface that causes stormwater runoff provides an equitable and adequate basis for a system of user fees for funding stormwater management.~~

Sec. 74-163. – Definitions

For the purposes of this article, the following words and phrases shall have the meanings described in this section:

Administrator is the City Engineer or such other person as the City Administrator may designate.

~~*Appeal* is the process of filing a dispute with the user fee determination, adjustment or credit as recognized by the City.~~

~~*Applicant* is any person, or a duly designated representative applying for a stormwater user fee credit, stormwater discharge permit or stormwater connection.~~

City shall mean the City of Adrian, Michigan and its authorized agents.

Commission shall mean the City Commission of the City of Adrian, Michigan.

~~*Credit* shall mean a conditional reduction in the amount of a stormwater user fee charged to a property based on the provision and continuing presence of, use, operation, and maintenance of practices that the City of Adrian does not own, maintain or operate; or based on the continuing provision of activities that may reasonably reduce or mitigate the City's cost of providing for the City's stormwater management program.~~

Detention shall mean the prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into the stormwater system by providing temporary on-site

storage.

Discharge shall mean the flow of water from a project, site, aquifer, drainage basin, or other drainage facility.

Erosion shall mean the wearing or washing away of soil by the action of water.

Impervious area or surface means a surface area which is compacted or covered with material that is resistant to or impedes permeation by water, including but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, or compacted surfaces.

Intensity of Development (ID) of a property shall be the impervious area of the property expressed as a percentage of the total area of the property. Each property, with the exception of residential properties charged a flat rate, will be placed within an ID classification based on the property's ID.

Intensity of Development Classification (ID Classification) shall mean the following classifications which shall be used in a formula to determine the stormwater user fee for the property, with the exception of residential properties charged a flat rate (consisting of detached single family homes up to and including four units):

- 1) *Undeveloped.* Real property which is undeveloped and unaltered by buildings, roads, impervious surfaces or other physical improvements which change the hydrology of the property from its natural state.
- 2) *Light development.* Developed real property, which has impervious surfaces of less than 20 percent of the total square footage area of the property.
- 3) *Moderate development.* Developed real property, which has impervious surfaces of 20 to 40 percent of the total square footage area of the property.
- 4) *Heavy development.* Developed real property, which has impervious surfaces of 40 to 70 percent of the total square footage area of the property.
- 5) *Very heavy development.* Developed real property, which has impervious surfaces of more than 70 percent of the total square footage area of the property.

MDEQ shall mean the Michigan Department of Environmental Quality

NPDES means National Pollutant Discharge Elimination System, a program to issue permits for discharges to receiving waters, established under the Federal Clean Water Act, and administered by the MDEQ.

Operation and maintenance includes any component of a stormwater system expenditure for materials, labor, utilities and other items for the management and uninterrupted operation of the stormwater system in a manner for which the stormwater system was designed and constructed.

Owner shall mean any individual, firm, partnership, association, organization, joint venture,

public or private corporation, public agency or other entity or combination of entities who alone, jointly, or severally with others hold(s) legal or equitable title to any real property. The term “owner” shall also include heirs, successors, and assigns.

Parcel shall mean a tract, or contiguous tracts, of land in the possession of, owned by, or recorded as property of the same claimant person.

Pervious area or surface is all land area that is not impervious.

Property means any land within the boundary of the City of Adrian, both publicly and privately owned, including public and private rights of way.

Retention shall mean the prevention of, or to prevent, the discharge, directly or indirectly, of any stormwater volume into the stormwater system.

Stormwater means stormwater runoff, snowmelt runoff, footing drain discharges, surface runoff and drainage.

Stormwater management means one or more of the following:

- a) The quantitative control achieved by the stormwater system of the increased volume and rate of surface runoff caused by alterations to the land.
- b) The qualitative control achieved by the stormwater system, pollution prevention activities, and ordinances to reduce, eliminate or treat pollutants that might otherwise be carried by stormwater.
- c) Public education, information, and outreach programs designed to educate and inform the public on the potential impacts of stormwater.

Stormwater management plan shall mean the written documents and plans that contain the following elements which shall be used to guide the stormwater management program:

- a) May, 1992 City of Adrian, Michigan Stormwater Utility Feasibility Study prepared by McNamee, Porter & Seeley, Inc. (now known as Tetra Tech).
- b) 2006 Westside Storm Sewer Capacity Study prepared by Tetra Tech
- c) Geographic limits of the City of Adrian, Michigan.
- d) ~~Stormwater management services to be provided.~~
- e) ~~The planning period covered by the stormwater management plan.~~
- d) River Raisin Watershed Management Plan
- e) Total Maximum Daily Loads promulgated by the federal or state government
- f) Rules of the Lenawee County Drain Commissioner
- g) ~~Projected operation and maintenance and capital expenses for each year of the stormwater management plan planning period including steps taken to reduce expenses.~~
- h) ~~Documentation of an analysis undertaken to evaluate the comparative cost-effectiveness of stormwater management alternatives.~~
- i) ~~Projected residential properties.~~

- j) ~~Projected non-residential properties, including total property area and ID classification.~~
- k) ~~The method of calculating any stormwater user fees and stormwater system development charges, if used, proportionate to the necessary cost of providing the necessary level of service of stormwater management services.~~
- l) ~~The process and method by which the City of Adrian will determine which properties will be subject to any stormwater user fee for use of the stormwater system owned and operated by the City of Adrian.~~
- g) A description of the components of the stormwater system owned and operated by the City of Adrian.
- f) ~~A description of how credits to reduce stormwater user fees will be applied and calculated.~~

Stormwater management program means one or more aspects of stormwater management undertaken for the purpose of complying with applicable federal, state and local law and regulation or the protection of the public health, safety, and welfare related to stormwater runoff.

Stormwater runoff shall mean flow on the surface of the ground, resulting from precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it.

Stormwater system means roads, streets, catch basins, curbs, gutters, ditches, storm sewers and appurtenant features, lakes, ponds, channels, swales, storm drains, canals, creeks, catch basins, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees, pumping stations, and other like facilities, and natural watercourses and features located within the geographic limits of the City which are designed or used for collecting, storing, treating or conveying stormwater or through which stormwater is collected, stored, treated or conveyed, or any other physical means by which stormwater management is achieved.

~~*Stormwater user fee* shall mean the fee charged to properties within the City of Adrian calculated proportionate to the necessary cost of providing stormwater system management services to the users of the City's stormwater system. These fees shall be billed to residential properties (consisting of detached single family homes up to and including four units) on a flat rate basis and to all other properties based on the total area of the property and the property's intensity of development (ID) classification.~~

Structure shall mean anything constructed or installed with a fixed location on or in the ground.

Surface waters shall mean any receiving waters existing on the surface of the ground, including but not limited to; brooks, streams, rivers, wetlands, ponds, or lakes.

Undeveloped shall mean the condition of a property unaltered by construction or the addition of impervious surface.

User shall mean a firm, person or property that directly or indirectly contributes stormwater to the stormwater system.

Water quality shall mean those characteristics that relate to the physical, chemical, biological or radiological integrity of water.

Water quantity shall mean those characteristics that relate to the rate and volume of the stormwater runoff to downstream areas.

Watershed shall mean an extent of land where stormwater runoff drains downhill into a body of water, such as a river, lake, reservoir, estuary, or wetland. The watershed includes both the streams and rivers that convey the water as well as the land surfaces from which water drains into those channels, and is separated from adjacent watersheds by a topographic divide.

Sec. 74-164 — Amendment to the Stormwater Utility

~~The City's stormwater utility is hereby amended by the Commission under the direction of the Administrator to fund the stormwater management program of the City. The stormwater management program shall include those activities necessary to protect public health, safety, and welfare from stormwater including but not limited to the following activities:~~

- ~~1) Planning, engineering, acquisition, construction, operation, maintenance, installation and debt service costs to acquire, construct, finance, operate and maintain a stormwater system.~~
- ~~2) Administering the stormwater management program.~~
- ~~3) Acquiring, constructing, improving, enlarging, repairing, enhancing, replacing, financing, operating and maintaining the stormwater system, together with such indirect and overhead costs which are fairly chargeable to such activities pursuant to accepted accounting principles and practices applicable to the City.~~
- ~~4) Updating a stormwater management plan.~~
- ~~5) Undertaking activities required in order to comply with federal and state law and regulations related to stormwater and permits issued there under.~~
- ~~6) Paying drain assessments which are the obligation of the City, as approved by the Administrator of the program~~
- ~~7) Providing public education, or information, or outreach related to the stormwater management program or required by federal or state regulations, or required by permits issued to the City by federal or state regulatory bodies.~~

Sec. 74-165. — Stormwater Management Plan

~~The Administrator may adopt, amend, or extend a stormwater management plan from time to time. Any such adoption, amendment, or extension shall be approved by resolution of the Commission.~~

Sec. 74-166. — Stormwater User Fee

- 1) Subject to the provisions of this article, all owners of property in the City shall be charged a stormwater user fee for their impact on the stormwater system. The stormwater user fee shall be proportionate to the necessary cost of the stormwater management services provided to each property in the City, whether or not the property is served by a storm sewer bordering the property. The basis for stormwater user fees shall be computed by the Administrator using either a residential property flat rate applicable to detached single-family homes (up to and including four units) or the ID classification and total area applicable to properties that are not billed a flat rate.
 - 2) The principal stormwater generating characteristic of each property is its representative impervious and pervious area, which shall be used as the basis for the stormwater user fee. The stormwater user fee shall be used to fund those elements of the stormwater management program whose cost is directly related to the amount of stormwater managed as well as the expenses related to billing, collection, customer service, and public involvement and public education activities.
 - 3) The representative impervious and pervious areas of a property shall be the measured impervious and pervious areas of the property except for detached single family homes (up to and including four units) which shall be billed a flat rate. Each property that is not subject to a flat rate shall be billed based on the rate for the ID Classification of the property times the total square footage of the property.
 - 4) The Administrator may periodically change the ID Classification and/or total square footage of a property based upon information available to the City and/or provided by a property owner.
- ~~Stormwater user fees shall be determined and modified, from time to time, so that the total revenues generated by such user fees shall be sufficient to meet the cost of the City's stormwater management program. Stormwater user fees shall be in addition to any special assessment, single lot assessment or public improvement charge that might be or become due for capital improvements to the stormwater system. 5. No fee, before credits, shall be less than the flat rate for residential properties.~~

Sec. 74-167. 74-164 Other Stormwater Charges

Charges for other services provided by the City shall be on a time and materials basis, including direct and indirect costs, as established by the Administrator. The Administrator may also set charges for the fair share recovery of the cost, including direct and indirect costs, from users for the implementation and operation of any of the following:

- a) Monitoring, inspection and surveillance procedures
- b) Reviewing accidental discharge procedures and construction
- c) Stormwater discharge permit applications
- d) Annual charges for multi-year permits
- e) Other charges as the Administrator may deem necessary to carry out the requirements of this article

Sec. 74-168. Credits

- 1) ~~The purpose of this section is to provide for each owner's voluntary control over contributions of storm flows to the stormwater system and the related stormwater user fees and to advance protection of the public health, safety, and welfare.~~
- 2) ~~The City shall offer credits that will enable any owner, through voluntary action, to reduce the stormwater user fees calculated for that owner's property and will provide a meaningful reduction in the cost of service to the stormwater system, or that shall be reasonably related to a benefit to the stormwater system:~~
 - a) ~~Credits will only be applied if certain requirements are met, including, but not limited to: completion of on-going maintenance, guaranteed right-of-entry for inspections, and submittal of certification reports.~~
 - b) ~~Credits will be defined as percent (%) reductions applied to the stormwater user fee calculation.~~
 - e) ~~Credits are additive for each credit category. The maximum credit shall not exceed 100 % of the stormwater user fee calculation.~~
 - d) ~~As long as the stormwater facilities or management practices are functioning as approved, the credit will be applied to the stormwater user fee. If the approved practice is not functioning as approved or is terminated, the credit will be cancelled and the stormwater user fee will return to the baseline calculation. Once the credit has been cancelled, an owner may not reapply for a credit for a period of 12 months and only then if the deficiency has been corrected, as determined by City inspection.~~
 - e) ~~Credits will be applied to the next complete billing cycle after the application has been approved.~~
- 3) ~~The Administrator shall define a method for applying and granting credits, as well as criteria for determining the credits an owner may receive. The Administrator may establish credits for one or more of the following owner actions:~~
 - a) ~~Residential Property: Flat Rate 50 %~~
 - b) ~~Stormwater Quantity: 37.5 to 75%~~
 - e) ~~Education: 25 %~~
 - d) ~~Direct Discharge: 75 % (Maximum)~~
 - e) ~~Lands Dedicated for Public Use: 100% (Maximum)~~
- 4) ~~The Administrator shall create a stormwater user fee credit manual to define criteria for determining additional credits that lands dedicated for public use may receive. Such credits are appropriate because most of the City's drainage system lies within public rights of way, sharing that property with public roads and other public and private utility systems. Public roads and other surfaces within these rights of way discharge stormwater to the stormwater system and are subject to stormwater user fees like every other property within the City. Lands dedicated for public use are eligible for credits if they provide one or more of the following services to the stormwater utility:~~

- a) ~~Use of the roadway for conveyance and storage of stormwater during major storm events that exceed the capacity of the underground storm drainage system.~~
- b) ~~Use of right-of-way for retrofit of stormwater quality control system required under NPDES permits issued to the City.~~
- c) ~~Access to the stormwater system for operation and maintenance activities, often restricting traffic on the roadway.~~
- d) ~~Reduced pavement life when stormwater system repairs require open cut excavation of the roadway.~~
- e) ~~Education provided by storm inlet labeling, stream crossing signage, and other educational signs placed within the right-of-way.~~

Sec. 74-169. -- Exemptions

~~No public or private property located within the City limits shall be exempt from stormwater user fees.~~

Sec. 74-170. -- Billing

~~The City shall bill owners for stormwater service yearly concurrent with the City's annual property tax billing.~~

Sec. 74-171. -- Stormwater Enterprise Fund

- 1) ~~All revenues raised from stormwater user fees shall be placed in a stormwater enterprise fund together with such other revenues from any source or combinations of sources of revenues otherwise legally available which have been designated to be used for the stormwater management program.~~
- 2) ~~No part of the funds held in the stormwater enterprise fund may be transferred to the general operating fund or used for any purpose other than undertaking the stormwater management program, and operating and maintaining a stormwater system.~~

Sec. 74-172. 74-165 Discharge Permits

- 1) A permit is required from the Administrator to discharge treated non-storm water otherwise subject to a discharge prohibition under this article into the stormwater system. The Administrator may require each person or firm that applies for use or uses of the stormwater system for non-storm water purposes to obtain a discharge permit on the form prescribed by the administrator, to be subject to all provisions of this article. A permit may be issued for a period not to exceed five years. The permit shall be subject to modification or revocation for failure to comply or provide safe access or provide accurate reports of the discharge constituents and characteristics. Permits are issued to specific persons or firms for specific operations and are not assignable to another person or firm without the prior written approval of the Administrator. Permits are not transferable to another location. Anyone seeking a permit to discharge treated non-stormwater otherwise subject to a discharge prohibition into the stormwater system must

do the following:

- a) File a written statement with the Administrator setting forth the nature of the enterprise, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics.
 - b) Provide a plan map of the building, works or complex with each outfall to the surface waters, sanitary system, storm sewer, natural watercourse or ground waters noted, described and the discharge stream identified.
 - c) Sample, test and file reports with the Administrator and the appropriate federal, state, and county agencies on appropriate characteristics of discharges on a schedule, at locations, and according to methods approved by the Administrator.
- 2) Every permit to discharge into the stormwater system shall be conditioned upon the permittee providing insurance, security and/or indemnification satisfactory to the Administrator protecting the City, City property and persons in the City from loss or damages associated with the permit or permit activities.
 - 3) The Administrator or other authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of the discharge to the stormwater system. An industrial user may withhold or restrict information if it can establish to the satisfaction of the administrator that release of the information would reveal trade secrets or would otherwise provide an advantage to competitors, except discharge constituents will not be recognized as confidential information.
 - 4) At the permittee's expense, the Administrator shall carry out independent surveillance and field monitoring, in addition to the self-monitoring required of certain users to ascertain whether the purpose of this article is being met and all requirements are being satisfied.
 - 5) The method of determining flow of discharge to the stormwater system shall be approved by the Administrator.
 - 6) The permit applicant shall acquire and be in full compliance with applicable federal, state and county permits for discharge prior to being granted a permit from the Administrator.
 - 7) The Administrator may impose fees for the use of the stormwater system for nonstormwater discharges permitted by the City under section 74-172.1 of this Article. Charges shall be proportionate to the capacity of the stormwater system that is used by the non-stormwater flow that would otherwise be available for stormwater, and any additional charges related to preparing, monitoring, and enforcing any permits related to non-stormwater discharges.

Sec. 74-173. 74-166 – Regulations

The City Administrator is authorized to promulgate rules and regulations necessary to implement the provisions of this article. Such rules and regulations shall take effect upon approval by the City Commission.

Sec. 74-174. 74-167 – Stormwater Taps

- 1) Only City employees or licensed contractors, after first obtaining all necessary permits including but not limited to a plumbing permit, street cut permit and sewer tap permit, are authorized to uncover the stormwater system.
- 2) All costs and expenses incidental to the installation, connection, and maintenance of the stormwater tap and lead shall be borne by the property owner.
- 3) No storm sewer tap shall be greater than 4-inches. Anyone desiring a tap greater than 4-inches may submit, to the Engineering Department, the engineering design, calculations and rationale for a larger tap size for consideration by the Administrator.

Sec. 74-175. – Right of Appeal

~~The Administrator shall establish a procedure for the submission of appeals to an owner's stormwater user fees. This procedure shall provide the following:~~

- 1) ~~An owner liable for a stormwater user fee shall be provided the right to appeal the stormwater user fee to the Administrator or his/her designee. Appeals shall be considered on the grounds that the ID Classification and/or total square footage of the property is less than estimated by the Administrator or that the credit allowable to the property is greater than that estimated by the Administrator. No appeal may be brought with respect to a stormwater user fee after April of the year following the issuance of the bill for which an appeal is sought.~~
- 2) ~~For an appeal to be successful, the owner shall demonstrate that the ID Classification and/or total square footage of the property is less than the value used by the Administrator in the calculation of that property's stormwater user fee. Factors that will be considered by the Administrator in addition to the ID Classification and/or total square footage of the property will be the activities of the owner or features of the property that are available for credits, or other factors defined by the Administrator.~~
- 3) ~~An owner must comply with all rules and procedures adopted by the Administrator, including the payment of any applicable fees, when submitting a request for appeal or adjustment of the stormwater user fee and must provide all information necessary to make a determination.~~
- 4) ~~Upon a finding that the ID Classification and/or the total square footage of a property is less than the value used by the Administrator in the calculation of that property's stormwater user fee, the sole remedy to the owner shall be re-calculation of the stormwater user fee based on the corrected area data.~~
- 5) ~~A finding that the ID classification and/or total square footage of a property is not less than the value used by the Administrator in the calculation of that property's stormwater user fee shall be conclusive with respect to that property and shall remain effective for seven years, unless the owner changes the ID Classification and/or total square footage or the stormwater management practices of the property. The owner shall remain eligible for credits.~~

Sec. 74-176. 74-168 – Enforcement

- 1) No person shall construct or maintain any property, residence or business not in compliance with the standards of this article.
- 2) The Administrator and other authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.
- 3) No person shall fail to provide any report or other information or perform any duty required by this article.
- 4) If, after reasonable notice, a person fails to comply with this article, the City may cause the work to be done to obtain compliance and shall charge the cost of that work to the person responsible. If the person responsible fails to pay an invoice for fees directed to him or her under this subsection, within thirty (30) days of mailing of said invoice, the City may cause the cost reflected in said invoice to be assessed against the property as a special assessment pursuant to Sec 70-12 and the City may institute an action against the responsible person for the collection of said costs in any court of competent jurisdiction. However, the City's attempt to collect such costs by any process shall not invalidate any lien filed against the property.
- 5) ~~The Administrator is authorized by the Commission to enforce the payment of stormwater user fees. A civil action may be instituted by the City against the owner of those properties for recovery of such amounts. The stormwater user fees which, under the provisions of Act No. 94 of the Public Acts of Michigan of 1933, as amended, are made a lien on the property, are hereby recognized to constitute such lien; and the Administrator shall, on May 31 of each year, after notice to the owner, certify all unpaid stormwater user fees for such services furnished to any property which as of these dates have remained unpaid, to the City Assessor, who shall enter the lien on the next City tax roll against the property to which the services shall have been rendered, and the stormwater user fees shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon such roll and the enforcement of the lien for the taxes.~~
- 5) The Administrator is authorized to take all steps necessary to immediately halt any discharge of pollutants which reasonably appears to present an imminent danger to the health or welfare of persons or to the environment.
- 6) In case of an emergency involving private stormwater facilities, the Administrator may direct that immediate action be taken to correct or abate the condition causing the emergency. City personnel may perform the required work and charge the owner all such related and provable costs. Such costs (if remaining unpaid for 30 days following a bill being sent for their reimbursement) shall constitute a lien on the real property.
- 7) Persons aggrieved by any determination of the Administrator in enforcing this article may appeal that determination. Prosecution shall be stayed pending such an appeal.
- 8) In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of achieving the purposes of this article, and shall not be deemed a limitation or repeal of any other powers granted by state or federal statutes and regulations.

Sec. 74-177. 74-169 – Violations and Penalties

- 1) Violation; Municipal Civil Infraction. A person who violates any provision of this article shall be responsible for a municipal civil infraction for which the court may impose a fine of not more than \$500.00. Each day a violation occurs is a separate violation.

- 2) Authorized Local Official. Notwithstanding any other provision of the City’s laws, ordinances and regulations to the contrary, the following persons are designated as the authorized local officials to issue municipal civil infraction citations directing alleged violators to appear in district court for violations of this article (or, if applicable, to issue municipal civil infraction notices directing alleged violators to appear at a municipal ordinance violations bureau): the City Administrator and the City Administrator’s designees, any sworn law enforcement officer, and any other persons so designated by the City.

Sec. 74-178. 74-170 – Judicial Relief

The City Attorney may institute legal proceedings at the direction of the City Administrator in a court of competent jurisdiction to seek all appropriate relief for violations of this article. The action may seek temporary or permanent injunctive relief, damages, penalties, costs and any other relief, at law or equity that a court may order.

Sec. 74-179. 74-171 – Cumulative Remedies

The imposition of a single penalty, fine, or other sanction or remedy upon any person for a violation of this article shall not preclude (or be a prerequisite for) the imposition by the City or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations.

INTRODUCTION.....

SUMMARY PUBLISHED.....

ADOPTION.....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

On motion by Commissioner _____, seconded by
 Commissioner _____, this Ordinance was _____ by a
 _____ vote.



Adrian Fire Department

Memorandum

To: Mayor Greg DuMars, Adrian City Commission
From: Paul G. Trinka
CC: City Administrator Dane Nelson, Finance Director Cindy Prue
Date: September 25, 2013
Re: Patient Cot

With the purchase of the new transport rescue the department knew that a cot would be required to carry patients from a scene to a vehicle. The cot was included in the capital budget process.

The fire department solicited bids for an ambulance cot. Since July we have used a borrowed cot from a neighboring department. After researching available cots department members felt that a Stryker Power Pro XT 6506 DS with some options would be the best suited for our responses.

Scott Holtz mailed the specifications to the following companies that were known to carry the Stryker brand:

Moore Medical
1690 New Britain Avenue
Farmington, CT 06032

Savelives.com / Common Cents EMS Supply
PO Box 535
Old Saybrook, CT 06475

EMP, Inc.
5235 International Drive
Suite B
Cudahy, WI 53110

Hammond Enterprises
PO Box 1483
Tappahannock, VA 22560

Alpha Medical Equipment, Inc.
P.O. Box 88
Zimmerman, MN 55398

5 Alarm Fire and Safety Equipment
350 Austin Circle
Delafield, WI 53018-2171

In addition the bid specification was posted on the city's website.

We received on bid from Common Cents EMS Supply in Old Saybrook, CT in the amount of \$14,091.16 for the cot and related accessories. It is our recommendation that the bid be awarded to Common Cents EMS Supply in the with funds from 101.336.00-977.000.

RE: FIRE DEPARTMENT – Ambulance Cot

RESOLUTION

WHEREAS, the fire department since July of 2013 has provided transport EMS service on a backup basis to the residents of the City of Adrian using a borrowed Ambulance Cot; and

WHEREAS, during the capital budget process \$15,000 was included for the purchase of an Ambulance Cot; and

WHEREAS, fire department personnel reviewed available options as far as Ambulance Cot and determined that Stryker Power Pro XT 6560 DS cots were best suited for use by members of the department; and

WHEREAS, bids notices were sent to six different vendors as well as being posted on the city’s website; and

WHEREAS, Common Cents EMS Supply from Old Saybrook, CT was the sole bidder for the equipment at a cost of \$14091.16 with options.

NOW, THEREFORE, BE IT RESOLVED, that the Adrian City Commission, by this resolution, accepts the bid from Common Cents EMS Supply, Old Saybrook, CT for the purchase of one Stryker Power Pro XT 6560 DS and related accessories in the amount of \$14,091.16 with funds coming from the fire department capital equipment account 101.336.00-977.000.

On motion by Commissioner _____, seconded by Commissioner _____, this resolution was _____ by a _____ vote.

RE: ASSESSING OFFICE – Downtown Parking Special Assessment – Notice of Intent

RESOLUTION

WHEREAS, in accordance with the recommendations of the Blueprint for Downtown Adrian, short-term parking meters were removed from streets and parking lots in June, 2004; and

WHEREAS, after several meetings of the Ad-Hoc Downtown Parking Advisory Committee to review the Auto Fund Parking Budget and Parking Enforcement Operations, the following Financial Plan and Special Assessment proposal has been developed; and

WHEREAS, the cost to maintain parking lots in the Downtown Development District for FY2013-14 amount to \$236,649, detailed as follows:

Operating Budget	\$112,649
Capital Budget	<u>124,000</u>
Total Expenses	<u>\$236,649</u> ; and

WHEREAS, estimated Revenue for FY2013-14 is detailed as follows:

Parking Permits	\$ 600
Other	100
Investment Earnings	100
Fee Estate Contribution	25,000
Contribution-DDA	60,000
Contribution-General Fund	60,000
Special Assessment	60,000
Loan Proceeds	<u>30,849</u>
Total Revenue	<u>\$236,649</u> ; and

WHEREAS, the City Administrator recommends that a \$60,000 special assessment be levied upon the taxable value of real and personal property of downtown business owners who benefit from the removal of parking meters and maintenance of a viable downtown parking system for the purpose of revitalizing the central business district; and

WHEREAS, required plans, reports and recommendations have been filed pursuant to the provisions of Article I, Section 70-6 of the Adrian City Code of Ordinances; and

WHEREAS, such plans include the Auto Parking Fund Financial Plan, purpose of the Special Assessment, the Special Assessment District, and the methodology utilized by the City Assessor to apportion the Special Assessment to property owners within the District.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution:

1. APPROVES the FY2013-14 Auto Parking Fund Financial Plan, including:
AUTO PARKING FUND (585)

REVENUE:

652.312	PARKING PERMITS	\$	600
695.000	OTHER		100
664.000	INVESTMENT EARNINGS		100
698.000	LOAN PROCEEDS		30,849
699.101	TRANSFER IN-GENERAL FUND		60,000
699.281	TRANSFER IN-DDA/TIFA FUND		60,000
699.599	CONTRIB.-SPECIAL ASSESSMENT		60,000
699.699	CONTRIB.-FEE ESTATE		<u>25,000</u>
	TOTAL ESTIMATED REVENUE	\$	<u>236,649</u>

EXPENSES:

702.000	WAGES	\$	4,436
702.110	WAGES-PAVEMENT MARKING		2,500
702.111	WAGES-SNOW REMOVAL		5,000
702.291	WAGES-GENERAL LOT MAINTENANCE		2,000
704.111	OVERTIME-SNOW REMOVAL		4,000
708.110	OVERHEAD-PAVEMENT MARKING		2,400
708.111	OVERHEAD-SNOW REMOVAL		4,560
708.291	OVERHEAD-GEN LOT MAINT		960
715.000	SOCIAL SECURITY		339
716.000	HOSPITALIZATION		270
717.000	LIFE INSURANCE		13
718.000	RETIREMENT CONTRIBUTION		627
719.000	ENEMPLOYMENT COMPENSATION		29
741.000	OPERATING SUPPLIES		500
776.110	SUPPLIES-PAVEMENT MARKING		1,000
776.111	SUPPLIES-SNOW REMOVAL		5,600
776.291	SUPPLIES-GEN LOT MAINT.		600
801.000	CONTRACT SERVICES		9,052
801.291	CONTRACTED-GEN LOT MAINT.		5,000
802.000	AUDIT FEES		1,000
851.000	TELEPHONE		500
912.000	LIABILITY INSURANCE		200
914.000	WORKERS' COMPENSATION		61
921.000	ELECTRICAL		12,000
943.110	VEHICLE RENT-PAVEMENT MARKING		1,000
943.111	VEHICLE RENT-SNOW REMOVAL		20,000
943.291	VEH RENT-GEN LOT MAINT.		250
951.000	TAXES		2,470
969.133	CONTRIB.INDIRECT COST PLAN		10,282
967.000	DEPRECIATON EXPENSE		16,000
975.000	CAPITAL IMPROVEMENTS		<u>124,000</u>
	TOTAL EXPENSES	\$	<u>236,649</u>

2. As indicated in the aforementioned Financial Plan, the City intends to levy a Special Assessment in the amount of \$60,000.

3. The Special Assessment proposed to partially defray the operating expenses detailed in the Auto Parking Fund Financial Plan and, in addition, provide an accumulated fund balance to draw upon for future capital improvements, shall be levied on the lands and premises within the proposed Special Assessment District according to the methodology employed by the City Assessor and on file with the City Clerk.
4. The Report, including the Proposed Special Assessment, shall be filed with the City Clerk forthwith to be available for public examination.
5. The City Commission will meet at a Public Hearing in the Adrian City Commission Chambers (159 E. Maumee Street) at 7:00 p.m. on Monday, October 21, 2013, for the purpose of hearing and considering comments regarding the Proposed Special Assessment District, or to the inclusion of any property within the proposed Special Assessment District.
6. The City Clerk shall mail notice of the intention to adopt said Special Assessment to all interested parties pursuant to the provisions of Article I, Section 70-6 of the Adrian City Code of Ordinances.

On motion by Commissioner _____, seconded by
Commissioner _____, this resolution was adopted by a
_____ vote.

Parking Lot

Sidewalk

Added
Space
Area
App. 15' x 40'

Hamerman's Furniture

Sidewalk

Exit

Rear Entrance

Mandy's Uptown
Bar & Grill

Club
109

Hair Salon

Front Entrance

Sidewalk

Sidewalk

Sidewalk

Main Street

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Iott Insurance Agency, Inc 9017 E. US 223 P.O. Box 7 Blissfield, MI 49228	CONTACT NAME: Marty Nine
	PHONE (A/C, No, Ext): 517.486.4381 FAX (A/C, No): 517.486.2351 E-MAIL ADDRESS:
INSURED Mandy's Uptown Bar & Grill DBA: TAND, Inc. 111 S. Main St. Adrian, MI 49221	INSURER(S) AFFORDING COVERAGE NAIC #
	INSURER A: Home Owners 26638
	INSURER B: North Pointe
	INSURER C:
	INSURER D:
	INSURER E:

COVERAGES CERTIFICATE NUMBER: 13/14 REVISION NUMBER:

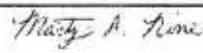
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MMDD/YYYY)	POLICY EXP (MMDD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC			14105871	02/15/2013	02/15/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/CP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in MI) If yes, describe under DESCRIPTION OF OPERATIONS below			14010108	02/15/2013	02/15/2014	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
B	Liquor Liability			NPLL73912	02/15/2013	02/15/2014	\$50,000 aggregate limit \$50,000 each common cause limit

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

LIMITS SHOWN ARE THOSE IN EFFECT AT POLICY ISSUANCE.

Additional insured under the general liability is City of Adrian.

CERTIFICATE HOLDER City of Adrian 100 E. Church St. Adrian, MI 49221	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE  Marty Nine/DAWN
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Line of Business Coverages for General Liability

Coverage	Limits	Ded/Ded Type	Rate	Premium	Factor
General Aggregate	2,000,000				
Products/Completed Ops	1,000,000				
Aggregate					
Personal & Advertising	1,000,000				
Injury					
Each Occurrence	1,000,000				
Fire Damage	50,000				
Medical Expense	5,000				

Line of Business Coverages for Workers Compensation

Coverage	Limits	Ded/Ded Type	Rate	Premium	Factor
WC & Employer's liability	500,000/500,000/ 500,000				
Expense constant				225.00	
Adjst. to reconcile-exp mod. premium				-321.00	0.77000
Multi policy				-48.00	0.95000
Group credit				-108.00	0.88000
Increased employer's liability				50.00	
Terrorism				11.00	

HOLD HARMLESS/INDEMNIFICATION AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2013, between the CITY OF ADRIAN, a Michigan municipal corporation, of 135 East Church Street, Adrian, Michigan 49221, hereinafter referred to as the "City", and Doug Grossman, of Maddy's Uptown Bar & Grill hereinafter referred to as the "Applicant".

RECITALS

1. The Applicant has requested the use of a City street or public parking area, that is owned by the City.
2. The fees involved are for the purpose of covering direct costs and are not designed for any profit to the City.
3. As the City will receive little or no financial benefit for this usage, it is necessary to have the City indemnified and held harmless from any liability or damage claims associated with the use of such area by the Applicant, which is agreeable to the Applicant.

NOW, THEREFORE, inconsideration of the foregoing Recitals and the use of said street or public parking area by the Applicant, it is agreed as follows:

1. The Applicant will have the City named as an additional insured on its liability policy for all activities or events for which it will utilize the street or parking area. Minimum coverage will be One Million (\$1,000,000) Dollars. The City shall be provided a copy of the insurance declaration sheet which shall evidence such coverage.
2. The Applicant shall indemnify and hold the City harmless from any and all liability, claims, damages, costs, and any other expenses, including actual attorney fees incurred, that may be associated or incurred by the City as a result of the Applicant's use of the street or public parking area.

IN WITNESS WHEREOF, the parties have set their hands the day and year first above written.

THE CITY OF ADRIAN

By: _____

Its: _____

APPLICANT:

x. Doug Grossman

R13-200

October 7, 2013

RE: CITY COMMISSION – RESOLUTION TO APPROVE OR DENY AN APPLICATION FOR THE CLOSURE OF A STREET OR PUBLIC PARKING AREA.

RESOLUTION

WHEREAS, Mandy's Uptown Bar & Grill has applied for the closure of the sidewalk alley way behind "Mandy's" from Saturday November 2, 2013 at 9:00am through Sunday, November 3, 2013 at 3:00am; and

WHEREAS, the City Commission has considered said request including all requested waivers from standard requirements.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the application of Mandy's Uptown Bar & Grill is hereby (approved/denied).

IT IS FURTHER RESOLVED that requested waivers of standard conditions are (approved/denied).

IT IS FURTHER RESOLVED that the fee for use of City barricades shall be _____.

On motion by Commissioner _____, seconded by Commissioner _____, this resolution was adopted by a _____ vote.

TRUST AGREEMENT

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DECLARATION OF TRUST

This Trust Agreement, entered into this ____ day of _____, 2013 by and between the City of Adrian, a Michigan Municipal Corporation, of 135 East Maumee Street, Adrian, Michigan, County of Lenawee, Michigan as "Grantor", and The First Federal Bank of the Midwest of 601 Clinton Street, Defiance, Ohio, 43512 as "Initial Trustee" or "Trustee".

WITNESSETH:

WHEREAS, the Grantor desires to establish a trust to preserve and utilize royalties derived from oil and gas exploration or mineral rights owned by the Grantor; and

WHEREAS, the Trustee has indicated its willingness to assume the responsibilities in administration of said trust and to act as Trustee in connection therewith; and

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, it is hereby agreed as follows:

ARTICLE I

CREATION OF TRUST

1.1. CREATION

The Grantor does hereby transfer, assign, set over, and deliver to the Trustee all the property which is described in Schedule A attached hereto and by specific reference made a part hereof, to be held by the Trustee in trust for the use and purposes hereinafter set forth.

1.2 TRANSFER OF PROPERTY

The said property (as described in Schedule A, attached hereto), together with other royalties derived from oil and gas exploration or mineral rights owned by the Grantor, which may hereafter become subject to the operation of this Trust Agreement and its income, shall constitute the Trust Estate and shall herein be referred to as the "Trust Estate". All such royalties shall be delivered to the Trustee as they are received.

1.3 TERM

The Grantor makes this Trust for a minimum period of 15 years from this date. Upon expiration of this initial period, the City Commission at that time, by affirmative vote of not less than five commissioners, may terminate or otherwise amend the terms of the Trust.

1.4 NAME

The name of the Trust shall be City of Adrian Oil and Gas Royalty Trust.

ARTICLE II ADMINISTRATION OF TRUST

2.1 BENEFICIARY OF THE TRUST

The beneficiary of the Trust is the City of Adrian, a Michigan Municipal Corporation, and its citizens.

2.2 USE OF TRUST ESTATE

The principal of the Trust, along with all oil and gas income earned from a period commencing May 24, 2013 through May 24, 2016 shall be accumulated with no expenditures except for administration expenses and fees due the Trustee. Thereafter, the Trustee shall distribute to the beneficiary an amount equal to no more than 5% of the Trust Estate on an annual basis, based on a Trust Estate value using a 16 quarter rolling average. The schedule of distributions shall be agreed to between the Director of Finance for the City and the Trustee, but shall be distributed at least quarterly. Each budget year, the Adrian City Commission shall determine the percentage of distribution it requires, not to exceed the 5% of the Trust Estate, as set forth herein.

ARTICLE III ADMINISTRATION POWERS AND DUTIES OF TRUSTEE

3.1 INVESTMENT AUTHORITY

The trustee is authorized to invest the assets with the same authority as granted to an investment fiduciary under the Public Employee Retirement System Investment Act, 1965 PA 314, MCL 38.1132 to 38.1140m. This authority is based on the statutory language set forth in MCL 129.97 for the investment of funds derived from oil and gas exploration on property or mineral rights owned by a public corporation when it has a long-term or perpetual trust consisting of such funds.

3.2 CARE AND CUSTODY OF ASSETS

The trustee shall have the entire care and custody of all of the assets comprising the trust estate and shall maintain accurate books of account and records of receipts and disbursements and other financial transaction relative to the trust estate, all of which shall be available for inspection at any reasonable time by the beneficiary of the trust.

The Trustee shall render to the City of Adrian, as beneficiary, an annual accounting of all receipts and disbursements in relation to the trust account, including an inventory of the trust estate held in trust.

Regular monthly statements of all activity in the account shall be transmitted to the Director of Finance of the City of Adrian, with a copy to the City Administrator.

3.3 INVESTMENT OBJECTIVE

The overall investment objective should be the management of funds by prudent man guidelines, in accordance with the Michigan Prudent Investor Rule, MCL 700.1501 et seq., in such a way that will provide preservation of real value while creating reasonable opportunities over the long term for real growth of assets and adequate cash flow to fund the use of Trust distributions as determined by the beneficiary. The objective is the enhancement of long term growth through interest, dividends, and market appreciation while improving the ability of the Trust to maintain and improve the quantity and amount of distributions.

3.4 INVESTMENT GUIDELINES

- A. The investment target of the Trust is to earn, over a five-year moving period net of investment management and transaction fees, an annual total return rate of at least 5% greater than the inflation rate as measured by the Consumer Price Index.
- B. The total rate of return will include dividends, interest, realized and unrealized capital gains/losses, and any other income received by the investment managers, less management fees and transaction costs. When calculating the net total return, any reduction or increase in the corpus due to new deposits or distributions should be factored into the calculation.
- C. The total portfolio should average 60% equities and 40% fixed investments, with a maximum of 75% equities, a minimum of 25% equities, a maximum of 75% fixed investments and a minimum of 20% fixed investments. During the accumulation phase, a dollar cost averaging approach will be used which equity investments will be added first. The portfolio may exceed maximum equity weightings, based on approval from the beneficiary during the accumulation phase. The portfolio should be rebalanced to stated ranges by year three.
- D. Investment manager(s) shall have full discretion to invest within the ranges defined herein.
- E. Fund investments shall be structured to minimize the risk of any large loss. This diversification should include diversity by industry sector, size of capitalization, government sector, and company. No single security shall amount to more than 5% of the market value of the portfolio. No industry sector shall amount to more than 15% of the portfolio.
- F. The investment manager(s) should rebalance their portfolio(s), at least every six months, to comply with the percentage guidelines in this policy.

3.5 PAYMENT OF FEES AND EXPENSES

The compensation of the Trustee shall be approved by the Adrian City Commission from time to time. Initial compensation shall be as follows:

Fee Structure

- \$0.00- \$1,000,000.00 0.55%
- \$1,000,000.01- \$2,000,000.00 0.50%
- \$2,000,000.01- \$5,000,000.00 0.45%
- \$5,000,000.01- \$10,000,000.00 0.40%
- Over \$10,000,000 0.35%

Any change to the fee structure shall be determined by the Adrian City Commission and communicated to the Trustee along with the effective date of the changes.

ARTICLE IV
TRUSTEE

4.1 TRUSTEE

First Federal Bank of the Midwest, of 601 Clinton Street, Defiance, Ohio 43512 shall be the Initial Trustee.

4.2 WITHDRAWAL BY TRUSTEE

In the event the Trustee desires to withdraw as Trustee, it shall provide the Grantor and beneficiary with a 60 day written notice to the City Administrator of the City of Adrian, in order to effectuate efficient transfer of assets to a successor Trustee.

4.3 REMOVAL OF TRUSTEE

The Adrian City Commission, acting on behalf of the Grantor and beneficiary, reserves the sole right to change Trustees at any time with or without cause. In the event the Adrian City Commission determines to change Trustees, a 60 day written notice shall be given to the Trustee in order to effectuate efficient transfer of assets to a successor trustee.

4.4 SUCCESSOR TRUSTEE

The Adrian City Commission shall have the sole right to name any successor trustee. Any successor trustee named by the Adrian City Commission shall have the same rights, powers and duties as the Initial Trustee, as well as all the responsibilities and other provisions set forth regarding the trustee in this agreement and by law.

ARTICLE V
MISCELLANEOUS PROVISIONS

5.1 GOVERNING LAW; SEVERABILITY

The validity, construction and all rights under this agreement shall be governed by the laws of the State of Michigan, and if any provisions should be invalid or unenforceable, the remaining provisions shall continue to be fully effective.

5.2 CAPTIONS

Captions in this agreement are used for convenience and shall not limit, broaden, or qualify the text.

5.3 REGISTRATION OF TRUST AGREEMENT

The Trustee shall be exempt from registering this Trust Agreement.

IN WITNESS WHEREOF, the Grantor, and the Initial Trustee, have executed this Agreement as of the day and year first written above.

GRANTOR: CITY OF ADRIAN

BY: _____
 GREG DuMARS

ITS: MAYOR

BY: _____
 PAT BAKER

ITS: CITY CLERK

TRUSTEE: FIRST FEDERAL BANK OF THE MIDWEST

BY: _____

ITS: _____

SCHEDULE "A"

Oil and gas royalties in the amount of One Hundred Seventy Nine Thousand, One Hundred Thirty Three and 34/100 (\$179,133.34) Dollars.

R13-201

October 7, 2013

RE: ADMINISTRATION – RESOLUTION TO APPROVE AND ACCEPT A DECLARATION OF TRUST FOR OIL AND GAS ROYALTIES AND AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE SAID DECLARATION OF TRUST.

RESOLUTION

WHEREAS, the strategic plan of the City Commission calls for the creation of an endowment for the investment and use of royalties received as a result of oil and gas leases; and

WHEREAS, the City Commission has considered the attached Declaration of Trust and has determined that it is in the best interest of the City of Adrian.

NOW THEREFORE be it resolved that the Declaration of Trust, attached hereto, is hereby approved and accepted by the City Commission and that the Mayor and City Clerk are hereby authorized and directed to execute said Declaration of Trust on behalf of the City with the Declaration of Trust to be effective forthwith.

On motion by Commissioner _____, seconded by
Commissioner _____, this resolution was adopted by a
_____ vote.



MEMO

135 E. Maumee, Adrian, MI 49221-2703

DATE: October 7, 2013

TO: Hon. Greg DuMars, Mayor
City Commission
Dane Nelson, City Administrator

FROM: Chris Miller
DDA & Economic Development Coordinator

SUBJECT: DDA building loan/grant project

Ladies and Gentlemen,

At the July 10, 2013 DDA board meeting, the board passed a resolution authorizing the use of DDA funds to support a renovation project at 143 N. Main. The project is utilizing an existing building loan/grant program in place and administered by the DDA. This program matches private dollars from building owners, and once projects are completed provides that match to the owners.

This is the 2nd time the DDA has used this program, the first was the successful remodel of 123 N. Main.

The DDA anticipates use of the program by several other upcoming prospective projects, and because these are local funds, the program is a very effective tool for downtown renovations.

The expenditure of DDA funds to the building owners, Joe Ann Steele and Rick Gritzmaker, is on the City Commission agenda this evening. The DDA board appreciates your support of the program.

Please let me know if you have questions regarding this request.

Best Regards,
Chris Miller
DDA & Economic Development Coordinator

CITY OF ADRIAN
DOWNTOWN DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES

Official proceedings of the July 10, 2013 scheduled meeting minutes of the City of Adrian Downtown Development Authority Board of Directors.

This meeting was called to order by Chairman Douglass at 8:00am in the City Chambers Building, 159 E Maumee St., Adrian, MI 49221.

Roll Call: Chairman Douglass, Mayor DuMars, Benio, Harder, Olsaver, Wilkerson, Willet

Also Present: Chris Miller, DDA Coordinator, Don Taylor, Dave Thomas, Megan Traynor, Intern, Gwen Donahue, Recording Secretary

Approval of Agenda: DDA Board Member Willet moved to approve the Agenda as presented. That motion was seconded by Board Member Mayor DuMars. Motion carried by a unanimous vote.

Approval of Minutes: DDA Board Member Olsaver moved to approve the June 12, 2013 meeting minutes. That motion was seconded by Board Member Mayor DuMars. Motion carried by an unanimous vote.

Audience Participation – Public Comment in Agenda Items – Dave Thomas chair of the Brews & Blues Festival thanked the board for the generous donation and their continuing support for the event. Don Taylor also thanked the board for their donation and continuing support of the Art-A-Licious Festival.

DDA Coordinator Miller introduced Intern Megan Traynor to the board. Miller informed the board on the many projects that Megan has done during her internship at the City of Adrian.

Financial Report: DDA Coordinator Miller supplied the board with balance sheet for funds available for the 2013/2014 year budget. Miller gave an over view on some changes that have taken place notably a significant reduction on the projected TIF funding, mileages, and expenditures. Miller will verify the revenue numbers are correct and discuss access to Fund Balance to ensure commitments can be met and plans in place can be accomplished. Discussion ensued. No Action Needed.

Funding request- DDA Coordinator Miller informed the board on funding request from Joann Steele and Rick Gritzmaker for 143 N Main St. Miller stated that the repairs are for the façade, interior and exterior renovations. Discussion ensued.

On Motion by DDA Board Member Willet to use the Building/Loan Fund in the amount of \$13,400.00 dollars subject to competition of needed paperwork and funding availability. That motion was seconded by Board Member Mayor DuMars. Vote passed by 6 ayes and 1 abstained (Chairman Douglass).

DDA Coordinator Miller informed the board on two more upcoming requests for assistance in their renovations.

New Business:

- a. Great Big Night- DDA Coordinator Miller stated the evening was a success.
- b. LCVB Visioning Session- Miller informed the board on the recent session he attended at Hidden Lake Gardens.
- c. AAC Coffee & Conversation w/LEDC- Miller updated the board on the recent coffee and conversation meetings.
- d. Opera Up Town- Miller informed the board that Opera Up Town will take place at Hooligans during First Fridays in August and will continue every second Tuesday's of the month at the same location.
- e. Entrepreneur Culture 3 County Discussion- Miller updated the board on this new group that has formed that included three counties, Lenawee, Monroe and Hillsdale.
- f. El Chaps Parking- Miller updated the board on the recent meeting with the owner of El Chaps regarding enlargement of parking lot and potential donation of property to city for additional parking for customers.
- g. Town & Gown- Miller informed the board on new Town & Gown committee meetings.
- h. Season Request- See under financial report.
- i. Sue Semenck Painting- Miller informed the board the Sue has sold two of her paintings that had been on display in the Democratic Building.

Old Business:

- a. 118 W Maumee St- DDA Coordinator Miller updated the board on the legal status and continuing talks with owner regarding repair of façade to west side of building.
- b. Sign Ordinance- DDA Board Member Mayor DuMars updated the board on the sign ordinance changes to come before the City Commission. Discussion ensued regarding request that were made by the DDA Board to City Commission on the downtown portion of the sign ordinance.
On motion by DDA Board Member Olsaver to re-submit to the City Commission from the Downtown Development Authority Board of Directors their issues regarding to the downtown portion of the sign ordinance. That motion was second by Board Member Douglass. Motion carried by a unanimous vote.
- c. Project Updates- Miller updated the board on projects in the downtown area and noted if current projected revenue levels are correct, board may need to consider other resources for future projects.
- d. Vacant Building Ordinance- Miller and Board Member Mayor DuMars updated the board on the recent meetings and rough draft of the vacant building ordinance.

- e. Old YMCA Building- Miller updated the board on the restoration work to the Old YMCA Building.
- f. Business Targeting- Miller informed the board on the recent business targeting on the old Music Circus building at 109 W Maumee St.
- g. Advertising Match Project- DDA Coordinator Miller informed the board that the advertising match project is on the back burner until financing is available.

Other DDA Business Matters- DDA Coordinator Miller request that board members send cards and appreciation to Chandlers to show support to the owners and business.

Board Member Harder addressed his concerns regarding not having representation from Adrian College and Jackson College on the DDA Board. Discussion ensued.

Adjournment: 10:00am

R13-202

October 7, 2013

RE: DOWNTOWN DEVELOPMENT – RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS FROM THE DDA BUILDING/ LOAN FUND FOR REPAIRS TO 143 N. MAIN STREET.

RESOLUTION

WHEREAS, Joe Ann Steele and Rick Gritzmaker, owners of 143 N. Main Street requested funding from the DDA for repairs to the façade, interior and exterior renovations for said property ; and

WHEREAS, at the July 10, 2013 meeting of the DDA, funding for these repairs was approved in the amount of \$13, 400.00 from the DDA Building/Loan Fund.

NOW THEREFORE be it resolved that the drawing down of funds in the amount of \$13,400.00 from the DDA Building/Loan Fund for a loan to Joe Ann Steele and Rick Gritzmaker for repairs to 143 N. Main Street is hereby approved.

On motion by Commissioner _____, seconded by
Commissioner _____, this resolution was adopted by a
_____ vote.



MISCELLANEOUS

Adrian Fire Department
Monthly Report August 2013

	Property Loss	Content Loss
Fire		
Fire, Other	1	
Outside rubbish, trash or waste fire	1	
Dumpster or other outside trash receptacle fire	1	
	<hr/> 3	
Rescue		
Rescue, EMS incident, other	6	
Medical assist, assist EMS crew	1	
EMS call, PDA	1	
Motor Vehicle Accident with no injuries	1	
Abdominal Pain	10	
Allergies	2	
Altered LOC	6	
Animal Bite	1	
Assault	2	
Back Pain	7	
Breathing Problem	21	
Cardiac Arrest	1	
Chest Pain	31	
Convulsions/Seizure	6	
Diabetic Problem	8	
Eye Problem	1	
Fall Victim	27	
Headache	2	
Heart Problems	2	
Hemorrhage/Laceration	4	
Ingestion/Poisoning	2	
Lift Assist	4	
Not Known	7	
Other	12	
Pregnancy/Childbirth	2	
Psychiatric Problem	14	
Sick Person	12	
Stroke/CVA	5	
Traffic Accident	4	
Traumatic Injury	10	
Unconscious/Fainting	10	
Unknown Problem Man Down	6	
	<hr/> 228	

Adrian Fire Department
Monthly Report August 2013

		Property Loss	Content Loss
Hazardous Condition			
Hazardous condition, Other	1		
Gas leak (natural gas or LPG)	1		
Oil or other combustible liquid spill	1		
Arcing, shorted electrical equipment	1		
	4		
Service Call			
Smoke or odor removal	2		
Smoke Investigation, No action taken	3		
Animal rescue	1		
Assist police or other governmental agency	1		
Unauthorized burning	10		
Cover assignment, standby, moveup	1		
	18		
Good Intent			
Good intent call, Other	1		
Dispatched & cancelled en route	5		
	6		
False Alarm			
False alarm or false call, Other	6		
Local alarm system, malicious false alarm	2		
System malfunction, Other	5		
Smoke detector activation due to malfunction	3		
Alarm system sounded due to malfunction	2		
Smoke detector activation, no fire - unintentional	1		
Alarm system activation, no fire - unintentional	5		
	24		
Total for August 2013	283	\$0	\$0
Total Year to Date 2013	1996	\$204,530	\$70,400
Year to Date	1436	\$347,300	\$41,600

TO: DANE C NELSON, CITY ADMINISTRATOR
 FROM: MARCIA M. BOHANNON, TRANSPORTATION COORDINATOR

ADRIAN D.A.R.T. PASSENGER RIDERSHIP REPORT FOR AUGUST 2013

WEEK END:	AUG 2	AUG 9	AUG 16	AUG 23	AUG 30	TOTAL
MONDAY	0	313	314	252	247	1126
TUESDAY	0	270	268	260	255	1053
WEDNESDAY	0	247	270	249	265	1031
THURSDAY	281	281	337	217	239	1355
FRIDAY	362	286	267	211	288	1414
	643	1397	1456	1189	1294	5979

SERVICE DAYS	AUG 2013 (22)	AUG 2012 (23)	+/-	JUL 2013 (22)
SENIORS	885	1039	-154	860
HDCP SENIORS	785	962	-177	891
HANDICAPPED	2865	2991	-126	2779
WHEELCHAIRS **	242	356	-114	276
GENERAL	1444	1425	19	1366
	5979	6417	-438	5896

SEPTEMBER	2011	6322	2012	5642	-11%
OCTOBER	2011	6330	2012	7035	11%
NOVEMBER	2011	6472	2012	6367	-2%
DECEMBER	2011	6243	2012	6142	-2%
JANUARY	2012	6855	2013	7325	7%
FEBRUARY	2012	6761	2013	6797	1%
MARCH	2012	6959	2013	7194	3%
APRIL	2012	6207	2013	6979	12%
MAY	2012	6467	2013	6569	2%
JUNE	2012	5777	2013	5588	-3%
JULY	2012	5998	2013	5896	-2%
AUGUST	2012	6417	2013	5979	-7%
		76808		77513	1%

** WHEELCHAIR TOTALS ARE INCLUDED IN HANDICAPPED PASSENGER TOTALS

ADRIAN CITY PLANNING COMMISSION
SEPTEMBER 10, 2013
REGULAR MEETING
MINUTES

The regular meeting of the Adrian City Planning Commission was called to order by Chair Jacobitz at 7:00 p.m. in the City Chambers at 159 East Maumee Street.

Present: Mike Jacobitz Chair
 Brian Watson Vice Chair
 Chuck Jacobson City Commissioner
 Tom Blanton
 Mel Dye
 Marilyn Schebil
 Don Taylor
 Nancy Weatherby

Also Present: Dave Pate Building Official

Absent: Chad Johnson

APPROVAL OF MINUTES OF THE
AUGUST 6, 2012, REGULAR MEETING

There were no corrections or additions to the minutes. Commissioner Dye moved that the Minutes of the August 6, 2013, regular meeting be approved as presented. Commissioner Blanton supported. Motion carried unanimously.

SET PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS
TO A ZONING EXCEPTION PERMIT FOR
227 NORTH BROAD STREET

Commissioner Blanton moved that the Planning Commission set a public hearing for their next regular meeting to hear and consider comments to a Zoning Exception Permit Application for 227 North Broad Street. Commissioner Schebil supported. Motion carried unanimously.

CASE NO. 13-022
SITE PLAN REVIEW FOR
1220 NORTH MAIN STREET

Present for this meeting were Mr. Jeff Myers from Mannick Smith Group and Mr. Ed Larkin from Family Medical Center of Michigan. Mr. Myers explained the project. The site plan is for the construction of a new 20,100 square foot family medical center. This

is the former site of the New Focus Group and prior to that the Elks Club. The existing building will be demolished. The proposed building will be located toward the south line of the property to take advantage of views of the river. The existing wooded area is to remain as is and would not be developed. Mr. Myers mentioned the approvals from MDOT and DEQ are a 60 day process. MDOT has not approved their proposed left-turn lane, the amount of traffic they would generate does not warrant this so the driveway would have to be narrowed from the proposed 39 feet to 30 feet. Mr. Myers mentioned they would comply with this requirement. There were no comments from the audience and no written communications or telephone calls received. After some discussion, Commissioner Blanton moved that the Planning Commission adopt the following resolution in support of this site plan with contingencies:

RESOLUTION

WHEREAS, Mannik & Smith Group, Inc. has submitted a request for Site Plan Review and Approval for the construction of a one-story family medical center at 1220 North Main Street; and

WHEREAS, the zoning district of the subject parcel is designated as B-2 Community Business; and

WHEREAS, the City of Adrian Comprehensive Plan designates these parcels to be Park/Recreation; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the review standards found in the Zoning/Development Regulations, Section 4.6, pertaining to site plan review and approval; and

NOW THEREFORE BE IT RESOLVED that the Adrian City Planning Commission accepts the review and analysis conducted by the Community Development Department; and

BE IT FURTHER RESOLVED that though the Comprehensive Plan designation differs from the previous and proposed uses, this is the best use for this property; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application is in general compliance with the standards for Site Plan Review and Approval; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the submitted Site Plan as presented under Case No. 13-022 for Parcel XA0-100-0073-00 with the following contingencies:

1. Need City Forester approval on landscaping plan
2. Post "No Parking" signs along drive for Fire Department
3. Confirm DEQ and MDOT approvals

Commissioner Taylor supported. A roll call vote was made.

In Favor of Motion: Blanton, Weatherby, Watson, Jacobson, Schebil, Dye, Taylor,
Jacobitz

Against Motion: none

Motion carried unanimously.

CASE NO. 12-002
SITE PLAN REVIEW FOR CHANGES TO APPROVED SITE PLAN
FOR ADRIAN COLLEGE MAINTENANCE BUILDING
LOCATED OFF OF STRATFORD AVENUE

Mr. Jerry Wright, VP of Business Affairs for Adrian College was present for this meeting. This revised site plan is for the addition of fuel tanks and dumpsters that would be located at the maintenance facility site. The fuel tanks are currently located at their former maintenance facility and will be moved to this new site. On November 6, 2012, the site plan for the new maintenance facility was reviewed and approved by the Planning Commission with the contingency that if there were any proposed future placements of fuel tanks, dumpsters or bulk outdoor storage, then these proposed additions shall come back to the Planning Commission for review and consideration. The fuel tanks are 1000 gallons each, one for diesel and the other for gasoline. They would be placed 9 feet from the north property line, there would also be a 6 foot screened fence at the east end to screen them from Stratford Avenue. The dumpsters would be in the northwest corner within an enclosure. The Commission asked about the outdoor storage on the north side of the old maintenance building. Mr. Wright mentioned that area would be re-landscaped, leveled and seeded. He was not sure where the other outdoor storage would go, but that they want it inside of a building. The Commission asked about where the location of the recycling dumpster would be. Mr. Wright talked about it being located at their parking lot at Charles and Williams Streets where the former apartment building burned down. The Commission informed Mr. Wright that this will need to come to the City and then the Planning Commission with anything near a residential area, unless it is surrounded by campus. The Commission asked about the illegal pipe behind the old maintenance building. Mr. Wright talked about this. Apparently there was a ditch in this area which was excavated and a pipe put in. This pipe was sealed either today or yesterday. The Commission asked for comments from the audience. Nancy O'Connor, 1384 Harrison Place, showed the Commission pictures of the old maintenance building from years ago to present day to illustrate the amount of items stored behind it. The smell from dumpsters and dirt blowing is not acceptable and needs to be resolved. Dale Stultz, 1205 University, feels Adrian College uses old maintenance building as a dump and does disservice to neighborhood, the dirt dumped there is higher than residential houses, at one time there was a furrow that allowed the water to drain to the south, and there has been a disregard by the college to its neighbors. There was discussion of tabling this approval until these other issues from the neighbors have been addressed. The Commission felt that this site plan review and neighbor's concerns about the old maintenance building site were two different issues and not to table. Mr. Wright

mentioned that the long range plan is to have access onto US-223 and that within 2 weeks the college will have area of old maintenance building graded and leveled. Mr. Pate said the City does not want to see debris/junk piled up behind this new maintenance building like it is at the old one. Mr. Wright mentioned the old roll-off dumpsters will be relocated. The Commission does not want to see waste storage or dirt at the new maintenance facility. There was further discussion on tabling this request until the issues at the old maintenance facility are rectified, however, this site plan does not pertain to that site. Commissioner Blanton moved that the Planning Commission adopt the following resolution in support of this site plan as presented:

RESOLUTION

WHEREAS, Adrian College has submitted a request for Site Plan Review and Approval for a revision of the original site plan for the Adrian College Maintenance Facility at 110 South Madison Street; and

WHEREAS, the November 6, 2012, conditional approval by the Planning Commission stipulated that any placement of fuel tanks, dumpsters or outdoor storage would need to be brought back before the Planning Commission for review and consideration; and

WHEREAS, the placement of fuel tanks and dumpsters are requested; and

WHEREAS, the placement of outdoor storage is not planned for this site as Adrian College desires to construct a building to store this material; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the review standards found in the Zoning/Development Regulations, Section 4.6, pertaining to site plan review and approval; and

NOW THEREFORE BE IT RESOLVED that the Adrian City Planning Commission accepts the review and analysis conducted by the Community Development Department; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application is in general compliance with the standards for Site Plan Review and Approval; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the submitted revised Site Plan as presented under Case #12-002 for Parcel XA0- 850-0147-00 as presented.

Commissioner Taylor supported. A roll call vote was made.

In Favor of Motion: Dye, Taylor, Jacobitz, Blanton, Weatherby, Watson

Against Motion: Jacobson, Schebil

CASE NO. 13-020
SITE PLAN REVIEW FOR ADRIAN COLLEGE
STUDENT HOUSING PROJECT
LOCATED ON WILLIAMS STREET

Mr. Ray Micham and Mr. Rusty Wilke from The Collaborative, Mr. Glyn Hunt from Associated Engineers and Surveyors, Mr. Larry Krison from Sodexo and Mr. James Gallimore from MLB Construction were present for this meeting. Also present was Mr. Jerry Wright, VP of Business Affairs for Adrian College. The Collaborative has submitted a site plan for the construction of five three-story buildings for student housing. The units will be apartments with living space and kitchens, and will be furnished. Most of the units will have two bathrooms and four individual bedrooms. Other units would be one bathroom and two bedrooms. After this project is complete, the existing dormitories (Herrick Hall, Lowry Hall and Deans Hall) will be demolished. The total number of bedrooms would be 360, which would be a 42 bedroom increase over that of the dormitories to be demolished. A new parking lot will be developed to the north and would abut the rear of residences on University Avenue. The number of parking spaces being provided would be 326, which would be a net gain of 114 over what is there now. The Zoning Board of Appeals granted a variance request for Buildings 4 and 5 at their August 6, 2013, meeting, which would allow the front of those buildings to encroach on the front setback by 13.25 feet. The Commission was in receipt of staff comments which listed a number of deficiencies. Staff reviewed revised plans received this morning and all but one of the deficiencies has been corrected. The flow test of the hydrant at Collegeview Apartments did not meet requirements, however, part of this project is looping the water line to Charles Street and that will increase the pressure. The calculations of the detention ponds were larger than the footprint of this project; storm drainage will be toward Williams Street. Mr. Micham mentioned they wanted to balance the removal of dirt, so they will not bring in more material to the site. Part of the dirt excavated will be used to fill in foundations when older buildings are demolished. The Commission did not want to see this project causing the people more water problems. Mr. Hunt described the detention ponds and that the City Engineer was concerned about overburdening the storm sewer system and asked Mr. Hunt to write a letter to document the items they discussed this morning. The letter, dated September 10, 2013, is shown as Attachment A. The Commission felt this should be subject to the City Engineer approval. Comments were taken from the audience. Jack Minister, 424 Feeman Court, said he is one of the houses that gets flooded, the culvert was put in when they built the ice arena, in 2006 they started hauling in dirt, the culvert now has a load of dirt packed down on it, hopefully this will solve the water problem, wants this item tabled until the last issue is taken care of. Nancy O'Connor, 1384 Harrison Place, doesn't believe anything the college has said tonight, the college has no respect for any of the neighbors, wants this tabled until the college does what it is suppose to do before they start any new projects. Larry Krison, Sodexo, explained there would be no impact on the neighbors from spoils or drainage. Gaylord Hill, 1345 University, lives on south side of street and has had problems with water, feels this project will not help water problem, having a 6 foot fence will not help as it will block sun, doesn't feel buildings should be 30 foot tall, feels this is bad for the neighborhood and the City of Adrian. Dale Stultz, 1205 University, would like to see a more appealing fence and some plantings that would help absorb noise, concerned about water table,

make sure grades are not directed to the north. Mike Ernst, 1245 University, wanted more information on detention ponds. Mr. Micham explained the drainage plan and detention ponds. There was discussion from the Commission that this water problem issue should be taken care of before the Commission makes a decision on this site plan. The Commission also discussed this being two separate issues, that the ongoing problem with water drainage is an enforcement issue not a land use issue. Mr. Gallimore spoke about the different phases of construction and that debris will be taken to landfills as designated by material. The Commission would like to see some kind of soil remediation plan. After further discussion, Commission Blanton moved that the Planning Commission adopt the following resolution in support of this site plan with contingencies:

RESOLUTION

WHEREAS, Mr. Ray Micham from The Collaborative, Inc., has submitted a request for Site Plan Review and Approval for the construction of five three-story dormitory buildings for Adrian College at 110 South Madison Street; and

WHEREAS, the zoning district of the subject parcel is designated as ERO Education, Research and Office, which allows the proposed use; and

WHEREAS, the City of Adrian Comprehensive Plan designates this parcel to be Quasi-Public; and

WHEREAS, the location of these housing units would be on the north side of Williams Street between Charles and Madison Streets; and

WHEREAS, the Zoning Board of Appeals has granted approval to reduce the front setback for Buildings 4 and 5 as shown on the site plan; and

WHEREAS, after the construction of these buildings is complete, three existing dormitory buildings (Herrick Hall, Lowry Hall and Deans Hall) will be demolished; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the review standards found in the Zoning/Development Regulations, Section 4.6, pertaining to site plan review and approval; and

NOW THEREFORE BE IT RESOLVED that the Adrian City Planning Commission accepts the review and analysis conducted by the Community Development Department; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application is in general compliance with the standards for Site Plan Review and Approval; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the submitted Site Plan as presented under Case #13-020 for Parcel XA0-850-0147-00 with the following contingencies:

1. Fire hydrant flow test approved by Adrian Fire Department
2. There shall be no storage of any materials from this project on any place on campus
3. Approval from City Engineer on the Stormwater Management Plan, per letter from Associated Engineers and Surveyors known as Attachment A and any comments from the Lenawee County Drain Commission.

Commissioner Dye supported. A roll call vote was taken.

In Favor of Motion: Dye, Taylor, Jacobitz, Blanton, Weatherby, Watson

Against Motion: Schebil, Jacobson

Motion carried.

The Commission hopes that Adrian College makes good on their promise to remedy the water situation, and the fact that this problem has gone on this long is ridiculous.

The Commission then discussed the enforcement issue of outdoor storage in the ERO District, which is not permitted per Section 18.2 (2) of the Zoning/Development Regulations. Commissioner Blanton moved that the Planning Commission recommend that Mr. Glenn Preston, Code Enforcement Officer, immediately review any possible violations of outdoor storage or storage of any outdoor material in regards to the ERO Districts. Commissioner Schebil supported. A roll call vote was made.

In Favor of Motion: Dye, Taylor, Jacobitz, Blanton, Weatherby, Watson, Jacobson, Schebil

Against Motion: none

Motion carried unanimously.

DISCUSSION OF POSSIBLE CHANGES TO POLE SIGN REGULATIONS IN THE B-4 DISTRICT

After some discussion, the Commission will review draft language at their October 1 meeting.

There being no further discussion, the meeting adjourned at 8:47 p.m.

Respectfully submitted,

Denise Cook, Secretary



Associated Engineers and Surveyors, Inc.

CIVIL ENGINEERS • LAND SURVEYORS

237 North Main Street
Adrian, Michigan 49221
Phone : (517) 263-4515
Fax : (517) 263-4535

Steven A. Young, P.S.
Kevin L. Pickford, P.S.
Eric T. Wernette, P.E.

September 10, 2013

ATTACHMENT A

City of Adrian Planning Commission
135 East Maumee Street
Adrian, MI 49221

Re: Adrian College Student Housing Project

Dear Planning Commission Members:

Associated Engineers is requesting your approval for the Adrian College Student Housing Project contingent on the following items being changed or addressed.

1. Perforated underdrains will be designed and installed in both detention basins and connected to the stand pipe structures for outlet. Basins will be over excavated by 2 foot and replaced with a 30% compost, 70% sand mix and topsoiled and seeded as required.
2. New storm calculations will be provided factoring in underdrains and 4" restrictions between structures R4 and R3, and structures r2 and R20. These factors were not considered in the storm calculations that were previously submitted.
3. All changes that may be required by the new storm calculations to the detention and storm sewer system.
4. All comments made by the Lenawee County Drain Commission will be addressed when they have completed their review.

We understand that no permits will be issued until these items are addressed.

Sincerely,
Associated Engineers and Surveyors, Inc.

Glyn Hunt