



**CITY COMMISSION
MEETING
December 16, 2013**



COMMISSION AGENDA

**AGENDA
ADRIAN CITY COMMISSION
DECEMBER 16, 2013
7:00PM**

- I. PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE DECEMBER 2, 2013 REGULAR MEETING OF THE ADRIAN CITY COMMISSION.
- IV. PROCLAMATION – Adrian High School Swim and Dive Team
- V. PRESENTATION OF ACCOUNTS
- VI. CONSENT AGENDA
 1. **CR13-054. Finance.** Resolution certifying costs and directing the City Assessor to prepare a Special Assessment Roll for SAD # 386.
 2. **CR13-055. Finance.** Resolution to set a public hearing to hear and consider comments regarding the Special Assessment Roll for SAD # 386.
 3. **CR13-056. Engineering.** Resolution to accept a change in the standard lighting contract with Consumers Energy.
 4. **CR13-057. Engineering.** Performance resolution to accompany the City's application for the 2014 Annual MDOT Permit for various activities the City routinely undertakes in the MDOT right-of-way within the City.
 5. **CR13-058. Department of Public Works.** Resolution to authorize the acceptance of the bid from Slusarski Excavating of Adrian, Michigan at a price of \$0.40 per square foot, and \$5.50 for photos for the FY2013-14 City's Sidewalk Snow & Ice Removal Program and \$425.00 per event to remove snow from Railroad Crossings.
 6. **CR13-059. Utilities.** Resolution to purchase and install new doors and frames for the Waste Water Treatment Plant Administration building from Krieghoff of Lenawee, of Adrian, Michigan at a cost not to exceed \$49,662.00.
- VII. REGULAR AGENDA
 1. **R13-227. Assessing.** Resolution to confirm the special assessment roll for the Special Assessment District in the Downtown Development District.

2. **R13-245. Assessing.** Resolution to set a public hearing to hear and consider comments regarding the proposed Special Assessment District in the Downtown Development District.
3. **R13-246. Parks & Forestry.** Resolution to authorize the selection of the low bidder, Ropes and Rigging of Onsted, Michigan for tree maintenance and removal on City streets and in City parks for a contract period of 24-months.
4. **R13-247. City Attorney.** Resolution to accept/decline the terms of an option to purchase agreement from the Lenawee County Drain Commissioner for the sale of real property consisting of approximately 13 acres on Sand Creek Highway.
5. **R13-248. City Attorney.** Resolution to authorize the Mayor and City Clerk to sign an easement for property located near the Kiwanis Trail.

VIII. MISCELLANEOUS

1. Adrian Fire Department Report.
2. Adrian Departmental Report.
3. D.A.R.T. Passenger Ridership Report.

IX. PUBLIC COMMENTS

X. COMMISSIONER COMMENTS



MINUTES

**MINUTES
ADRIAN CITY COMMISSION
DECEMBER 2, 2013
7:00 P.M.**

Official proceedings of the December 2, 2013 regular meeting of the City Commission, Adrian, Michigan.

The regular meeting was opened with a prayer led by Rev. Gary Dawes of the 1st United Methodist Church and the Pledge of Allegiance to the Flag.

PRESENT: Mayor Berryman and Commissioners Gallatin, Dudas, Faulhaber, Berryman Adams, Rising and Munson.

Mayor Berryman in the Chair.

Commissioner Berryman Adams, motioned to approve the minutes from the November 18, 2013 Commission meeting; seconded by Commissioner Faulhaber, and the minutes were adopted by a unanimous vote.

Commissioner Dudas motioned to approve the minutes from the special meeting of November 25, 2013; seconded by Commissioner Munson, and the minutes from the special meeting were adopted by a unanimous vote.

PRESENTATION OF ACCOUNTS

Utility Department Receiving Fund Voucher # 3874 through # 3881	\$109,510.28
General Fund Vouchers # 21755 through # 21774	\$323,760.34
Clearing Account Vouchers amounting to	<u>\$385,536.07</u>
TOTAL EXPENDITURES	<u>\$818,806.69</u>

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

COMMUNICATIONS

C-1. Finance. October 2013 Revenue and Expenditures Report.

REGULAR AGENDA

ORDINANCES

Ord. 13-022. – Second reading and adoption of an ordinance to amend Section 30.30 (B) of Article III – Signs, of the Zoning/Development Regulations.

On motion by Commissioner Faulhaber, seconded by Commissioner Berryman Adams, this ordinance was adopted by a unanimous vote. **Effective date: 12-17-2013**

RESOLUTIONS

R13-238

RE: DEPARTMENT OF FINANCE-Approval of FY2012-13 Comprehensive Annual Financial Report (CAFR) and Authorization of Year-End Encumbrances and Carry-Forwards, as well as Designations of General Fund Unassigned Fund Balance

WHEREAS, Public Act 2 of 1968, the Uniform Budgeting and Accounting Act (as amended) specifies that the Chief Administrative Officer of each local unit shall make an annual financial report...and Chapter Eight, Section 8.7 of the City Charter further specifies that *The City Administrator shall prepare an annual report of the affairs of the City, including a financial report:* and

WHEREAS, the Governmental Accounting Standards Board (GASB) Statement 54, Fund Balance Reporting, indicates that Designations of General Fund Unassigned Fund Balance can be authorized by either the Chief Administrative Officer or City Commission, and lastly, the Government Finance Officers' Association (GFOA) recommends that the legislative branch of local government authorize Year-End Encumbrances and Carry-Forwards as amendments to the ensuing year's budget; and

WHEREAS, the CAFR has been prepared and presented and the audit completed by the independent certified public accounting firm Robertson, Eaton & Owen, PC, reflecting an Unqualified (clean) Opinion as follows:

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Adrian, Michigan, as of June 30, 2013, and the respective changes in financial position and cash flows, where applicable thereof, and the budgetary comparison for all the major governmental funds for the year then ended in conformity with accounting principles generally accepted in the United States of America, and

WHEREAS, included in the CAFR, the City Administrator recommends the following Designations to General Fund Unassigned Fund Balance:

1) Accumulated sick & Vacation Liability	\$500,000
2) Pending Michigan Tax Tribunal Claims	200,000
3) Cemetery Building	75,000
4) SCBA Tanks (Fire Dept.)	15,000
5) Wellness Initiative	25,000
6) Property Acquisitions, Demolitions and Options	150,000
7) Local Grant Match	25,000
8) Pension Liability Contribution	<u>500,000</u>
TOTAL	\$1,490,000; and

WHEREAS, the Finance Director and City Administrator recommend approval of this resolution including: 1)Comprehensive Annual Financial Report (CAFR), 2)Designations to General Fund Unassigned Fund Balance detailed above, and 3)year-end encumbrances and carry-forwards in the total amount of \$2,039,303.32.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution and in accordance with Public Act 2 of 1968, the Uniform Budgeting and Accounting Act (as amended), hereby approves this resolution including: 1) Comprehensive Annual Financial Report (CAFR), 2) Designations to General Fund Unassigned Fund Balance detailed above, and 3) year-end encumbrances and carry-forwards in the total amount of \$2,039,303.32.

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

R13-239

RE: CITY COMMISSION – Extension of time for the City Attorney to report back to the commission regarding options for the oil and gas trust.

WHEREAS, at the November 18, 2013 meeting of the City Commission, the Commission passed a resolution directing the City Attorney to look at all options as to what can be done with the Oil and Gas Trust and to bring back the information to the December 2, 2013 meeting of the City Commission; and

WHEREAS, the City Commission has determined that the City Attorney should have more time to thoroughly look into this matter.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission hereby extends the time for the City Attorney to report back regarding the Oil and Gas Trust to the first regular meeting of the City Commission in January, 2014.

Commissioner Gallatin asked City Attorney Sarah Osburn if additional legal counsel will be needed if she is not able to find options regarding the oil and gas trust. Mayor Berryman stated that as long as all questions were answered, the Commission would live with the results. Commissioner Dudas asked if there would be any additional expense; Sarah stated that if additional counsel was needed, there would be additional expense. Commissioner Rising is looking forward to having a final answer; he feels that the public deserves to know the answer so that we can move on.

On motion by Commissioner Gallatin, seconded by Commissioner Faulhaber, this resolution was adopted by a 6-1-0 vote.

Ayes: Mayor Berryman & Commissioners Faulhaber, Munson, Dudas, Berryman Adams and Rising

Nays: Commissioner Gallatin

Abstained: None

R13-240

RE: COMMUNITY DEVELOPMENT – Support Michigan State Housing Development Authority (MSHDA) Rental Rehabilitation program for downtown housing.

WHEREAS, in the City of Adrian's 2013-2015 Strategic Plan, a high priority goal is to "create and nurture a vibrant place to attract residents and jobs"; and

WHEREAS action strategies in the Strategic Plan call for special attention to development of downtown, and to “strengthen urban corridors”; and

WHEREAS, attractive downtowns are key components in the development of “Place” and are likely to yield increases in residency rates and related economic vitality; and

WHEREAS, The Michigan State Housing Development Authority (MSHDA) has a rental rehabilitation program that provides a 3 to 1 match to private investment; and

WHEREAS, the City of Adrian DDA conducted a meeting and survey of downtown building owners and found strong support for the program; and

WHEREAS, MSHDA requires that all local units contract for a consultant to manage the rental rehabilitation program on behalf of those local units and building owners; and

WHEREAS, there is no cost to the city for the consultant;

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission hereby authorizes the Finance Department to issue a Request for Proposals to the MSHDA approved list of rental rehabilitation consultants.

Chris Miller gave a brief description of the program which is for downtown buildings that have not had previous residential units attached and Don Taylor and Commissioner Munson both spoke out in favor of the program.

On motion by Commissioner Rising, seconded by Commissioner Munson, this resolution was adopted by a unanimous vote.

R13-241

RE: COMMUNITY DEVELOPMENT – Support Blight Elimination grant application to demolish addition to 109 E. Maumee

WHEREAS, in the City of Adrian’s 2013-2015 Strategic Plan, high priority goals are to “strengthen and diversify the local economy” and to “create and nurture a vibrant place to attract residents and jobs”; and

WHEREAS action strategies in the Strategic Plan call for special attention to development of downtown, to pursuit of “state funding..in recruiting businesses” and to “strengthen urban corridors”; and

WHEREAS, a number of downtown buildings are presently difficult to market because of maintenance or accessibility issues; and

WHEREAS, among those buildings is 109 E. Maumee, where a two-story addition to the original building prevents customers and service vehicles from accessing the north side of 101 E. Maumee and 109 E. Maumee from the public parking lot; and

WHEREAS, the Michigan Economic Development Corporation (MEDC) has a blight elimination grant program this property is eligible for; and

WHEREAS, the MEDC has vetted this project and indicated there is a high likelihood of approval;

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission hereby endorses the application for the Blight Elimination Grant that would result in the demolition of the two-story addition on the north side of 109 E. Maumee.

Chris Miller explained that the grant would be used to demolish a 2-story addition on the north side of 109 E Maumee St and also explained the benefits to the surrounding buildings. Due to the difficult location, it would be a slow demolition, taking about 3 weeks. Commissioner Munson mentioned that the State had looked at this and that this is not a historically significant building. Commissioners Faulhaber, Berryman Adams and Dudas all spoke in favor of this.

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

R13-242

RE: COMMUNITY DEVELOPMENT – Support research of Redevelopment Ready Communities program

WHEREAS, in the City of Adrian’s 2013-2015 Strategic Plan, high priority goals are coupled with “action strategies” to address the goals; and

WHEREAS, action strategies in the Strategic Plan call for “seeking public opinion”, “explore collaboration”, “partner” and “engage” various individuals, community members, and other local jurisdictions; and

WHEREAS, a key component in the Redevelopment Ready Communities program is the systematic engagement of the community in city decision making processes; and

WHEREAS, development of partnerships and collaborations that leverage resources is also a key component in the Redevelopment Ready Communities program; and

WHEREAS, the Redevelopment Ready Communities program is now a component of all grants available through the Michigan Economic Development Corporation and the Michigan State Housing Development Authority; and

WHEREAS, the City of Adrian desires to optimize grant opportunities;

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission hereby supports exploration of the Redevelopment Ready Communities program and anticipates the subsequent report.

Chris Miller explained how this certification would benefit the city, especially in getting MSHDA grants. Don Taylor also spoke in favor of this resolution.

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

R13-243

City of Adrian
County of Lenawee
State of Michigan

RESOLUTION APPROVING SECOND AMENDED PROJECT PLAN
AS SUBMITTED BY THE ECONOMIC DEVELOPMENT CORPORATION
OF THE COUNTY OF LENAWEE
(Siena Heights University Project)

Minutes of a regular meeting of the City Commission of the City of Adrian, County of Lenawee, State of Michigan, held on December 2, 2013, at 7:00 p.m., prevailing Eastern Time.

PRESENT: Members Mayor Berryman and Commissioners Gallatin, Faulhaber, Munson, Berryman Adams, Dudas and Rising

ABSENT: Members None

The following preamble and resolution were offered by Member Beryman Adams, and supported by Member Faulhaber:

WHEREAS, The Economic Development Corporation of the County of Lenawee (the "Corporation"), in conformity with the requirements of Act 338, Public Acts of Michigan, 1974, as amended ("Act 338"), has previously approved a First Amended Project Plan, dated November 18, 2010 (the "First Amended Project Plan"), pertaining to the acquisition, installation, equipping and financing of certain projects described in the First Amended Project Plan for the benefit of Siena Heights University, a Michigan nonprofit corporation (the "University"); and

WHEREAS, in conformity with the requirements of Act 338, the First Amended Project Plan was approved by the City Commission of the City of Adrian, County of Lenawee, State of Michigan (the "City") by resolution adopted on December 6, 2010; and

WHEREAS, the University has requested that the Corporation assist in the financing of certain additional projects not described in the First Amended Project Plan that the University proposes to undertake on its campus in the City, or on land adjacent to its campus in the City and in the Charter Township of Adrian, Michigan, consisting generally of: the purchase of the Nursing Building currently leased by the University; the improvement and/or construction of a women's softball stadium and facilities; the acquisition of leasehold improvements to the vacant St. Joseph Academy building for use as office and classroom space; the construction, furnishing and equipping of a new student housing facility; the renovation and improvement of library space for use as office and classroom space; the construction, furnishing and equipping of a new theater; the renovation and improvement of the Francoeur Theater; the construction, furnishing and equipping of a new band room; the

removal of an interior campus roadway and the construction of site improvements; the renovation and improvement of the Fieldhouse; and the renovation and improvement of Benincasa Hall (collectively, the "Projects"); and

WHEREAS, the Corporation, in conformity with Act 338, has approved a Second Amended Project Plan (the "Second Amended Project Plan") containing all information required by Act 338 for the undertaking by the University of the Projects and for the participation by the Corporation in the financing of a portion of the costs of the Projects through the issuance of its limited obligation revenue bonds; and

WHEREAS, the Projects to be undertaken by the University will be located on the University's campus in the City or on land adjacent to its campus in the City and in the Charter Township of Adrian, Michigan, all as more particularly described in the Second Amended Project Plan; and

WHEREAS, in conformity with the requirements of Act 338, the Second Amended Project Plan has been submitted to this City Commission for approval.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Second Amended Project Plan, as approved and submitted by the Corporation, a copy of which is attached hereto as Exhibit A and made a part hereof, is hereby approved.
2. All resolutions and parts of resolution insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Lee Johnson of Siena Heights University and Tim Robinson of the LEDC explained the series of improvements that the University is planning with the assistance of the bonds and that the LEDC is assisting with the paperwork. There are 11 projects that have been identified.

AYES: Members Mayor Berryman and Commissioners Gallatin, Faulhaber, Munson, Dudas, Berryman Adams and Rising.

NAYS: Members None

RESOLUTION DECLARED ADOPTED.

Pat Baker
City Clerk
City of Adrian

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Adrian, County of Lenawee, State of Michigan, at a regular meeting held on December 2, 2013, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Pat Baker
City Clerk
City of Adrian

R13-244

RE: CITY ATTORNEY - authorize special legal counsel to execute the proposed Stipulation to Dismiss the pending action against the City, which includes an agreement to not pursue attorney fees or costs as it relates to this matter.

WHEREAS, the City Commission previously authorized the City Attorney to retain special legal counsel on behalf of the City to represent the City in the matter of James M. Berryman v The City of Adrian;

WHEREAS, The City Attorney retained the Law Firm of Foster Swift Collins and Smith as special legal counsel to represent the City;

WHEREAS, special legal counsel has informed the City Attorney that the Plaintiff in this matter intends to dismiss the pending action against the City;

WHEREAS, City Commission approval is required for special counsel to stipulate to the dismissal and to not pursue any attorney fees or costs as it relates to this matter.

NOW THEREFORE, IT IS HEREBY RESOLVED that the City Commission authorizes special legal counsel to execute the proposed Stipulation to Dismiss the pending action against the City, which includes an agreement to not pursue attorney fees or costs as it relates to this matter.

C.A. Sarah Osburn explained the reason for the resolution; the special legal counsel that was hired needs authorization from the City Commission to execute the proposed stipulation to dismiss the pending action against the City, which includes an agreement to not pursue attorney fees or costs as it relates to this matter. Chuck Jacobson - 580 Meadowbrook, questioned if there would be legal fees and about how much; Ms. Osburn stated that the amount was about \$2000. Chip Moore asked why the City Attorney was not the point of contact and Ms. Osburn explained because of her conflict of interest, the City Administrator was handling this. Commissioner Gallatin felt that the legal fees should not have to be paid by the taxpayers but should be paid by the plaintiff.

On motion by Commissioner Rising, seconded by Commissioner Munson, this resolution was adopted by a 3-2-2 vote.

Ayes: Commissioners Faulhaber, Munson and Rising

Nays: Commissioners Gallatin and Dudas

Abstained: Mayor Berryman and Commissioner Berryman Adams

PUBLIC COMMENT

1. Chris Miller – DDA/Community Development – reminded everyone about 1st Friday and Winterfest activities this weekend.

2. Chuck Jacobson – 580 Meadowbrook – questioned the separation agreement between the City and Dane Nelson and how things were decided by the Commission. Mayor Berryman suggested that he put the questions in writing and present them to the City Administrator.
3. Chip Moore – Vote for the Spartans on Saturday.
4. Don Taylor – agreed that the \$2000 in legal fees should be paid by the Mayor and not the City. Also recommended that we look outside of the City to replace the City Administrator.
5. John Kuschell – 632 State St – reminded everyone that the real reason for the lawsuit was to hold a public hearing.

COMMISSIONER COMMENTS

1. Commissioner Faulhaber supported Shane's appointment as Acting City Administrator.
2. Mayor Berryman reminded citizens about the Holiday lights contest.

The next regular meeting of the Adrian City Commission will be held on Monday, December 16, 2013 at 7:00 p.m. in the City Chambers Building, 159 E. Maumee St, Adrian, MI 49221.

Jim Berryman
Mayor

Pat Baker
City Clerk



CHECK REGISTER

December 16, 2013

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



Shane Horn
City Administrator

SAH: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 #3882 through #3887	\$116,201.18
General Fund	
Vouchers #21775 through #21788	\$281,527.64
Clearing Account Vouchers	
amounting to.....	<u>\$321,149.94</u>
TOTAL EXPENDITURES	<u>\$718,878.76</u>

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

December 16, 2013

UTILITIES FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
3882	\$ 115,753.18	City of Adrian Clearing	12/02/13 AP Check Register
3883	\$ 15,501.50	Consumers Energy	November 2013 Electric
3884	\$ 98,243.92	City of Adrian Payroll	Payroll w/e 12/06/13
3885	\$ 173.95	City of Adrian Utilities	November 2013 Water
3886	\$ 37.11	Frontier	December 2013 Telephone
3887	\$ 2,244.70	Citizens Gas	November 2013 Heating
	\$ 231,954.36		
	\$ (115,753.18)	Less: Check 3882	
	\$ 116,201.18	TOTAL	

December 16, 2013

December 16, 2013

GENERAL FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
21775	\$ 159,510.78	City of Adrian Clearing	12/2/13 AP Check Register
21776	\$ 2,260.94	City of Adrian Clearing	12/2/13 AP Check Register (Refuse)
21777	\$ 2,099.56	US Postmaster	Postage for Tax Bills
21778	\$ 130.00	City of Adrian Payroll	Health Care Tax
21779	\$ 12,080.65	Consumers Energy	November 2013 Electric
21780	\$ 199,225.50	City of Adrian Payroll	Payroll w/e 12/06/13
21781	\$ 17,101.90	First Federal Bank	Soc Sec w/e 12/06/13
21782	\$ 3,249.20	City of Adrian Utilities	November 2013 Water
21783	\$ 7,753.09	Nola's Transportation	Payroll w/e 12/13/13
21784	\$ 32,795.98	Avery Oil & Propane	Fuel Delivery 12/3/13
21785	\$ 540.38	Frontier	December 2013 Telephone
21786	\$ 3,767.75	Citizens Gas	November 2013 Heating
21787	\$ 871.62	City of Adrian Utilities	EFT State of Michigan Dec 2013
21788	\$ 1,912.01	US Postmaster	Postage for Refuse Bills
	\$ 443,299.36		
	\$ (161,771.72)	Less : Check 21775&21776	
	\$ 281,527.64		

December 16, 2013

Claimant	OPEN Amount Claimed	Amount Owed	Amount Rejected
1. ACCUMEDWEB LLC	128.73		
2. ADRIAN COMMUNICATIONS	187.25		
3. ADRIAN FABRICARE CENTER INC.	670.00		
4. ADRIAN LOCKSMITH & CYCLERY	50.50		
5. ADRIAN MECHANICAL SERVICES CO	3,841.95		
6. ADRIAN NAPA	43.92		
7. ADRIAN PUBLIC SCHOOLS	55.41		
8. ADRIAN WATER CONDITIONING INC	19.50		
9. ALEXIS SEWER CLEANING	125.00		
10. ALLIED WASTE SERVICES #259	63.00		
11. ALLIED WASTE SERVICES #259	1,333.92		
12. AMERICAN OFFICE SOLUTIONS, INC.	58.59		
13. ANN ARBOR WELDING SUPPLY	49.00		
14. APPLE MAT RENTAL	311.20		
15. AUTO ZONE COMMERCIAL	206.69		
16. BAKER & TAYLOR BOOKS	140.50		
17. BATTERY WHOLESALE	42.16		
18. GREG BELL CHEVROLET CADILLAC INC	167.83		
19. BLACK SWAMP EQUIPMENT	76.50		
20. BLUES & BREWS GROUP INC	2,500.00		
21. BOOK OF THE MONTH CLUB	46.46		
22. BRAKES-N-MORE	1,523.71		
23. BREAKIN' AWAY CAFE	40.00		
24. BRONNER'S COMMERCIAL DISPLAY	162.00		
25. TODD BROWN	800.00		
26. BUCK & KNOBBY EQUIP CO INC	309.11		
27. CANON SOLUTIONS AMERICA	201.82		
28. CDW-G COMPUTER SUPPLIES	1,344.40		
29. CENGAGE LEARNING	68.98		
30. CHIEF SUPPLY	190.19		
31. CITIZENS GAS FUEL CO	94.00		
32. CLEAN CARE INC	4,429.00		
33. CLIFT BUICK-GMC	101.96		
34. COMCAST	5.38		
35. CUTLER DICKERSON CO	177.20		
36. D&P COMMUNICATIONS, INC.	1,686.66		
37. THE DAILY TELEGRAM	1,287.03		
38. JUSTIN DOEHRING	144.08		
39. E & B SALVAGE LLC	14.75		
40. ENERCO CORPORATION	625.29		
41. EVIDENT	443.90		
42. FASTENAL COMPANY	1,069.18		
43. FIBERTEC ENVIRONMENTAL SERVICES	150.00		
44. FISHER SCIENTIFIC COMPANY LLC	5,763.78		
45. GALLANT & SON	23.39		
46. J.O. GALLOUP COMPANY	625.24		
47. GALL'S INC	(88.76)		
48. MARK GIGAX	178.64		
49. GM & SONS INC	11,367.13		
50. GOVT FINANCE OFFICERS ASSOC	435.00		

Claimant	OPEN Amount Claimed	Amount Owed	Amount Rejected
51. GRAINGER INC.	315.98		
52. HACH COMPANY	855.55		
53. HADDEN TIRE COMPANY	280.00		
54. JON HARRIS	135.12		
55. HOBBY LOBBY	0.00		
56. HUBBARD'S AUTO CENTER INC	610.61		
57. ERIC KELLY	156.79		
58. KEMIRA WATER SOLUTIONS INC	3,607.81		
59. KERR PUMP & SUPPLY, INC.	27,425.00		
60. KIMBALL MIDWEST	52.58		
61. RICHARD KNORR	177.50		
62. KONICA MINOLTA BUSINESS SOLUTIONS	182.43		
63. BRENT KUBALEK	2,202.13		
64. LENAWEЕ COMMUNITY FOUNDATION	2,185.21		
65. LENAWEЕ COUNTY FAIR	1,050.00		
66. LENAWEЕ COUNTY PRINTER	1,112.95		
67. LENAWEЕ COUNTY TREASURER	1,946.05		
68. LENAWEЕ DISTRICT LIBRARY	23.00		
69. LENAWEЕ ECONOMIC DEVELOPMENT CORP.	3,750.00		
70. LENAWEЕ TIRE & SUPPLY CO, INC.	55.66		
71. LOU'S GLOVES	148.00		
72. LOWE'S CREDIT SERVICES	1,435.63		
73. LYDEN OIL COMPANY	260.00		
74. MADISON TOWNSHIP FIRE DEPT.	200.00		
75. MANPOWER OF LANSING MI INC.	3,234.66		
76. MCGOWAN ELECTRIC SUPPLY INC	39.47		
77. MICHIGAN BUILDING SPECIALTIES	8,500.00		
78. MICHIGAN CAT CORP	584.35		
79. MICHIGAN MUNICIPAL LEAGUE	1,470.00		
80. MICHIGAN MUNICIPAL TREASURERS	50.00		
81. STATE OF MICHIGAN	8,203.04		
82. MIDWEST TAPE	205.72		
83. MT BUSINESS TECHNOLOGIES, INC	96.16		
84. THOMAS W MULDAKY, PH.D.	800.00		
85. MUNICIPAL CODE CORPORATION	700.00		
86. MUNICIPAL WEB SERVICES	495.00		
87. THOMAS NANZIG	75.00		
88. NOLA'S TRANSPORTATION	6,772.28		
89. NOLLENBERGER TRUCK CENTER INC	518.23		
90. NORTH EASTERN UNIFORMS & EQUIPMENT	1,235.33		
91. P.K. CONTRACTING, INC.	1,646.59		
92. PATRIOT PUMPS	1,827.00		
93. PEERLESS SUPPLY INC	77.10		
94. PERFECTOR SCIENTIFIC	645.00		
95. PINNACLE CONSULTING	500.00		
96. PITNEY BOWES INC	1,055.00		
97. PRECAST CONCRETE PRODUCTS INC	700.00		
98. QUALITY OVERHEAD DOOR	1,184.31		
99. RADIO SHACK CORP.	29.99		
100. RHINO	1,471.35		

Claimant	OPEN Amount Claimed	Amount Owed	Amount Rejected
101. ROSS VALVE MFG COMPANY INC	1,228.60		
102. SAFETY SYSTEMS INC.	201.00		
103. SAFEWAY MOVING & STORAGE	510.00		
104. SOLARBEE INC	4,542.00		
105. SPHERE PROJECT MANAGEMENT	50.00		
106. STAPLES CREDIT PLAN	585.87		
107. STATE INDUSTRIAL PRODUCTS	156.00		
108. STEVENS DISPOSAL	37,255.30		
109. STEVENSON LUMBER, INC.	1,981.96		
110. STITCH WIZARD EMBROIDERY INC	107.00		
111. RAY THOMPSON	500.00		
112. TRACTOR SUPPLY COMPANY	41.97		
113. TRI-COUNTY INTERNATIONAL TRUCKS INC	115,185.00		
114. TRUCK & TRAILER SPECIALITIES, INC	322.27		
115. TTB CLEANING LLC	3,240.00		
116. UNDERWRITERS LABORATORIES INC	920.00		
117. UTILITIES INSTRUMENTATION SERVICE I	2,783.00		
118. VAN BRUNT TRANSPORT INC	9,975.00		
119. LAURENCE VANALSTINE	39.68		
120. VERIZON WIRELESS	825.05		
121. VIDACARE	227.49		
122. WATSON-MARLOW INC	1,418.00		
123. WESTERN LIME CORPORATION	5,480.00		
TOTAL ALL CLAIMS	321,149.94		



CONSENT AGENDA

Special Assessment Roll for CITY OF ADRIAN
Roll for Year 2013
Population: Special Assessment District (386)

Sp. District Heading	Parcel # Owner	Principal Admin Fee	Interest Penalty	Addtl Penlty Cert Fee	Total Installment	Prin Bal Payoff Int	Total Payoff
386 C & G	XAO-491-0007-01 TERRAZAS, DIANA M	0.00 0.00	0.00 0.00	0.00	0.00	1,147.08 0.00	1,147.08
386 C & G	XAO-491-0006-00 TERRAZAS, DIANA M	0.00 0.00	0.00 0.00	0.00	0.00	3,807.09 0.00	3,807.09
386 C & G	XAO-491-0004-00 MCGEE, WILLIAM & RUTH REV. LIVING	0.00 0.00	0.00 0.00	0.00	0.00	3,138.23 0.00	3,138.23
386 C & G	XAO-490-8013-00 CEPIDA, SAMUEL	0.00 0.00	0.00 0.00	0.00	0.00	2,159.09 0.00	2,159.09
386 C & G	XAO-490-8015-00 MOORE, JAMES C & SPAULDING, STEVE L	0.00 0.00	0.00 0.00	0.00	0.00	2,454.35 0.00	2,454.35
386 C & G	XAO-490-8014-00 WARREN, GILBERT	0.00 0.00	0.00 0.00	0.00	0.00	1,697.64 0.00	1,697.64
386 C & G	XAO-490-8012-00 MARRIOTT, KAREN	0.00 0.00	0.00 0.00	0.00	0.00	1,631.73 0.00	1,631.73
386 C & G	XAO-490-8017-00 QUEEN, JESSE H	0.00 0.00	0.00 0.00	0.00	0.00	3,147.10 0.00	3,147.10
386 C & G	XAO-491-0001-00 STOCKS, KARL R & GLORIA A	0.00 0.00	0.00 0.00	0.00	0.00	3,170.59 0.00	3,170.59
386 C & G	XAO-491-0003-00 MEDINA, SAMUEL & DORA	0.00 0.00	0.00 0.00	0.00	0.00	1,613.75 0.00	1,613.75
386 C & G	XAO-490-8009-00 CHURCH, CYNTHIA M	0.00 0.00	0.00 0.00	0.00	0.00	2,228.00 0.00	2,228.00
386 C & G	XAO-490-8010-00 GARCIA, GUILLERMO	0.00 0.00	0.00 0.00	0.00	0.00	1,996.64 0.00	1,996.64
386 C & G	XAO-490-8011-00 HEATH JR, LARRY L	0.00 0.00	0.00 0.00	0.00	0.00	1,724.43 0.00	1,724.43
386 C & G	XAO-595-0012-01 DILLON, RHONDA R	0.00 0.00	0.00 0.00	0.00	0.00	729.57 0.00	729.57
386 C & G	XAO-491-0008-01 DILLON SR, JACK R & RHONDA R	0.00 0.00	0.00 0.00	0.00	0.00	2,769.26 0.00	2,769.26
386 C & G	XAO-491-0012-00 DELACRUZ, DIONICIA	0.00 0.00	0.00 0.00	0.00	0.00	1,912.33 0.00	1,912.33
386 C & G	XAO-491-0013-00 DELACRUZ, DIONICIA	0.00 0.00	0.00 0.00	0.00	0.00	347.60 0.00	347.60
386 C & G	XAO-491-0011-01 TERRAZAS, DIANA M	0.00 0.00	0.00 0.00	0.00	0.00	2,579.37 0.00	2,579.37
Total Parcels: 18		0.00 0.00	0.00 0.00	0.00	0.00	38,253.85 0.00	38,253.85

RE: FINANCE DEPARTMENT – Certifying Costs and Preparing Special Assessment Roll for Improvements on Martinez Street and Croswell-Bristol to End – SAD # 386

RESOLUTION

WHEREAS, the City Clerk has certified to the Acting City Administrator the total cost of improvements on Martinez Street and Croswell Street-Bristol Street to End, said projects being known and designated as Special Assessment District # 386; and

WHEREAS, the Acting City Administrator has forwarded said report to the City Commission and recommends that it be approved.

NOW, THEREFORE, BE IT RESOLVED:

1. That the total cost of said improvements mentioned above in the amount of One Hundred Thirty Seven Thousand Eight Hundred Thirty Nine Dollars and Forty Cents (\$137,839.40) is hereby approved.
2. That the Finance Department is directed to apportion the said total cost as follows:
 - a. Thirty Eight Thousand Two Hundred Fifty Three Dollars and Eighty five Cents (\$38,253.85) shall be spread upon the Special Assessment Roll according to the frontage against the portion of land especially benefitted, which lies within the corporate limits of the City of Adrian, which shall be known and designated as Special Assessment District # 386, and which is described as follows:

Martinez Street
Croswell Street – Bristol Street to End

- b. Ninety Nine Thousand five Hundred Eighty Five Thousand and Fifty Five Cents (\$99,585.55) shall be the City's portion of said project.

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

RE: FINANCE DEPARTMENT – Set Public Hearing for Special Assessment Roll - Martinez Street and Croswell Street-Bristol to End – SAD # 386

RESOLUTION

WHEREAS, the Finance Department has completed the Special Assessment Roll for improvements on Martinez Street and Croswell Street-Bristol to End and has reported the same to the City Commission, together with certification that the Assessment Roll conforms to the direction of the City Commission and the provisions of the Adrian City Code.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Special Assessment Roll for SAD # 386 for improvements on Martinez Street and Croswell Street-Bristol to End be filed forthwith in the office of the City Clerk for public examination.
2. That the City Commission will meet in the Commission Chambers, 159 E. Maumee Street, Adrian, MI at 7:00 p.m. on Monday, January 6, 2014, for the purpose of reviewing the said roll and hearing and considering any objections thereto.
3. That the City Clerk is hereby directed to give notice that the said Special Assessment Roll is on file for public examination and to give notice of said meeting and hearing set forth above pursuant to the provisions of Title 1, Chapter 8, Section 1.213 of the Adrian City Code.

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

December 5, 2013

MEMORANDUM

TO: Shane Horn, Acting City Administrator

FROM: Kristin Bauer, City Engineer

SUBJECT: Street Light Contract Modification



The City of Adrian maintains a contract with Consumer's Energy for street lights throughout the City. The current contract was accepted by the Adrian City Commission in January 2013 following an extensive streetlight survey conducted by Consumers Energy.

During this streetlight survey it was determined that some of the lights in the City were still Mercury Vapor lights. Mercury Vapor lights were banned in 2008. Since this survey Consumers Energy has executed several work orders to replace the 43 existing Mercury Vapor lights with High Pressure Sodium lights. These replacements should result in a very slight reduction to our monthly bill.

I recommend acceptance of this change in our standard lighting contract with Consumers Energy and acceptance of the attached resolution from Consumers Energy.

AUTHORIZATION FOR CHANGE IN STANDARD LIGHTING CONTRACT (COMPANY-OWNED)

Consumers Energy Company is authorized as of 10/11/2013, by the City of Adrian, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of Adrian, dated 1/1/2013.

General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge as identified in Exhibit A.
 General Unmetered Experimental Lighting Rate GU-XL as identified in Exhibit B.

Notification Number 1018126840, 1018126845, 1018126848, 1018126850, 1018126851, 1018126852, 1018126853, 1018126855

Construction Work Order Number 20736735, 20736737, 20736901, 20736902, 20736904, 20736906, 20736909, 20736914

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated 1/1/2013, shall remain in full force and effect.

By: _____
Its _____

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City Village Township of Adrian, dated 1/1/2013, in accordance with the Authorization for Change in Standard Lighting Contract dated as of 10/11/2013, heretofore submitted to and considered by this Commission Council Board; and

RESOLVED, further, that the _____ Clerk be and are authorized to execute such authorization for change on behalf of the City Village Township.

STATE OF MICHIGAN)
) ss
COUNTY OF Lenawee)

I, _____, Clerk of the City Village Township of _____ do hereby certify that the foregoing resolution was duly adopted by the Commission Council Board of said municipality, at the meeting held on _____.

 City Village Township Clerk

Dated:

December 5, 2013

MEMORANDUM

TO: Shane Horn, Acting City Administrator

FROM: Kristin Bauer, City Engineer

SUBJECT: MDOT Annual Permit – Performance
Resolution



The City of Adrian receives an annual permit from MDOT for various activities the city routinely undertakes in the MDOT right-of-way within the City. Utility repairs, tree trimming and banner are examples of routine items included in the annual permit.

MDOT requires the attached Performance Resolution to accompany our application for the 2014 Annual Permit. I request recommendation of this performance resolution so as to allow us to continue the application process for our 2014 Annual Permit.

**PERFORMANCE RESOLUTION FOR
GOVERNMENTAL AGENCIES**

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way," or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way."

RESOLVED WHEREAS, the City of Adrian, Michigan
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations; within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

- 5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent he DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Name	and/or	Title
Shane Horn	or	Acting City Administrator
Kristin Bauer	or	City Engineer
Pat Baker	or	City Clerk

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____
(Name of Board, etc)

of the _____ of _____
(Name of GOVERNMENTAL AGENCY) (County)

at a _____ meeting held on the _____ day of
 20____ A.D.

Signed _____ Title _____

Print Name _____

December 5, 2013

MEMORANDUM

TO: Shane Horn, Acting City Administrator

FROM: Kristin Bauer, City Engineer

SUBJECT: Sidewalk Snow & Ice Removal 13-14



On November 26, 2013 the City received bids for sidewalk snow removal for the 2013-14 Winter season. This contract includes two parts; part one is for the cleaning of properties along the railroad properties during most winter storm events and part two is for private walk cleaning on an as needed basis throughout the winter.

The bid tabulations are as follows:

ITEM	Slusarski Excavating Adrian, Michigan	VanErt's, LLC Adrian, Michigan
Railroad Crossings	425.00	425.00
Private Walks	.40/per Square Foot	.40/per Square Foot
Color Photos	\$5.50/each	\$5.00/each

While Van Ert's LLC is the apparent low bidder relative to the cost of color photos they only maintain an office from a residence within the city limits of Adrian. All the company's equipment resides outside the City and they do not pay personal property taxes within the City for their business and equipment.

As Slusarski Excavating & Paving, Inc. has an office within the City and pays taxes for their business to the City of Adrian it is my recommendation to award this contract to Slusarski Excavating and Paving, Inc. of Adrian, MI.

Funds for snow removal of the railroad crossings and miscellaneous properties will be drawn from the Major Street Fund Winter Maintenance account (202-478.000-801.111) and are available. Any work on the personal property snow removal will be assessed directly to the property owners where the work is completed.

CR13-058

RE: DEPARTMENT OF PUBLIC WORKS –Sidewalk Snow & Ice Removal Contract

RESOLUTION

WHEREAS the Adrian City Commission, by Resolution # 13-030 dated April 15, 2013, adopted the FY2013-14 Budget and General Appropriations Act, which included \$1,500.00 in the Major Street Fund - Winter Maintenance account (202-478.000-801.111) for the City’s Sidewalk Snow & Ice Removal Program; and

WHEREAS bids were solicited by the Purchasing Office and two (2) bids were submitted on Tuesday, November 26, 2013, as follows:

ITEM	Slusarski Excavating Adrian, Michigan	VanErt’s, LLC Adrian, Michigan
Railroad Crossings	425.00	425.00
Private Walks	.40/per Square Foot	.40/per Square Foot
Color Photos	\$5.50/each	\$5.00/each

WHEREAS, snow removal from railroad crossings and misc. City properties is the responsibility of the City; any work on private property snow removal will be assessed directly to property owners where the work is done; and

WHEREAS, the Finance Director indicates that sufficient funds are available in the FY2013-14 Major Street Fund – Winter Maintenance Budget (Account # 202-478.00-801.111 Contract Services) for the railroad crossings; and

WHEREAS, while Van Ert’s maintains a residential office within the City of Adrian their business equipment is not within the City and as such they do not pay City taxes for their business. Slusarski Excavating maintains an office and business equipment within the City and is thus a business taxpayer and meets the requirements for the local preference policy; and

WHEREAS, the City Engineer and Acting City Administrator recommend acceptance of the bid from Slusarski Excavating, Adrian, MI at a price of \$0.40 per square foot, \$5.50 for photos and \$425.00 per event to remove snow from Railroad Crossings; and

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acceptance of the bid from Slusarski Excavating, Adrian, MI at a price of \$0.40 per square foot, and \$5.50 for photos for the FY2013-14 City’s Sidewalk Snow & Ice Removal Program and \$425.00 per event to remove snow from Railroad Crossings.

On motion by Commissioner _____,

seconded by Commissioner _____,

this resolution was adopted by a _____ vote

DEPARTMENTAL CORRESPONDENCE

Date: 12/4/2013

Subject: WWTP Doors & Windows

To: Shane Horn

Dept.: Utilities

From: William Sadler

Dept.: WWTP

After review of the bids received for replacement doors, windows, and garage doors in the administration building, I recommend that the bid be awarded to Krieghoff Lenawee of Adrian, MI in the total amount of \$49,662.00.

Our original budget included \$20,000 for window & entry door replacement around the north side of the administration building in the maintenance area. While reviewing and preparing for this project, we investigated the current condition of the steel overhead doors in the maintenance garage. These four doors date back to 1978, provide virtually no insulation R-value, and the safety features are not functional. It was determined that it would be best to replace these doors at this time as well. Funds are available using the following budget items:

497-553.00-977.579	Door Replacement	\$20,000.00
*497-553.00-975.143	Plant/Broad St HVAC.....	\$29,662.00
	Total	\$49,662.00

(*There is no immediate need for HVAC replacement.)

Feel free to contact me if you have any questions or concerns.


William Sadler

WWTP Superintendent

MEMO



DATE: December 10, 2013

TO: Honorable Mayor and City Commissioners

FROM: Shane A. Horn, Acting City Administrator/Utilities Director

SUBJECT: WWTP Door Replacement Project

Sealed bids were received by the Purchasing Department on October 29, 2013 and on November 26, 2013 for the purchase and installation of doors and windows at the Wastewater Treatment Plant. This project would include replacing steel entry doors and frames in the Administration Building with fiberglass components to better combat the corrosion that occurs in and around the facility. This project would also include the removal and replacement of four (4) 12'x12' roll up style overhead doors. Our current overhead doors date back to 1978, and are not insulated. The replacement doors would be fully insulated and have modern safety devices attached to meet current code requirements. We have had on-going plant improvement projects of replacing corroded steel doors and frames with nonmetallic components.

The lowest bidder, Krieghoff of Lenawee submitted a bid of \$31,682.00 for the removal and installation of new doors and frames and \$17,980.00 for the removal and installation of four (4) insulated rolling steel overhead doors for a total project price of \$49,662.00.

I respectfully recommend that we proceed with this project and award a contract to Krieghoff of Lenawee for a total project price of \$49,662.00. We have currently budgeted \$20,000 for this work (497-553.00-977.579). The remaining balance of \$29,662.00 would be funded from the Plant/Broad Street HVAC capital line item (497-553.00-975.143).

Respectfully submitted,

Shane A. Horn
Acting City Administrator/Utilities Director

CR13-059

**RE: UTILITIES DEPARTMENT –Waste Water Treatment Plant –
Authorization to Purchase and Install New Doors and Frames for the
Administration Building**

RESOLUTION

WHEREAS, the Adrian City Commission by Resolution # 13-030 dated April 15, 2013 adopted the FY 2013-14 Budget and General Appropriations Act, which included \$20,000 (Acct. # 497-553.00-977.579) for door replacements at the Waste Water Treatment Plant; and

WHEREAS, bids were solicited and three (3) bids received on October 29, 2013 and two (2) bids were received on November 26, 2013 when the overhead doors were re-bid by the City of Adrian Purchasing Department for door replacements in the Administration Building at the Waste Water Treatment Plant, with the following results:

<u>Vendor</u>	<u>Location</u>	<u>Door Replacement</u>	<u>Overhead Door</u>	<u>Total</u>
Krieghoff Lenawee	Adrian, MI	\$31,682.00	\$17,980.00	\$49,662.00
ACP of Lenawee	Clayton, MI	\$34,685.00	No Bid	Incomplete
Darkinson Doors	Toledo, OH	\$41,990.00	\$18,550.00	\$60,540.00

; and

WHEREAS, the Utilities Director and City Administrator recommend that the low bidder be awarded the bid and that Krieghoff Lenawee, Adrian, MI be engaged in the City's Standard Professional Services Contract for the acquisition and installation of door replacements in the Administration Building at the Waste Water Treatment Plant at a cost not to exceed \$49,662.00.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the engagement of Krieghoff Lenawee, Adrian, MI in the City's Standard Professional Services Contract for the acquisition and installation of door replacements in the Administration Building at the Waste Water Treatment Plant, at a cost not to exceed \$49,662.00. There is currently \$20,000.00 budgeted in 497-553.00-977.579 and the remaining balance per the following budget amendment:

BE IT FURTHER RESOLVED that the FY2013-14 Budget be amended as follows:

SEWER CAPITAL PROJECTS FUND:
Expenditures:

497-553.00-977.579 WWTP Door Replacement	\$29,662.00
497-553.00-975.143 Plant/Broad Street HVAC	(\$29,662.00)

On motion by Commissioner _____,
Seconded by Commissioner _____, this
Resolution was adopted by a _____ vote.



REGULAR AGENDA

MEMO



DATE: December 11, 2013

TO: Honorable Mayor and City Commissioners

FROM: Shane A. Horn, Acting City Administrator/Utilities Director

SUBJECT: Downtown Parking Special Assessment

The Downtown Parking Special Assessment Notice of Intent is on the agenda for your consideration. This resolution will set a public hearing for the January 6, 2013 commission meeting. We have received the required paperwork from the owner of Hooligan's and have recalculated the assessments based on the changes to their original assessment. It is important that we move forward with this process to approve the Special Assessment roll to allow us to notify property owners within the district and begin the process of collecting for services related to the downtown parking system.

RESOLUTION

RE: ASSESSING OFFICE – Downtown Parking Special Assessment

WHEREAS, the City Administrator has recommended that downtown parking be partially maintained on a special assessment basis, has prepared and filed plans and specifications for the proposal, and has prepared and filed a report and recommendations relating thereto pursuant to the provisions of Article I, Section 70-6 of the Adrian City Code of Ordinances; and

WHEREAS, the Adrian City Commission, on October 7, 2013, adopted Resolution R13-199, Downtown Special Assessment – Notice of Intent, detailing the proposed Financial Plan and Proposed Special Assessment in the amount of \$60,000, establishing a Public Hearing in the City Commission Chambers at Adrian City Commission Chambers (159 E. Maumee Street) at 7:00 p.m. on Monday, October 21, 2013, and instructing the City Clerk to mail appropriate Notices of Intent to affected parties.

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

- 1. Deems it necessary and declares its intention to maintain the downtown parking system;
- 2. Estimates the annual cost thereof to be \$236,649 to be defrayed by revenue from over-night parking permits, parking fines/collections, investment earnings, contributions from the Fee Estate, Downtown Development Authority and City General Fund, and loan proceeds, as well as a Special Assessment to downtown property owners in the amount of \$60,000;
- 3. Specifies that the Special Assessment District within the Downtown Development District shall include the following land and premises located within the following boundaries:
 - North of Church Street
 - West of Broad Street
 - South of Front Street
 - West Side of Winter Street
 - East of College Avenue
- 4. Authorizes the Special Assessment to partially defray the cost of the proposal shall be levied on the lands and premises within the proposed Special Assessment District according to zoning;
- 5. Directs that the report of the City Administrator be filed with the City Clerk forthwith for public examination.

On motion by Commissioner _____, seconded by Commissioner _____, this resolution was adopted 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, THERFORE, 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, December 16, 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.

MEMO



DATE: December 11, 2013

TO: Honorable Mayor and City Commissioners

FROM: Shane A. Horn, Acting City Administrator/Utilities Director

SUBJECT: Department of Parks & Forestry Tree Services Contract

Parks and Forestry solicited bids for a tree care service provider for City street trees and parks trees. I concur with the recommendation by Justin Combs, Parks & Forestry Director to contract with Ropes and Rigging of Onsted, MI for 2014 and 2015. Our bid specifications require at least one person in the company be a certified arborist through the International Society of Arboriculture (ISA). As of the bidding date, Ropes and Rigging did not meet this requirement. We have extended a date of February 28, 2014 for at least one member of this company to become ISA certified. If this does not occur by this date, my recommendation would be to void this contract and solicit sealed bids for this work once again.

Memo

TO: Shane Horn Acting City Administrator
FROM: Justin Combs, Parks and Forestry Director
DATE: December 10, 2013
SUBJECT: Bid Recommendation – Tree Care Services

Sealed Bids were received on Thursday, December 5, 2013 for a tree care service provider for City street trees and park trees. This bid covers work for 24 months beginning January 1, 2014, with an option for an additional 12 months. Twenty firms were invited to bid, with four responding as follows:

Items	Consumers Energy Adrian, Michigan	Ropes and Rigging Onsted, Michigan	Nelson Tree Service Dayton, Ohio	CHOP Byron Center, MI
Regular Time 2014/hourly	\$94.00	\$92.49	\$97.67	\$218.00
Premium Time 2014/hourly	\$156.00	\$102.49	\$131.65	\$248.00
Regular Time 2015/hourly	\$96.35	\$92.49	\$99.56	\$225.00
Premium Time 2015/hourly	\$159.90	\$102.49	\$134.39	\$275.00
Certified Arborist	Michael Clingerman	Dustin Brighton	Chris Potter	Bill Byl
VENDOR NOTES	-Issue with Proof of Insurance -Will be subcontracting work			

After review with staff it is my recommendation that the bid be awarded to Ropes and Rigging, Onsted MI for the above listed rates. Ropes and Rigging has the low bid for regular time and for premium time (Saturday, Sunday and holidays) for 2014 and 2015. I have checked references for Ropes and Rigging and found them to be satisfactory.

Bid specifications for tree work require that at least one person in the company be a certified arborist through the International Society of Arboriculture (ISA). Prior to bidding Mr. Brighton indicated that he was in the process of becoming certified but had not yet taken the exam. I have discussed this issue with Mr. Brighton and I am confident that he has the skills and knowledge to become ISA certified. As of December 10, 2013 Mr. Brighton has submitted his application to take the exam and is waiting to get an exam date from ISA. It is my recommendation that the contract be awarded to Ropes and Rigging with the stipulation that Mr. Brighton or someone in the company must provide documentation of being an ISA Certified Arborist by no later than Friday February 28th 2014. If Ropes and Rigging fails to produce the required documentation by said date it is my recommendation that the contract be voided due to failure to meet bid specifications.

In FY 2013-14 1220 hours of tree work was budgeted, with the 1180 hours from the Fee Estate and 40 hours from the general fund. It is anticipated that in FY 2014-15 we will budget for the same number of hours. The contract is for a twenty-four month period with a potential of one additional year if the Contractor performs satisfactorily, and if there is a mutually agreed upon rate for the third year.

Staff is requesting authorization to enter into a contract with the low bidder, Ropes and Rigging, Onsted MI for a period of twenty-Four months with the stipulation that someone in the company must be ISA Certified by February 28th, 2014 at the rates as bid, and further seek authorization to renew this contract if staff is satisfied with the selected Contractor's performance, and if there is a mutually agreed upon rate, for up to one additional year.

RE: DEPARTMENT OF PARKS & FORESTRY – Authorization to Contract for Tree Care Services

RESOLUTION

WHEREAS, the Department of Parks & Forestry wishes to contract for tree care services, effective January 1, 2014 through December 31, 2015; and

WHEREAS, the Department of Parks & Forestry wishes to have the option of contracting for these services for one additional year if the Contractor’s performance is satisfactory, and if a mutually agreed upon rate can be established at the end of the initial contract, and

WHEREAS the City of Adrian Purchasing Office, in conjunction with the Department of Parks & Forestry, received sealed bids on Tuesday, December 5, 2013 for tree maintenance and removal on City streets and in City parks; and

WHEREAS twenty firms were invited to bid, with four responding as follows, for a two person aerial crew with specified equipment:

<u>Vendor</u>	<u>Location</u>	<u>2014 Reg. Hrly Rate</u>	<u>2014 Prem. Hrly Rate</u>	<u>2015 Reg Hrly Rate</u>	<u>2015 Prem. Hrly Rate</u>
Ropes and Rigging	Onsted MI	\$92.49	\$102.49	\$92.49	\$102.49
Consumers Energy	Adrian MI	\$94.00	\$156.00	\$96.35	\$159.90
Nelson Tree Service	Dayton, OH	\$97.67	\$131.65	\$99.56	\$134.39
CHOP	Byron Center, MI	\$218.00	\$248.00	\$225.00	\$275.00;and

WHEREAS Ropes and Rigging has the low bid for regular time and premium time, for 2014 and 2015; and

WHEREAS Rope and Rigging must provide documentation of having an ISA Certified Arborist on staff by no later than Friday February 28th 2014; and

WHEREAS the Parks & Forestry Director and City Administrator recommend selection of the low bidder, Ropes and Rigging, as the preferred bidder and engagement in the City’s Standard Professional Services Contract to provide for tree maintenance and removal on City streets and in City parks, for a contract period of twenty-Four months, with a one-year extension depending on satisfactory performance; and

WHEREAS the Finance Director indicates that funding for this proposal is available in the Fee Estate Fund and the General Fund – Parks & Forestry Budget.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission by this resolution hereby authorizes selection of the low bidder, Ropes and Rigging Onsted MI, as the preferred bidder and engagement in the City’s Standard Professional Services Contract to provide for tree maintenance and removal on City streets and in City parks for a contract period of twenty-four months, effective January 1, 2014, with a one-year extension depending on satisfactory performance.

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

MEMO

DATE: 12/12/13

TO: MAYOR, CITY COMMISSION

FROM: SARAH OSBURN, CITY ATTORNEY

Re: Option Agreement for sale of land to Marvin Drain Drainage District, a Lenawee County Drainage District Entity, operating through the office of the Lenawee County Drain Commissioner

A proposed Option Agreement is presented for your consideration. The subject property would be used for stormwater detention as part of the Marvin Drain Improvement Project. The proposed agreement addresses retention of oil, gas and mineral rights by the City, increases the purchase price to \$15,000 and addresses the fact that no City owned property will be included in the assessment district for this project. Further, the agreement provides that the Drain Commissioner will cover the cost of the assessment for City residents.

Concerns regarding the impact of this project on the Marvin Drain were reviewed by the City Engineer and the Drain Commissioner and the City Engineer believes that that this project will not adversely affect the Marvin Drain.

OPTION AGREEMENT

This Option Agreement is executed on the dates below written, by and between the City of Adrian, a Michigan Municipal Corporation, the address of which, is 135 E. Maumee Street, Adrian, Michigan, hereinafter referred to as the Seller, and the Marvin Drain Drainage District, a Lenawee County Drainage District entity, operating through the statutory activities and duties of the Office of the Lenawee County Drain Commissioner, said district being hereinafter referred to as Buyer, and this Option Agreement is also entered into subject to the following specific conditions:

1. **Grant of the Option.** In consideration of One hundred (\$100.00) Dollars paid by the Buyer to the Seller, receipt of which the Seller acknowledges, the Seller grants the Buyer an exclusive option to purchase the real property described as follows:

Property #XAO-104-3040-00

THAT PART OF W ½ OF NW FRL1/4 & W ½ OF SW1/4 SEC 4T7S-R3E BEG ON W LI OF SEC 4 AT A PT LOC S 2 DEG W 719 FT FROM W1/4 POST OF SEC 4 & RUNN TH S 2 DEG W ALG CTR LI OF SAND CREEK HWY 60 FT TH S 88 DEG E 643 FT TH N 2 DEG E 1103.27 FT TH N 30 DEG W 233.68 FT TO CTR LI SD HWY TH ALG SD CTR LI S 48 DEG 27' W 306.56 FT TH ALG A 955 FT RADIUS CURVE LEFT 630.23 FT CHD BRG & DIST S 29 DEG 32' W 618.86 FT TH S 88 DEG E 197.90 FT TH S 2 DEG W 481.52 FT TH N 88 DEG W 208.72 FT TO POB EX LD BEG 779 FT S & 33 FT E OF W1/4 POST SEC 4 TH N 30 FT TH E 40 FT TH S 30 FT TH W 40 FT TO POB SEC 4

This option shall remain in effect for a total of six (6) calendar months from and after the effective date of this Agreement. The exercising of this option is also contingent upon the permitting approvals of federal, state or local jurisdictions. Buyer has the option to extend the Agreement up to three (3) additional months for extended permitting approvals. Buyer and its agents to have the right to enter the property during the option period to perform geotechnical and environmental due diligence investigations.

2. **Purchase Price.** The purchase price for the premises subject to this Option Agreement is the sum of Fifteen Thousand (\$15,000.00) Dollars, subject to closing costs as hereinafter defined, and with Buyer to receive full credit for the One Hundred (\$100.00) Dollars of earnest money paid to secure this Option Agreement.

3. **Exercise of the Option.** The Buyer may exercise this option by giving written notice signed by the Buyer to the Seller at its address stated above. The notice must be sent by certified mail and received by the Seller before this option expires.

4. **Failure to Exercise the Option.** If the Buyer fails to properly exercise this option before this agreement expires, this option shall terminate and the Seller may retain the consideration and shall have no further obligation to the Buyer.

5. **Closing.** This sale shall be closed within ten (10) days after all the closing

documents are prepared but no later than forty-five (45) days after the Seller receives the notice that the Buyer is exercising the option.

6. **The Closing and Preparations for the Closing.** If the Buyer exercises the option, the following obligations shall be performed by the closing:

- a. The Seller shall prepare the necessary conveyance documents to transfer its title to the Buyer and forward them to the Buyer for the Buyer's review at least ten (10) days before the scheduled date of the closing.
- b. The closing shall be held at a mutually agreeable location.
- c. At the Seller's expense, the Seller shall provide the Buyer with an Owner's Title Insurance Policy at the closing that shows that the Seller has good and marketable title to the premises subject to easements and restrictions of record.
- d. The Buyer, at its expense, shall provide both parties with a boundary and improvements survey of the premises, certified to the Buyer.
- e. All real estate taxes owing on the premises shall be prorated according to the Lenawee County Board of Realtor's Formula. For any outstanding assessments on the premises that are paid in annual installments, the annual installment for the year in which the closing is held shall be prorated between the parties, and all successive installments shall be paid by the Buyer. However, the Parties believe that the premises are presently tax exempt.
- f. Approval of all zoning issues by City of Adrian.
- g. Conveyance upon exercise of option shall be by Warranty Deed in proper form, support by affirmative prior resolution by the Adrian City Commission.
- h. Seller recites that the subject parcel is presently under Oil and Gas Lease Agreement with Savoy Energy, LP, and that Seller retains any and all gas, oil, and mineral rights on or under said parcel.
- i. Seller retains a contingent right to utilize any remaining capacity of the subject parcel for a possible detention/retention area to serve property in the City of Adrian lying easterly of present Sand Creek Hwy., but only to the extent that any such further use would not interfere with Purchaser's then-present use of the subject property. Further, the Parties hereto would in good faith negotiate such rights of entry as the City would then need for any such project. Further, the Parties hereto would in good faith negotiate all such rights of entry and use as the City would need for any such project, including required basin improvement.

7. **Marvin Drain Improvement Project.** Buyer and Seller acknowledge that the Buyer intends to use the subject property for stormwater detention as part of the Marvin Drain Improvement Project. Using a maximum three foot vertical rise in the water elevation for storage volume, the Marvin Drain Project will use one foot vertical rise in water elevation which equates

to approximately 25% of the storage volume. Buyer agrees to execute an agreement with Seller at the time of closing on the property with the following terms to be included in said agreement:

a. The Buyer agrees that it will pay the assessment for this project for properties that are located in the City of Adrian, excluding the county owned Lenawee County Medical Care Facility.

b. The Buyer agrees that the City of Adrian Health Benefit assessment for this project shall not include the amount attributed to the county owned Lenawee County Medical Care Facility which will reduce the City of Adrian Health Benefit assessment to \$2,500.

c. The Buyer agrees that no City of Adrian owned properties are included in the assessment district for this project.

8. **Binding Effect.** This agreement shall bind and benefit the parties' successors and assigns. The Buyer may assign its interest under this agreement only with written consent from the Seller.

9. **Construction and Venue.** This agreement shall be governed by Michigan laws. Any disputes shall be brought in the Courts of Lenawee County.

10. **Entire Agreement.** This agreement contains the entire agreement of the parties with respect to the transaction described in this agreement, and this agreement may not be amended or released, in whole or in part, except by a document signed by the parties.

11. **Effective Date.** This agreement shall be effective on _____.

Witnesses:

City of Adrian

by: _____
Mayor

by: _____
City Clerk

MARVIN DRAIN DRAINAGE DISTRICT

by: _____
Stephen R. May, Lenawee County
Drain Commissioner, on behalf of
Marvin Drain Drainage District

STATE OF MICHIGAN)

)ss

COUNTY OF LENAWEЕ)

Acknowledged before me in Lenawee County, Michigan on _____
by _____, City of Adrian.

Notary Public, Lenawee County,
Michigan
My Commission Expires: _____
Acting in Lenawee County

STATE OF MICHIGAN)

)ss

COUNTY OF LENAWEЕ)

Acknowledged before me in Lenawee County, Michigan on _____
by Stephen R. May, Lenawee County Drain Commissioner.

Notary Public, Lenawee County,
Michigan
My Commission Expires: _____
Acting in Lenawee County

RESOLUTION

RE: CITY ATTORNEY – Option to Purchase Property on Sand Creek Hwy. from Lenawee County Drain Commissioner

WHEREAS, the Charter Township of Madison has adopted a resolution requesting the City of Adrian to sell a parcel of land to the Lenawee County Drain Commissioner; and

WHEREAS, the Township has requested the City to do so in order to alleviate drainage issues currently affecting homeowners living in the Township; and

WHEREAS, the City of Adrian has determined that cooperation regarding the delivery of public utilities and services is important and should be a priority; and

WHEREAS, the City has received a proposed option to purchase real property from the Lenawee County Drain Commissioner for approximately 13 acres on Sand Creek Highway; and

WHEREAS, the proposed option agreement is attached for consideration of the City Commission which sets forth a six (6) month option and the proposed price of Fifteen Thousand (\$15,000.00) Dollars.

WHEREAS, the City Commission has considered said proposal and its terms.

NOW, THEREFORE, BE IT RESOLVED that the terms as set forth in the attached option to purchase agreement are hereby accepted/declined by the City Commission and that the Mayor and City Clerk are hereby authorized to execute said option on behalf of the City.

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

Memo

TO: Shane Horn Acting City Administrator
FROM: Justin Combs, Parks and Forestry Director
DATE: December 11, 2013
SUBJECT: Kiwanis Trail Easement at Green and Ives

It is my recommendation to accept the proposed easement for a future parking lot for the Kiwanis Trail at the intersection of Green Highway and Ives Road. This is the northern most point on the trail and is a popular access point for trail users. Currently there is small gravel area adjacent to the trail that trail users frequently use as a small parking lot. This unimproved area only has space for a few cars. By accepting the easement we will have the space needed to construct a parking lot that could accommodate approximately 10 vehicles. Having a parking lot at this intersection will be a tremendous asset to the trail as the next closest parking lot for the trail is at the intersection of Bent Oak Avenue and Riverside Avenue.

EASEMENT

This agreement (the Agreement) is entered into on _____, 2013, between United Bank & Trust, Trustee of the Virginia M. Murray Trust dated November 9, 2000, whose address is PO Box 248, Tecumseh, Michigan 49286 (Grantor), and the City of Adrian, a Michigan Municipal Corporation, whose address is 135 E. Maumee St., Adrian, Michigan 49221 (Grantee), on the following terms and conditions.

1. **Purpose.** Grantor owns property through which the Kiwanis Trail runs. Grantor wishes to donate an easement to allow a place for users of the trail to park.
2. **Burdened Property.** Grantor owns land in the Township of Tecumseh, Lenawee County, Michigan, described on the attached Exhibit A (the Burdened Property).
3. **Benefited Property.** Grantee owns a right of way Township of Tecumseh, Lenawee County, Michigan (the Benefited Property) that is commonly known as the Kiwanis Trail.
3. **Consideration.** Grantee, in consideration of the grant of the easement stated in this Agreement agrees to pay Grantor \$1.00 payable at the time of the signing of this Agreement.
4. **Description of the Easement.** Grantor grants to Grantee an easement for a parking area for vehicular use over the Burdened Property as described on the attached Exhibit B (the Easement).
5. **Condition and maintenance.** Grantee shall be solely responsible for maintaining the Easement and shall not allow it to become unsightly or a nuisance. The Easement shall be used only for parking available to the general public using the Kiwanis Trail.
6. **Interest in realty.** The Easement is to be an easement over the Burdened Property for the use and benefit of the Benefited Property and is to be an appurtenance to the Benefited Property and run with the land.
7. **Insurance.** The owner of the Benefited Property shall obtain liability insurance as part of its owner's policy for the Benefited Property to cover any liabilities which arise as a result of the use by the owner of the Benefited Property of the Easement and the owner of the Benefited Property's liability policy shall name the owner of the Burdened Property as an insured party for the owner of the Benefited Property's use of the Easement.

8. **Indemnification.** To the extent permitted by law, the owner of the Benefited Property agrees to indemnify and hold the owner of the Burdened Property harmless from any and all claims, debts, causes of actions, or judgments for any damage to any property or injury to any person which may arise out of any of the owner of the Benefited Property's actions within, use of, or around the Easement, by themselves, their agents, employees, representatives, and contractors. This Provision shall survive the termination of this Agreement.
9. **Entire agreement.** This Agreement and all exhibits constitute the entire agreement between the parties with respect to the subject matter of this Agreement, and all prior negotiations and agreements with respect to the Easement between the parties, whether written or oral, shall be of no further force and effect. This Agreement may not be modified except by a written document signed by both parties
10. **Notice.** Except as otherwise provided, all notices required under this Agreement shall be effective only if in writing or in a form of electronic or facsimile transmission which provides evidence of receipt, and shall be either personally served, electronically transmitted, or sent with postage prepaid to the appropriate party at its address as set forth in the introductory paragraph of this Agreement. Either party may change its address by giving notice of the change or a new facsimile transmission number to the other as provided in this section.
11. **Severability.** If any term, covenant, or condition of this Agreement or the application of which to any party or circumstance shall be to any extent invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant, or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall be effective, and each term, covenant, or condition of this Agreement shall be valid and enforced to the fullest extent permitted by law.
12. **Jurisdiction and venue.** Any disputes under this conveyance shall be subject to the laws of the State of Michigan.
13. **Effective date.** Owner and Grantee have signed this Agreement and it shall be effective as of the day and year first above written.

United Bank & Trust

By: _____
Holleigh E. Baker, Sr. Vice President

City of Adrian

By: _____
Jim Berryman, Mayor

By: _____
Pat Baker, City Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF LENAWEЕ)

Acknowledged before me in Lenawee County, Michigan this ____ day of _____, 2013 by Holleigh E. Baker, Senior Vice President of United Bank & Trust, Trustee of the Virginia M. Murray Trust dated November 9, 2000, for the Trust.

_____, Notary Public
Lenawee County, Michigan
Acting in the County of Lenawee
My commission expires: _____

STATE OF MICHIGAN)
) ss
COUNTY OF LENAWEЕ)

Acknowledged before me in Lenawee County, Michigan this ____ day of _____, 2013 by Jim Berryman, Mayor, and Pat Baker, City Clerk, for the City of Adrian.

_____, Notary Public
Lenawee, Michigan
Acting in the County of Lenawee
My commission expires: _____

Drafted by and return to:
Michael R. Olsaver
Robison, Curphey & O'Connell
123 East Maumee Street
Adrian, MI 49221

EXHIBIT A

Burdened Property

The land referred to in this Commitment is described as follows:

Land in the Township of Raisin, County of Lenawee, State of Michigan, described as follows:

The Northwest 1/4 of Section 9, Town 6 South, Range 4 East;

EXCEPTING THEREFROM a strip of 577.5 feet wide from off and across the West side thereof;

ALSO EXCEPTING THEREFROM all that part of the Northwest 1/4 of Section 9 aforesaid, which lies North of the D T & I Railroad right-of-way;

ALSO EXCEPTING THEREFROM land formerly owned by the D T & I Railroad;

ALSO EXCEPTING THEREFROM all that part of the Southeast 1/4 of the Northwest 1/4 of Section 9, described as commencing at the center of said section for a place of beginning; thence West along the East and West quarter line 133 feet; thence North 150 feet; thence East 133 feet; thence South 150 feet to the place of beginning;

ALSO EXCEPTING THEREFROM a parcel described as Lot 2 as shown on the tentative plat of Pine Croft, said parcel being more particularly described as a part of the Northwest 1/4 of Section 9, commencing at the center of Section 9, and running thence West, along section quarter line 133 feet for a place of beginning; thence West along section quarter line, 80 feet; thence North 150 feet; thence East, parallel with section quarter line, 80 feet; thence South 150 feet to the place of beginning.

ALSO EXCEPTING THEREFROM all that part of the Northwest 1/4 of Section 9, Town 6 South, Range 4 East, described as commencing on the North and South 1/4 line of Section 9, aforesaid, at a point located 1171.79 feet South 0 degrees 56' 35" East from the North 1/4 corner of Section 9, aforesaid, and running thence South 0 degrees 56' 35" East along the North and South 1/4 line of Section 9, 435.55 feet; thence North 89 degrees 32' 45" West 501.73 feet; thence North 0 degrees 48' 20" West 435.53 feet; thence South 89 degrees 32' 45" East 500.68 feet to the place of beginning.

EXHIBIT B

Easement

Parking Area Adjacent to Adrian – Kiwanis Trail

All that part of the Northwest $\frac{1}{4}$ of Section 9, Town 6 South, Range 4 East, Raisin Township, Lenawee County, Michigan described as beginning on the North – South $\frac{1}{4}$ Line of said Section 9 at a point of intersection with the southerly right of way line of the Adrian Kiwanis Trail (66 feet wide), (being the former D.T. & I Railroad right of way), said point being 30.27 feet South $00^{\circ} 31' 00''$ West from the North $\frac{1}{4}$ Corner of said Section 9; thence continuing South $00^{\circ} 31' 00''$ West 101.90 feet along the said North – South $\frac{1}{4}$ Line of Section 9; thence North $89^{\circ} 29' 00''$ West 73.00 feet; thence North $00^{\circ} 31' 00''$ East 60.00 feet to the said southerly right of way line of the Adrian Kiwanis Trail; thence North $60^{\circ} 39' 36''$ East 84.17 feet along the said southerly right of way line of the Adrian Kiwanis Trail to the point of beginning.

Containing 0.14 acres.

Subject to highway easements and all other easements and restrictions of record, if any.

RE: Kiwanis Trail Parking Lot Easement

RESOLUTION

WHEREAS, the family of the Virginia M. Murray Trust, grantor, desires to support the use of the Kiwanis Trail; and

WHEREAS, the Kiwanis Trail runs through property owned by the grantor; and

WHEREAS, the family has agreed to provide an easement on the corner of Green Highway and Ives Road at a cost of \$1 to the City of Adrian; and

WHEREAS, the use of the trail would be enhanced by a parking lot at the existing trailhead.

NOW, THEREFORE, IT IS RESOLVED that the City Commission hereby authorizes the Mayor and the City Clerk to sign an easement agreement on behalf of the City of Adrian with United Bank & Trust, Trustee of the Virginia M. Murray Trust , for consideration of \$1.00.

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



MISCELLANEOUS

Adrian Fire Department
Monthly Report November 2013

Fire				
Building fire	1	500	1500	
Dumpster or other outside trash receptacle fire	1			
<hr/>				
	2			
Rescue				
Rescue, EMS incident, other	14			
Medical assist, assist EMS crew	5			
Emergency medical service, other	3			
EMS call, excluding vehicle accident with injury	3			
EMS call, PDA	6			
EMS call, refused treatment/transport	3			
Removal of victim(s) from stalled elevator	1			
Rescue or EMS standby	2			
Chest Pain	14			
Difficulty Breathing	9			
Unresponsive Subject	8			
Seizure	6			
Weakness	5			
Altered LOC	4			
Diabetic Emergency	4			
Hypoglycemia	4			
Not Applicable	4			
Abdominal Pain	3			
Fall	3			
Head Laceration	3			
Suicidal Ideation	3			
Syncope	3			
Blood In Urine	2			
ETOH	2			
Head Pain	2			
Ill Subject	2			
Laceration To Chin	2			
Leg Pain	2			
Neck Pain	2			
Right Leg Pain	2			
38 Weeks Pregnant. Water Has Broke	1			
Altered Mental Status	1			
Asthma Attack	1			
Back Pain	1			
Bloody Lip Secondary To Assault	1			
Breathing Problems	1			
Cardiac Arrest	1			
Chest Discomfort	1			
Chest Pressure	1			
Choking	1			

Adrian Fire Department
Monthly Report November 2013

Epistaxis	1
Fall With Neck And Back Pain	1
Fever	1
General Weakness	1
Intoxicated	1
Left Arm Pain Secondary To Dog Bite	1
Left Flank Pain	1
Left Shoulder Pain	1
Lip Pain Secondary To PI	1
Lower Leg Pain Swelling And Hardness	1
Multiple Soft Tissue Self Inflicted Wounds	1
No Complaint Secondary To Seizure	1
None	1
Nose Bleed Secondary To PI	1
Not Acting Right	1
Overdose	1
Pain	1
Painful Mouth Secondary To Fall	1
Palpitations	1
Post Seizure	1
R Chest Pain	1
Rib Pain	1
Right Hip Pain With Deformity	1
Slurred Speech Secondary To Possible Stroke	1
Swollen Foot	1
Unconscious	1
Upper Abdomine Pain	1
Urticarial	1
Vomiting	1
Water Broke Small Leak	1

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Hazardous Condition

Hazardous condition, Other	5
Hazardous condition, Standby	1
Gasoline or other flammable liquid spill	1
Gas leak (natural gas or LPG)	1
Electrical wiring/equipment problem, Other	4
Power line down	1
Arcing, shorted electrical equipment	4

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Adrian Fire Department
Monthly Report November 2013

Service

Person in distress, Other	1
Smoke Investigation, No action taken	5
Assist invalid	1
Unauthorized burning	3
	10

Good Intent

Good intent call, Other	3
Dispatched & cancelled en route	4
No Incident found on arrival at dispatch address	1
	8

False Alarm

False alarm or false call, Other	2
Smoke detector activation due to malfunction	1
Unintentional transmission of alarm, Other	1
Alarm system activation, no fire - unintentional	2
Carbon monoxide detector activation, no CO	1
	7

Severe Weather

Severe weather or natural disaster, Other	1
	1

Totals for November 2013	211	500	1500
Year to date 2013	2642	\$302,530	\$77,925
Year to Date	2146	\$360,400	\$46,500

Charge Type Detail Report (Trip Date)

Period IS 201311 OR -201311; AND Company IS City of Adrian

	<u>Count</u>	<u>Dollars</u>
City of Adrian		
ALS Emergency		
ADFD ALS Emergency Base Rate	6.0	4,320.00
Totals For Type: ALS Emergency	6.0	\$ 4,320.00
ALS Emergency II		
ADFD ALS II Emergency Base Rat	1.0	835.00
Totals For Type: ALS Emergency II	1.0	\$ 835.00
ALS Non Emergency		
ADFD ALS Non Emergency Base Ra	1.0	720.00
Totals For Type: ALS Non Emergency	1.0	\$ 720.00
BLS Emergency		
ADFD BLS Emergency Base Rate	1.0	720.00
Totals For Type: BLS Emergency	1.0	\$ 720.00
BLS Non Emergency		
ADFD BLS Non Emergency Base	1.0	594.00
Totals For Type: BLS Non Emergency	1.0	\$ 594.00
Mileage		
ADFD Mileage	24.8	297.60
Totals For Type: Mileage	24.8	\$ 297.60
Misc. Supplies		
ADFD Oxygen	6.0	282.00
Totals For Type: Misc. Supplies	6.0	\$ 282.00
Totals For Company: City of Adrian	40.8	\$7,768.60
Report Totals:	40.8	\$ 7,768.60



P.O. Box 2122
 Riverview, MI 48193
 Phone: 800.926.6985

City of Adrian
Monthly Account Analysis
December 2013

The following analysis has been completed on your account. The intention of this analysis is to keep you informed of the account activity and to provide any feedback that may be beneficial to your department.

Documentation Analysis	Suggestions
Signatures <ul style="list-style-type: none"> Signatures were rated excellent. 	✓ Keep up the good work!
Narratives/Procedure Detail <ul style="list-style-type: none"> Narrative and procedural documentation were rated good. 	✓ Keep up the good work!! A concise explanation of symptoms reported by the patient and/or other observers and details of the patient's physical assessments. Detailed documentation on procedures such as IV, Oxygen, etc. performed on the patient is necessary for liability and insurance processing purposes.
Dispatch Detail <ul style="list-style-type: none"> All runs reviewed contained priority level & dispatch complaint. 	✓ Keep up the good work!!
Run Submission Frequency <ul style="list-style-type: none"> Since your agency is in the beginning stages of billing, a pattern has not been established yet. 	✓ Submitting runs regularly to assist in maintaining a steady revenue stream.



Account Performance

	August	September	October	November
Total Run Volume	5	5	4	10
ALS Run Volume	4	3	3	8
BLS Run Volume	1	2	1	2
Gross Charges	\$3,864.40	\$3,833.20	\$3,041.00	\$7,768.60
Contractuals	\$528.12	\$528.12	\$618.77	\$1,326.07
Payments	\$0	\$0	\$1,425.90	\$1,609.07
Average Recovery Per Run	N/A	N/A	\$356.48	\$160.91

*The above chart data is reflective of runs entered within the listed periods, not by trip dates.

Average Recovery Per Run will fluctuate based on run volume, gross charges, and payments within a month. It typically takes about 9 months to establish a consistent revenue stream.

Payor Mix

	To Date
Medicare	33%
Medicaid	19%
Commercial	29%
Self Pay	19%

Enrollment Status

- Medicare- As of 11/22 the application was approved. There was \$5,421.20 in pending claims billed out on 11/26/13.
- BCBS is pending enrollment- Waiting on a decision from the City on participation status.

DEPARTMENTAL REPORT

DECEMBER 16, 2013

	NOVEMBER 2013	OCTOBER 2013	NOVEMBER 2012	YEAR-TO-DATE 2013	YEAR-TO-DATE 2012
POLICE DEPARTMENT					
Complaints Answered	1,036	1,090	650	11,556	10,281
VIOLATIONS					
Moving Citations	196	142	136	1,757	1,365
3-6 am Parking Tickets	120	175	304	1,960	2,238
Non-Moving Citations	0	0	47	114	253
Downtown Parking Tickets	0	0	0	3	0
TOTAL VIOLATIONS	316	317	487	3,834	3,856
ARRESTS	123	92	84	1,096	1,326
FIRE DEPARTMENT (See M-4)					
INSPECTION DEPARTMENT					
Building Permits	21	28	25	260	296
Electrical Permits	22	36	14	249	267
Mechanical Permits	10	27	22	243	247
Plumbing Permits	4	8	14	129	112
Sidewalk Permits	2	2	0	4	7
Sign Permits	3	8	3	67	65
TOTAL PERMITS	62	109	78	952	994
Estimated Bldg.Costs	\$0	\$0	\$0	\$0	\$0
PARKING SYSTEM					
Parking Assessment	\$0	\$0	\$15,380	\$11,750	\$68,032
Lot Revenue	\$0	\$0	\$0	\$0	\$0
Street Revenue	\$0	\$0	\$0	\$0	\$0
Misc. Revenue	\$10	\$9	\$313	\$402	\$480
Permits	\$0	\$0	\$0	\$50	\$792
Fines	\$0	\$0	\$0	\$125	\$0
Collection Fees	\$0	\$0	\$0	\$0	\$0
Token Sales	\$0	\$0	\$0	\$0	\$0
Contribut-GenFund	<u>\$12,083</u>	<u>\$12,083</u>	<u>\$10,000</u>	<u>\$108,332</u>	<u>\$140,000</u>
Farmers Market Grant	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$900</u>	<u>\$280,900</u>
TOTAL REVENUE	\$12,093	\$12,092	\$25,693	\$121,559	\$490,204
WASTE WATER DEPARTMENT					
M. G. Pumped	143.333	137.62	129.855	1,796.910	1,617.617
Cost of Plant Operation	\$109,519	\$155,003	\$91,706	\$1,233,638	\$1,228,279
WATER DEPARTMENT					
M. G. Pumped	68	73	76	853	917
Number of Customers	6,175	6,192	6,246		
	Industrial	Commercial	Residential	Other	TOTAL
M. G. Sold Revenue	\$119,307	\$83,122	\$46,070	\$64,370	\$312,869

TO: SHANE HORN, ACTING CITY ADMINISTRATOR
 FROM: MARCIA M. BOHANNON, TRANSPORTATION COORDINATOR

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

WEEK END:	NOV 1	NOV 8	NOV 15	NOV 22	NOV 29	TOTAL
MONDAY	0	379	288	374	374	1415
TUESDAY	0	382	341	307	332	1362
WEDNESDAY	0	342	332	367	274	1315
THURSDAY	0	338	309	297	0	944
FRIDAY	359	307	310	335	169	1480
	359	1748	1580	1680	1149	6516

SERVICE DAYS	NOV 2013	NOV 2012	+/-	OCT 2013
	(21)	(21)		(23)
SENIORS	889	947	-58	973
HDCP SENIORS	844	913	-69	917
HANDICAPPED	2878	2844	34	3153
WHEELCHAIRS **	298	397	-99	362
GENERAL	1905	1663	242	1799
	6516	6367	149	6842

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%
SEPTEMBER	2012	5642	2013	5939	5%
OCTOBER	2012	7035	2013	6842	-3%
NOVEMBER	2012	6367	2013	6516	2%
		76728		77766	1%

** WHEELCHAIR TOTALS ARE INCLUDED IN HANDICAPPED PASSENGER TOTALS