



CITY OF ALBION CITY COUNCIL MEETING AGENDA

Meetings: First and Third Mondays – 7:00 p.m.

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

COUNCIL-MANAGER GOVERNMENT

Council members and
other officials normally in
attendance.

AGENDA

COUNCIL MEETING Monday, September 17, 2018

7:00 P.M.

Garrett Brown
Mayor

Maurice Barnes, Jr.
Council Member
1st Precinct

Lenn Reid
Council Member
2nd Precinct

Sonya Brown
Mayor Pro-Tem
Council Member
3rd Precinct

Marcola Lawler
Council Member
4th Precinct

Jeanette Spicer
Council Member
5th Precinct

Andrew French
Council Member
6th Precinct

Scott Kipp
Interim City Manager

The Harkness Law Firm
Atty Cullen Harkness

Jill Domingo
City Clerk

NOTICE FOR PERSONS WITH
HEARING IMPAIRMENTS
WHO REQUIRE THE USE OF A
PORTABLE LISTENING DEVICE

Please contact the City
Clerk's office at
517.629.5535 and a listening
device will be provided
upon notification. If you
require a signer, please
notify City Hall at least five
(5) days prior to the posted
meeting time.

PLEASE TURN OFF CELL PHONES DURING MEETING

- I. CALL TO ORDER
- II. MOMENT OF SILENCE TO BE OBSERVED
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. PRESENTATIONS
 - A. Certificate of Appreciation for Harry Longon Retirement
 - B. 2018 Arbor Day Proclamation
- VI. PUBLIC HEARINGS
- VII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required.)
- VIII. CONSENT CALENDAR (VV) (Items on Consent Calendar are voted on as one unit)
 - A. Approval Regular Session Minutes, September 4, 2018
- IX. ITEMS FOR INDIVIDUAL DISCUSSION
 - A. Discussion/Approval of Conditional Offer of Employment for the City Manager Position
 - B. Request Approval to Discuss City Attorney Legal Opinion
 - C. Request Approval Resolution # 2018-20, A Resolution Authorizing the Sale of Beer and Wine from 7:00 AM to 12:00 PM on Sundays



CITY OF ALBION

CITY COUNCIL MEETING AGENDA

Meetings: First and Third Mondays – 7:00 p.m.

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

- D. Request Approval Resolution # 2018-21, To Approve the Initial Payment, Installment Purchase Agreement and Set Date for Annual Payment for Vactor Truck
- E. Discussion/Approval City Attorney Contract
- F. Request Approval of Ash Street Parking Lot Project with an Additional \$ 28,656.50 Cost to the City
- G. Discussion/Approval for Repair or Replacement of City Hall Boiler
- X. Future Agenda Items
- XI. Motion to Excuse Absent Council Member(s)
- XII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.)
- XIII. CITY MANAGER REPORT
- XIV. MAYOR AND COUNCIL MEMBER COMMENTS
- XV. ADJOURN

CITY OF ALBION

CERTIFICATE OF APPRECIATION

AWARDED TO:

Harry Longon

In recognition of exemplifying outstanding public service and the highest standards of professionalism as a Mechanic, Superintendent and Deputy Director of the Albion Department of Public Services for 31 years. Harry was the driving force behind several of the computerized tracking and documentation forms of the Street, Parks and Cemetery Units. Harry's knowledge of all things "Public Works" will be greatly missed. We express our appreciation and best wishes for your retirement.



Awarded this 17th day of September 2018

Garrett Brown, Mayor
City of Albion

ARBOR DAY PROCLAMATION

Whereas, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; **and**

Whereas, This special day, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; **and**

Whereas, Arbor Day is now observed throughout the Nation and the world; **and**

Whereas, Trees can reduce the erosion of our precious topsoil by abating wind and water, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; **and**

Whereas, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; **and**

Whereas, The Pioneers and our forefathers knowing the necessity and value of trees, brought trees with them on their long, hard journey and these trees are living legacies in our community; **and**

Whereas, Trees in The City of Albion will increase property values, enhance the economic vitality of business areas, beautify our community and are a source of joy and spiritual renewal; **and**

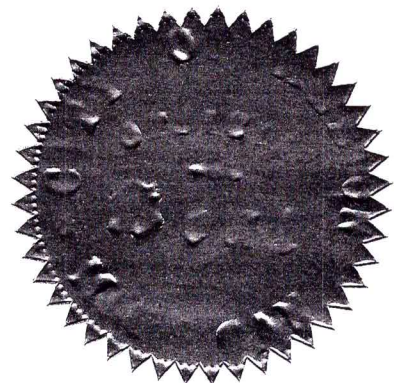
Whereas, The City of Albion has realized the importance of the urban forest and has been instrumental in enhancing the management of this precious resource; **and**

Now, Therefore, I, Garrett Brown, Mayor of the City of Albion, do hereby proclaim April 27, 2018 as Arbor Day in the City of Albion, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands and promote the well-being of this and future generations.

In witness whereof I have hereunto set my hand and caused the seal of this city to be Affixed.

Mayor _____

Date September 7, 2018



City of Albion
Council Session Minutes
September 4, 2018

I. CALL TO ORDER

Mayor Brown called the regular meeting to order at 7:00 p.m.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5) and Mayor Brown.

ABSENT: Maurice Barnes (1) and Andrew French (6) were absent.

STAFF PRESENT:

Scott Kipp, Interim City Manager; Cullen Harkness, City Attorney, Lauren Ferguson, Assistant City Attorney and Jill Domingo, City Clerk.

Mayor Brown asked to add the Calhoun County Lead-Safe Program as Presentation, Item E to the agenda.

Brown moved, Lawler supported, CARRIED, To Add Calhoun County Lead-Safe Program as Presentation, Item E to the agenda. (5-0, vv)

V. PRESENTATIONS

A. Healthy Babies Proclamation

Mayor Brown read aloud the Healthy Babies Proclamation and presented to Healthy Babies Day Coordinator Jessica Mitchell.

Comments were received from Healthy Babies Day Coordinator Jessica Mitchell.

B. Sinclair Designs & Engineering

Kyle Sinclair, Co-Owner Sinclair Designs & Engineering gave a brief presentation to Council highlighting an overview of the company; manufacturing capabilities; 2015-2018- Sales & Growth; an organization chart and building modifications.

Sinclair Designs & Engineering is interested in purchasing the EDC Incubator building located at 1104 Industrial Avenue. They are currently renting the entire building and moving to a new building in 2019 would be expensive, timely and negatively impact their business and ability to fulfill their current contracts.

C. Albion Malleable Brewing

Ben Wade, Co-Owner Albion Malleable Brewing updated the Council highlighting the following:

- Albion Malleable Brewing was a \$1.2 million-dollar investment with loans from various local lenders such as Homestead Bank; New Albion Impact Group and Albion Economic Development Corporation.
- Local contractors were used for the renovation of the building which was built in 1890
- They employ approximately 35-40 employees with 20 as full time.
- They sell local items and work with various entities throughout the City
- They are food focused and receive about 65-70% of their revenue from food and merchandise
- They are working on getting not only the Brewery's name but Albion's name outside the local borders
- On Monday's they have live music; Wednesday is bingo night and Friday hosts a local run club and also had a yoga event.
- They sponsor Walk the Beat; Swinging at the Shell and the 5K Run series. They are currently working with the Marshall Fountain Clinic for a smile ride.
- They work to give back to the community.
- Have received positive reviews from not only the community but on facebook and yelp.
- Would like to do special event brunches and open at 10:00 or 11:00 a.m. on Sunday. Several breweries in the industry are doing this.
- Currently in talks with Cascarelli's of Albion; Cascarelli's of Homer, Klavons; Schulers and Horocks in Battle Creek for the brewery's tap handles.

Comments were received from Council Members Spicer, Brown and Reid; Mayor Brown and Attorney Harkness.

D. After Hours Clinic Update-Richard Lindsay

Richard Lindsay, Oaklawn Hospital provided Council with the following update on the After-Hours Clinic:

- This is a \$2 million-dollar project with \$1.2 million in state grants; \$75,000 Cronin Foundation grant; \$75,000 Battle Creek Foundation grant with the remaining funded by Oaklawn Hospital. The bids have been received for the project.
- The Clinic will open in January, 2019 and is open to the entire Albion Community.
- There will be a radiology department in the Clinic.
- The hours will be Monday-Saturday from 8:00 a.m. to 9:00 p.m. The after-hours clinic will be from 5:00 p.m. – 9:00 p.m.
- The clinic will be on the ground floor and the basic construction is complete.
- Approximately \$250,000 will be spent on furniture and equipment.
- This project is a collaborative effort.
- Two (2) handicap accessible parking area's will be available on Monroe St.
- Collaboration Corner will remain.

Comments were received from Council Members Lawler, Brown and Spicer and Mayor Brown.

E. Calhoun County Lead-Safe Program-Shawna Gamble

Shawna Gamble, Housing Grant Specialist updated the council on the Calhoun County Lead-Safe Program (LSP) with the following highlights:

- High levels of lead are being found in children tested in Calhoun County. LSP seeks to help families find and remove lead hazards from their homes and/or homes their children frequently visit. On average, each project provides \$10,000-\$20,000 of lead-abatement work per unit at NO COST to the property owner. This will be a 4-5-year program.
- Who is Eligible:
 - Homeowners and renters in Calhoun County who are Medicaid enrolled; under the age 19 or pregnant and live in or frequent a home built before 1978
- LSP Priority:
 - Homeowners & renters in Calhoun County who are Medicaid enrolled under 6 or pregnant and elevated blood level lead level (EBLL) and live in or frequent a home built before 1978 in high risk area.

Comments were received from Council Members Lawler, Brown and Spicer.

VI. PUBLIC HEARINGS

A. Sale of City Owned Property Located at 1104 Industrial Avenue

Mayor Brown opened the Public Hearing at 8:00 p.m.

No public comments were received.

Mayor Brown closed the Public Hearing at 8:02 p.m.

B. Approval of Sale of City Owned Property Located at 1104 Industrial Avenue to Sinclair Designs & Engineering

Comments were received from Mayor Brown, Interim City Manager Kipp and Albion Economic Development Corporation President Amy Deprez.

Brown moved, Spicer supported, CARRIED, To Approve Sale of City Owned Property Located at 1104 Industrial Avenue to Sinclair Designs & Engineering. (5-0, rcv)

VII. PUBLIC Comments (Persons addressing the City Council shall limit their comments to agenda items and to no more than three (3) minutes. Proper decorum is required.)

No public comments were received.

VIII. CONSENT CALENDAR (vv) (Items on Consent Calendar are voted on as one unit)

A. Approval Regular Session Minutes, August 20, 2018

B. Approval Study Session Minutes, August 27, 2018

Spicer moved, Brown supported, CARRIED, to Approve Consent Calendar as presented. (5-0, vv)

IX. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval for Early Sunday Sales Permit for Albion Malleable Brewing

Comments were received from Council Members Brown and Spicer; Mayor Brown; City Attorney Harkness and Ben Wade, Co-Owner Albion Malleable Brewing.

Mayor Brown asked for an amendment to the motion to Request Approval for Early Sunday Sales Permit for the Sale of Beer and Wine.

*Brown moved, Spicer supported, CARRIED, to **Amend** the motion to Request Approval for Early Sunday Sales Permit for the Sale of Beer and Wine. (4-1, rcv) (Reid dissenting).*

Spicer moved, Lawler supported, CARRIED, To Approve Early Sunday Sales Permit for the Sale of Beer and Wine. (4-1, rcv) (Reid dissenting).

B. Request Approval for Medical Marihuana Growers License for 1100 Industrial Avenue

Comments were received from Council Members Brown and Spicer; Mayor Brown and City Attorney Harkness.

Brown moved, Lawler supported, CARRIED, To Approve Medical Marihuana Growers License for 1100 Industrial Avenue as presented. (5-0, rcv)

C. Request Approval for Medical Marihuana Processors License for 1100 Industrial Avenue

Brown moved, Lawler supported, CARRIED, To Approve Medical Marihuana Processors License for 1100 Industrial Avenue as presented. (5-0, rcv)

D. Discussion/Approval for Road Easement for 409 W. Ash St.

Comments were received from Council Members Brown, Spicer and Reid; Mayor Brown; Interim City Manager Kipp; City Attorney Harkness and Eric Tobin, 409 W. Ash St.

Mayor Brown asked for an amendment to the motion to Include First Right of Refusal.

*Spicer moved, Lawler supported, **FAILED**, for Amendment to the Motion to Include First Right of Refusal. (3-2, rcv) (Reid and Brown dissenting).*

**(Note motion must pass with a vote of at least 4)*

Additional comments were received from Council Member Brown.

Brown moved, Spicer supported, CARRIED, to Approve Sale of Road Easement for 409 W. Ash Street as presented. (5-0, rcv)

E. Request Approval for \$7,086.05 for Emergency Generator Repair for Lift Station at Reiger Park

Comments were received from Interim City Manager Kipp.

Spicer moved, Reid supported, CARRIED, to Approve \$7,086.05 for Emergency Generator Repair for Lift Station at Reiger Park as presented. (5-0, rcv)

F. Request Approval of Letter of Understanding with the City of Albion and Police Officers Association of Michigan (POAM) and Albion Command Officer's Association (ACOA) for PTO Time

Comments were received from Mayor Brown and Interim City Manager Kipp.

Spicer moved, Brown supported, CARRIED, to Approve Letter of Understanding with the City of Albion and Police Officers Association of Michigan (POAM) and Albion Command Officer's Association (ACOA) for PTO Time as presented. (5-0, rcv)

G. Request Approval of Bid for Ash Street Parking Lot Improvements Project to Mead Brothers for \$127,756.50

Comments were received from Council Members Brown and Spicer; Mayor Brown; Interim City Manager Kipp and City Attorney Harkness.

Spicer moved, Brown supported, CARRIED, to Approve Bid for Ash Street Parking Lot Improvements Project to Mead Brothers for \$127,756.50 as presented. (5-0, rcv)

X. Future Agenda Items

The following items were requested for the next agenda:

- Council Member Spicer asked the City to contact the State for financial assistance of repair of detour streets due to the reconstruction of Superior Street.
- Council Member Brown asked for a joint meeting with the Albion Housing Commission Board.

XI. Motion to Excuse Absent Council Member (s)

Spicer moved, Lawler supported, CARRIED, to Excuse Council Members Maurice Barnes (1) and Andrew French (6). (5-0, vv)

- XII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).

Comments were received from Eric Tobin, 409 W. Ash St.

- XIII. CITY MANAGER REPORT-None

- XIV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Member Lawler, Mayor Brown; Calhoun County Commissioner Tompkins and City Attorney Harkness.

- XV. CLOSED SESSION-The City Attorney requests a Closed Session under the Open Meetings Act (Section 15.268 (a), P.A. 267 of 1976, as amended) to consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee or staff member of individual agent, if the named person requests a Closed Hearing.

Brown moved, Spicer supported, CARRIED, to adjourn to closed session. (5-0, vv)

Mayor Brown adjourned to Closed Session at 9:00 p.m.

***Council Member Lawler was excused and left at 9:15 p.m.*

Mayor Brown re-adjourned the regular session at 9:45 p.m.

- XVI. ADJOURNMENT

Brown moved, Spicer supported, CARRIED, to adjourn the regular session. (4-0, vv)

Mayor Brown adjourned the Regular Session at 9:45 p.m.

Date

Jill Domingo
City Clerk

Resolution #2018-20

**A RESOLUTION AUTHORIZING THE SALE OF BEER AND WINE FROM 7:00 AM to
12:00 PM ON SUNDAYS**

Purpose and Finding: The Michigan Liquor Control Code of 1998, Public Act 58 of 1998, as amended, regulates the sale of beer, wine, and alcoholic liquor in Michigan. Specifically, MCL 436.2111 provides regulations for beer and wine sales on Sundays and provides that a municipality can determine locally whether early Sunday sales (7:00 AM to 12:00 PM) will be allowed. The city previously passed Resolution 2010-31 on December 13, 2010, which prohibited all said sales. The council has recently received additional interest in Sunday sales and has elected to allow for the same for beer and wine. As such, this resolution is required.

Council Member _____ moved, supported by Council Member _____, to approve the following resolution.

RESOLVED, that pursuant to MCL 436.2111, the City of Albion hereby authorizes the sale of beer and wine only, within the City of Albion, from 7:00 AM to 12:00 PM on Sundays;

BE IT FURTHER RESOLVED, that the sale of spirits shall continue to be prohibited on Sundays from 7:00 AM to 12:00 PM;

BE IT FURTHER RESOLVED, the City Clerk shall transmit a copy of this Resolution to the Michigan Liquor Control Commission forthwith;

Date: September 15, 2018

Ayes: _____

Nays: _____

Absent: _____

I certify that this resolution was adopted by the City Council of the City of Albion on September, 2018.

Jill Domingo
City Clerk

RESOLUTION # 2018-21

**CITY OF ALBION
CALHOUN COUNTY, MICHIGAN**

**RESOLUTION APPROVING INITIAL PAYMENT ON INSTALLMENT PURCHASE
AGREEMENT AND SETTING DATE FOR ANNUAL PAYMENT**

September 17, 2018

At a regular meeting of the City Council of Albion City, held on September 17, 2018, at the City Hall, which meeting was held in accordance with the Open Meetings Act of the State of Michigan, the following preamble and resolution were offered by Council Member _____ and supported by Council Member _____:

WHEREAS, the City Council has entered into an agreement with Jack Doheny Companies (Contractor) for the purchase of a new-to-the city sewer truck for a purchase price of \$210,000, \$210,000 of which is to be paid through an Installment Purchase Agreement, subject to any change orders approved by the City; and,

WHEREAS, the City of Albion has received its truck; and

WHEREAS, the City of Albion, the Contractor and Chemical Bank have executed those documents to accept the fire truck and pay for the same through an installment purchase agreement in accordance with Act 99 of the Public Acts of Michigan of 1933, as amended; and

WHEREAS the City Council of the City of Albion meets on the first and third Mondays of the month; and

WHEREAS the City of Albion has received the truck but it has not yet obtained the funds from the installment purchase agreement. Therefore, the City of Albion wishes to set a date for the funding of the installment purchase agreement and for the annual installment to be made to Chemical Bank on the sewer truck; and

WHEREAS the funding date and repayment schedule on the installment purchase agreement must be modified.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The City of Albion, Calhoun County, Michigan hereby approves the prior acceptance of the sewer truck under the installment purchase agreement; together with the invoice from Jack Dohney Companies; and

The City of Albion, Calhoun County, Michigan sets the annual payment date for the payments on the installment purchase agreement at September 15 every year until such outstanding amounts to Chemical Bank are fully satisfied.

This Resolution modified Section 4 of the Installment Purchase Agreement by amending the funding date and repayment schedule as referenced on Exhibit A contained herein; and

The City Treasurer is authorized to sign the IRS form for tax exemption on or before October 1, 2018.

Upon roll call vote the following voted "aye:"

The following voted "nay:" none.

The Supervisor declared the Resolution duly adopted.

ALBION CITY

, Clerk

CERTIFICATION

The undersigned certifies that the foregoing Resolution is a true and complete copy of a Resolution adopted by the City Council of the City of Albion, at a regular/special meeting of said Council held on September 17, 2018; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act of Michigan; that a quorum of the City Council members was present; and that the foregoing Resolution is a part of the official minutes of the meeting held on said date.

Jill Domingo, Clerk

Attest:

Garrett Brown, Mayor

Chemical Bank, by and through its lending officer hereby approves the amendment to the Installment Purchase Agreement; sets the funding date at September 24, 2018, which funds shall be transmitted to the City of Albion; Homestead Savings Bank, 415 S. Superior St., City of Albion, General Distribution Routing # 272471072, Account #010053734, Attn: Chris Burdette. Chemical Bank furthermore approves the first installment payment date of September 15, 2019.

By: _____
Chemical Bank
Its:

CITY OF ALBION
CITY ATTORNEY RETAINER AGREEMENT

This agreement made this day of _____, September 2018, by and between the City of Albion, 112 W. Cass St., Albion, MI; herein referred to as "City" and The Harkness Law Firm, PLLC, 4121 Okemos Rd., Suite 17, Okemos, MI 48864, herein referred to as "Attorney", delineates the terms, requirements and compensation for the provision of City Attorney services to the City.

1. In accordance with Sections 8.1(a) and 8.2(a) of the City Charter, the Attorney is an administrative officer of the City who is appointed by and serves at the pleasure of the City Council. Under the terms of this Agreement the City Council retains the Attorney to act as general counsel for the City in all legal matters as prescribed by the City Charter. In instances where the City Council decides to retain outside special counsel, the Attorney agrees to cooperate with said counsel as necessary and appropriate.
2. In matters where the Attorney has a conflict of interest, the Attorney shall obtain the services of an independent attorney firm (designated by City Council to act as City Attorney) to handle such matters at the City's expense. In all other cases where the Attorney wishes the City to retain outside counsel to assist in any City matter, he shall first obtain City Council approval.
3. The City shall pay to the attorney an annual retainer (which shall be paid on a monthly basis, in advance) of (\$90,000.00). In exchange for the payment of the annual retainer, the Attorney shall perform the services required by the City Charter:
 - a. Act as legal advisor to the Council, Manager, Clerk, Finance Director, Assessor, Chief of Public Safety, other department heads and other City Boards or Committees.
 - b. Prepare and file written legal opinions with the City Clerk when requested by the City Council and/or the City Manager.
 - c. Prosecute all ordinance violations and represent the City in cases before the State and Federal court and other tribunals, including the Tax Commission. These matters include code violation enforcement actions, drug forfeitures, income prosecution and all civil suits filed by or against the City.
 - d. Prepare or review all ordinances, regulations, contracts, bonds and other instruments as may be required by the City Charter or the Council and provide a legal opinion thereon.

- e. Review police reports, issue praecipes, prepare complaints and warrants, prosecute ordinance violations and pursue victim rights remedies, including the collection of restitution.
 - f. Attend all meetings of the City Council (two regular meetings per month plus special meetings, study sessions, council retreats, etc.).
 - g. Advise the Council relative to hiring outside attorneys.
 - h. Serve as a member of the Election Commission, which may entail working election night and accompanying the City Clerk to the County Clerk's Office and comparing the number of voters in each ward after each census.
 - i. Confer in office and over the phone with citizens, witnesses, or other parties to proceedings involving the City.
 - j. Perform such other duties as may be prescribed by Charter or Council.
4. As part of the annual retainer, the Attorney shall provide all the administrative services and support necessary to manage the workload in order to complete all assignments. This includes office facilities, support staff and supplies and equipment.
 5. The City shall reimburse the Attorney on a monthly basis for any and all out of pocket expenses incurred in the representation of the City including, but not limited to:
 - a. Filing Fees;
 - b. Recording Fees;
 - c. Transcript Fees;
 - d. Motion Fees;
 - e. Service of Process Fees;
 6. The Attorney for record keeping and analysis purposes shall keep detailed records of hours spent by category of work, i.e. general counsel, prosecution, court time, special litigations, etc. The categories and process shall be mutually agreed upon between the Attorney and the City Council.
 7. The Attorney shall maintain professional liability insurance of at least \$1,000,000.00 per incident and \$1,000,000.00 aggregate for the duration of this agreement and provide proof of said insurance to the City Clerk.
 8. This Agreement shall be effective January 1, 2019 and shall continue until its amendment by mutual consent of both parties or until terminated by either party with ninety (90) days written notification. This agreement may not extend beyond ten (10) years without mutual consent of both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date stated above.

City of Albion

The Harkness Law Firm, PLLC

Garrett Brown, Mayor

Cullen C. Harkness, Managing Member

Jill. Domingo, Clerk

Date

Date



City of Albion

112 W Cass St. Albion, MI, 49224 (517) 629-5535

September 12, 2018

Mayor and Council,

Upon review of the grant information I have determined the cost to the City to be more than originally understood. Here is an explanation of events. In February 2017 the City Manager submitted a grant to the USDA for the Ash St parking lot. The grant was for \$118,000 with the USDA paying 84% or \$99,120. Below is the breakdown of costs on the grant at that time based on the engineering estimates:

\$18,900 Engineering Costs

\$89,800 Construction

\$9,300 Contingencies

The City Council approved the grant on Resolution #2017-05. The grant was submitted to the USDA and they approved the grant but with a 50/50 split with their share being \$59,050 and the City's share being \$58,950. This again was brought to City Council for approval and was approved.

The construction project was then put on hold due to the re-construction of Superior St. The plan was to hold off on the construction of the parking lot until the street was open, so they had parking for the Brewery during the construction. The parking lot was put out for Bid in August with the lowest bid coming back at \$127,756.50. I have included the bid tabulation with this letter.

As a result of almost a year and a half since the original engineering estimates the actual costs are significantly higher than the original estimate. Below are the actual cost projections

\$18,900 Engineering

\$127,756.50 Construction

\$146,656.50 Total Cost

\$59,050 USDA Grant

\$87,606.50 City of Albion

In speaking with the engineer about the increase in construction costs, the explanation was over the past year there has been a significant increase in the cost of materials. One example that he provided was the cost of curbing. When the estimate was done the cost of curbing was approximately \$12 per foot. Currently the cost of curb is approximately \$28 per foot. There are 370 feet of curb in this project resulting in an increase of \$5,180 just for curb installation.

The engineer did tell me that the project is written so that if material cost are lower than expected the actual cost of the project would decrease. One example he gave is the base construction may not need the amount of sand and gravel stated, but they will not know this until they remove the current blacktop and determine what is under it. If the current lot was built as this is specified there could be a savings up to \$10,000, but there is no guarantee because they can't know what they will find below the surface until they start the project.

Should the City decide not to continue with this project we will not receive any of the grant money and will still be responsible for all of the engineering costs. We will also risk losing out on future grant requests from the USDA. The reason they require council approval before authorizing grants is they do not like grants cancelled after they are approved because the funding has already been set aside and is difficult for them to be returned into their budget and reallocated to a different project.

If you have any additional questions please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Kipp". The signature is fluid and cursive, with the first name "Scott" and last name "Kipp" clearly distinguishable.

Scott Kipp
Interim City Manager



September 10, 2018

Bailey Excavating, Inc.
1073 Toro Drive
Jackson, MI 49201

Attention: Mr. James W. Bailey, CEO/President

**RE: CITY OF ALBION – ASH STREET PARKING LOT IMPROVEMENTS PROJECT
BID TABULATION**

Dear James:

I have reviewed and tabulated the bids received for the above referenced project and have found Mead Bros. Excavating, Inc. to be the low, responsive bidder in the amount of \$127,756.50. The City of Albion awarded the construction contract to Mead Bros. Excavating, Inc. in said amount at a regular meeting held on September 4, 2018. I have enclosed a copy of the bid tabulation for your use.

I appreciate receipt of your bid for this project and will keep you informed of future projects which may be of interest to you.

Very truly yours,

WIGHTMAN & ASSOCIATES, INC.

Mickey E. Bittner, P.E.
mbittner@wightman-assoc.com

Enclosure

cc: Mr. Jim Lenardson, City of Albion (via email)
Mr. Scott Kipp, City of Albion (via email)
Ms. Lisa Epple, Rural Development, Watervliet (via email)
Mr. Andy Granskog, Rural Development, East Lansing (via email)

BENTON HARBOR

▲ 2303 PIPESTONE ROAD
BENTON HARBOR, MI 49022
○ 269.927.0100

ALLEGAN

▲ 1670 LINCOLN ROAD (M-40)
ALLEGAN, MI 49010
○ 269.673.8465

PORTAGE

▲ 9835 PORTAGE ROAD
PORTAGE, MI 49002
○ 269.327.3532

GOWIGHTMAN.COM

PROJECT: Ash Street Parking Lot Improvements Project
OWNER: City of Albion
BID OPENING: August 28, 2018

No.	Description	Qty.	Unit	Mead Bros. Excavating, Inc. Springport, MI		Concord Ex. & Grading, Inc. Concord, MI		Cross Lake Const., Inc. Horton, MI		Bailey Excavating, Inc. Jackson, MI		C&D Hughes, Inc. Charlotte, MI	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Traffic Control	1	LS	\$300.00	\$300.00	\$1,000.00	\$1,000.00	\$750.00	\$750.00	\$4,500.00	\$4,500.00	\$2,500.00	\$2,500.00
2	Mobilization, Max. \$10,000	1	LS	6,800.00	6,800.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
3	Site Grading	1	LS	12,000.00	12,000.00	5,500.00	5,500.00	9,800.00	9,800.00	16,500.00	16,500.00	35,000.00	35,000.00
4	Tree, Rem, 6 inch to 18 inch	2	Ea	500.00	1,000.00	500.00	1,000.00	800.00	1,600.00	350.00	700.00	500.00	1,000.00
5	Subgrade Undercutting, Type II	50	Cyd	10.00	500.00	10.00	500.00	18.00	900.00	25.00	1,250.00	20.00	1,000.00
6	Subbase, CIP	485	Cyd	20.00	9,700.00	17.75	8,608.75	16.00	7,760.00	17.25	8,366.25	25.00	12,125.00
7	Aggregate Base, 6 inch	1,450	Syd	4.00	5,800.00	5.20	7,540.00	7.50	10,875.00	7.70	11,165.00	12.00	17,400.00
8	HMA, 13A	175	Ton	87.50	15,312.50	115.00	20,125.00	125.00	21,875.00	105.00	18,375.00	115.00	20,125.00
9	HMA, 36A	130	Ton	101.50	13,195.00	120.00	15,600.00	132.00	17,160.00	125.00	16,250.00	120.00	15,600.00
10	HMA Surface, Rem	1,380	Syd	3.50	4,830.00	5.00	6,900.00	3.00	4,140.00	3.75	5,175.00	8.00	11,040.00
11	Pavt, Rem	60	Syd	6.00	360.00	10.00	600.00	8.00	480.00	9.10	546.00	50.00	3,000.00
12	Sidewalk, Rem	60	Syd	8.00	480.00	10.00	600.00	10.00	600.00	7.25	435.00	25.00	1,500.00
13	Curb and Gutter, Rem	145	Ft	6.00	870.00	10.00	1,450.00	3.00	435.00	9.50	1,377.50	10.00	1,450.00
14	Curb and Gutter, Conc, Det C4	370	Ft	28.00	10,360.00	20.00	7,400.00	28.00	10,360.00	27.06	10,012.20	30.00	11,100.00
15	Driveway Opening, Conc, Det M	116	Ft	28.00	3,248.00	20.00	2,320.00	25.00	2,900.00	23.37	2,710.92	30.00	3,480.00
16	Sidewalk, Conc, 4 inch	260	Sft	4.00	1,040.00	4.20	1,092.00	5.25	1,365.00	4.95	1,287.00	5.00	1,300.00
17	Sidewalk, Conc, 6 inch	230	Sft	4.20	966.00	4.50	1,035.00	7.00	1,610.00	6.60	1,518.00	6.50	1,495.00
18	Driveway, Nonreinf Conc, 6 inch	80	Syd	45.00	3,600.00	39.00	3,120.00	65.00	5,200.00	60.50	4,840.00	60.00	4,800.00
19	Conc Pavt, Nonreinf, 6 inch	55	Syd	45.00	2,475.00	41.00	2,255.00	70.00	3,850.00	66.00	3,630.00	60.00	3,300.00
20	Dr Structure, 60 inch dia Leaching Basin	2	Ea	3,500.00	7,000.00	4,200.00	8,400.00	3,800.00	7,600.00	4,250.00	8,500.00	3,000.00	6,000.00
21	Dr Structure, 48 inch dia	1	Ea	2,500.00	2,500.00	2,250.00	2,250.00	3,200.00	3,200.00	620.00	620.00	2,500.00	2,500.00
22	Dr Structure Cover, Type B	1	Ea	600.00	600.00	525.00	525.00	450.00	450.00	650.00	650.00	500.00	500.00
23	Dr Structure Cover, Type D	4	Ea	750.00	3,000.00	550.00	2,200.00	850.00	3,400.00	650.00	2,600.00	650.00	2,600.00
24	Dr Structure Cover, Type K	2	Ea	700.00	1,400.00	775.00	1,550.00	800.00	1,600.00	750.00	1,500.00	700.00	1,400.00

P:\Allegan\172151 Albion - Ash Street Parking Lot\A) Docs\A10 Correspondence\Bid Tab.xlsx

BID TAB

No.	Description	Qty.	Unit	Mead Bros. Excavating, Inc. Springport, MI		Concord Ex. & Grading, Inc. Concord, MI		Cross Lake Const., Inc. Horton, MI		Bailey Excavating, Inc. Jackson, MI		C&D Hughes, Inc. Charlotte, MI	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
25	Dr Structure Cover, Type Q	2	Ea	\$600.00	\$1,200.00	\$525.00	\$1,050.00	\$900.00	\$1,800.00	\$620.00	\$1,240.00	\$500.00	\$1,000.00
26	Dr Structure Cover, Adj, Case 1	6	Ea	500.00	3,000.00	500.00	3,000.00	230.00	1,380.00	395.00	2,370.00	500.00	3,000.00
27	Sewer, CI E, 12 inch, Tr Det B	50	Ft	55.00	2,750.00	60.00	3,000.00	45.00	2,250.00	47.00	2,350.00	75.00	3,750.00
28	Sewer, CI A, 15 inch, Tr Det B	120	Ft	50.00	6,000.00	65.00	7,800.00	42.00	5,040.00	52.00	6,240.00	75.00	9,000.00
29	Sewer, CI A, 6 inch, Tr Det B	100	Ft	20.00	2,000.00	30.00	3,000.00	32.00	3,200.00	39.00	3,900.00	50.00	5,000.00
30	Sewer, Rem, Less than 24 inch	120	Ft	10.00	1,200.00	10.00	1,200.00	8.00	960.00	20.00	2,400.00	10.00	1,200.00
31	Pavt Mrkg, Waterborne, Parking Lot	1	LS	1,000.00	1,000.00	450.00	450.00	650.00	650.00	2,150.00	2,150.00	500.00	500.00
32	Barrier Free Sign & Pipe Bollard	2	Ea	600.00	1,200.00	400.00	800.00	1,300.00	2,600.00	2,000.00	4,000.00	1,000.00	2,000.00
33	Erosion Control, Silt Fence	110	Ft	2.00	220.00	2.00	220.00	40.00	4,400.00	3.95	434.50	3.00	330.00
34	Inlet Protection, Fabric Drop	7	Ea	50.00	350.00	100.00	700.00	150.00	1,050.00	195.00	1,365.00	100.00	700.00
35	Conduit, DB, 1, 3 inch	125	Ft	4.00	500.00	10.00	1,250.00	4.00	500.00	15.00	1,875.00	25.00	3,125.00
36	Restoration	1	LS	1,000.00	1,000.00	2,000.00	2,000.00	3,200.00	3,200.00	5,750.00	5,750.00	10,000.00	10,000.00
Total Bid Amount					\$127,756.50		\$136,040.75		\$154,940.00		\$166,582.37		\$209,820.00
Received signed proposal					Yes		Yes		Yes		Yes		Yes
Bid Bond Included					Yes		Yes		Yes		Yes		Yes
Mathematical Error													





(616) 784-4040
Fax (616) 785-7900
5800 Safety Drive
Belmont, MI 49306

September 11, 2018

Albion City Hall
112 W Cass St.
Albion, MI
Attn: James

RE: BOILER REPAIRS

This proposal includes all labor and material for the installation of the following:

OPTION 1: BURNER SERVICE

- Pull burner assembly clean and service
- Replace burner flame retention head
- Install stack balance damper
- Install new barometric damper
- Install new ignitor
- Set up draft per spec
- Perform combustion analysis
- 1 Yr. limited parts and labor warranty

TOTAL COST \$9,846.00

OPTION 2: NEW 98% EFFICIENT BOILER

- One Hydrotherm KN10 boiler
- One secondary pump rated at 90 GPM at 35' head
- Stainless steel double wall vent
- Primary piping loop
- Secondary piping loop
- High voltage
- Low voltage
- Gas pipe
- Demolition of existing boiler
- Disposal of existing boiler
- Crane
- Permits
- 1 Yr. parts and labor warranty
- 25 Yr. thermal shock warranty

TOTAL COST \$62,614.00

The existing boiler has several issues related to operation. Due to the size of the chimney we are installing a SS stack balance damper to adjust draft. The existing barometric damper operation is questionable so we are replacing it. The pulsing turbulent burn of the system may be due to a defective flame retention head so we have included replacing it. Initial work will involve pulling the burner for service and inspection of the retention head to determine if a new one is needed. Once all modifications are concluded the burner will be set

HVAC System Design
Indoor Air Quality Analysis
Controls – Pneumatic & DDC
Refrigeration – Ammonia & Freon



Heating
Air Conditioning
Electrical
Plumbing



Pipe Fitting, Welding & Air Piping
Cooling Towers & Pump Packages
Sheet Metal – Exhaust & Ventilation
Preventative Maintenance Agreements



(616) 784-4040
Fax (616) 785-7900
5800 Safety Drive
Belmont, MI 49306

Page 2

Albion City Hall Boiler

to factory specifications using a digital combustion analyzer. This boiler was installed in 1977 so existing component condition can not be guaranteed. I estimate this boiler is currently operating at 65% efficiency at best, when our work is complete you can expect a maximum efficiency of 75%.

The second option is for a new 98% efficiency Hydrotherm KN10 condensing boiler. Currently there are multiple pumps serving the various building zones. This proposal creates a primary building loop with a secondary boiler loop to maximize system efficiency and performance. The new KN10 boiler is equipped with digital controls for ambient lock out, hot water reset, and demand control. In addition the boiler utilizes a modulating gas burner and comes set up to meet CSD-1 specifications. This boiler qualifies for utility company rebates estimated at \$3,000.00 dollars which Hurst will assist in filling the paper work. In addition this system will pay for itself over time with conservative energy savings of 25-30%.

Thank you for the opportunity to quote this project. If you have any questions or concerns please feel free to contact me at 616-291-5800.

Sincerely,

Dan Thomas
Hurst Mechanical



INFORMATION
ONLY

FROM 07/01/2018 TO 07/31/2018

FUND: 101 202 203 208 226 250 265 275 277 450 452 590 591 661

CASH AND INVESTMENT ACCOUNTS

Fund Account	Description	Beginning Balance 07/01/2018	Total Debits	Total Credits	Ending Balance 07/31/2018
Fund 101	GENERAL FUND				
001.00	CASH	(321,352.16)	811,434.68	381,585.31	108,497.21
002.00	CASH - INCOME TAX ACCOUNT	514,415.37	56,123.50	400,000.00	170,538.87
003.00	CERTIFICATES OF DEPOSIT	99,852.00	63.00	0.00	99,915.00
004.00	PETTY CASH	100.00	0.00	0.00	100.00
004.02	PETTY CASH - CHANGE DRAWER	400.00	0.00	0.00	400.00
005.00	HRA ACCOUNT FOR EMPLOYEES	688.95	0.00	174.41	514.54
007.00	CASH PARK FENCE	17,536.57	11.72	5.57	17,542.72
017.00	INVESTMENTS	309,622.05	571.10	0.00	310,193.15
	GENERAL FUND	621,262.78	868,204.00	781,765.29	707,701.49
Fund 202	MAJOR STREETS FUND				
001.00	CASH	439,669.77	63,907.22	52,913.44	450,663.55
017.00	INVESTMENTS	101,159.42	186.54	0.00	101,345.96
	MAJOR STREETS FUND	540,829.19	64,093.76	52,913.44	552,009.51
Fund 203	LOCAL STREETS FUND				
001.00	CASH	175,582.04	20,883.68	36,944.05	159,521.67
Fund 208	RECREATION FUND				
001.00	CASH	72,420.51	22,426.90	21,730.20	73,117.21
Fund 226	SOLID WASTE FUND				
001.00	CASH	184,892.92	42,624.61	8,865.79	218,651.74
017.00	INVESTMENTS	52,959.86	97.67	0.00	53,057.53
	SOLID WASTE FUND	237,852.78	42,722.28	8,865.79	271,709.27
Fund 250	CDBG FUND				
001.01	CDBG FUND CASH	33,316.54	16.06	0.00	33,332.60
Fund 265	DRUG LAW ENFORCEMENT FUND				
001.00	CASH	5,552.64	2,801.82	3,214.45	5,140.01
Fund 275	ALBION BUILDING AUTHORITY FUND				
001.01	FUND CASH ACCOUNT	220,972.43	411.35	4,175.06	217,208.72
004.00	PETTY CASH	276.76	0.00	0.00	276.76
	ALBION BUILDING AUTHORITY FUND	221,249.19	411.35	4,175.06	217,485.48
Fund 277	ABA SEC 8 MAPLE GROVE				
001.01	FUND CASH ACCOUNT	223,076.53	65,395.60	58,911.96	229,560.17
002.00	CASH - CAPITAL PROJECTS RESERV	446,924.10	5,892.88	0.00	452,816.98
008.00	CASH-SECURITY DEPOSIT	25,418.99	0.00	900.00	24,518.99
	ABA SEC 8 MAPLE GROVE	695,419.62	71,288.48	59,811.96	706,896.14
Fund 450	STREET IMPROVEMENTS FUND				
001.00	CASH	50,094.94	42,552.28	4,585.13	88,062.09
017.00	INVESTMENTS	252,898.62	466.44	0.00	253,365.06
	STREET IMPROVEMENTS FUND	302,993.56	43,018.72	4,585.13	341,427.15
Fund 452	MDOT RECONSTRUCTION FUND				
001.00	CASH	140,141.93	0.00	0.00	140,141.93
Fund 590	SEWER FUND				
001.00	CASH	351,691.89	81,806.84	336,541.36	96,957.37
017.00	INVESTMENTS	308,273.06	568.62	0.00	308,841.68
	SEWER FUND	659,964.95	82,375.46	336,541.36	405,799.05
Fund 591	WATER FUND				
001.00	CASH	540,925.08	66,831.36	87,376.77	520,379.67
003.00	CERTIFICATES OF DEPOSIT	298,791.00	248.00	0.00	299,039.00

09/12/2018 04:25 PM
User: TMEAD
DB: Albion

CASH SUMMARY BY ACCOUNT FOR CITY OF ALBION

Page: 2/2

FROM 07/01/2018 TO 07/31/2018

FUND: 101 202 203 208 226 250 265 275 277 450 452 590 591 661

CASH AND INVESTMENT ACCOUNTS

Fund Account	Description	Beginning Balance 07/01/2018	Total Debits	Total Credits	Ending Balance 07/31/2018
006.00	RESTRICTED CASH - BOND RESERVE	61,990.00	0.00	0.00	61,990.00
017.00	INVESTMENTS	359,010.73	662.15	0.00	359,672.88
	WATER FUND	1,260,716.81	67,741.51	87,376.77	1,241,081.55
Fund 661	EQUIPMENT POOL FUND				
001.00	CASH	262,258.93	20,988.35	35,615.30	247,631.98
	TOTAL - ALL FUNDS	5,229,561.47	1,306,972.37	1,433,538.80	5,102,995.04