



PRE-MEETING AGENDA

**ADRIAN CITY COMMISSION
AGENDA
PRE-MEETING STUDY SESSION
MONDAY
October 17, 2011**

The City Commission will meet for a pre-meeting study session on Monday, October 17, 2011 at 5:30 p.m. in the City Chambers Building, 159 E. Maumee St., to discuss the following:

- I. 5:15pm: Commission will meet at Riverside Park for a ceremony for the new bridge.
- II. Discussion of emergency response issues.
- III. Discussion of Library Café.
- IV. Other items as time permits.



COMMISSION AGENDA

**AGENDA
ADRIAN CITY COMMISSION
OCTOBER 17, 2011
7:00PM**

- I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE OCTOBER 3, 2011 REGULAR MEETING OF THE ADRIAN CITY COMMISSION
- IV. PRESENTATION OF ACCOUNTS
- V. PUBLIC COMMENT ON AGENDA ITEMS
- VI. REGULAR AGENDA
 - 1. **R11-116. City Commission.** Resolution to accept the proposal to purchase a City lot located on Church Street adjacent to Frosty Boy's parcel.
 - 2. **R11-117. City Attorney.** Resolution to extend the moratorium on medical marihuana for 120 days.
 - 3. **R11-118. Library.** Resolution to authorize the creation of a food preparation area in the Adrian Public Library for purposes of entering into a public-private partnership with Breakin' Away Café and to authorize the Administration to solicit bid quotations, and to select and engage various local vendors to purchase and install the necessary equipment at a cost not to exceed \$25,000.00.
 - 4. **R11-119. Downtown Development Authority.** Resolution to accept a proposal for Downtown Christmas Decorations. (To be handed out at Monday night's meeting due to time constraints with the bid process).
- VII. MISCELLANEOUS
 - 1. Departmental report
 - 2. Fire report
 - 3. D.A.R.T. passenger ridership report
 - 4. Planning Commission Minutes
- VIII. PUBLIC COMMENT
- IX. COMMISSIONERS COMMENTS



MINUTES

**MINUTES
ADRIAN CITY COMMISSION
OCTOBER 3, 2011
7:00 P.M.**

Official proceedings of the October 3, 2011 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 McDowell, Commissioners Steele, DuMars, Carrico, Clegg and Warren.

ABSENT: Commissioner Osborne

Mayor McDowell in the Chair.

Commissioner DuMars moved to approve the minutes of the September 19, 2011 regular meeting of the Adrian City Commission, seconded by Commissioner Warren, motion carried by a unanimous vote.

PRESENTATION OF ACCOUNTS

Utility Department Receiving Fund Voucher #3526 through #3534	\$ 199,370.59
General Fund Vouchers #20645 through #20676	\$ 615,353.80
Clearing Account Vouchers amounting to	<u>\$526,031.25</u>
TOTAL EXPENDITURES	<u>\$1,340,755.60</u>

On motion by Commissioner Steele, seconded by Commissioner DuMars, this resolution was adopted by a unanimous vote.

PUBLIC COMMENT

John Kuschell – 632 State Street – had questions for the Commission on the oil and gas lease.

Gary Stovall – Fraternal Order of Eagles – would like to have a Turkey Shoot behind their property at 2570 W Beecher Street but need the City's permission as it is next to City property. The Commission will take under advisement and get back with Mr. Stovall.

CONSENT AGENDA

RESOLUTION CR11-045

RE: CITY COMMISSION – Authorize City Administrator to Cast Votes for the Election of Director of the MML Liability and Property Pool

WHEREAS, the City of Adrian is a member of the Michigan Municipal League (MML) Liability and Property Pool; and

WHEREAS, an election will take place for two director positions for 3 year terms beginning January 1, 2012; and

WHEREAS, the two incumbent directors have agreed to seek re-election, being Jason Eppler, City Manager for the City of Ionia, and Mark Slown, City Manager for the City of Rogers City.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the City Administrator is authorized to cast votes for Jason Eppler and Mark Slown to serve as director of the Michigan Municipal League (MML) Liability and Property Pool.

RESOLUTION CR11-046

RE: POLICE DEPARTMENT – Traffic Control Order 11-2 – Signage on Oakwood Road from Elm Street to the entrance of Adrian’s wastewater facility

WHEREAS, the City Administrator has approved certain temporary control orders, and after review has now made recommendation that they be made permanent, therefore so be it,

RESOLVED, that the permanent traffic control orders, adopted October 6, 1958, be amended to include or change the following:

Install :No Parking At Anytime” signs along both sides of Oakwood Road from Elm Street to the entrance to Adrian’s wastewater facility.

On motion by Commissioner Steele, seconded by Commissioner Warren, Consent Resolutions CR11-045 and CR11-046 were adopted by a unanimous vote. Commissioner Clegg requested that CR11-044 be moved and placed on the Regular Agenda for discussion.

REGULAR AGENDA

RESOLUTION R11-110

RE: CITY ENGINEER – Repair Broad Street Sinkhole

WHEREAS, the City Engineer has secured pricing from Slusarski Excavating and Paving, Inc., Adrian, MI to repair a sinkhole at the corner of Broad and Albert Street; and

WHEREAS, the project entails the replacement of an 18” Storm Sewer, including installation of 60ft. of 18” piping, bulkhead and abandon existing 18” clay storm tile, tie into existing manholes, and restore trench with top soil, seed and mulch at a cost not to exceed \$15,350; and

WHEREAS, due to the familiarity by the vendor of the specific job requirements and the lack of response from a second solicitation, the City Engineer and City Administrator recommend waiving of the competitive bid process in the best interests of the City, selection and engagement of Slusarski Excavating and Paving, Inc., Adrian, MI in the City’s Standard Professional Services Contract to repair a sinkhole at the corner of Broad and Albert Street at a cost not to exceed \$15,350; and

WHEREAS, the Finance Director indicates that sufficient funds are available for this purpose in the Storm Water Sewer Fund (598-445.00-801.096 Contract Services).

NOW, THEREFORE, BE IT RESOLVED, that the Adrian City Commission, by this resolution, hereby approves the selection and engagement of Slusarski Excavating and Paving, Inc., Adrian, MI in the City's Standard Professional Services Contract to repair a sinkhole at the corner of Broad and Albert Street at a cost not to exceed \$15,350.

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.

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

RESOLUTION R11-111

RE: FINANCE DEPARTMENT – Renewal of Audit Contract

WHEREAS the Adrian City Commission, by Resolution #R04-050 dated March 15, 2004, authorized the engagement of Robertson, Eaton & Owen PC, Adrian, MI in the City's Standard Professional Services Contract for independent audit services for the eight-year period FY2003-04 through FY2010-11; and

WHEREAS the City's current auditor has had a long and distinguished history, allowing the City to be recognized by the Government Finance Officers' Association (GFOA) of the United States and Canada for the past twenty-three (23) years for Excellence in Financial Reporting; and

WHEREAS the Finance Department solicited and received a proposal from Robertson, Eaton & Owen PC (copy attached), which extends the current contract for a two-year period at an annual amount (\$31,300) that is ten (10%) percent less than the current contract; and

WHEREAS the Finance Director and City Administrator recommend that the current contract with Robertson, Eaton & Owen PC, Adrian, MI be extended for the FY2011-12 and FY2012-13 fiscal years at an annual amount not to exceed \$31,300; and

WHEREAS funds are available for this purpose in the various operating budgets of the City budget, including the Finance Department in the General Fund and the Utility Department in the Enterprise Funds.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes that the current contract with Robertson, Eaton & Owen PC, Adrian, MI be extended for the FY2011-12 and FY2012-13 fiscal years at an annual amount not to exceed \$31,300.

On motion by Commissioner DuMars, seconded by Commissioner Steele, this resolution was adopted by a unanimous vote.

RESOLUTION R11-112

RE: CITY COMMISSION – Authorize City Administrator to enter into a lease agreement with Savoy Energy for oil and gas exploration on City-owned land

WHEREAS, Savoy Energy has submitted a proposal to lease certain areas of City land, in a proposal dated September 15, 2011 and as modified by a letter dated September 28, 2011; and

WHEREAS, the City Administrator has recommended the acceptance of the proposal as modified.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the City Administrator is authorized to enter into a written oil and gas lease with Savoy Energy for approximately 500 acres of City land not currently under lease for a rental lease of \$450 per acre; a royalty interest of 19.5% and which will include other terms and conditions set forth in said proposal as modified.

On motion by Commissioner DuMars, seconded by Commissioner Clegg, this resolution was adopted by a unanimous vote.

RESOLUTION R11-113

RE: CITY COMMISSION – Authorize Mayor and City Clerk to enter into a Settlement Agreement with AutoOwners Insurance Company

WHEREAS, the City of Adrian entered into a contract with Campbell-Durocher Group Painting and General Contracting LLC, in connection with a project commonly known as the City of Adrian Downtown Historic Façade Restoration Project; and

WHEREAS, in accordance with the terms of the contract, and at the request of Campbell-Durocher Group, on or about August 14 2009 AutoOwners issued performance bond number 66062589, a payment bond, number 66062589, and a maintenance bond, number 66062589; and

WHEREAS, the City has notified AutoOwners of a default by Campbell-Durocher Group under the contract, including without limitation, a default based on failure to complete the project in accordance with the plans and specifications prepared by Adrian Design Group; and

WHEREAS, the City of Adrian has made a claim against AutoOwners on the performance bond and the maintenance bond; and

WHEREAS, the City and AutoOwners desire to resolve the bond claims.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the City of Adrian shall settle the bond claim as set forth in the Settlement Agreement, Release and Assignment for the amount of \$126,946.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the Mayor and the City Clerk are authorized to execute all documents necessary to settle the bond claim in accordance with the Settlement Agreement, Release, and Assignment of claims.

On motion by Commissioner DuMars, seconded by Commissioner Steele, this resolution was adopted by a unanimous vote.

RESOLUTION R11-114

RE: Utilities Department – Authorization to Provide Water Service to Anderson Funeral Home

WHEREAS, Anderson Funeral Home of 3050 West Beecher has approached the City of Adrian about providing city water service; and

WHEREAS, the City of Adrian has an existing 12" water main along the right-of-way on the West side of Sand Creek Hwy; and

WHEREAS, Anderson Funeral Home has an existing easement to reach our city water main along Sand Creek Hwy; and

WHEREAS, Anderson Funeral Home has a long history of water quality and public health issues associated with their water that negatively impacts their business; and

WHEREAS, Madison Township Supervisor has given his approval to the City of Adrian to serve this facility; and

WHEREAS, Anderson Funeral Home has been a valued member of our community, and the Utilities Department would like to aid it in solving its public health issues due to poor water quality from its private well system.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the Utilities Department to serve water to Anderson Funeral Home utilizing our existing tap fee and rate schedules for an out-of-city customer, due to the public health issues at this location, subject to the grant of a limited franchise to be issued to the City by the Charter Township of Madison and the repeal of any ordinances of the Township that may limit or prohibit the placement of City water lines in the Township or the right to sell City water to Township residents and properties.

Commissioner Clegg felt we should develop a new policy since approving this resolution would go against City policy. Administrator Nelson will make contact with Madison Township to at least do a limited franchise.

On motion by Commissioner DuMars, seconded by Commissioner Warren, this resolution was adopted by a 5-1-0 vote.

Yeas: Mayor McDowell and Commissioners Warren, Steele, Carrico, and DuMars

Nays: Commissioner Clegg

Abstained: None

RESOLUTION R11-115

RE: ASSESSING OFFICE – Budget Amendment to Reflect Termination of Assessing Contract with Lenawee County and Appointment of Kristen Wetzel as Assessor.

WHEREAS, the Adrian City Commission, by Resolution #R11-109 dated September 19, 2011, terminated the Lenawee County Assessing Contract and approved the appointment of Kristen Wetzel as City Assessor, effective October 1, 2011; and

WHEREAS, the proposed budget amendment was incorrect and the purpose of this resolution is to adopt a corrected budget amendment, implementing the aforementioned resolution; and

WHEREAS, the Finance Director and City Administrator recommend adoption of this resolution to appropriately finance Resolution #R11-109.

NOW THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby amends the FY2011-12 Budget as follows:

General Fund (101)

Assessing Office Expenditures

(101-209.00-702.000) Salaries & Wages	\$ 1,934
(101-209.00-715.000) Social Security	148
(101-209.00-718.000) Retirement Contribution	230
(101-209.00-914.000) Workers' Compensation	12
(101-209.00-801.000) Contract Services	(10,500)
(101-209.00-803.000) Legal Fees	<u>8,176</u>
Total	<u>\$ -0-</u>

On motion by Commissioner Clegg, seconded by Commissioner DuMars, this resolution was adopted by a unanimous vote.

PUBLIC COMMENTS

Mike Anderson thanked the Commission for their consideration of his request to connect to the City water system.

COMMISSION COMMENTS

Administrator Nelson asked if the Commission would like to look into changing the guidelines regarding the use of firearms in the City. Commissioner Carrico stated that he would look into the insurance guidelines and report this to the City Attorney.

The next regular meeting of the Adrian City Commission will be held on Monday, October 17, 2011 at 7:00 in the City Chambers Building, 159 E. Maumee St., Adrian, MI 49221.

Gary E. McDowell
Mayor

Pat Baker
City Clerk



CHECK REGISTER

October 17, 2011

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



Dane C. Nelson
City Administrator

DCN:mlb

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 #3535 through #3536	\$16,937.65
General Fund	
Vouchers #20677 through #20689	\$10,689.86
Clearing Account Vouchers	
amounting to.....	<u>\$708,654.16</u>
TOTAL EXPENDITURES	<u>\$736,281.67</u>

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

October 17, 2011

UTILITY DEPARTMENT VOUCHERS

<u>Check Number</u>	<u>To</u>	<u>Description</u>	<u>Amount</u>
3535	City of Adrian: Clearing Acct	Oct 3 CK Register	\$ 49,791.56
3536	Consumers Energy	Water Plant Electric	\$ 16,937.65

Total \$ **66,729.21**

Less CK: 3535 \$ **49,791.56**

TOTAL \$ **16,937.65**

WW = \$ 13,415.50

WAT= \$ 53,313.71

17-Oct-11

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GENERAL FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
20677	\$ 868.56	Consumers Energy	Heritage Electric
20678	\$ 200.00	Krista McNichol	Recreation Refund
20679	\$ 188.72	Frontier	Various Phone Bills
20680	\$ 198,745.78	City of Adrian: Clearing Acct	Oct 3 Check Register
20681	\$ 271.69	Citizens Gas Fuel Co	Various Heat Bills
20682	\$ 4,486.44	Quick Service Transportation	Payroll W/E Sept 30
20683	\$ 140.00	AdrianHead Start	Recreation Refund
20684	\$ 10.00	Jamie Salazar	Recreation Refund
20685		City of Adrian: Utilities	Transfer State MI Funds
20686	\$ 150.00	City of Adrian: Utilities	Correct 9/27 Cash Receipts
20687	\$ 4,272.05	Quick Service Transportation	Payroll W/E Oct 8
20688	\$ 38.95	Consumers Energy	Various Electric Bills
20689	\$ 63.45	Frontier	Police, DPW Phone Bills

\$	209,435.64	
\$	(198,745.78)	Less: CK#20680
\$	10,689.86	

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
1. ABSOPURE WATER COMPANY	143.95		
2. ACORN FARMS	10,310.00		
3. ADRIAN AREA CHAMBER OF COMME	15.00		
4. ADRIAN CHARTER TOWNSHIP	175.50		
5. ADRIAN COMMUNICATIONS	4,734.44		
6. ADRIAN FABRICARE CENTER INC.	670.00		
7. ADRIAN LOCKSMITH & CYCLERY	20.30		
8. ADRIAN PAINTERS SUPPLY & EQU	74.74		
9. ADRIAN WATER CONDITIONING IN	19.50		
10. ALL AROUND CONSTRUCTION	12,505.35		
11. ALL METALS INC.	41.00		
12. ALLIED WASTE SERVICES	271.78		
13. ALLIED WASTE SERVICES #259	2,558.62		
14. AMERICAN OFFICE SOLUTIONS, I	60.70		
15. DEBI ANDREWS	89.36		
16. APEX SOFTWARE	430.00		
17. APPLE MAT RENTAL	202.70		
18. ARCHBOLD EQUIPMENT CO	177.43		
19. AUTO ZONE COMMERCIAL	83.99		
20. BADER & SONS CO	114.60		
21. BAKER & TAYLOR BOOKS	885.95		
22. THE BANK OF NEW YORK	170,318.76		
23. RUSSELL BASHAW	273.00		
24. BATTERY WHOLESALE	251.73		
25. KRISTIN BAUER	20.00		
26. BEAUBIEN INC.	3,667.80		
27. GREG BELL CHEVROLET CADILLAC	21.88		
28. BELL EQUIPMENT CO	979.49		
29. BELNICK INC	863.57		
30. BILL'S SERVICE, INC.	180.99		
31. ROBERT BISHOP	236.88		
32. BLACK SWAMP EQUIPMENT	276.80		
33. BMI GENERAL LICENSING	309.00		
34. BRAKES-N-MORE	1,720.27		
35. BUCK & KNOBBY EQUIP CO INC	613.21		
36. BWI	694.86		
37. C & D HUGHES INC	204,235.83		
38. CHIPPEWA RIVER DISTRICT LIBR	15.99		
39. CLEAN CARE INC	4,429.00		
40. CLIFT BUICK-GMC	62.97		
41. COAST TO COAST DELI	57.12		
42. COLE-PARMER INSTRUMENT CO	935.78		
43. COMFORT ENTERPRISES INC.	2,843.60		
44. CONSUMER ENERGY	1,620.00		
45. CONTINENTAL SERVICE	663.66		
46. CORE TECHNOLOGY CORP.	7,955.00		
47. CORRPRO COMPANIES, INC	1,660.00		
48. CUTLER DICKERSON CO	123.00		
49. D&P COMMUNICATIONS, INC.	1,878.32		
50. THE DAILY TELEGRAM	2,833.32		
51. JERRY DAVIS	20.00		
52. DEXTER'S INC.	18.51		
53. DOAN COMPANIES	117.00		
54. JACK DOHENY SUPPLIES INC	1,610.97		
55. STEVE EBERLE	20.00		
56. VINCENT EMRICK	227.90		
57. ENGLEWOOD ELECTRICAL SUPPLY	90.73		
58. EXECUTONE COMMUNICATIONS LLC	55.00		
59. FAMILY SERVICE & CHILDREN'S	865.80		
60. FASTENAL COMPANY	74.55		
61. FATHER'S HAND ROOFING	175.00		
62. FISHER SCIENTIFIC COMPANY LL	433.51		
63. MICHAEL FREDERICK	50.00		
64. FYR-FYTER SALES & SERVICE	1,627.95		
65. GALE	65.24		
66. GALLANT & SON	28.34		
67. GEMPLER'S INC.	233.35		
68. GEN POWER PRODUCTS INC.	139.61		
69. GENPOWER PRODUCTS INC.	143.71		
70. MARK GIGAX	20.00		
71. GLEASON CONSTRUCTION COMPANY	129,810.97		
72. GORDON FOOD SERVICE	235.26		
73. GRAINGER INC.	60.44		
74. GRAND RIVER PRESS	127.80		
75. GRAPHICS UNLIMITED	556.75		

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
76. DENISE GRITZMAKER	20.00		
77. HADDEN TIRE COMPANY	308.00		
78. HAGUE ELECTRIC	50.00		
79. HILLS AUTO & TRUCK REPAIR IN	224.22		
80. SHANE HORN	20.00		
81. HOUSE FIXERS	175.00		
82. HUBBARD'S AUTO CENTER INC	317.24		
83. I C M A VANTAGE POINT	5,486.56		
84. ICMA RETIREMENT CORPORATION	158.68		
85. KAPNICK INSURANCE GROUP	981.00		
86. KAR LABORATORIES INC	85.00		
87. KELLER THOMA, P.C.	6,083.30		
88. KEMIRA WATER SOLUTIONS INC	3,479.95		
89. KIMBALL MIDWEST	167.75		
90. KONICA MINOLTA BUSINESS SOLU	134.46		
91. KRAFTBILT PRODUCTS	249.81		
92. KUHLMAN CORP.	1,050.00		
93. LACAL EQUIPMENT INC	283.78		
94. LANSING SANITARY SUPPLY INC	542.88		
95. SUSAN LAUGHLIN	81.03		
96. LEARNING WORKS & WONDERS	23.39		
97. LEGACY PRINTING	411.16		
98. LENAWEE COUNTRY CLUB	64.31		
99. LENAWEE COUNTY EQUALIZATION	3,500.00		
100. LENAWEE COUNTY PRINTER	1,225.45		
101. LENAWEE COUNTY TREASURER	25.00		
102. LENAWEE TIRE & SUPPLY CO, IN	826.59		
103. DUSTIN LENT	60.30		
104. LEXIS NEXIS RM INC	300.00		
105. LOWE'S CREDIT SERVICES	2,688.72		
106. LYDEN OIL COMPANY	205.91		
107. MANPOWER OF LANSING MI INC.	1,053.00		
108. MASSON'S ELECTRIC, INC	67.50		
109. MC SPORTS	88.00		
110. GARY MCDOWELL	217.23		
111. MCGOWAN ELECTRIC SUPPLY INC	349.80		
112. MICHIGAN AMATEUR SOFTBALL	866.00		
113. MICHIGAN ASSOCIATION CHIEFS	100.00		
114. MICHIGAN CAT CORP	3,233.73		
115. MICHIGAN EMPLOYMENT RELATION	585.83		
116. MICHIGAN GOVT FINANCE	75.00		
117. MICHIGAN LIBRARY ASSOC	60.00		
118. MICHIGAN OFFICE SOLUTIONS	174.17		
119. MICHIGAN RURAL WATER ASSOC	1,000.00		
120. MICHIGAN STATE POLICE	360.00		
121. MICHIGAN TBA DISTRIBUTORS IN	33.96		
122. MICRO SOURCE INC	179.00		
123. MICROMARKETING LLC	121.38		
124. MIDWEST TAPE	314.60		
125. MIRACLE RECREATION EQUIPMENT	4,998.00		
126. MULCH WHOLESALERS INC	940.00		
127. MUNICIPAL UNEMPLOYMENT COMP	14,926.59		
128. MUNICIPAL WEB SERVICES	490.00		
129. NEXTEL COMMUNICATIONS	268.87		
130. NORON INC	393.00		
131. OFFICEMAX CONTRACT INC.	377.09		
132. OHIO CONCRETE SAWING & DRILL	300.00		
133. ORIENTAL TRADING CO. INC.	159.68		
134. JEFFREY PARDEE	270.84		
135. DAVID PATE	20.00		
136. PEERLESS SUPPLY INC	294.53		
137. PERFECTOR SCIENTIFIC	969.10		
138. PIONEER MANUFACTURING CO.	1,400.00		
139. GLENN PRESTON	20.00		
140. QUICK SERVICE TRANSPORTATION	6,227.04		
141. QUILL CORPORATION	1,550.45		
142. RECORDED BOOKS LLC.	263.40		
143. RED PAINT PRINTING LLC	1,090.25		
144. REIMAN PUBLICATIONS	25.98		
145. TIM RITCHIE	20.00		
146. ROBERTSON, EATON & OWEN, PC	23,020.00		
147. SCHOLASTIC LIBRARY PUBLISHIN	227.00		
148. SCHOOL-TECH INC	39.59		
149. SCHUG CONCRETE CONSTRUCTION	3,941.04		
150. DR. GREGORY SHEMICK	80.00		

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
151. SHERWIN-WILLIAMS CO	379.88		
152. SHU-PAK EQUIPMENT INC	118.66		
153. SIGNAL 88 SECURITY, INC	2,551.36		
154. SPEX CERTIPREP INC	325.44		
155. STAPLES CREDIT PLAN	549.26		
156. STATE BAR OF MICHIGAN	390.00		
157. STEVENS DISPOSAL	779.90		
158. STEVENSON LUMBER, INC.	2,819.10		
159. JEFFREY A. STICKNEY, DO,PC	16.00		
160. T & K LAWN CARE	600.00		
161. T & L RENTALS	55.50		
162. TDS SECURITY, INC	399.00		
163. TECUMSEH DISTRICT LIBRARY	8.00		
164. TOPSOILS OF CLINTON	3,900.00		
165. TRACTOR SUPPLY COMPANY	104.97		
166. PAUL TRINKA	20.00		
167. TTB CLEANING LLC	3,240.00		
168. U S POSTMASTER	161.00		
169. ULOTH FARMS & GREENHOUSE	596.50		
170. UNIQUESCREEN MEDIA INC.	93.33		
171. UNIVERSAL ADVERTISING ASSOC.	202.00		
172. WARREN HOLDING CO LLC	1,370.00		
173. WEISKOPF INDUSTRIES CORP	201.76		
174. WEPHOTO LLC	416.00		
175. WESTERN LIME CORPORATION	5,103.00		
176. KRISTEN WETZEL	430.68		
177. WHITCHER PLUMBING & HEATING	2,565.00		
178. RYAN WHITE	20.00		
179. ZEP MANUFACTURING CO	681.55		
TOTAL ALL CLAIMS	708,654.16		



REGULAR AGENDA

MEMO



DATE: October 11, 2011

TO: Honorable Mayor and City Commission

FROM: Dane C. Nelson, City Administrator

SUBJECT: Sale of Church Street Parcel

At a prior session of the City Commission, various seldom used parcels of what are believed to be owned by the City were identified for sale. One of these parcels is a small frontage on Church Street and is located between parcels owned by Frosty Boy LLC, and LEAHC and which runs behind three properties with frontage on Broad Street. I have attached a GIS aerial photo to specifically identify the parcel in question.

The City has no current or intended future use for this parcel. The City obtained a title search for this parcel, as well as the three parcels on Broad Street adjacent to the property. On July 26th, letters were sent to the three Broad Street property owners to advise them that the City intended to close off any access to this parcel. The letter requested the owner to contact the City if they had any access rights to their property to the City owned parcel.

The owners of 121 and 127 Broad Street came in to speak to the City Attorney. Neither expressed any legal right to use this parcel for access to their properties on Broad Street. I also spoke to the owner of 117 Broad Street, which is the property immediately north of the Frosty Boy property. This owner expressed a need to use his garage in order to store personal property for other rentals he owned in Adrian, along with storing an automobile of his at the property, as well as using his garage for access for delivery trucks from appliance stores. I have also discussed the property on several occasions with Bob Stephen from Frosty Boy LLC who had expressed an interest some time ago to obtain ownership of the parcel. It appears that these two property owners will not discuss any matters between themselves, so I thought it was best to offer the property for sale to both of them to see what type of proposals they would present. Proposals were requested through October 7th, and one was received, which came from Frosty Boy LLC in conjunction with LEAHC. Since this is the only proposal and appears to be reasonable, I recommend its acceptance.

Generally speaking, this proposal will cause an investment to be made by a local successful business and will also benefit a local non-profit agency. There are a few conditions in the proposal that will need to be resolved prior to closing.

I have attached the proposal from Frosty Boy and LEAHC and urge its acceptance.

Respectfully submitted,


Dane C. Nelson
City Administrator
DCN:mlb

October 7, 2011

Frosty Boy LLC
2460 Cedarwood Drive
Adrian, Mi 49221

LEAHC
307 E. Church Street, PO Box 692
Adrian, MI 49221

Dear Mr. Nelson:

Frosty Boy and Lenawee Emergency and Affordable Housing Corporation (LEAHC) have fostered a level of cooperation as neighbors for many years regarding parking. The nature of each business has allowed us to utilize each other's parking lot when the other is not in operation. Both organizations are fairly limited in options to expand based on the residential structures that are adjacent to our properties. Both businesses have recognized the need for additional parking for years.

When the city published its intentions to sell the sliver of property that runs between our two businesses, we began discussions immediately. It is our hope that our downtown businesses will benefit from this "new" space.

Per the attached site plan prepared by Adrian Design Group, the plan would allow for approximately twenty one parking spots that would be available for both organizations to use. LEAHC needs access to the parking during the day and Frosty Boy primarily in the evening and weekends. In addition, it is the intentions of Frosty Boy to create a green space along with a structure along East Church Street for use by its customers.

We are submitting the following proposal to the city for consideration, noting:

1. It is the intention of Frosty Boy to purchase Lot 27 for costs associated with the survey, title work and closing costs associated with the transfer.
2. Lot 27 title work needs to be reviewed by legal counsel and free of any issues and claims.

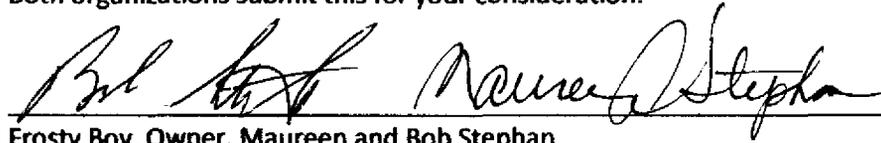
Contingencies

3. The two businesses (Frosty Boy and LEAHC) intend on improving the property per the attached site plan. The site plan has not been submitted for approval and requires additional due diligence to include engineering. Approval of the site plan with the local jurisdiction is required to include any variances that may be required;
4. The flow of traffic will need to be discussed with the local authorities as the proposed site plan has the parking lot entrance and exit taking place in the intersection;
5. Frosty Boy and LEAHC is planning to invest a significant amount of money in the property, with neither budgets being finalized just yet;
6. The Lot 27 property will be retained by Frosty Boy with taxes paid annually.

7. Easement agreements need to be worked out between the two organizations so each property can retain rights to use the property.
8. LEAHC will need to obtain board approval upon completion of the due diligence process.

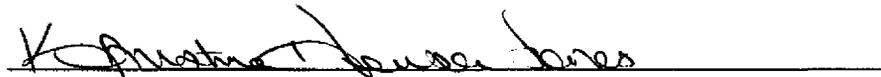
Please consider our offer for the property. Although, there are many contingencies, we feel the project is good for the downtown and the neighborhood. The landscaping projected and the structure proposed should be a nice addition to the East Side of Adrian.

Both organizations submit this for your consideration.



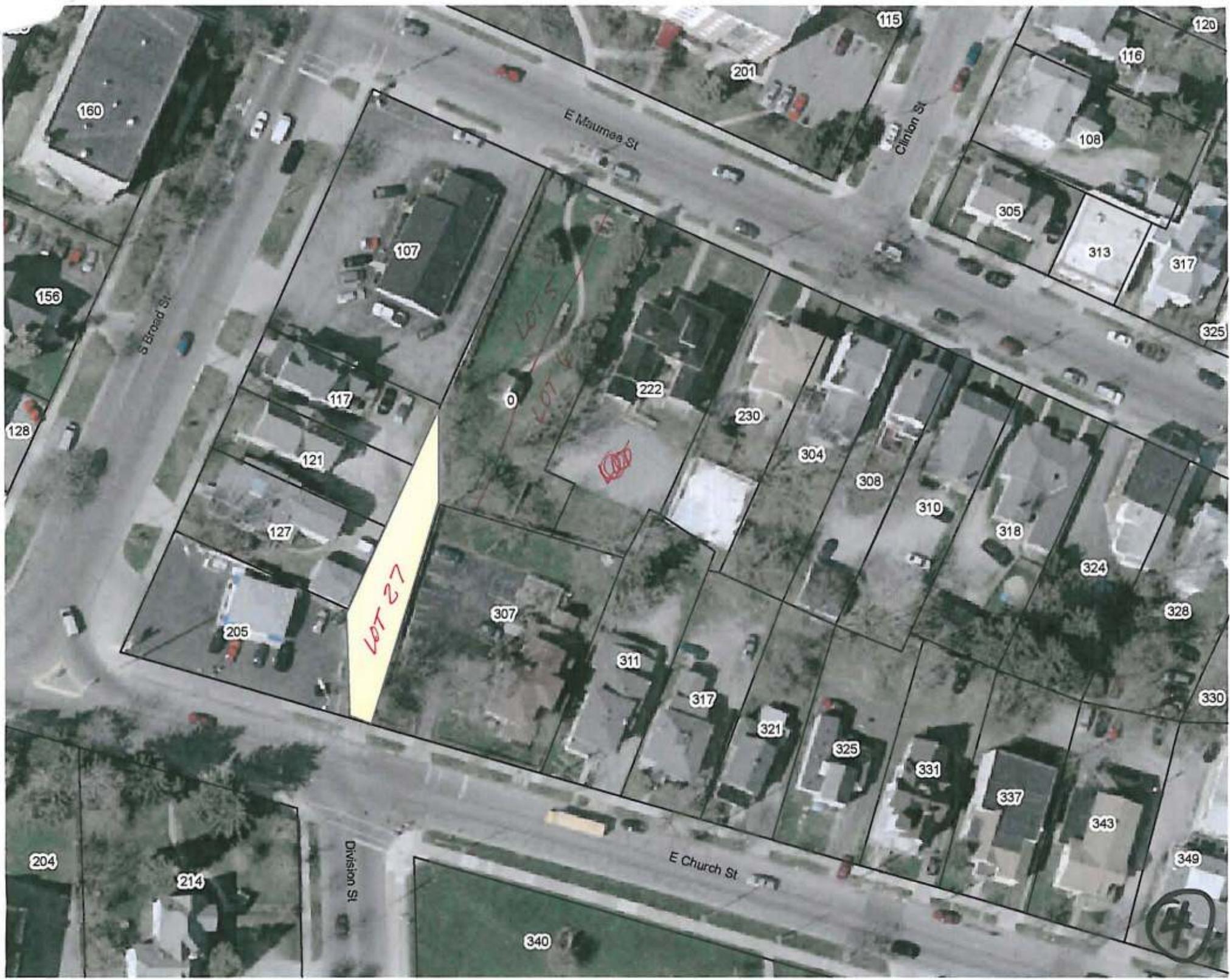
Frosty Boy, Owner, Maureen and Bob Stephan

10-4-11
Date



LEAHC, Executive Director, Kristine Henson-Jones

10/4/2011
Date



E Maumee St

S Broad St

Clinton St

Division St

E Church St

LOT 27



RE: CITY COMMISSION –Accept a proposal from Frosty Boy LLC and LEAHC to purchase property on Church Street adjacent to Frosty Boy’s parcel

RESOLUTION

WHEREAS, at a prior meeting of the City Commission a parcel of land owned by the City on Church Street was identified for sale; and

WHEREAS, the City has no current or intended future use for this parcel; and

WHEREAS, letters were sent to adjacent property owners, with only two expressing interest in using the parcel; and

WHEREAS, a request for proposals for purchase of the property were sent to the two property owners mentioned above, with one responding; and

WHEREAS, the proposal of Frosty Boy LLC LEAHC appears to be reasonable and would result in a productive future use of their property.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Commission accepts the proposal from Frosty Boy and LEAHC to purchase the parcel located on Church Street.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute a quit-claim deed to the Frosty Boy LLC in the event the purchaser proceeds to close this transaction within 90 days.

On motion by Commissioner _____,

Seconded by Commissioner _____, this Resolution was

adopted by a _____ vote.

MEMO



DATE: October 13, 2011

TO: Dane C. Nelson, City Administrator

FROM: Sarah K. Osburn, City Attorney

A handwritten signature in black ink, appearing to read "S. Osburn".

SUBJECT: Medical Marihuana Law

It is my opinion that an additional extension of the medical marihuana moratorium is needed. In August, the Court of Appeals ruled that patient to patient transfers are not protected by the Medical Marihuana Act. The current licensing ordinances of the City of Adrian would allow caregiver facilities. Based on representations made during the hearing process for the zoning ordinance it is believed that those facilities would engage in patient to patient transfers. At the time these ordinances were considered, this issue had not been addressed by the courts. The decision of the court of appeals has been appealed to the Michigan Supreme Court. Moving forward with our ordinances before this issue is resolved would be counterproductive. I ask that the moratorium be extended until March 5, 2012.

RE: CITY ATTORNEY –Extend the moratorium on the issuance of permits, licenses and zoning approvals for the dispensation of medical marihuana

RESOLUTION

WHEREAS, the sale or dispensation of medical marihuana was not envisioned when the current zoning ordinance was adopted or recently amended and is not regulated in any way; and

WHEREAS, allowing the sale or dispensation of medical marihuana prior to the amendment of the zoning ordinance would be contrary to the City of Adrian’s code of ordinances and the 2006 City of Adrian comprehensive plan; and

WHEREAS, the City of Adrian desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, PA 2008, initiated law, MCL 333.2622 et seq, in order to protect the public health, safety and welfare; and

WHEREAS, the court of appeals recently ruled that patient to patient transfers are not protected by the Medical Marihuana Act, and that case is currently under appeal to the Michigan Supreme Court; and

WHEREAS, the Wayne County circuit court has recently ruled that the Medical Marihuana Act is preempted by federal law and said decision is under appeal to the Michigan Court of Appeals; and

WHEREAS, based on the above court decisions, the contemplated zoning and licensing ordinances would not be consistent with the above interpretations of the law; and

WHEREAS, the current moratorium will expire before these issues are resolved.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the moratorium that is currently in place shall be extended until March 5, 2012.

On motion by Commissioner _____,

Seconded by Commissioner _____, this Resolution was

adopted by a _____ vote.



October 11, 2011

To: Honorable Mayor Gary McDowell and City Commission

From: Carol Souchock, Adrian Public Library Director *Carol Souchock*

CC: Dane Nelson, City Administrator and Jeff Pardee, Finance Director

Re: Library Café – Preparation for New Café Opening and HVAC Pipe Wrap/Asbuilts

Betty Rupley and Sharon Klinger plan on opening the Breakin' Away Cafe in the Adrian Public Library and will be offering baked goods and Zingerman's coffee. The new vendors and I have been working with Steve Mangigian from Zingerman's Coffee Company in Ann Arbor to facilitate this process. The plan is to open this year once we receive health department approval. The vendors would like to make their cookies and other food products at the library. As a result I am requesting that we create a food preparation area in the work room on the main floor of the library and invest in café equipment. The library's construction account at FY end 10/11 had a \$150,000 fund balance of which \$25,000 has been set aside to complete these cafe upgrades, the installation of HVAC pipe wrap for energy efficiency, and the creation of asbuilt documents for the electrical/underground utility runs in the library and library square which will help facilitate the Merit fiber installation project.

I am requesting approval to move forward with appropriations from this designated fund balance and permission to contract with Betty Rupley and Sharon Klinger to run the library café.

The designated fund balance will be use as follows:

- | | |
|--|---------|
| 1. HVAC pipe wrap in the library's mechanical room | \$4,400 |
| 2. Creation of asbuilt print and electronic drawings | \$2,000 |
| 3. Food service prep area cabinet relocation and demolition | \$ 928 |
| 4. Creation of food prep area (installation of FRP panels on walls, vinyl tiles) | \$1,827 |
| 5. Installation of wall around food prep area in workroom (if required) | \$3,380 |
| 6. Electrical demolition and data relocation in food prep area | \$1,265 |
| 7. 3 compartment sink relocation, dish rack & hand wash sink,
hot water tank and plumbing | \$2,500 |
| 8. Café equipment: espresso machine, cart and mini oven for café area | \$8,700 |

Construction estimates are based on T&M but the total not to exceed amount is \$25,000

If you have any questions or need further information, please contact my office.

RE: ADRIAN PUBLIC LIBRARY –Preparation for Library Café Opening

RESOLUTION

WHEREAS, the Adrian Public Library is desirous of reopening the Library Café in a public-private partnership resulting in the establishment of the *Breakin' Away Café*, which will offer customers a variety of baked goods and Zingerman's Coffee; and

WHEREAS, for purposes of operating a coffee shop/café as a complementary service of the Adrian Public Library, the new arrangement would provide for baked goods to be made on-site, which requires creation of a food preparation area in the workroom on the main floor; and

WHEREAS, creation of the aforementioned food preparation area entails certain café upgrades, with approval of the Lenawee County Health Department, including the following:

1) HVAC pipe wrap in the library's mechanical room	\$ 4,400
2) Creation of as-built design prints and electronic drawings	2,000
3) Food service prep area cabinet relocation and demolition	928
4) Creation of food prep area (installation of FRP panels on Walls, vinyl tiles)	1,827
5) Installation of wall around food prep area (if required)	3,380
6) Electrical demolition and data relocation in food prep area	1,265
7) Three-compartment sink relocation, dish rack and hand-wash sink, hot water tank and plumbing	2,500
8) Café equipment: espresso machine, cart and mini oven	<u>8,700</u>
Total	<u>\$25,000</u> ; and

WHEREAS, the Finance Director indicates that sufficient funds are available for this purpose in the FY2010-11 year-end Assignment of Unreserved General Fund Balance (101-000.00-393.000), which access requires City Commission appropriation; and

WHEREAS, the Library Director and City Administrator recommend approval of this resolution, solicitation of bid quotations, selection and engagement of various local vendors to purchase and install the aforementioned equipment at a total cost not to exceed \$25,000.

NOW THEREFORE BE IT RESOLVED, that the Adrian City Commission, by this resolution, hereby authorizes the creation of a food preparation area in the Adrian Public Library for purposes of entering into a public-private partnership with *Breakin' Away Café*.

BE IT FURTHER RESOLVED that the Administration is authorized to solicit bid quotations, select and engage various local vendors to purchase and install the necessary equipment to create the aforementioned food preparation area at a cost not to exceed \$25,000.

BE IT FURTHER RESOLVED that \$25,000 be appropriated from Assigned Unreserved General Fund Balance (101-000.00-393.000) and that the FY2011-12 Budget be amended as follows:

General Fund (101)

Revenue:		
(101-990.00-697.000)	Prior Years' Revenue	\$25,000
Expenditures:		
(101-738.00-801.000)	Library - Contract Services	\$ 6,693
(101-738.00-975.000)	Library - Capital Improvements	9,607
(101-738.00-977.000)	Library - Capital Equipment	<u>8,700</u>
	Total	<u>\$25,000</u>

On motion by Commissioner _____,

Seconded by Commissioner _____, this

Resolution was adopted by a _____ vote.



MISCELLANEOUS

DEPARTMENTAL REPORT

OCTOBER 17, 2011

	SEPTEMBER 2011	AUGUST 2011	SEPTEMBER 2010	YEAR-TO-DATE 2011	YEAR-TO-DATE 2010
POLICE DEPARTMENT					
Complaints Answered	874	887	876	7,600	6,589
VIOLATIONS					
Moving Citations	42	71	105	1,068	1,252
3-6 am Parking Tickets	184	175	249	1,375	1,615
Non-Moving Citations	10	15	23	127	262
Downtown Parking Tickets	0	0	148	0	761
TOTAL VIOLATIONS	236	261	525	2,570	3,890
ARRESTS	62	104	114	907	1,082
FIRE DEPARTMENT (See M-4)					
INSPECTION DEPARTMENT					
Building Permits	33	37	33	243	216
Electrical Permits	27	25	26	235	175
Mechanical Permits	29	29	25	228	188
Plumbing Permits	12	16	9	85	66
Sidewalk Permits	0	1	3	5	8
Sign Permits	2	3	4	42	46
TOTAL PERMITS	103	111	100	838	699
Estimated Bldg.Costs	\$2,788,762	\$333,637	\$1,740,068	\$5,363,104	\$5,524,335
PARKING SYSTEM					
Parking Assessment	\$0	\$18,125	\$0	\$51,624	\$29,666
Lot Revenue	\$0	\$0	\$385	\$0	\$1,647
Street Revenue	\$0	\$9	\$0	\$0	\$0
Misc. Revenue	\$17	\$0	\$15	\$74	\$146
Permits	\$0	\$0	\$548	\$225	\$18,611
Fines	\$10	\$0	\$810	\$660	\$3,739
Collection Fees	\$0	\$0	\$75	\$0	\$753
Token Sales	\$0	\$0	\$0	\$0	\$0
Contribut-GenFund	<u>\$0</u>	<u>\$900</u>	<u>\$0</u>	<u>\$16,900</u>	<u>\$6,000</u>
TOTAL REVENUE	\$27	\$19,025	\$1,833	\$69,483	\$60,562
WASTE WATER DEPARTMENT					
M. G. Pumped	139.041	140.684	128.172	1,492.181	1,313.495
Cost of Plant Operation	\$114,995.00	\$91,237	\$110,991	\$961,092	\$915,572
WATER DEPARTMENT					
M. G. Pumped	81	92	84	718	729
Number of Customers	6,271	6,300	6,269		
	Industrial	Commercial	Residential	Other	TOTAL
M. G. Sold Revenue	\$47,898	\$84,445	\$123,737	\$58,204	\$314,284

*Figure not available

Adrian Fire Department
 Monthly Report
 September 2011

Fire	Total	Property Loss	Content Loss
Building fire	1	\$1,000.00	
Fires in structure other than in a building	1	\$1,000.00	
Off-road vehicle or heavy equipment fire	1	\$2,000.00	
	<hr/> 3		
Rescue			
Rescue, EMS incident, other	21		
Medical assist, assist EMS crew	6		
EMS call, excluding vehicle accident with injury	85		
EMS call, PDA	1		
EMS call, refused treatment/transport	6		
Motor vehicle accident with injuries	2		
Motor vehicle/pedestrian accident (MV Ped)	1		
Motor Vehicle Accident with no injuries	2		
	<hr/> 124		
Hazardous Condition			
Hazardous condition, Other	1		
Hazardous condition, Standby	2		
Gasoline or other flammable liquid spill	1		
Chemical hazard (no spill or leak)	1		
Power line down	6		
	<hr/> 11		
Service Call			
Service Call, other	2		
Smoke Investigation, No action taken	4		
Public service assistance, Other	1		
Assist police or other governmental agency	1		
Unauthorized burning	5		
	<hr/> 13		
Good Intent			
Dispatched & cancelled en route	3		
Authorized controlled burning	1		
	<hr/> 4		
False Alarm			
Municipal alarm system, malicious false alarm	1		
Alarm system sounded due to malfunction	2		
Detector activation, no fire - unintentional	1		
	<hr/> 4		
Special Incident Type			
Citizen complaint	1		
	<hr/> 1		
Total	160	\$4,000.00	\$0.00
Year to Date	2091	\$2,118,470.00	\$884,200.00
2010 Year to Date	2034	\$144,719.00	\$70,169.00

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

ADRIAN D.A.R.T. PASSENGER RIDERSHIP REPORT FOR SEPTEMBER 2011

WEEK END:	SEP 2	SEP 9	SEP 16	SEP 23	SEP 30	TOTAL
MONDAY	0	0	310	302	302	914
TUESDAY	0	328	307	287	280	1202
WEDNESDAY	0	329	309	292	298	1228
THURSDAY	279	282	320	291	253	1425
FRIDAY	356	315	289	280	313	1553
		1254	1535	1452	1446	6322

SERVICE DAYS	SEP 2011 (21)	SEP 2010 (21)	+/-	AUG 2011 (23)
SENIORS	943	703	240	980
HDCCP SENIORS	791	839	-48	791
HANDICAPPED	2611	2624	-13	2760
WHEELCHAIRS **	293	482	-189	329
GENERAL	1977	1593	384	1644
	6322	5759	563	6175

OCTOBER	2009	6440	2010	5722	-11%
NOVEMBER	2009	5594	2010	5917	6%
DECEMBER	2009	6419	2010	6195	-3%
JANUARY	2010	6532	2011	6594	1%
FEBRUARY	2010	6267	2011	5861	-6%
MARCH	2010	7288	2011	7638	5%
APRIL	2010	6388	2011	6153	-4%
MAY	2010	5598	2011	6039	8%
JUNE	2010	5639	2011	5767	2%
JULY	2010	5747	2011	5625	-2%
AUGUST	2010	5986	2011	6175	3%
SEPTEMBER	2010	5759	2011	6322	10%
		73657		74008	0%

** WHEELCHAIR TOTALS ARE INCLUDED IN HANDICAPPED PASSENGER TOTALS

ADRIAN CITY PLANNING COMMISSION
OCTOBER 4, 2011
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
 Marilyn Schebil Vice Chair
 Mike Clegg City Commissioner
 Mel Dye
 Brian Watson
 Nancy Weatherby

Also Present: Dave Pate Building Official

Absent: James Caldwell
 Chad Johnson
 Chuck Jacobson

APPROVAL OF MINUTES OF THE
SEPTEMBER 13, 2011, REGULAR MEETING

There were no corrections or additions to the minutes. Commissioner Dye moved that the Minutes of the September 13, 2011, regular meeting be approved as presented. Commissioner Clegg supported. Motion carried unanimously.

Commissioner Dye mentioned an article in the Planning & Zoning News regarding the development of a sign guidebook and training workshops. The Chair agreed to get more information on this.

There being no further business the meeting adjourned at 7:04 p.m.

Respectfully submitted,

Denise Cook, Secretary