



# PRE-MEETING AGENDA

**ADRIAN CITY COMMISSION  
AGENDA  
PRE-MEETING STUDY SESSION  
SEPTEMBER 6, 2011  
5:30 P.M.**

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The City Commission will meet for a pre-meeting study session on Tuesday, September 6, 2011 at 5:30 p.m. in the City Chambers Building, 159 E. Maumee St., to discuss the following:

- I. Towing Services
- II. Pricing of City Owned Real Estate
- III. Brownfield Grant Match – Buckeye Products
- IV. Other Items as Time Permits



# COMMISSION AGENDA

**AGENDA  
ADRIAN CITY COMMISSION  
SEPTEMBER 6, 2011  
7:00 P.M.**

- I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF MINUTES OF THE AUGUST 15, 2011 REGULAR MEETING OF THE ADRIAN CITY COMMISSION
- IV. PRESENTATION OF ACCOUNTS
- V. PUBLIC COMMENTS
- VI. COMMUNICATIONS
  - 1. **C-1. Finance Department.** Communication from Finance Director regarding the consequences of eliminating the personal property tax in Michigan.
- VII. CONSENT AGENDA
  - A. RESOLUTIONS
    - 1. **CR11-039. City Commission.** Resolution designating Mayor Gary McDowell as the official representative to cast votes on behalf of the City of Adrian at the annual MML Conference and designating Commissioner Greg DuMars as the alternate official to act on behalf of the Mayor in his absence.
    - 2. **CR11-040. Utilities Department.** Resolution to award a bid in the amount of \$136,350.00 for removal of residual lime.
- VIII. REGULAR AGENDA
  - A. ORDINANCE
    - 1. **Ord. 11-006. Planning Commission.** Request to rezone 350 W. Maple **REMOVED** at the request of the property owner.
  - B. RESOLUTIONS
    - 1. **R11-095. Parks & Recreation.** Resolution authorizing payment to Clegg Electric in the amount of \$1,433 for emergency electrical repairs at Island Park.

2. **R11-096. Downtown Development.** Resolution to approve the placement of tents and the sale of alcohol on City property at the Art-A-Licious festival on September 16 and 17, 2011.
3. **R11-097. Police Department.** Resolution to accept a Justice Assistance Grant (JAG) in the amount of \$11,032 for the purchase of an interactive computer-based firearms training simulator, authorizing the Police Chief and City Administrator to execute an Inter-Local Agreement with Lenawee County regarding the JAG Grant, acceptance of a donation of \$14,000 from the Fraternal Order of Police-Lodge #1117, appropriation of \$7,000 from the Drug Forfeiture Trust Fund and the resulting budget amendments.
4. **R11-098. Police Department.** Resolution to authorize the use of Justice Assistance Grant funds in the amount of \$10,273 for the purchase of computer forensic equipment, training on said equipment and that the bid process be waived.
5. **R11-099. Finance Department.** Resolution to approve an agreement with Dong Yoo, dba Welch the Cleaner (108 E. Butler), for repayment of delinquent personal property taxes and waiver of late penalties.

I X. PUBLIC COMMENTS

X. COMMISSION COMMENTS



# MINUTES

**MINUTES  
ADRIAN CITY COMMISSION  
AUGUST 15, 2011  
7:00 P.M.**

Official proceedings of the August 15, 2011 regular meeting of the City Commission, Adrian, Michigan.

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

PRESENT: Mayor McDowell, Commissioners Steele, DuMars, Osborne, Carrico, Warren and Clegg

Mayor McDowell in the Chair.

Commissioner DuMars moved to approve the minutes of the August 1, 2011 regular meeting of the Adrian City Commission, seconded by Commissioner Clegg, motion carried by a unanimous vote.

**PRESENTATION OF ACCOUNTS**

Utility Department Receiving Fund Voucher #3502 through #3508	\$ 77,088.60
General Fund Vouchers #20586 through #20599	\$260,972.43
Clearing Account Vouchers amounting to	<u>\$553,204.13</u>
<b>TOTAL EXPENDITURES</b>	<u><b>\$891,265.16</b></u>

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

**PUBLIC COMMENT**

1. John Benton, manager at the Adrian Mall, thanked the Commission for considering the Commercial Rehabilitation District for the Mall.

**COMMUNICATIONS**

1. **C-1. Finance Department.** City of Adrian FY2010-11 Year-End Unaudited Financial Report.
2. **C-2. Finance Department.** City of Adrian FY2011-12 Finance Calendar.

**CONSENT AGENDA**

**RESOLUTION CR11-036**

**RE: STUBNITZ ENVIRONMENTAL EDUCATION CENTER PARTNERSHIP  
ADVISORY BOARD – Reappointment to Board**

WHEREAS, the term of office of Jack Georgal on the Stubnitz Environmental Education Center Partnership Advisory Board (SEECPAB) have expired, which has created a vacancy; and

WHEREAS, this vacancy must be filled in accordance with the Adrian City Charter; and

WHEREAS, Mr. Georgal has expressed his willingness to serve again, if reappointed; and

WHEREAS, the Adrian City Commission has given careful consideration to the reappointment of Mr. Georgal.

NOW, THEREFORE, BE IT RESOLVED, that the Adrian City Commission does hereby approve the reappointment of Jack Georgal to SEECPAB for a 3 year term expiring in 2014.

**RESOLUTION CR11-037**

**RE: CITY COMMISSION – Change in Meeting Date Due to Labor Day  
Holiday**

WHEREAS, the Charter of the City of Adrian requires that regular meeting times be established by City Commission resolution; and

WHEREAS, the regular meeting scheduled for Monday, September 5, 2011, occurs on the Labor Day holiday.

NOW, THEREFORE BE IT RESOLVED that said regular meeting will be held on Tuesday, September 6, 2011 at 7:00 p.m. in the Chambers Building located at 159 E Maumee Street, Adrian, MI 49221.

**RESOLUTION CR11-038**

**RE: POLICE DEPARTMENT – Traffic Control Order**

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

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

Post "No Parking" sign on the east side of Division Street between Logan and the Adrian Blissfield Railroad.

On motion by Commissioner DuMars, seconded by Commissioner Warren, Consent Agenda Resolutions CR11-036 through CR11-038 were adopted by a unanimous vote.

## **REGULAR AGENDA**

### **ORDINANCE**

1. **Ord. 11-006. Planning Commission.** Introduction of an Ordinance to amend Section 3.1 of the City of Adrian Zoning Ordinance and the Zoning Map by deleting 350 West Maple Avenue from the OS-1, Office Service District and including the same in the RM-1, Multiple Family Residential District.

### **SPECIAL ORDER**

1. **SO-1. Community Development.** – Public Hearing to hear and consider comments to establishment of a Commercial Rehabilitation District (#2) for the Adrian Mall, 1357 S Main Street.

### **RESOLUTION R11-090**

**RE: COMMUNITY DEVELOPMENT – Create Commercial Rehabilitation District #2 at the Adrian Mall, 1357 S. Main Street.**

WHEREAS, a Public Hearing has been held to hear and consider objections to the establishment of Commercial Rehabilitation District #2 within the City of Adrian, pursuant to the provisions of Act 210 of the Public Acts of Michigan, 2005; and

WHEREAS, PA 81 and PA 82 of 2011 have amended PA 210 of 2005 so as to allow its use in downtown areas; and

WHEREAS, it appears that the establishment of such a district is consistent with the objective of encouraging commercial redevelopment and economic expansion leading to increased employment opportunities for the citizens of Adrian; and

WHEREAS, the Adrian City Clerk, pursuant to PA 210 of 2005, did provide the County of Lenawee and the owners of all real property within the proposed Commercial Rehabilitation District written notice by certified mail, and on behalf of the City Commission did provide public notice of a hearing on the establishment of the Commercial Rehabilitation District, and that the establishment of a Commercial Rehabilitation District would be considered at a meeting of the Adrian City Commission on Monday, August 15, 2011; and

WHEREAS, the City of Adrian held a Public Hearing at which those owners and other residents or taxpayers had the right to appear and be heard regarding the establishment of a Commercial Rehabilitation District encompassing the property located at 1357 S. Main Street (Adrian Mall); and

WHEREAS, objections to the establishment of said District have been heard and duly considered.

WHEREAS, objections to the establishment of said District have been heard and duly considered.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby declares established Commercial Rehabilitation District #2 pursuant to said Act 210 of the Public Acts of Michigan, 2005, which District shall consist of that portion of the land hereinafter described which lies within the corporate limits of the City of Adrian:

COM W 1/4 SEC 11 T7S R3E TH S 1°47' E 916.8 FT TH N 88°18' E 258 FT FOR POB TH N 88°18' E 954.57 FT TH S 1°47' E 1627.67 FT TH S 88°17' W 792.70 FT TH N 1°47' W 300.06 FT TH S 88°14' W 66.92 FT TH S 43°15' W 59.74 FT TH N 68°55' W 272.03 FT TH N 1°47' W 181.75 FT TH N 88°22' E 200 FT TH N 01°47' W 771.13 FT TH S 88°22' W 187 FT TH S 13 FT TH W 13 FT TH N 01°47' W 204.34 FT TH N 88°18' E 198 FT TH N 1°47' W 121.7 FT TO POB & COM W 1/4 SEC T7S R3E TH S 1°47' E 916.80 FT TH N 88°18' E 1212.57 FT FOR POB TH N 88°18' E 267.62 FT TH S 1°47' E 1627.59 FT TH S 88°17' W 267.62 FT TH N 1°47' W 1627.67 FT TO POB EX BEG 916.8 FT S & 1314.68 FT E OF W 1/4 COR SEC 11 T7S R3E TH E 66 FT TH ALG ARC OF 467 FT RAD CURVE LEFT 238.89 FT TH ALG ARC OF 542.90 FT RAD CURVE RT 91 FT TH S 1316.41 FT TH W 33 FT TH N 1129.96 FT TH ALG ARC OF 476.90 FT RAD CURVE LEFT 247.07 FT TH ALG ARC OF 533 RAD CURVE RIGHT 273.19 FT TO POB EX BEG 1447.19 FT E & 243.96 FT N OF SW COR SEC 11 T7S R3E TH W 225 FT TH N 200 FT TH E 225 FT TH S 200 FT TO POB & EX BEG 60 FT E & 2181.66 FT S FR W 1/4 POST SEC 11 T7S R3E TH S 68°55' E 271.96 FT TH N 43°23' E 59.65 FT TH E 66.77 FT TH N 31°47' W 166.7 FT TH N 26°54' W 33.05 FT TH ALG 50.97 FT RAD CURVE LEFT 57.79 FT TH W 191.75 FT TH ALG 51.51 FT RAD CURVE LEFT 26.93 FT TH S 129.08 FT TO POB ALSO EX LD BEG 916.8 FT S 1 DEG 47'10"E ALG W LI SEC 11 & 258 FT N 88 DEG 18'10"E FROM W 1/4 COR SEC 11 RUNN TH N 88 DEG 18'10"E 195.37 FT TH S 1 DEG 47'10"E 281.24 FT TH S 88 DEG 6'50"W 257.18 FT TH N 86 DEG 10'2"W 108.71 FT TH S 88 DEG 6'50"W 28 FT TH N 1 DEG 47'10"W 150 FT ALG E LI OF HWY M-52 TH N 88 DEG 18'10"E 198 FT TH N 1 DEG 47'10"W 121.70 FT TO POB SEC 11. ALSO LAND DESCRIBED AS BEG 916.80 FT S 01°47'10" E ALG THE W LINE OF SECTION 11 AND 258.00 FT N 88°18'10" E FROM THE W 1/4 COR OF SECTION 11; TH N 88°18'10" E 195.37 FT; TH S 01°47'10" E 281.24 FT; TH S 88°06'50" W 134.74 FT; TH N 01°47'10" W 159.98 FT; TH S 88°18'10" W 60.63FT; TH N 01°47'10" W 121.70 FT TO THE POB

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

**RESOLUTION R11-091**

**RE: COMMUNITY DEVELOPMENT – Adopt Student Town Initiative and Ford School Recommendations**

WHEREAS, the City of Adrian Commission recognizes the important role that area public and private schools, Jackson Community College, Adrian College, and Siena Heights University play in the community; and

WHEREAS, the City of Adrian wishes to continue to expand educational and employment opportunities for students in the city, and wishes to continue to expand the engagement of students into the life of the community; and

WHEREAS, increased engagement of students into the community is part of the City's Comprehensive Plan; and

WHEREAS, the Blueprints for Downtown plan adopted by the City also recommends increased engagement of students into the community; and

WHEREAS, the Student Town Initiative seeks to more comprehensively engage students with businesses, non-profit and government organizations to the benefit of all parties; and

WHEREAS, the Ford School for Public Policy at the University of Michigan selected Adrian and the Student Town Initiative as a site for its Applied Public Policy class, and

WHEREAS, students from the Ford School engaged students, school, business and community leaders in exploratory conversations designed to find ways to facilitate greater integration of students and the community; and

WHEREAS, the Ford School students prepared a report and recommendations for moving this integration forward; now

THEREFORE, BE IT RESOLVED that the City Commission hereby endorses the Student Town Initiative and the recommendations of the Ford School report, and encourages the adoption of these recommendations as broadly as possible.

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

#### **RESOLUTION R11-092**

**RE: DIAL-A-RIDE – Authorize an amendment to MDOT Agreement #2007 0156, to increase operating assistance funds for Dial-A-Ride**

WHEREAS, the City of Adrian desires to continue provisions of Dial-A-Ride service and,

WHEREAS, a Project Authorization had been proposed and approved which provides FY 2011 Section 5311 Operating assistance for such service, (effective October 1, 2010 and expires September 30, 2011, based on 18.5% of the estimate eligible costs), which is \$58,302. The maximum amount to be paid will not exceed 18.5% of the audited costs and if funds are insufficient to reimburse at 18.5% of audited costs, a new reimbursement percentage will be calculated for all agencies, and,

WHEREAS, the purpose of Revision 1 is to increase the operating assistance funds by \$21,563, or \$79,866, and be it,

RESOLVED, that the City Commission of the City of Adrian does hereby approve the proposed revised Agreement No. 2007-0156, Authorization No:Z13/R1 for FY 2011 Section 5311 Operating Assistance, and be it,

FURTHER, RESOLVED that the monies from this grant be given to Adrian Dial-A-Ride in accordance with the terms of the Contract, and

HEREBY authorizes the Mayor, Gary E McDowell and City Clerk, Pat Baker to execute Authorization #13/R1 for and on behalf of the City of Adrian.

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

### **RESOLUTION R11-093**

**RE: DIAL-A-RIDE – Approve Project Authorization #Z14 with MDOT to provide funds for the purchase of bus tires for Dial-A-Ride.**

WHEREAS, the City of Adrian desires to continue provision of Dial-A-Ride service, and,

WHEREAS, a project authorization has been proposed which grants \$10,000 for the purchase of bus tires, and be it,

RESOLVED, that the City Commission of the City of Adrian does hereby approve Agreement 2007-0156, Authorization #Z14 in the amount of \$10,000 from the FY 2001 Section 5311 Capital/Small Cities (5,000 – 50,000) Program, and be it,

FURTHER RESOLVED, that the equipment and funds from the project authorization be granted to the Adrian Dial-A-Ride in accordance with the terms of the project authorization, and

HEREBY, authorizes the Mayor, Gary E McDowell and City Clerk, Pat Baker, to execute the project authorization #Z14 for and on behalf of the City of Adrian.

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

### **RESOLUTION R11-094**

**RE: DEPARTMENT OF PUBLIC WORKS AND DEPARTMENT OF UTILITIES - For Pavement Repair Patches for 2011-12**

WHEREAS, sealed bids were received August 9, 2011 for the annual pavement repair requirements for the City of Adrian; and

WHEREAS, said bids have been tabulated and recommendations made by the City Engineer and the City Administrator; and

WHEREAS, said bids have been considered by the Adrian City Commission.

NOW, THEREFORE, BE IT RESOLVED that the annual bid for pavement repair patches be awarded to Belson Asphalt Paving of Reading, MI at a cost of \$4.00/sq. ft. with an estimated annual expense of \$40,000 under the terms and conditions as specified and as proposed in their sealed bid dated August 9, 2011.

On motion by Commissioner DuMars, seconded by Commissioner Clegg, this resolution was adopted by a 5-2-0 vote.

AYES: Mayor McDowell and Commissioners Osborne, Warren, Clegg & DuMars

NAYS: Commissioners Steele and Carrico

ABSTAINED: None

Prior to voting, Commissioner Steele questioned what the issues were with K&B Asphalt Sealcoating, who was actually the low-bidder. Administrator Nelson explained the barricading and safety issues that were experienced when K&B was used last year.

#### **MISCELLANEOUS**

1. Departmental Report (July 2011)
2. Fire Department Monthly Report (July 2011)
3. Planning Commission Minutes (August 2, 2011)
4. Zoning Board of Appeals Minutes (August 2, 2011)
5. D.A.R.T. Passenger Ridership Report (July 2011)

#### **PUBLIC COMMENTS**

1. Rocky Wingfield from K&B Asphalt expressed his concern about not getting the pavement repair contract; he felt that the safety issues had been resolved. Commissioner Clegg requested that the City Engineer meet with Mr. Wingfield to be sure there are no more concerns about their performance so that they could bid next year.

#### **COMMISSION COMMENTS**

1. Commissioner DuMars expressed a desire to see a well drilled; Administrator Nelson will contact Savoy Energy to see if there could be a time to do this.

The next regular meeting of the Adrian City Commission will be held on Tuesday, September 6, 2011 at 7:00 p.m. in the City Chambers Building, 159 E. Maumee St., Adrian, MI 49221.

Gary E. McDowell  
Mayor

Pat Baker  
City Clerk



# CHECK REGISTER

September 6, 2011

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

  
\_\_\_\_\_  
Dane C. Nelson  
City Administrator

DCN:bjw

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 #3509 through #3519.....	\$ 164,005.40
General Fund	
Vouchers #20600 through #20628.....	\$ 402,945.41
Clearing Account Vouchers	
amounting to.....	<u>\$2,422,171.99</u>
TOTAL EXPENDITURES .....	<u>\$2,989,122.80</u>

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

September 6, 2011

UTILITY DEPARTMENT VOUCHERS

<u>Check Number</u>	<u>To</u>	<u>Description</u>	<u>Amount</u>
3509	City of Adrian: Clearing Acct	Aug 15 Check Register	\$ 84,886.67
3510	Consumers Energy	Various Electric Bills	\$ 173.21
3511	City of Adrian	Acct Rec Refund	\$ 130.48
3512	City of Adrian: Payroll	Payroll for Aug 19	\$ 60,292.70
3513	David Bugbee	Blue Cross Refund	\$ 285.49
3514	Frontier	Water Dept Phone Bills	\$ 78.31
3515	City of Adrian: Utilities	Water Bills	\$ 226.56
3516	Citizens Gas Fuel Co	Various Heat Bills	\$ 161.60
3517	Consumers Energy	Various Electric Bills	\$ 43,059.79
3518	City of Adrian	Various July Charges	\$ 42,621.54
3519	Consumers Energy	Water Plant Electric	\$ 16,975.72
<b>Total</b>			<b>\$ 248,892.07</b>
Less: CK#3509			<b>\$ 84,886.67</b>
<b>TOTAL</b>			<b>\$ 164,005.40</b>

WW = \$ 143,802.44  
WAT= \$ 105,089.63

6-Sep-11

GENERAL FUND  
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
20600	\$ 271.11	City of Adrian	Check Chrgs for 2 Funds
20601	\$ 260.25	Frontier	Various Phone Bills
20602		City of Adrian: Utilities	Transfer State MI Funds
20603	\$ 64.00	Sally Watson Trust	Refuse Collection Refund
20604	\$ 600.00	Midland Police Dept	Police Training Expense
20605	\$ 15,653.03	Consumers Energy	Various Electric Bills
20606	\$ 37.00	Patricia Whaley	Recreation Refund
20607	\$ 161,302.27	City of Adrian: Clearing Acct	Aug 15 Check Register
20608	\$ 4,097.08	Quick Service Transportation	Payroll W/E Aug 13
20609	\$ 37,884.44	Avery Oil & Propane Inc	MVP Gas & Diesel Fuel
20610	\$ 211,792.03	City of Adrian: Payroll	Payroll for Aug 19
20611	\$ 16,400.87	First Federal Bank	Soc Security for Aug 19
20612		City of Adrian: Utilities	Transfer State MI Funds
20613	\$ 312.73	City of Adrian	Petty Cash
20614	\$ 125.39	Frontier	Various Phone Bills
20615	\$ 3,986.51	City of Adrian: Utilities	Various Water Bills
20616	\$ 345.19	Citizens Gas Fuel Co	Various Heat Bills
20617	\$ 55.00	Renee Brunette	Recreation Refund
20618	\$ 5.00	Barbara Hill	Recreation Refund
20619	\$ 250.00	Cristal Gauna	Recreation Refund
20620	\$ 200.00	Jesus is Lord Ministries	Recreation Refund
20621	\$ 4,239.29	Quick Service Transportation	Payroll W/E Aug 20
20622	\$ 18,237.71	Consumers Energy	Various Electric Bills
20623	\$ 887.36	US Postmaster	Recreation Postage
20624	\$ 79,450.90	Blue Cross Blue Shield of MI	Sept Hospitalization Ins
20625	\$ 250.02	Frontier	Various Phone Bills
20626	\$ 50.00	Cyrelle Davis	Recreation Refund
20627	\$ 3,150.28	Consumers Energy	Various Electric Bills
20628	\$ 4,340.22	Quick Service Transportation	Payroll W/E Aug 27

\$ 564,247.68  
\$ (161,302.27) Less: CK#20607  
\$ 402,945.41

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
1. ADRIAN LOCKSMITH & CYCLERY	20.30		
2. ADRIAN MECHANICAL SERVICES C	269.99		
3. ADVANCE AUTO PARTS COMMERCIA	27.99		
4. AIRGAS GREAT LAKES	138.08		
5. ALL AROUND CONSTRUCTION	3,133.09		
6. AMAZON CREDIT PLAN	84.72		
7. AMERICAN ASPHALT INC	7,053.92		
8. APPLE MAT RENTAL	357.30		
9. ARCH WIRELESS	49.62		
10. ARCHBOLD EQUIPMENT CO	5.55		
11. ASSOCIATED ENGINEERS & SURVE	686.00		
12. AUTO ZONE COMMERCIAL	560.43		
13. BADER & SONS CO	339.76		
14. BAKER & TAYLOR BOOKS	774.03		
15. PATRICIA BAKER	184.29		
16. BANK OF NEW YORK MELLON	1,370,618.22		
17. BAUDVILLE INC	33.50		
18. BEAUBIEN INC.	2,490.00		
19. BERGGREN'S SHOE REPAIR	15.00		
20. BILL'S SERVICE, INC.	95.71		
21. BIO-CARE INC.	275.00		
22. BLACK SWAMP EQUIPMENT	1,664.96		
23. BOOK OF THE MONTH CLUB	40.04		
24. BREATHING AIR SYSTEMS	549.00		
25. BRODBECKS LLC	4,500.00		
26. BUCK & KNOBBY EQUIP CO INC	843.98		
27. BWI	59.58		
28. C & D HUGHES INC	210,808.40		
29. C-N CONSTRUCTION SUPPLIES IN	204.94		
30. CATHY CHESHER	12.67		
31. CLEGG ELECTRIC INC.	1,433.00		
32. CMP DISTRIBUTORS, INC.	174.85		
33. COMCAST	89.23		
34. COMPUTER CARE COMPANY, INC.	229.85		
35. CONSTANT CONTACT	420.00		
36. CONSTRUCTION EQUIPMENT & SUP	231.63		
37. CONSUMER ENERGY	90.00		
38. CONTINENTAL CARBONIC PRODUCT	682.00		
39. CORNERSTONE UNIVERSITY	75.00		
40. CUTLER DICKERSON CO	41.42		
41. THE DAILY TELEGRAM	833.33		
42. JERRY DAVIS	89.89		
43. DETROIT FREE PRESS	156.01		
44. ERIN DEWALT	40.39		
45. DEXTER'S INC.	49.00		
46. DINIUS, NEIL	71.76		
47. DOAN COMPANIES	896.25		
48. JACK DOHENY SUPPLIES	210.60		
49. DORNBOS SIGN & SAFETY INC	790.84		
50. DRUMMUNITY	500.00		
51. E & B SALVAGE LLC	44.25		
52. EAST JORDAN IRON WORKS INC	6,720.64		
53. CURT EMMONS	74.20		
54. VINCENT EMRICK	21.36		
55. ENVIRONMENTAL RESOURCE ASSOC	262.39		
56. ENVIRONMENTAL SYSTEMS	6,250.00		
57. FASTENAL COMPANY	1,183.92		
58. FEDERAL EXPRESS	144.16		
59. FIRE & POLICE SELECTION, INC	595.80		
60. FIRE SERVICE MANAGEMENT	128.83		
61. FLINT TRADING INC	3,422.56		
62. FORD ELECTRIC	50.00		
63. GALE	321.42		
64. GALLANT & SON	48.79		
65. GERKEN MATERIALS INC.	132.60		
66. GLEASON CONSTRUCTION COMPANY	233,297.16		
67. GORDON FOOD SERVICE	748.81		
68. GRAINGER INC.	486.44		
69. HACH COMPANY	310.47		
70. HADDEN TIRE COMPANY	50.00		
71. HASSELBRING CLARK CO.	730.00		
72. HEIMAN FIRE EQUIPMENT INC	107.85		
73. HERITAGE PLUMBING & HEATING	281.42		
74. HOLBEN PROFESSIONAL EH SERVI	150.00		
75. HUBBARD'S AUTO CENTER INC	555.68		

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
76. I.T. RIGHT	3,071.25		
77. ICMA RETIREMENT CORPORATION	158.68		
78. ID NETWORKS INC	4,132.00		
79. IDEXX LABORATORIES, INC.	3,103.94		
80. IMAGE GALLERY	150.00		
81. INFOGEOGRAPHICS INC	570.00		
82. INGRAM LIBRARY SERVICES	234.58		
83. JACKSON TRUCK SERVICE INC.	34.68		
84. JOHN DEERE LANDSCAPES	968.75		
85. JODIE JOHNSON	146.00		
86. JONES & HENRY ENGINEERS, LTD	14,860.96		
87. K.A. STEEL CHEMICALS, INC.	2,946.76		
88. KELLER THOMA, P.C.	2,045.90		
89. KELLOGG COMMUNITY COLLEGE	925.00		
90. KEMIRA WATER SOLUTIONS INC	3,434.39		
91. KERKSTRA PRECAST	1,608.00		
92. DAVE KNAPP FORD LINCOLN	547.52		
93. KONICA MINOLTA BUSINESS SOLU	24.03		
94. BRENT KUBALEK	77.95		
95. KUHLMAN CORP.	525.00		
96. LAB SAFETY SUPPLY INC.	32.11		
97. LANSING SANITARY SUPPLY INC	1,227.89		
98. LEGACY PRINTING	101.35		
99. LENAWEE COUNTY CLERK	793.53		
100. LENAWEE COUNTY EQUALIZATION	7,100.00		
101. LENAWEE COUNTY FAIR	750.00		
102. LENAWEE COUNTY PROSECUTORS	307.52		
103. LENAWEE COUNTY TREASURER	12,755.35		
104. DOUG LOLLEY	53.00		
105. LONG'S SMALL ENGINE SERVICE	1,589.00		
106. LYDEN OIL COMPANY	1,166.95		
107. MANPOWER OF LANSING MI INC.	2,117.00		
108. MAPLE CITY GLASS INC.	282.58		
109. MICHAEL MARVIN	229.51		
110. MASSON'S ELECTRIC, INC	135.00		
111. GARY MCDOWELL	130.56		
112. MICH MUNICIPAL LIABILITY	206,148.00		
113. MICHIGAN ASSESSOR'S ASSN	300.00		
114. MICHIGAN ASSOCIATION CHIEFS	695.00		
115. MICHIGAN CAT CORP	361.07		
116. MICHIGAN DEPARTMENT OF	20,986.65		
117. MICHIGAN LIBRARY ASSOC	240.00		
118. MICHIGAN MUNICIPAL WORKER'S	39,433.00		
119. MICHIGAN OFFICE SOLUTIONS	100.60		
120. MICHIGAN SECTION-AWWA	950.00		
121. STATE OF MICHIGAN	1,228.64		
122. MICROMARKETING LLC	1,524.75		
123. MIDWEST TAPE	52.18		
124. CHRISTOPHER MILLER	338.56		
125. H T MORIARTY CO INC	1,083.60		
126. MOTAWI TILEWORKS	858.00		
127. MUGS N' MORE IMAGING	1,348.14		
128. MULCH WHOLESALERS INC	940.00		
129. MUNICIPAL CODE CORPORATION	470.97		
130. MUNICIPAL EMPLOYEES' RETIRE	72,076.96		
131. MUNICIPAL WEB SERVICES	400.00		
132. MUSKEGON GROUP LLC	30.00		
133. NATIONAL FIRE PROTECTION ASS	126.81		
134. NEXTEL COMMUNICATIONS	665.06		
135. NOLLENBERGER TRUCK CENTER IN	45.32		
136. OCE IMAGISTICS INC	155.52		
137. OMNIGRAPHICS INC.	163.70		
138. OTIS ELEVATOR COMPANY	1,125.00		
139. P.K. CONTRACTING, INC.	1,729.29		
140. PARAGON LABORATORIES INC	320.00		
141. PC MALL GOV	355.98		
142. PEERLESS SUPPLY INC	227.34		
143. PEST PATROL	140.00		
144. PILOT ROCK	238.00		
145. PINNACLE IRRIGATION INC.	945.00		
146. PIONEER MANUFACTURING CO.	1,400.00		
147. PLATINUM PLUS	2,672.38		
148. PREIN & NEWHOF ENGINEERS	272.00		
149. PRO-MED UNIFORM	81.99		
150. QUICK SERVICE TRANSPORTATION	2,288.72		

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
151. QUILL CORPORATION	910.56		
152. RECORDED BOOKS LLC.	606.90		
153. RED PAINT PRINTING LLC	474.00		
154. REESE UNITY DISTRICT LIBRARY	18.00		
155. JIM RIBBY	150.00		
156. JOE RUPLEY	550.00		
157. SANCHIN SYSTEMS INC	551.25		
158. CHARLES SCHMENK	80.00		
159. SCHUG CONCRETE CONSTRUCTION	3,598.85		
160. SHINE'S AUTO CLEAN	60.00		
161. SIEMENS INDUSTRIES, INC	683.00		
162. SIGNAL 88 SECURITY, INC	2,635.01		
163. SIMON, SUZANNE	125.30		
164. SLUSARSKI EXCAVATING & PAVIN	1,812.00		
165. SPECIAL TRIBUTES	600.00		
166. SPECTRUM PRINTERS INC	2,161.00		
167. SPRINT NEXTEL	60.00		
168. STAPLES CREDIT PLAN	530.22		
169. STEVENS DISPOSAL	40,657.10		
170. SUPERIOR UNIFORM SALES INC.	139.99		
171. T & K LAWN CARE	600.00		
172. T-MOBILE	29.99		
173. TDS SECURITY, INC	451.50		
174. THOMSON WEST	385.06		
175. TIME EMERGENCY EQUIPMENT INC	5,152.41		
176. TOP QUALITY CHEMICALS	89.50		
177. TRACTOR SUPPLY COMPANY	64.97		
178. TTB CLEANING LLC	3,275.00		
179. U S POSTMASTER	1,800.00		
180. UIS PROGRAMMABLE	3,787.92		
181. UNITED PARCEL SERVICE	50.83		
182. UNUM LIFE INSURANCE COMPANY	2,075.78		
183. USA BLUEBOOK	1,172.90		
184. VAN BRUNT TRANSPORT INC	5,614.78		
185. VICTORY LANE QUICK OIL CHG	25.97		
186. ERIC VILLEGAS	750.00		
187. WEPHOTO LLC	416.00		
188. WEST GROUP PAYMENT CENTER	194.00		
189. WESTERN LIME CORPORATION	10,092.60		
190. WEYHING BROTHERS	301.00		
191. CURT WHITTING	32.96		
192. JEFF WILLET'S POWERHOUSE GYM	22,800.00		
193. WILT BUILDERS	10.00		
194. WRIGHT TREE SERVICE, INC	6,620.80		
<b>**TOTAL ALL CLAIMS**</b>	<b>2,422,171.99</b>		



# COMMUNICATIONS



**MEMO**

Date: August 30, 2011

To: Dane C. Nelson, City Administrator  
Hon. Gary McDowell, Mayor  
City Commission

From: Jeffrey C. Pardee, Finance Director

**Re: An Unintended Consequence of Eliminating the Personal Property Tax in Michigan**

Michigan leaders are currently considering the elimination of personal property taxes in Michigan. Personal property taxes, on a statewide basis, amount to over \$900 million and would affect various jurisdictions in a significantly different manner. The City of Adrian would potentially lose just over one (1%) percent of the total or approximately \$900,000 of General Fund Revenue.

Philip O. Mastin III, Wayne County Director of Equalization, has written a white paper (copy attached) highlighting an unintended consequence of this proposed action that would increase the overall property tax loss by an additional sum calculated to be many millions of dollars more. Specifically, personal property assessments, which are reduced by an annual allowance for depreciation, currently mitigate the increases in real property values (due to uncappings) thereby reducing the impact of the constitutionally required Headlee Millage Reduction Fraction (MRF).

Wayne County alone would lose \$2.8 million of total real tax collections, in addition to the personal property tax loss, if personal property tax assessments were eliminated. Oakland County would experience reduced revenue amounting to \$2.3 million. The City of Detroit would lose \$4.2 million in the first year. The impact of this proposal touches all levels of local government, not just counties. Local school districts, district libraries, the metropolitan Zoo Authority, intermediate school districts, community colleges, regional park authorities, downtown development authorities, and any tax authority that levies any millage for operations, building and site, or sinking fund, could have their tax levies on real property affected by the proposed elimination of personal property taxes.

The reduction in millage is permanent (barring a Headlee over-ride election) and is compounded in subsequent years by further millage reduction calculations. The results are permanent, compounded, and result in a series of annual decreases to the millage rates applied to the tax base, at a rate of reduction that is markedly increased from current experience.

The effective spread of millage rate reductions would not be uniform. Most tax authorities that currently have personal property as part of their tax base will be affected. Some will be quite severely affected.

The paper concludes with the following statement, "The one sure thing is that there will be an impact and it will reduce revenue on real property. An unintended consequence, but one that is revealed and should be a part of any current or future discussions on tax policy."

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

# **An Unintended Consequence of Eliminating the Personal Property Tax in Michigan**

Prepared by

Philip O. Mastin III, MMAO ASA  
Director of Assessment & Equalization  
Wayne County, Michigan

August 1, 2011

## Preface

Michigan leaders are currently considering the elimination of personal property taxes in Michigan. The purpose of this paper is not to espouse the author's personal tax philosophy, nor is it intended to address the greater issue of what constitutes effective tax policy for financing local government. The purpose of this paper is to shed light on an ancillary issue that should be included in any discussion regarding the full impact of the elimination of the personal property tax on local and school revenue, especially if the intent of the State's leadership is to identify and replace lost revenue resulting from the proposed elimination of personal property taxes.

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## Background

A local tax jurisdiction's authority to levy property tax is limited by several clauses contained in the 1963 Michigan Constitution. Two of those constitutional limitations, commonly known as the **Headlee Amendment** (1978) and **Proposal A** (1994), have worked in tandem to roll back millage rates while limiting taxable value increases.

**Headlee**, simply put, states that if a local tax authority raises more revenue on existing property, after adjusting for losses, additions, and inflation, than it raised in the prior year, it must roll back its millage rate to eliminate the increase in revenue.

**Proposal A** limits the change in taxable value on any property, after adjusting for losses and additions, to the rate of the Consumer Price Index (CPI) or 5%, whichever is less. Note that the statement reads "limits the change in taxable value" and not "limits the increase in taxable value", for as we discovered recently if the CPI is a negative number then taxable values decrease as a result. The exception to this rule is the uncapping of property that occurs in the year subsequent to a transfer of property, which can increase the taxable value of a property in an amount greater than the CPI.

One of the common components in both Headlee and Proposal A calculations is the CPI. For purposes of these calculations, we convert the CPI into an Inflation Rate Multiplier (IRM). For example, a CPI increase of 3.1% is converted into an IRM of 1.031, for the practicality it offers in executing the calculations.

Net of additions and losses then, the taxable value of individual properties cannot increase at a rate greater than inflation; and, the taxable value of a community as a whole cannot increase at a rate greater than inflation without incurring a millage reduction. Since taxable values are, for the most part, "capped" at the rate of inflation, it is only the "uncappings" that drive a Headlee Millage Reduction Fraction (MRF).

In a declining market it all becomes a moot point. Since taxable values get driven down by declining state equalized values, the Headlee MRF calculations rise above 1.0000 and there are no millage reductions. However, in an increasing market, taxable values on individual properties and communities can very well be increased by the CPI/IRM factor.

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## **The Crux of the Issue**

What does this have to do with the elimination of personal property taxes?

As stated previously, in an increasing market taxable values can be increased by the CPI/IRM factor. However, personal property tends to depreciate in value, even when real property is experiencing increases in value. The result is that personal property valuation decreases have had a somewhat mitigating effect on the severity of the Headlee MRFs. If a real property parcel had an increase in taxable value of \$1,000 and a personal property parcel has had a decrease of \$1,000, they basically have offset each other.

Taken as a whole then, within a taxing jurisdiction, valuation increases due to uncappings have been partially, and in some cases fully, offset by declining personal property valuations. These facts are nothing new and have been discussed for years within the assessing community. However, today's discussions reach outside of the assessing community and into the chambers and conference rooms of local, county, and elected officials state-wide.

At this time, the personal property tax has a mitigating effect on millage rollback calculations. What happens if we eliminate personal property valuations from the equation?

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## **Examples of MRF Calculations With and Without Personal Property Valuations Included**

Following this article are some examples of county-wide Headlee MRF calculations as prepared by county equalization directors in Macomb County, Oakland County, and Wayne County. I would like to express my sincere appreciation to Steve Mellen, Director of Equalization for Macomb County, and Dave Hieber, Director of Equalization for Oakland County, for their efforts in responding to my request for information.

I have also included the calculations for the City of Detroit, to show that the impact of this proposal touches all levels of local government, not just counties. Local school districts, district libraries, the regional Zoo Authority, intermediate school districts, community colleges, regional park authorities, downtown development authorities, and any tax authority that levies any millage for operations, building and site, or sinking fund, could have their tax levies on real property affected by the proposed elimination of personal property taxes.

Using Wayne County as an example (refer to page 1 of the Appendix), and looking at the assessment year 2006 (representing the "growth years" for valuation of 2004-2005) the Headlee Millage Reduction Fraction calculations are shown two different ways. The first way is what was calculated in 2006 using both real and personal property valuations in the calculations. Note that the resulting MRF is 1.0104, resulting in a final MRF of 1.0000 (MRFs greater than 1.0000, which could restore a millage rate to its charter or voter approved level, have not been allowed since the passage of Proposal A).

Next, the calculation is made using real property valuations only. The calculated MRF is 0.9921, resulting in a millage decrease of 0.79% or 0.0623 mills. The resulting loss in revenue against real property is calculated as -\$2,784,622. That is just one tax authority, one year.

The following summarizes the calculations for a single year:

Wayne County millage reduced from 7.8820 to 7.8197  
Wayne County revenue on real property reduced by -\$2.8 million first year

City of Detroit millage reduced from 24.5827 to 24.0369  
City of Detroit revenue on real property reduced by -\$4.2 million first year

Macomb County reported that the calculation would result in additional millage rollbacks in 31 out of 58 tax authorities levying property tax. The year studied was 2007.

Oakland County reported that the calculation would result in a reduced millage rate from 4.1783 mills to 4.1301 mills, and reduced county revenue of \$2.3 million. The year studied was 2005.

The three counties each studied a different year during a 'growth' period, being years 2005, 2006, and 2007. The results were substantially the same.

The reduction in millage is permanent (barring a Headlee over-ride election) and is compounded in subsequent years by further millage reduction calculations. The examples contained in Appendix A show the potential impact of several years compounding of the results from 2006. The results are permanent, compounded, and result in a series of annual decreases to the millage rates applied to the tax base, at a rate of reduction that is markedly increased from current experience.

The effective spread of millage rate reductions would not be uniform. Most tax authorities that currently have personal property as part of their tax base will be affected. Some will be quite severely affected.

The one sure thing is that there *will* be an impact and it *will* reduce revenue on real property. An unintended consequence, but one that is revealed and should be a part of any current or future discussions on tax policy.

# **Appendix A**

## Wayne County

Headlee Example                    50,572,359,004 2006 TV  
     5,852,263,246 2006 Pers Prop TV  
     44,720,095,758 2006 Real Prop TV

1.033 IRM (CPI)

### 2006 with Personal Property (as reported L-4028)

2005 TV	Losses	Additions	2006 TV	Start millage	MRF	End Millage	Real Property revenue
48,309,100,039	1,157,741,894	2,367,099,081	50,572,359,004	7.8820	1.0000	7.8820	\$352,483,795
<u>48,707,352,964</u>		calculation = 1.0104					
48,205,259,923		MRF = 1.0000					

### 2006 without Personal Property

2005 TV	Losses	Additions	2006 TV	Start millage	MRF	End Millage	Real Property revenue
42,271,121,229	488,490,630	1,214,266,942	44,720,095,758	7.8820	0.9921	7.8197	\$349,699,173
<u>43,161,457,499</u>		calculation = 0.9921					
43,505,828,816		MRF = 0.9921					

**Difference:                    -\$2,784,622                    -0.79%**

Using the above as a 'typical' year in a growing economy, you can project the results of the calculation over several years. This example assumes that the data from 2006 is constant over 20 years. Actual rates of inflation and market conditions will alter these results:

	Compound MRF	Resulting % decrease in Real Property revenue from 2006	Resulting \$ decrease in Real Property revenue from 2006
Year 1	0.9921	-0.79%	-\$2,784,622
Year 2	0.9843	-1.57%	-\$5,547,245
Year 3	0.9765	-2.35%	-\$8,288,044
Year 4	0.9688	-3.12%	-\$11,007,191
Year 5	0.9611	-3.89%	-\$13,704,856
Year 6	0.9535	-4.65%	-\$16,381,209
Year 7	0.9460	-5.40%	-\$19,036,420
Year 8	0.9385	-6.15%	-\$21,670,654
Year 9	0.9311	-6.89%	-\$24,284,078
Year 10	0.9238	-7.62%	-\$26,876,856
Year 11	0.9165	-8.35%	-\$29,449,150
Year 12	0.9092	-9.08%	-\$32,001,124
Year 13	0.9020	-9.80%	-\$34,532,937
Year 14	0.8949	-10.51%	-\$37,044,749
Year 15	0.8878	-11.22%	-\$39,536,718
Year 16	0.8808	-11.92%	-\$42,008,999
Year 17	0.8739	-12.61%	-\$44,461,750
Year 18	0.8670	-13.30%	-\$46,895,124
Year 19	0.8601	-13.99%	-\$49,309,275
Year 20	0.8533	-14.67%	-\$51,704,354





# CONSENT AGENDA

CR-1

**CR11-039**

September 6, 2011

**RE: CITY COMMISSION – Designating Representatives for Voting Purposes at the Michigan Municipal League Convention**

**RESOLUTION**

WHEREAS, the Michigan Municipal League’s Annual Conference will be held in Grand Rapids on October 4-7, 2011, at which time votes will be cast for election of trustees, policies and other business that may come before the meeting; and

WHEREAS, the Michigan Municipal League’s by-laws state that governing bodies designate one official who will be in attendance at the conference to cast the vote on behalf of their municipality; and

WHEREAS, it further requires that one official be designated as an alternate in the event the other official is unable to cast the vote.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission does hereby appoint Mayor Gary E. McDowell as the official representative and Commissioner Greg DuMars as the alternate representative to cast the vote at the annual MML Conference to be held October 4-7 in Grand Rapids, MI.

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



michigan municipal

Better Communities. Better Michigan.

August 10, 2011

### Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Annual Convention of the Michigan Municipal League will be held in Grand Rapids, October 4-7, 2011. The annual meeting is scheduled for 1:00 pm on Wednesday, October 5, at the Amway Grand. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each (see page 2).
2. Policy. To vote on Core Legislative Principles document and resolutions properly brought before the annual meeting. All member municipalities planning on submitting resolutions for consideration at the annual meeting are reminded that under the Bylaws, the deadline for League Trustees to receive resolutions for their review is September 2, 2011 (please see page 2).
3. Other Business. To transact such other business as may properly come before the meeting.

#### Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting <http://www.mml.org/delegate> no later than September 21, 2011.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

“Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.”

CR-2



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## MEMORANDUM – UTILITIES DEPARTMENT

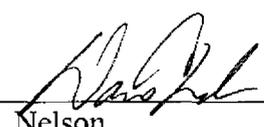
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DATE: August 30, 2011  
TO: Dane C. Nelson, City Administrator  
FROM: Shane A. Horn, Utilities Director  
SUBJECT: Lime Residual Removal at Water Treatment Plant

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I concur with the recommendation of the Utilities Director to award the bid for residual lime removal at the Water Treatment Plant to BioTech Agronomics of Beulah, MI in the amount of \$136,350.00. This is \$17,500 less than the 2008 bid.

Six firms responded to the offer to bid. There are sufficient funds (\$175,000) in the Water Plant operating budget for this expense.

  
\_\_\_\_\_  
Dane C. Nelson  
City Administrator

DCN:bjw

Sealed bids were received by the purchasing department on Tuesday August 23, 2011 at 2:00 pm for the removal of residual lime from the Water Treatment Plant. Included is a detailed tabulation of the six contractors that submitted bids for this project. The project involves removal of lime residuals from the entire lagoon #1 along Bent Oak Ave. Based on the results of the bids, my recommendation is to accept the low bidder, BioTech Agronomics of Beulah, MI for a total bid price of \$136,350.00. The last time this was bid was 2008 and the low bid was \$154,000. The current fiscal year Water Plant operating budget includes \$175,000.00 for this expense (591-536.00-801.503).

cc: Jeff Pardee, Finance Director  
Tim Ritchie, Water Plant Superintendent

CITY OF ADRIAN, MICHIGAN  
LIME REMOVAL  
DUE DATE: AUGUST 23, 2011

BIDDER	TOTAL AMOUNT
Midwest Compost Clyde, OH	\$ 152,500.00
Prolime Services Washington, MI	\$ 157,200.00
S&L Fertilizer Company Toledo, OH	\$ 225,000.00
Pohlkat Inc Sidney, OH	\$ 192,500.00
Salenbien Trucking & Excavating Dundee, MI	\$ 162,000.00
BioTech Agronomics Inc. Beulah, MI	\$ 136,350.00

**RE: UTILITIES DEPARTMENT – Lime Residual Removal at the Water Treatment Plant**

**RESOLUTION**

WHEREAS, the Adrian City Commission, by Resolution #R11-051 dated May 2, 2011, approved the FY2011-12 Budget and General Appropriations Act, which included \$175,000 in the Water Fund Purification Pumping Contract Services account (591-536.00-801.503) for the removal of residual lime at the Water Treatment Plant; and

WHEREAS, bids were solicited and six (6) bids were received on Tuesday, August 23, 2011 by the City of Adrian Purchasing Office for the removal of residual lime at the Water Treatment Plant, with the following results:

<u>Vendor</u>	<u>Amount</u>
S&L Fertilizer Company, Toledo, OH	\$225,000
Pohlcat, Inc., Sidney, OH	192,500
Salenbien Trucking & Excavating, Dundee, MI	162,000
ProLime Services, Washington, MI	157,200
Midwest Compost, Clyde, OH	152,500
BioTech Agronomics, Inc., Beulah, MI	136,350

WHEREAS, the Finance Director indicates that sufficient funds for this purpose are available in the Water Fund Purification Pumping Contract Services account (591-536.00-801.503); and

WHEREAS, the Utilities Director and City Administrator recommend that the low bidder, BioTech Agronomics, Inc., Beulah, MI be engaged in the City’s Standard Professional services Contract for the removal of residual lime at the Water Treatment Plant at a cost not to exceed \$136,350.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the engagement of BioTech Agronomics, Inc., Beulah, MI in the City’s Standard Professional Services Contract for the removal of residual lime at the Water Treatment Plant at a cost not to exceed \$136,350.

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



# REGULAR AGENDA

R-1

# Memo

**To:** Dane C. Nelson, City Administrator  
**From:** Mark K. Gasche, Parks and Recreation Director  
**Date:** August 26, 2011  
**Subj:** Approval to Hire Clegg Electric for Work at Island Park

---

Emergency repairs were recently required at Island Park after power was lost due to a storm. After contacting our electrical contractor and two other firms, Clegg Electric (owned by Commissioner Clegg) was contacted and they were able to complete the work prior to the start of a tournament scheduled for that day at a cost of \$1,433.

The City Charter requires unanimous City Commission approval for services obtained through an officer of the City. I, therefore, urge your favorable consideration authorizing payment to Clegg Electric in the amount of \$1,433.

  
\_\_\_\_\_  
Dane C. Nelson  
City Administrator

DCN:bjw

Due to a storm at the end of July, we had an electrical outage at Island Park, which meant that we had to close the restrooms and we didn't have any power or lights in the concession/storage building. Unfortunately, that happened in the early morning hours on Friday and we were scheduled to host the Diamondback Classic starting that day and continuing throughout the weekend. This is a youth baseball tournament that brings in over thirty teams for the weekend. So we wanted to try to get the electricity back up and running as soon as possible.

We contacted Masson's Electric first, who has the annual electrical work contract with the City, but they said that they did not have the equipment to do this type of repair. They thought that either MB Electric or Consumers Energy would have the necessary equipment to do the work, so we contacted them. However, due to work from the storm, neither of them were available for this job. MB said that they would have to sub-contract the work with someone from Toledo, but they weren't sure if they would be available until after the weekend. And Consumers said that the earliest they could get to it would be the next week. So we called Clegg Electric, who was familiar with the electrical system at Island Park from diagnostic work they had performed over the winter. Clegg Electric was able to send a truck and crew to do the work so we gave them the go ahead to do it. They were able to complete the work by the start of the tournament that afternoon.

City Charter requires Commission approval for any work or purchase awarded to a City Commissioner that is over \$100; so we are requesting approval to pay Clegg Electric for this job in the amount of \$1,433. Funds for this work are budgeted in the Park General operating budget.

**RE: DEPARTMENT OF PARKS & RECREATION – Authorization to Hire Clegg Electric for Repairs at Island Park**

**RESOLUTION**

WHEREAS, emergency electrical repairs were required at Island Park in late July, after power was lost due a storm; and

WHEREAS, the City’s approved electrical contractor, Masson Electric, was called but did not have the proper equipment to complete the repairs; and

WHEREAS, alternative sources were investigated to perform the repairs, however, only Clegg Electric was able to provide the necessary service within the required timeframe, in order to minimize impact on scheduled recreation activities (the Diamondback Classic Baseball Tournament being held that same day), at a cost of \$1,433; and

WHEREAS, the Finance Director indicates that there are sufficient funds for this purpose in the Parks & Recreation Operating Budget (101-691.00-801.000); and

WHEREAS, Clegg Electric is owned by Michael Clegg, an Adrian City Commissioner, which subjects this transaction to the tenets of the City Charter, specifically, **Section 5.13 – Pecuniary interest prohibited:**

- (a) Except as permitted by this section, no contract or purchasing involving an amount in excess of one hundred dollars shall be made by the city in which an elective or appointive officers or any member of his family has any pecuniary interest, direct or indirect.
- (b) Pecuniary interest is defined in detail.
- (c) A contract in which an officer or member of his family has a pecuniary interest may be made by the city if the members of the commission in office at the time having no such interest shall, by unanimous vote, determine that the best interests of the city will be served by making of such contract...; and

WHEREAS, the Parks & Recreation Director and City Administrator recommend approval of this resolution and payment to Clegg Electric for emergency repairs at Island Park in the amount of \$1,433.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves payment to Clegg Electric for emergency repairs at Island Park in the amount of \$1,433.

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



Adrian Public Library

143 E. Maumee St. • Adrian, Michigan 49221-2773

(517) 265-2265 • Fax (517) 265-8847  
www.adrian.lib.mi.us

**August 26, 2011**

**To: Honorable Mayor Gary McDowell and City Commission**

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

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

**Re: Adrian Noon Rotary – Art-A-Licious- Liquor License**

---

On September 16 and 17, 2011, downtown Adrian will be celebrating our 5<sup>th</sup> annual Art-A-Licious festival. Adrian's Noon Rotary has requested a liquor license from the State of Michigan, as they will once again be hosting the Rotary tent during the festival. Rotary uses this event as a fundraiser which allows them to contribute back to our community.

Art-A-Licious is a community project fund within the Lenawee Community Foundation. The Art-A-Licious Festival is an annual celebration of the arts and culture in Lenawee County. The focus of the festival is to expose, excite, educate and encourage appreciation and participation by children and adults in a variety of art forms and cultural activities, including visual, performance, dance, music, literary, and cultural arts. The festival provides a variety of different experiences for many who may not otherwise have an opportunity to explore or view different art forms. And of course, it provides a unique opportunity for artists from Lenawee County and Southeast Michigan to showcase their talents.

On behalf of Adrian's Noon Rotary, I am requesting the commission approve the use of this license. I also invite you and your families to attend this festival which takes place on Friday September 16 from 4 – 10 pm and Saturday September 17 from 10 am – 10 pm.

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

**RE: DOWNTOWN DEVELOPMENT – Placement of Tents and Outdoor Sale of Alcohol for Art-A-Licious on September 16-17, 2011**

**RESOLUTION**

WHEREAS, the City of Adrian has adopted the Blueprint for Michigan Downtown Plan for downtown Adrian; and

WHEREAS, among the recommendations are the support and encouragement of public events that attract residents and visitors to downtown; and

WHEREAS, the organizers of Art-A-Licious have planned a return of the event to downtown Adrian on September 16 and 17, 2011; and

WHEREAS, the focus of the festival is to expose, excite, educate and encourage appreciation and participation by children and adults in a variety of art forms and cultural events, including visual, performance, dance, music, literary and cultural arts; and

WHEREAS, the Adrian Noon Rotary Club has requested permission for the sale of alcohol on City property at Art-A-Licious and has applied for a liquor license through the State of Michigan.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission hereby approves the placement of tents and the sale of alcohol on City property at the Art-A-Licious Festival on September 16 and 17, 2011, subject to the approval of the Police Chief, Fire Chief and City Engineer.

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

R-3



155 E. Maumee St., Adrian, MI 49221

Police Department

517.264.4808 Fax 517.264.1927

31 August 2011

To: Jeff Pardee, Finance Director

From: Laurence Van Alstine

Re: Request for Commission Resolution

Dear Jeff,

The 2011 Department of Justice grant process requires that the City Commission approve submission and acceptance of grants. This approval may be granted after submission has been made, as a special condition to a grant application and award. As a grant application has been made, and the award approved by the Department of Justice, I am requesting a resolution to satisfy the terms of the grant, as well as define and approve of additional monies needed to complete the project. As we discussed, the additional funding for this project will come from two sources; first a private donation from the Fraternal Order of Police on behalf of the Lenawee Police Chief's Association, and the second being drug forfeiture. Therefore, the resolution should include:

1. A resolution to apply for the 2011 JAG Grant.
2. A resolution to accept the grant (2011-DX-BJ-3178) in the amount of \$11,032.
3. A resolution to accept a donation of \$14,000 from the Fraternal Order of Police Lodge #1117, on behalf of the Lenawee County Police Chief's Association, to be applied to the project.
4. A resolution to apply drug forfeiture funds in the amount of \$7,000 (approximately) to fund the balance of the project.

Thanks you for your assistance in this matter. If you need any additional information, I am at your disposal.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Van Alstine, III".

Laurence R. Van Alstine, III



**Department of Justice**  
Office of Justice Programs

Bureau of Justice Assistance

---

Office of Justice Programs

Washington, D.C. 20531

August 29, 2011

Mr. Dane Nelson  
City of Adrian  
100 East Church Street  
Adrian, MI 49221

Dear Mr. Nelson:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 11 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation in the amount of \$11,032 for City of Adrian.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Kandia Conaway, Program Manager at (202) 514-9205; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

Denise O'Donnell  
Director

Enclosures



**Department of Justice**  
**Office of Justice Programs**  
**Office for Civil Rights**

*Washington, D.C. 20531*

August 29, 2011

Mr. Dane Nelson  
City of Adrian  
100 East Church Street  
Adrian, MI 49221

Dear Mr. Nelson:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

## Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

## Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

### 1) Meeting the EEO Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEO reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEO and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEO, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEO specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEO, but it does not have to submit the EEO to OCR for review. Instead, your organization has to maintain the EEO on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEO requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

### 2) Submitting Findings of Discrimination

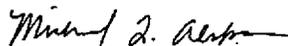
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

## Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEO, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

Grant

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Adrian 100 East Church Street Adrian, MI 49221		4. AWARD NUMBER: 2011-DJ-BX-3178	
		5. PROJECT PERIOD: FROM 10/01/2010 TO 09/30/2014 BUDGET PERIOD: FROM 10/01/2010 TO 09/30/2014	
		6. AWARD DATE 08/29/2011	7. ACTION
1A. GRANTEE IRS/VENDOR NO. 386004660		8. SUPPLEMENT NUMBER 00	Initial
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE FY 2011 Justice Assistance Grant Program		10. AMOUNT OF THIS AWARD \$ 11,032	
		11. TOTAL AWARD \$ 11,032	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY11(BJA - JAG) 42 USC 3750, et seq.			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Dane Nelson City Administrator	
17. SIGNATURE OF APPROVING OFFICIAL		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DJ 80 00 00 11032		21. KDJUGT1423	



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 6

PROJECT NUMBER 2011-DJ-BX-3178

AWARD DATE 08/29/2011

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 3 OF 6

PROJECT NUMBER 2011-DJ-BX-3178

AWARD DATE 08/29/2011

*SPECIAL CONDITIONS*

8. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
9. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/cer.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
10. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
11. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
12. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 6

PROJECT NUMBER 2011-DJ-BX-3178

AWARD DATE 08/29/2011

*SPECIAL CONDITIONS*

13. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

14. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
15. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 5 OF 6

PROJECT NUMBER 2011-DJ-BX-3178

AWARD DATE 08/29/2011

*SPECIAL CONDITIONS*

16. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).
17. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
18. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
19. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
20. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
21. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
22. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
23. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 6 OF 6

PROJECT NUMBER 2011-DJ-BX-3178

AWARD DATE 08/29/2011

*SPECIAL CONDITIONS*

24. The grantee agrees that within 120 days of award acceptance, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). All current and new task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
25. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received documentation demonstrating that the state or local governing body review and/or community notification requirements have been met and has issued a Grant Adjustment Notice (GAN) releasing this special condition.
26. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Abstract portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
27. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received and approved the signed Memorandum of Understanding (MOU) between the disparate jurisdictions and has issued a Grant Adjustment Notice (GAN) releasing this special condition.
28. Recipient may not expend, or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Budget Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
29. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Program Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.



**Department of Justice**  
**Office of Justice Programs**  
*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Orbin Terry, NEPA Coordinator

**Subject:** Incorporates NEPA Compliance in Further Developmental Stages for City of Adrian

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER

2011-DJ-BX-3178

PAGE 1 OF 1

This project is supported under FY11(BJA - JAG) 42 USC 3750, et seq.

1. STAFF CONTACT (Name & telephone number)

Kandia Conaway  
(202) 514-9205

2. PROJECT DIRECTOR (Name, address & telephone number)

Laurence VanAlstine  
Deputy Chief  
155 E. Maumee Street  
Adrian, MI 49221-2720  
(517) 264-4808

3a. TITLE OF THE PROGRAM

FY 2011 Justice Assistance Grant Program

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

FY 2011 Justice Assistance Grant Program

5. NAME & ADDRESS OF GRANTEE

City of Adrian  
100 East Church Street  
Adrian, MI 49221

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2010 TO: 09/30/2014

8. BUDGET PERIOD

FROM: 10/01/2010 TO: 09/30/2014

9. AMOUNT OF AWARD

\$ 11,032

10. DATE OF AWARD

08/29/2011

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).

The disparate jurisdictions will use this award to support one or more of the above purpose areas. NCA/NCF

**CITY OF ADRIAN**

**Police Department**

**155 E. Maumee  
Adrian, MI 49221**

(517) 264-4808  
Fax (517) 264-1927

Terrence B. Collins  
Chief of Police

**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF ADRIAN AND COUNTY OF LENAWEE**

**2011 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This agreement is made and entered into this 1st day of September, 2011 by and between the City of Adrian and County of Lenawee through its' administrators, both of Lenawee County and State of Michigan.

Each governing body finds that the performance of this agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the costs fairly compensates the performing party for the services or functions under this agreement.

The County of Lenawee allows the City of Adrian the JAG award in the amount of \$11,032.00 for the purchase of an interactive computer-based firearms training simulator and by doing so will allow the safety of all officers, deputies, and citizens in the City of Adrian and the County of Lenawee.

By signing this agreement, the City of Adrian accepts all responsibility for fulfilling the requirements of the JAG agreement to include reporting to the JAG office. The City of Adrian will be responsible for its' own actions in providing services under this agreement. Each entity shall not be responsible for any civil liability that may arise from furnishing of the services by the other party.

By entering into this agreement, the parties do not intend to create any obligations express or implied other than those set out herein: further, this agreement shall not create any rights in any party not a signatory hereto.

  
\_\_\_\_\_  
Chief of Police                      9/1/11  
Date

\_\_\_\_\_  
Sheriff                                      Date

\_\_\_\_\_  
City Administrator                      Date

\_\_\_\_\_  
County Administrator                      Date

**RE: POLICE DEPARTMENT – Justice Assistance Grant Application/Award for Purchase of Interactive Computer-Based Firearms Training Simulator; Utilization of Drug Forfeiture Funds for Grant Match, Recognition of Private Donation to Complete Project Funding, and Approval of Inter-Local Agreement with Lenawee County**

**RESOLUTION**

WHEREAS, the City of Adrian Police Department applied for and was awarded a Justice Assistance Grant (JAG 2011-DX-BJ-3178) in the amount of \$11,032, for the period October 1, 2010 to September 30, 2014, to partially fund the acquisition of an interactive computer-based Firearms Training Simulator at an estimated total cost of \$32,032; and

WHEREAS the Fraternal Order of Police-Lodge #1117 have committed to donate \$14,000 towards successful completion of this project, on behalf of the Lenawee County Police Chief's Association since the training facility will be made available to law enforcement personnel on a countywide basis; and

WHEREAS, the remaining amount (\$7,000) is available (current balance \$26,295) in the City of Adrian Trust Account as a result of court-distributed drug forfeiture property seizures (701-000.00-280.000); and

WHEREAS, the Police Chief and City Administrator recommend acceptance of the Justice Assistance Grant Award (JAG 2011-DX-BJ-3178) in the amount of \$11,032, appropriation of Drug Forfeiture Funds in the amount of \$7,000 for the required grant match, acceptance and recognition of the private donation of \$14,000 from the Fraternal Order of Police-Lodge #1117 and approval of the necessary budget amendments; and

WHEREAS, Public Act 368 of 1978 (the Public Health Code) specifies that all forfeiture monies distributed by the court to the seizing agency "shall be used to enhance law enforcement activities"; and

WHEREAS, Public Act 368 further specifies that the forfeiture funds shall be "appropriated by the entity (City Commission) having budgetary authority over the seizing agency (Police Department); and

WHEREAS, acceptance of the JAG Grant Award is predicated upon the U.S. Department of Justice requirement to enter into an Inter-Local Agreement with Lenawee County, stating:

*"Each governing body finds that the performance of this agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the costs fairly compensates the performing party for the services or functions under this agreement."*

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, authorizes acceptance of the Justice Assistance Grant (JAG) Award (JAG 2011-DX-BJ-3178)) in the amount of \$11,032.

BE IT, FURTHER, RESOLVED that the Chief of Police and City Administrator are authorized to sign the Inter-Local Agreement with Lenawee County regarding the JAG Grant.

BE IT, FURTHER, RESOLVED that the Adrian City Commission gratefully accepts the generous donation of \$14,000 from the Fraternal Order of Police-Lodge #1117 to help make this project successful and that a letter of appreciation be sent by the Police Chief, along with a copy of this resolution.

BE IT, FURTHER, RESOLVED that \$7,000 be appropriated from the Drug Forfeiture Trust Fund (701-000.00-280.000) and that the FY2011-12 Budget be amended as follows:

**General Fund**

Revenue		
(101-301.00-540.000)	Police JAG Grant, including:	\$11,032
(101-301.00-675.000)	Donations – Private	14,000
(101-301.00-676.701)	Contrib. – Trust Fund	7,000
Expenditures:		
Police Department:		
(101-301.00-977.000)	Police Capital Equipment	<u>32,032</u>
	Total	<u>32,032</u>

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

R-4



155 E. Main Street, Adrian, MI 48106

517.264.4808 Fax 517.264.1977

31 August 2011

To: Jeff Pardee, Finance Director

From: Laurence Van Alstine

Re: Request for Commission Resolution

Dear Jeff,

I am hereby requesting a resolution to waive the bid process for the purchase of a FRED forensic workstation from Digital Intelligence incorporated. This device is produced and sold solely by Digital Intelligence, and is not available from any other source or manufacturer. As such, there is no purpose in bidding the purchase to others. Funding for this purchase will be covered by USDOJ JAG Grant 2010-DX-BJ-1569.

Thanks you for your assistance in this matter. If you need any additional information, I am at your disposal.

Respectfully,

Laurence R. Van Alstine, III

# Request for Quote

Digital Intelligence, Inc.  
17165 West Glendale Drive  
New Berlin, WI 53151

Voice: [262] 782-3332  
Fax: [262] 782-3331  
Email: sales@digitalintelligence.com

Fed Tax ID # 39-1957034

Date	Quote #
3/1/2011	20110301B

Customer
Laurence VanAlstine Email: lvanalsine@ci.adrian.mi.us

Item	Description	Quantity	Unit Cost	Total
F1100 1R	<p><b>Forensic Recovery of Evidence Device (FRED)</b></p> <p>Intel i7 950 CPU (Quad Processor), 3.06 Ghz, 8M Cache, 4.80 GT/s Intel® QPI [T1013]</p> <p>6 GB DDR3-1333 Triple Channel Memory [T2002]</p> <p>1 x 150 Gb 10,000 RPM 3.0 Gb/s SATA Hard Drive - OS Drive [T3004]</p> <p>1 x 1.5 Tb 7200 RPM 3.0 Gb/s SATA Hard Drive - Data Drive [T3006]</p> <p>22" WideScreen LCD Monitor with Built-in Speakers [T6999]</p> <p><b>Windows 7 Ultimate (64 bit) with XP Mode [T0003]</b> Also includes: DOS (Win98 Standalone), SUSE Professional Linux (64 bit)</p> <p><b>Single RAID Chassis Option [T5104]</b> 8 Channel PCIe SATA RAID Controller RAID Chassis with 5 removable drive bays</p> <p>1.5 Tb 7200 RPM 3.0 Gb/s SATA Hard Drive Set (Set of 5 Drives)[T3101]</p> <p><b>Hardware Write Blocking:</b> Digital Intelligence UltraBay II Hardware Write-Blocker:</p> <ul style="list-style-type: none"> <li>• Integrated IDE Drive Write Blocker</li> <li>• Integrated SATA Drive Write Blocker</li> <li>• Integrated SCSI Drive Write Blocker</li> <li>• Integrated USB Write Blocker</li> <li>• Integrated FireWire IEEE 1394b Write Blocker</li> </ul> <p>Digital Intelligence Forensic Media Card Reader - Read-Only and Read/Write switchable (in Toolbox) USB 3 1/2" Floppy Drive with Write Protect Switch</p> <p><b>Detailed System Specifications:</b> ATX Tower Case 12 x 5 1/4" 1100 Watt Modular power supply i7 Motherboard with Intel X58 / ICH10R Chipset 3xPCI-Express(x16), 1xPCI-Express(x1), 2xPCI Slots Nvidia GT 240 1GB GDDR3 PCI-Express Video Card with 1 HDMI, 1 DVI, and 1 VGA (D SUB)port Dual 10/100/1000 Mbs GbE Network Adapters 8-Channel High Definition Audio Controller 6 ports (6 Drives) Primary 3.0 Gb/s Serial ATA (SATA) Controller - 1 Back Mounted 2 ports (2 Drives) Marvell PCIe SATA 6.0 Gb/s Controller 2 PS/2 Ports (Keyboard &amp; Mouse)</p>	1	7,574.00	7,574.00

# Request for Quote

Digital Intelligence, Inc.  
17165 West Glendale Drive  
New Berlin, WI 53151

Voice: (262) 782-3332  
Fax: (262) 782-3331  
Email: sales@digitalintelligence.com

Date	Quote #
3/1/2011	20110301B

Fed Tax ID # 39-1957034

## Customer

Laurence VanAlstine  
Email: lvanalsine@ci.adrian.mi.us

	<p>2 USB 3.0/2.0 ports - 2 Back Mounted 9 USB 2.0/1.x ports - 6 Back Mounted, 3 Front Mounted(1 Write Blocked) 1 FireWire IEEE 1394a (400 MB/s) ports - 1 Back Mounted 3 FireWire IEEE 1394b (800 MB/s) ports - 1 Back Mounted, 2 Front Mounted(1 Write Blocked) 2 x Shock Mounted SATA Removable Hard Drive Bays (IDE Capable) 3 x HotSwap Shock Mounted Universal (IDE/SATA compatible) Removable Hard Drive Bays BD-R/BD-RE/DVD±RW/CD±RW Blu-ray Burner Dual-Layer Combo Drive Extendable/Retractable Imaging Workshelf with integrated ventilation</p> <p>103 key Microsoft Keyboard-Wireless Microsoft Intellimouse-Wireless</p> <p>Toolbox containing: Adapters, Terminators, Cables, Digital Camera, and Security Screwdriver Set</p> <p>Other Software included: Norton Ghost, CD Authoring Software, DRIVESPY, IMAGE, PDWIPE, PART, and PDBLOCK</p> <p>Warranty 1 year parts and labor</p>			
<b>B1000</b>	<b>Free Training (Limited Time Offer):</b> One Seat per System in the FRED orientation and training course "Computer Forensics with FRED" (2 Days) Please note: Seating is limited and registration is required	1	0.00	0.00
<b>W3720</b>	<b>UltraKit III + FireWire and Forensic Duplicator</b> - Forensic hardware write blockers (eSATA IDE/SATA-R/O, SCSI, USB, Card Reader, FireWire) Kit and Duplicator	1	2,699.00	2,699.00
	Shipping - approximately 21 days A.R.O.	1	NC	NC
All prices are in U.S. Dollars		<b>Subtotal</b>		<b>\$ 10,273.00</b>
This quote is valid for 30 days from date of issue. To order please FAX P.O. to (262) 782-3331 or email to <a href="mailto:sales@digitalintelligence.com">sales@digitalintelligence.com</a>		<b>Tax</b>		<b>0.00</b>
Thank you for your interest		<b>Total</b>		<b>\$ 10,273.00</b>

Prepared by: Amanda Stone  
Rev. 010511

**R11-098**

September 6, 2011

**RE: POLICE DEPARTMENT – Authorization to Purchase Grant Funded Computer Forensic Equipment & Training and Waiver of Bid Process**

**RESOLUTION**

WHEREAS, the Adrian City Commission, by Resolution #R10-112 dated September 7, 2010, accepted a Justice Assistance Grant (JAG 2010-DJ-BX-1569) award from the U.S. Department of Justice in the amount of \$14,024 for the purpose of acquiring computer forensic equipment and training; and

WHEREAS, the Police Department solicited and received a quote from Digital Intelligence, Inc., New Berlin, WI, the sole provider for such equipment, in the amount of \$10,273; and

WHEREAS, the Finance Director indicates that there are sufficient funds for this purpose in the Police Department FY2011-12 Capital Budget (101-301-977.172); and

WHEREAS, the Police Chief and City Administrator recommend approval of this resolution and waiver of the bid process in the best interests of the City and in accordance with the City's Purchasing Policy as specified in Chapter 12 of the City Charter and Section 2-304 of the Codified City Ordinances; and

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, authorizes the use of Justice Assistance Grant Funds (JAG 2010-DJ-BX-1569) for the purchase of computer forensic equipment and training from Digital Intelligence, Inc., New Berlin, WI, the sole provider for such equipment, in the amount of \$10,273.

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

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

R-5



## MEMO

Date: August 31, 2011

To: Dane C. Nelson, City Administrator

From: Jeffrey C. Pardee, Finance Director

A handwritten signature in black ink, appearing to read 'Jeffrey Pardee', is written over the printed name of the Finance Director.

Re: **Delinquent Personal Property Taxes – Welch the Cleaner**

In accordance with the General Property Tax Act (Public Act 206 of 1893, as amended) the City of Adrian Treasurer's Office administers and collects Real and Personal Property Taxes used to provide basic City services, such as Police and Fire services, as well as road improvements.

Dong Yoo dba Welch the Cleaner, owner of Taxable Property (XAO-901-5140-00), was notified of outstanding delinquent personal property taxes for tax years 2004 through 2009, amounting to \$12,128.56 plus penalties of \$4,691.03 for a total of \$16,819.59, if paid by August 31, 2010. The owner responded by meeting with the City Finance Director and City Treasurer in August, 2010; at which time a payment plan was agreed to that recognized the new owner's acquisition of the tax liability from the previous owner (which was based on assessor estimates because Personal Property Statements had not been filed) while, at the same time, took into account the business' diminished ability to pay due to unfavorable market conditions.

To prevent the liability from growing, a one-year agreement was negotiated requiring monthly installments equal to the accumulating penalty (\$125) to be paid by the last day of each month, that the yearly Personal Property Tax Statement be filed with the City Assessor by the due date, and that the 2010 Summer and Winter taxes be paid on time. It was further agreed that if the foregoing requirements were met, at the conclusion of the one-year agreement period, a new agreement would be formulated and the Finance Director would recommend to the City Commission that the penalty be waived, contingent upon satisfaction of the requirements of the new agreement (copy attached).

Due to the good faith effort exhibited by the taxpayer in meeting the requirements of the first-year agreement and the unlikely prospect of recovering the full amount of the outstanding liability, even if the business were closed and other personal property confiscated and sold to settle the account, staff recommendation is to approve the negotiated payment plan and waive the penalty contingent upon satisfaction of the requirements of the new agreement. In accordance with the General Property Tax Act (MCL 211.44(4)), which specifies that the governing body may waive any or all penalties related to tax collections, I respectfully recommend adoption of the attached resolution which has been prepared for consideration by the City Commission at its September 6, 2011 meeting.

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

## AGREEMENT FOR DELINQUENT PERSONAL PROPERTY TAX PAYMENTS

This agreement is made this \_\_\_\_\_ day of August 2011, by and between the City of Adrian and **DONG YOO dba WELCH THE CLEANER** the owner of Taxable Property, XA0-901-5140-00 payment of delinquent Personal Property taxes and penalty incurred in the amount of Sixteen thousand seven hundred fifty and 61/100 (\$16,750.61), for the tax years 2004 thru 2009.

The Owner hereby agrees to make payment on the delinquent Personal Property taxes in the manner following:

**Monthly payments of \$125.00 beginning September 2011 are to be applied to penalty. All payments are due by the last day of the month. In accordance with the law, penalty will continue to accrue thru the term of the agreement. Payments will be applied to the oldest delinquencies first.**

**The 2011 Summer tax payment will be made in 3 equal installments of \$355.26 (Sept, Oct, and Nov 2011) plus penalty on the unpaid amount; the 3 months penalties being Sept. \$42.63, Oct. \$7.11, Nov. \$3.55. The 2011 Winter tax payment will be paid in full by Feb. 14, 2012. Subsequent tax billings must be paid on time. The yearly Personal Property Statement must be filed with the City Assessor by the due date and we will upon request assist in the preparation of the Personal Property Statement.**

**There will be an annual review of the delinquency and payment arrangements in September 2012. After such review a recommendation will be made by the Finance Director to the City Commission for a subsequent year's payment plan.**

It is understood by the Owner that upon default of this agreement, the City will pursue immediate full payment of all delinquent personal property taxes according to the State of Michigan General Property Tax Act and the City of Adrian Charter. The City Charter states:

**Section 9.14 TAX LIEN ON PROPERTY:** On July first the taxes thus assessed shall become a debt due to the City from the persons to whom they are assessed, and the amounts assessed or any interest in real property shall become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

**Section 9.17 FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX:**  
If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them by October first, the Treasurer shall collect the same by seizing

the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the State, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue, in accordance with statute, the person, firm or corporation to whom it is assessed.

It is further understood that the Owner will remain in default to the City and ineligible to contract with the City during the payback period and until such time as the Owner is current with all taxes.

This contract is made subject to all ordinances and regulations of the City, now or hereafter enacted or amended.

Signed:

CITY OF ADRIAN

DONG YOO  
Dba WELCH THE CLEANER

BY \_\_\_\_\_  
Donna Stewart, Treasurer

BY \_\_\_\_\_  
Dong Yoo, Owner

**RE: DEPARTMENT OF FINANCE – Delinquent Personal Property Taxes – Welch the Cleaner**

**RESOLUTION**

WHEREAS, in accordance with the General Property Tax Act (Public Act 206 of 1893, as amended), the City of Adrian Treasurer’s Office administers and collects real and personal property taxes used to provide basic City services, such as Police and Fire services, as well as road improvements; and

WHEREAS, Dong Yoo, dba Welch the Cleaner, owner of taxable property at 108 E. Butler (XAO-901-5140-00) was notified of outstanding delinquent personal property taxes for tax years 2004 through 2009, amounting to \$12,128.56 plus penalties of \$4,691.03, for a total of \$16,819.59 if paid by August 31, 2010; and

WHEREAS, the owner responded by meeting with the City Finance Director and City Treasurer in August, 2010, at which time a payment plan was agreed to that recognized the new owner’s acquisition of the tax liability from the previous owner (which was based on assessor estimates because Personal Property Statements had not been filed) while, at the same time, took into account the business’s diminished ability to pay due to unfavorable market conditions; and

WHEREAS, to prevent the liability from growing, the one-year agreement required monthly installments equal to the accumulating penalty (\$125) to be paid by the last day of each month, that the yearly Personal Property Tax Statement be filed with the City Assessor by the due date, and that the 2010 summer and winter taxes be paid on time; and

WHEREAS, it was further agreed that if the foregoing requirements were met, at the conclusion of the one-year agreement period, a new agreement would be formulated and the Finance Director would recommend to the City Commission that the penalty be waived, contingent upon satisfaction of the requirement of the new agreement (copy attached); and

WHEREAS, due to the good faith effort exhibited by the taxpayer and the unlikely prospect of recovering the full amount of the outstanding liability, even if the business were closed and other personal property confiscated and sold to settle the account, staff recommendation is to approve the negotiated payment plan and waive the penalty contingent upon satisfaction of the requirements of the new agreement; and

WHEREAS, in accordance with the General Property Tax Act (MCL 211.44(4)), which specifies that the governing body may waive any or all penalties related to tax collections, the City Administrator recommends adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution and in accordance with the General Property Tax Act (Public Act 206 of 1893, as amended), hereby approves the negotiated agreement between the City Treasurer and Dong Yoo, dba Welch the Cleaner, for taxable property (XAO-901-5140-00) and waiver of the penalty in the amount of \$4,691.03, contingent upon satisfaction of the requirements of the negotiated agreement.

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