

**CITY OF MENOMINEE, MICHIGAN
MENOMINEE CITY COUNCIL
AGENDA FOR SEPTEMBER 19, 2011
HELD AT CITY HALL - 2511 10th STREET – 6 p.m.**

A) CALL THE MEETING TO ORDER.

B) PLEDGE OF ALLEGIANCE TO THE FLAG.

C) ROLL CALL.

D) APPROVAL OF MEETING AGENDA.

E) MINUTES OF PREVIOUS MEETINGS:

- 1) Regular meeting of August 15, 2011.

F) PUBLIC HEARINGS:

- 1) USDA grant preapplication for Police Department in car video cameras.
- 2) Application from Middleby Marshall Holding LLC, dba Nu-Vu Food Service Systems for an Industrial Facilities Tax Exemption Certificate.

G) PUBLIC COMMENT:

- 1) Maximum 15-minute public comment session. Statements, not debate, limited to three minutes per person on agenda items only.

H) COMMUNICATIONS:

- 1) The Michigan Municipal League's annual meeting notice.

I) REPORTS OF OFFICERS:

- 1) City Manager's report.

J) MISCELLANEOUS:

K) REPORTS OF STANDING COMMITTEES:

L) MOTIONS AND RESOLUTIONS:

- 1) Authorization to encroach into the public right-of-way at 122 5th Avenue.
- 2) Motion regarding the request from Tom and Nikki Everard dba Dexter's to close off a portion of 8th Street.
- 3) Motion to waive the City Bid Policy and approve purchasing two police patrol cars.
- 4) Motion to award contract to Wilcox Professional Service for the M-35 sanitary and water project.
- 5) Budget ordinance amendment #2 for appropriation of the MML Liability Pool Dividend.
- 6) Resolution approving the application from Middleby Marshall Holding LLC, dba Nu-Vu Food Service Systems for an Industrial Facilities Tax Exemption Certificate.
- 7) Resolution regarding the location for the November 8th General Election.
- 8) Change Order # 3 for US-41 Wastewater Improvement Project
- 9) Change Order # 3 for US-41 Water Improvement Project
- 10) Payment of the invoices for the US-41 wastewater project.
- 11) Payment of the invoices for the US-41 water project.

M) PUBLIC COMMENT.

O) ADJOURN.

/skj

**CITY OF MENOMINEE, MICHIGAN
REGULAR COUNCIL PROCEEDINGS
AUGUST 15, 2011**

A regular meeting of the Menominee City Council, City of Menominee, County of Menominee, State of Michigan, was held Monday, August 15, 2011 at 6 p.m. in the Municipal Complex Council Chambers.

The Honorable George W. Krah called the meeting to order and led the pledge of allegiance to the flag.

PRESENT: Council Members Fernstrum, Hudon, Mick (late), Organ, Plemel, Pohlmann, Walker, and Williams; Mayor Krah

ABSENT: None

PRESENT: 9 ABSENT: 0

A motion was made by Council Member Organ and seconded by Council Member Plemel to delete #3 under public hearings and #6 under motions and resolutions (the application from Middleby Marshall Holding, LLC, dba Nu-Vu Food Service System for an Industrial Facilities Tax Exemption certificate) from the agenda and to approve the agenda as amended. This motion was carried unanimously.

There being no additions or corrections to the minutes of the special meeting of June 30, 2011, the regular meeting of July 18, 2011, or the special meeting of July 28, 2011, the minutes of all of the meetings stood approved as presented.

PUBLIC HEARINGS:

Mayor Krah opened the public hearing called for the purpose of hearing citizen comments on the Anchor Coupling industrial facilities tax exemption certificate application.

No one was heard.

A motion was made by Council Member Williams and seconded by Council Member Mick to close the public hearing. This motion was carried unanimously.

Next, Mayor Krah opened the public hearing called for the purpose of hearing citizen comments on the L. E. Jones Company industrial facilities tax exemption certificate application.

No one was heard.

A motion was made by Council Member Plemel and seconded by Council Member Williams to close the public hearing. This motion was carried unanimously.

PUBLIC COMMENT:

Mayor Krah opened the public comment session called for the purpose of hearing citizen comments on agenda items only.

No one was heard.

A motion was made by Council Member Williams and seconded by Council Member Plemel to close the public comment session. This motion was carried unanimously.

REPORTS OF OFFICERS:

Mr. Cramer gave the following report:

TO: Mayor George Krah and the Menominee City Council
FROM: Michael Cramer, City Manager
DATE: August 15, 2011
RE: City Manager's Report on State Project Updates

During the past three Manager's Reports I have unveiled several projects and action items that I would like to update you on. The projects in question relate to improvements in the following areas: 1.) Organizational Improvements and 2.) the M-35 Request for Proposal.

M-35 Request for Proposal

At the May 20th, 2011 City Council Meeting I recommended that a Special Council Meeting be set for May 23, 2011 regarding the award of the Preliminary Design of the M-35 Project. During those meetings I announced that it was my intent to go out for bid for the Design and Oversight of the Project once the first phase was complete. To date the first phase is approximately 75% complete and as of Tuesday, August 9th the city advertised and has begun to accept Request for Proposals for the next phase of the project. Bids are required to be submitted by August 30th at 5:00 p.m. Review and negotiations will begin soon after.

Organizational Improvements

At the June 30th, 2011 City Council Meeting I explained to council my intention and under your direction, to formulate a plan of action that focuses on the theme of Organizational Improvements. At that time I outlined three main categories of improvements; Organizational Structure, Facility and Equipment Maintenance and Technology.

As a starting point for the Organizational Structure plan I have requested from all Department Heads a clear and concise explanation of the current responsibilities and projects within their respective departments. This document will not only help the discussions with staff and City Council on responsibilities and priorities, but it will also be useful to comply with the October 1, 2011 deadline for reporting for the revised State Revenue Programs. I anticipate information from the departments by August 31, 2011.

Another category for review included the development of a plan for the improvement of known building maintenance issues. At the July 18th, 2011 City Council Meeting, council unanimously approved the adoption of a Budget Amendment to appropriate funds for the known list of improvements to the Fire Department, Police Department, and City Hall Facility. Since that time an engineering plan has been developed for the Police Department Improvements and we have begun to write the specifications for the other improvements. I anticipate that at least two bids will be received regarding these specifications and I will recommend an award in September.

Finally, we have been working on developing specifications on an improvement plan for our Technology Needs. The importance of this issue was highlighted by the fact that our internal city network went down and was inoperable for two days last week and most of this past weekend. Although staff was able to perform duties and functions that did not consist of the use of the computers, total production and efficiency of services was significantly reduced. During the next two weeks we will finalize the specifications and compile a plan to discuss with Council regarding the recommended improvements.

As you can see the past month has been eventful with regards to these issues and the future month should prove to be very productive and set a clear path forward regarding these projects.

Respectfully,
Michael Cramer
City Manager

MOTIONS AND RESOLUTIONS:

A motion was made by Council Member Fernstrum and seconded by Council Member Organ to adopt the following resolution:

RESOLUTION

Whereas, Adam Eickmeyer was introduced as the Menominee High School representative to the City Council on October 18, 2010; and

Whereas, Adam Eickmeyer has given freely of his time in an effort to better our community; and

Whereas, Adam Eickmeyer has continually made a determined attempt to fairly and wisely represent Menominee High School and its students; and

Whereas, Adam Eickmeyer has been of great assistance to the City of Menominee in helping to continue the Students in Government Program;

Therefore, be it resolved that the City of Menominee, MI, on this 15th day of August, 2011, wishes to formally acknowledge Adam Eickmeyer and to recognize his outstanding service to our City.

This motion was carried unanimously.

A motion was made by Council Member Williams and seconded by Council Member Organ to approve an amendment to the Mutual/Automatic Aid Agreement between Marinette and Menominee to include water and ice rescue incidents for automatic aid and to amend the Menominee Executive Officer as defined in the Agreement from Deputy Fire Chief to Fire Chief. This motion was carried unanimously.

A motion was made by Council Member Mick and seconded by Council Member Plemel to schedule a public hearing on budget ordinance amendment #2 for the appropriation of the MML Liability Pool dividend to be held on September 19, 2011. This motion was carried unanimously.

A motion was made by Council Member Fernstrum and seconded by Council Member Williams to adopt the following resolution:

A RESOLUTION APPROVING THE APPLICATION
OF ANCHOR COUPLING, INC.
FOR A FACILITIES EXEMPTION CERTIFICATE
FOR ITS FACILITY IN
MENOMINEE INDUSTRIAL DEVELOPMENT DISTRICT NO. 1

WHEREAS, pursuant to 1974 P.A. 198, M.C.L. 207.551 et. seq., after a duly noticed public hearing, the Menominee City Council, by Resolution, established Menominee Industrial Development District No. 1 on January 20, 1975;

WHEREAS, Anchor Coupling, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within the Industrial Development District No. 1;

WHEREAS, before acting on said application, the Menominee City Council held a hearing on August 15, 2011, at City Hall in the Council Chambers at 6:00 p.m. at which hearing the Applicant,

the City Assessor, and a representative of the effected units were given written notice and were afforded an opportunity to be heard on said Application;

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before June 9, 2011, the date of acceptance of the Application for an Industrial Facilities Exemption Certificate;

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the Certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Menominee;

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Menominee, after granting this Certificate, will exceed five percent (5%) of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the Menominee City Council that:

1) The Menominee City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Menominee, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Menominee.

2) The Application of Anchor Coupling, Inc. for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed on the following described parcel of real estate situated within the Menominee Industrial Development District No. 1, to-wit:

Plat of Menominee, Industrial Park #1, Lots 7 and 8

be and the same is hereby approved.

3) The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of twelve (12) years after completion.

AYES: Hudon, Krah, Mick, Organ, Plemel, Pohlmann, Walker, Williams, and Fernstrum
NAYS: None

This motion was carried unanimously.

A motion was made by Council Member Mick and seconded by Council Member Plemel to adopt the following resolution:

A RESOLUTION APPROVING THE APPLICATION
OF L. E. JONES COMPANY
FOR A FACILITIES EXEMPTION CERTIFICATE
FOR ITS FACILITY IN
MENOMINEE INDUSTRIAL DEVELOPMENT DISTRICT NO. 8

WHEREAS, pursuant to 1974 P.A. 198, M.C.L. 207.551 et. seq., after a duly noticed public hearing, the Menominee City Council, by Resolution, established Menominee Industrial Development District No. 8 on November 12, 1998;

WHEREAS, L. E. Jones Company has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within the Industrial Development District No. 8;

WHEREAS, before acting on said application, the Menominee City Council held a hearing on August 15, 2011, at City Hall in the Council Chambers at 6:00 p.m. at which hearing the Applicant, the City Assessor, and a representative of the effected units were given written notice and were afforded an opportunity to be heard on said Application;

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before July 8, 2011, the date of acceptance of the original Application for an Industrial Facilities Exemption Certificate;

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the Certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Menominee;

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Menominee, after granting this Certificate, will exceed five percent (5%) of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the Menominee City Council that:

1) The Menominee City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Menominee, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Menominee.

2) The Application of L. E. Jones Company for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed on the following described parcel of real estate situated within the Menominee Industrial Development District No. 8, to-wit:

All that part of Blocks 3 and 6 of "COLEMAN LUMBER COMPANY'S FIRST ADDITION" to the City of Menominee, Michigan, as described in Liber 280 of deeds on page 221, Liber 305 of deeds on page 314 - 318 and Liber 317 of deeds on page 618, AND all that part of the Northeast Quarter of the Northeast Quarter (NE¹/₄-NE¹/₄) of Section 34, Township 32 North - Range 27 West, City of Menominee, Michigan as described in Liber 219 of deeds on page 401, all being bounded and described as follows:

From the Northeast Corner of said Section 34, measure N89°07'50"W, 406.00 feet along the North Line of said NE¹/₄-NE¹/₄, to the West line of 11th Street and the point of beginning of the parcel hereinafter described; thence S02°07'13"W, 664.58 feet along said West Line; thence N88°24'30"W, 549.05 feet along a line parallel with the North Line of 30th Avenue, to the West Right of Way of the Chicago and Northwestern Railroad; thence N02°43'21"E, 988.06 feet along said right of way, to the Northwest Corner of Block 6 of Coleman Lumber Company's First Addition; thence S89°07'34"E, 55.15 feet along the North Line of said Block 6, to the Northerly Line of the former Chicago and Northwestern Spur Track; thence Southeasterly 568.53 feet along said line, along the arc of a 591 foot radius curve to the left, whose chord bears S60°01'36"E, 546.86 feet to the East Line of Block 3 of Coleman Lumber Company's First Addition; thence S02°08'33"W, 64.03 feet along said East Line, to the point of beginning, containing 10.3358 acres. Said parcel is subject to all easements, restrictions and reservations of record.

be and the same is hereby approved.

3) The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of twelve (12) years after completion.

AYES: Krah, Mick, Organ, Plemel, Pohlmann, Walker, Williams, Fernstrum, and Hudon

NAYS: None

This motion was carried unanimously.

A motion was made by Council Member Fernstrum and seconded by Council Member Williams to adopt the following resolution:

RESOLUTION

At a regular meeting of the Menominee City Council called to order by Mayor George W. Krah on August 15, 2011 at 6 p.m. the following resolution was offered: Moved by Council Member Fernstrum and supported by Council Member Williams that the request to transfer ownership of an escrowed 2011 Class C licensed business with dance-entertainment permit, located at W5504 First, Hermansville, MI 49847, Meyer Township, Menominee County, from Alias, Inc. to La Cabana Mexican Restaurant, Inc. and transfer location (governmental unit) MCL 436.1531(1) to 2812 Tenth, Menominee, MI 49858, Menominee County, be considered for approval. It is the consensus of this legislative body that the application be recommended for issuance.

This motion was carried unanimously.

A motion was made by Council Member Mick and seconded by Council Member Williams to adopt the following resolution:

RESOLUTION

At a regular meeting of the Menominee City Council called to order by Mayor George W. Krah on August 15, 2011 at 6 p.m. the following resolution was offered: Moved by Council Member Mick and supported by Council Member Williams that the request to transfer ownership of an escrowed 2011 Class C licensed business, located at 414 Tenth, Menominee, MI 49858, Menominee County, from Mary C. McVane-Blake to Ogden Club LLC; and request a new entertainment permit and outdoor service area, be considered for approval. It is the consensus of this legislative body that the application be recommended for issuance.

This motion was carried unanimously.

A motion was made by Council Member Plemel and seconded by Council Member Fernstrum to approve the change order for the M-35 utility project increasing the contract amount with Wilcox Professional Services by \$3,500. This motion was carried unanimously.

A motion was made by Council Member Fernstrum and seconded by Council Member Williams to approve payment of the US-41 wastewater invoices in the amount of \$147,222.75. This motion was carried unanimously.

A motion was made by Council Member Mick and seconded by Council Member Walker to approve payment of the US-41 water invoices in the amount of \$160,521.54. This motion was carried unanimously.

PUBLIC COMMENT:

Mayor Krah opened the public comment session.

No one was heard.

A motion was made by Council Member Fernstrum seconded by Council Member Hudon to close the public comment session. This motion was carried unanimously.

ADJOURN TO CLOSED SESSION TO DISCUSS PENDING LITIGATION AND CONSULT WITH THE CITY ATTORNEY:

A motion was made by Council Member Mick and seconded by Council Member Plemel to adjourn to closed session to discuss Jeffrey L. Hallfrisch v. City of Menominee and Teamsters and Chauffeur Union Local No. 214, Menominee County Circuit Court Case No. 11-13634-NZ.

AYES: Organ, Plemel, Pohlmann, Walker, Williams, Fernstrum, Hudon, Krah, and Mick
NAYS: None

This motion was carried unanimously.

RETURN TO OPEN SESSION:

A motion was made by Council Member Organ and seconded by Council Member Mick to return to open session. This motion was carried unanimously.

A motion was made by Council Member Mick and seconded by Council Member Organ that the City Council shall follow the recommendation of the City Attorney regarding the matter of Hallfrisch v. City of Menominee.

AYES: Plemel, Pohlmann, Walker, Williams, Fernstrum, Hudon, Krah, Mick, and Organ
NAYS: None

This motion was carried unanimously.

ADJOURN:

A motion was made by Council Member Plemel and seconded by Council Member Williams to adjourn the meeting. This motion was carried unanimously.

/skj

Thomas F. DeNike, City Clerk/Treasurer



City of Menominee
City Council
Agenda Item

TITLE: USDA Police Equipment Grant

Requesting Agency: Police	Meeting Date: September 19, 2011
Contact: Michael Cramer	Public Hearing: September 19, 2011
Phone: 863-1747	Advertising Date: September 9, 2011
	Council Ward: Citywide

Attachments:

PURPOSE:

The USDA requires informing the general public regarding the development of any proposed grant project.

BACKGROUND:

The Menominee Police Department has submitted a preapplication to the USDA which is anticipated to provide additional funds for the replacement our existing car video cameras. The current in car video cameras are VHS video cameras that are 10+ year old, of which, only three cameras are operable. This public hearing must be held after the preapplication has been filed and not later than loan approval is awarded. If the USDA Grant is awarded to the City of Menominee, City Council will be asked to approve the required funding or reject the grant award.

BUDGET IMPACT:

The police equipment described above will cost approximately \$32,000. The USDA Grant would award the city \$12,000 toward the purchase. The remaining \$20,000.00 would be city matching funds. USDA does not specify what year an award will be presented and thus budgeting for the city match will only take place after the grant is awarded.

COMMITTEE RECOMMENDATION / ACTION:

Not Required for Committee Action

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager has requested the public hearing to comply with the USDA application requirements.

Agenda Item: _____



City of Menominee
City Council
Agenda Item

TITLE: Michigan Municipal League Annual Meeting Notice

Requesting Agency: City Manager

Meeting Date: September 19, 2011

Contact: Michael Cramer

Public Hearing: N/A

Phone: 863-1747

Advertising Date: N/A

Council Ward: Citywide

Attachments: A: Letter from the Michigan Municipal League Announcing Their Annual Meeting

PURPOSE:

The Michigan Municipal League is notifying the City of Menominee of its annual convention that will be held in Grand Rapids from October 4th through the 7th. Their annual meeting will be held during the convention on October 5th.

BACKGROUND:

The Michigan Municipal League holds an annual convention/meeting for the purpose of electing trustees and voting on Core Legislative Principles documents and resolutions properly brought before the annual meeting. The City of Menominee is a member of the League, and is requested to designate by City Council action an official to serve as its; official representative and an alternate official, if possible.

BUDGET IMPACT:

Travel expenses including registration, meals, hotel and mileage reimbursement are estimated to be \$1,345.00 for the delegate.

COMMITTEE RECOMMENDATION / ACTION:

N/A

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager **does not** recommend appointment of an official representative nor an alternate official representative.

Agenda Item: _____



michigan municipal league

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.”

1. Election of Trustees

Regarding election of officers, under Section 5.3 of the League Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions *

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting." Thus the deadline this year for the League to receive resolutions is September 2, 2011.

"Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership are available on the League website*, to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Wednesday, October 5 at the Amway Grand for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

* The proposed League Core Legislative Principles document is available on the League website at <http://www.mml.org/delegate>. If you would like to receive a copy of the proposed principles by fax, please call Susan at the League at 800-653-2483.

Sincerely,



Carol Shafto
President
Mayor of Alpena



Daniel P. Gilmartin
Executive Director & CEO

Enc.



City of Menominee
City Council
Agenda Item

TITLE: Authorization to Encroach into Public Right-of-Way at 122 5th Avenue

Requesting Agency: Building Department

Meeting Date: September 19, 2011

Contact: Michael Cramer

Public Hearing: N/A

Phone: 863-1747

Advertising Date:

Council Ward: 1

Attachments: Encroachment License

PURPOSE:

Council consideration is requested for the construction of a new entranceway at 122 5th Avenue which will encroach into the public right-of-way and made necessary for compliance with Michigan Building Codes and ADA regulations.

BACKGROUND:

Menominee Opera House Committee, Inc. is attempting renovate the Menominee Opera House at 122 5th Avenue. As a first phase in this long range project, they are attempting to restore the south façade of the building. To assure proper public safety from the building, and to comply with current building codes, it is necessary for them to reconstruct the main entrance way which includes the steps and foundation under the steps. Based on the fact that the building was constructed with no setback from the property line, and reconstruction of the steps makes it necessary to encroach into the public right of way to comply with ADA regulations.

BUDGET IMPACT:

The proposed cost of all construction and permit fees, including the replacement of any damaged public sidewalks, will be covered by the Menominee Opera House Committee, Inc.

COMMITTEE RECOMMENDATION / ACTION:

The committee did not have a quorum for its meeting, and those present sent this to City Council without a recommendation.

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager and staff recommend that the City Council approve the requested encroachment license.

Agenda Item: _____

PUBLIC RIGHT-OF-WAY ENCROACHMENT LICENSE

THIS AGREEMENT, made and entered into this ___ day of September, 2011, by and between the CITY OF MENOMINEE, a Michigan municipal corporation, with the address of 2511 Tenth Street, Menominee, Michigan, 49858, (referred to as the "CITY"), and Menominee Opera House Committee, Inc., a domestic nonprofit corporation, whose address is 122 5th Avenue, Menominee, Michigan 49858, and whose mailing address is P.O. Box 953, Menominee, Michigan 49858, (referred to as the "OWNER").

RECITALS:

WHEREAS, OWNER is the owner of certain real property located within the corporate limits of the City of Menominee, Menominee County, State of Michigan, located at 122 5th Avenue, and more particularly described as follows:

Lots Six (6), Seven (7), Eight (8), Nine (9), and Ten (10) of Ludington and Carpenter's Second Addition and Subdivision of Block 12 of Ludington and Carpenter's First Addition to the City of Menominee, Menominee County, Michigan, according to the recorded plat thereof.

WHEREAS, OWNER desires to maintain and enlarge an existing encroachment consisting of entry steps, foundation and railings, (hereafter referred to as "Improvement"), within the street right-of-way, owned and maintained by the CITY; and

WHEREAS, the Improvement will be subject to all applicable provisions of the Menominee City Ordinances and any other applicable government regulations.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and other good and valuable consideration, the sufficiency of which is hereby acknowledged by the parties hereto, the parties agree as follows:

1. **Recitals.** The foregoing Recitals are true and correct and incorporated into the substantive body of this Agreement.
2. **License and Encroachment.** The CITY hereby grants to OWNER a revocable license for the encroachment of the Improvement into the public right-of-way, strictly limited to the 22' by

4' area described and shown in the HGA Architects 2008 drawing submitted to the City of Menominee Building Inspector, which is made a part of this document by reference.

3. Release. OWNER hereby releases the CITY, its representatives, employees, appointed and elected officials from any and all damages, claims, or liability, with respect to the Improvement, that may arise due to the CITY'S operation and maintenance of its right-of-way, except to the extent caused by the willful misconduct or negligence of the CITY or its employees, agents or contractors.

4. Priority of CITY'S Right-of-Way. The Improvement shall not be used or maintained in such a manner so as to interfere, in any way, with the CITY'S operation or maintenance of its right-of-way.

5. OWNERS' Responsibilities. OWNER shall at all times maintain the OWNER'S Improvement in good condition and repair (including without limitation repainting of any painted surfaces and removal of graffiti, if applicable) and OWNER shall maintain the immediate area in a neat, tidy, and clean condition, free of any refuse, debris, snow, or ice.

6. Indemnification. The OWNER agrees that it shall indemnify, hold harmless and defend the CITY, its representatives, employees and elected and appointed officials from and against all claims, damages, losses and expenses of any sort including reasonable attorney's fees and costs including appeals, arising out of or resulting from any tort, intentional action, negligent act or omission of the OWNER, its guests, agents, subcontractors, or anyone for whose act or acts any of them may be liable, for acts or omissions occurring in that portion of the public right-of-way on, under or through which the Improvement is situated or resulting from the use or maintenance of the Improvement; provided, however, OWNER's obligations under this Section 6 shall not apply to claims, damages, losses or expenses resulting from the willful misconduct or negligence of the CITY or its employees, agents or contractors.

7. Controlling Laws.

a. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Michigan, and all duly adopted ordinances, regulations, and policies of the CITY now in effect and those hereinafter adopted.

b. The location for settlement of any and all claims, controversies, or disputes, arising out of or relating to any part of this Agreement, or any breach hereof, shall be in Menominee County, Michigan.

c. The parties to this Agreement agree to comply with all applicable federal, state, and local laws, ordinances, rules and regulations pertaining to the utilization of the property under this Agreement.

8. Miscellaneous.

a. This Agreement constitutes the entire Agreement between the parties with respect to the specific matters contained herein and supersedes any and all previous discussions, understandings, and agreements. Any Amendments to or waivers of the provisions herein shall be made by the parties in writing. No other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind either party.

b. If any sentence, phrase, paragraph, provision or portion of this Agreement is for any reason, including a change of law, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed an independent provision and such holding shall not affect the validity of the remaining portions hereto.

9. Legal Counsel. OWNER acknowledges that it has had an opportunity to seek and consult with independent legal counsel prior to executing this Agreement, and OWNER represents and warrants that it has sought such independent legal advice and counsel or has knowingly and voluntarily waived such right.

10. Attorney's Fees. OWNER agrees that it shall be liable for reasonable attorney's fees incurred by the CITY, if the CITY is required to take any actions, through litigation or otherwise, to enforce this Agreement.

11. Negotiation. The parties to this Agreement acknowledge that all terms of this Agreement were negotiated at arms length and that this Agreement was prepared and executed without undue influence exerted by any party or on any party.

12. Termination of License and Removal of Encroachment. The License granted by this Agreement shall be of indefinite duration and shall be effective from the date this Agreement is fully executed until the date the Agreement expires, is terminated by either party, or is revoked by the CITY. Either Party shall have the right to terminate the Agreement and License, with or without cause, by delivery of written notice to the other Party. Prior to any termination by OWNER becoming effective, OWNER shall remove the Improvement from the CITY'S right-of-way, in a manner satisfactory to the CITY, within thirty (30) days of the date of OWNER's receipt of the written notice.

The CITY retains the right to revoke the License at any time, with or without cause, by notifying the OWNER in writing at the address listed in the initial paragraph of this Agreement. OWNER shall remove the Improvement from the CITY'S right-of-way, in a manner satisfactory to the CITY, within thirty days of the date of mailing of the written notice to OWNER, whether or not OWNER receives the notice. If the OWNER fails to remove the Improvement within the above-described timeframe, or if the attempted removal is not satisfactory to the CITY, the CITY may remove it and charge the cost of removal, or completing the removal, to the OWNER. Should the OWNER fail to pay the costs of CITY'S removal of the Improvement within thirty days of the CITY'S request, the CITY may file a lien against the property described above commonly known as 122 5th Avenue, to accrue interest at the statutory rate.

In the event that the property's use is changed or the property is sold, transferred or otherwise conveyed by OWNER, the License shall expire. In the event the OWNER fails to comply with any of the conditions or agreements set forth above, or fails to maintain the Improvement in good condition and repair, in compliance with all applicable State laws and City ordinances, then this License shall automatically expire and OWNER shall immediately remove the Improvement.

13. License. This Agreement constitutes a License and does not rise to the level of a real property interest in the property underlying the CITY'S right-of-way. OWNER waives, releases and relinquishes any and all claim of right, title and interest in the CITY's property or right-of-way.

14. Effective Date. The effective date of this Agreement is the date of its execution by the last person to execute it.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above.

CITY OF MENOMINEE

Michael B. Cramer, City Manager

Attest:

Thomas F. DeNike, City Clerk

**MENOMINEE OPERA HOUSE
COMMITTEE, INC.**

By: Ross Wolfe
Title: President

Drafted by:
Robert J. Jamo, City Attorney
City of Menominee
2511 Tenth Street
Menominee, MI 49858
(906) 863-2656

Macintosh HD:Users:robjamo:Desktop:EncroachmentLicense 9-12-11.doc



City of Menominee
City Council
Agenda Item

TITLE: Request to Close a Portion of 8 th Street	
Requesting Agency: Tom & Nikki Everard dbaDexter's	Meeting Date: September 19, 2011
Contact: Tom Everard	Public Hearing: N/A
Phone: 863-1333	Advertising Date: N/A
	Council Ward: 1
Attachments: LLC Application for Temporary Authorization	

PURPOSE:

Committee review, discussion and recommendation of request from Tom & Nikki Everard, dba Dexter's to close a portion of 8th Street from 10th Avenue north approximately 84' feet to temporarily have added space on Saturday, October 15th from 7 a.m. until 10 p.m.

BACKGROUND:

The Everard's are asking the City to approve closing off a portion of 8th Street so that they may apply to the State of Michigan Liquor Control Commission for temporary added space on Saturday, October 15th, which is the day of the M&M Football Game. Since the added space would be on city property, City Council must act on the request prior to their submittal to the State.

Historically, similar requests have been reviewed by the Public Safety/Public Works Committee and recommendations made to the full City Council.

BUDGET IMPACT:

The approval of the Temporary Authorization has no city budgetary impacts.

COMMITTEE RECOMMENDATION / ACTION:

The Public Safety/Public Works Committee reviewed the request during a September 12th meeting and voted to recommend to the City Council that they approve the request.

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager agrees with the Public Safety/Public Works Committee's recommendation.

Agenda Item: _____

August 15, 2011

TO: George W. Krah, Mayor

FROM: Tom Everard

As in the past, and as previously approved by the Menominee City Council, I would like to again request that the City close off 8th Street from 10th Avenue North approximately 84 feet which would allow Dexter's to temporarily have added space from 7 a.m. on Saturday, October 15th until 10 p.m. that evening.

The reason for the request is that we plan to have entertainment outside the day of the M&M Football Game.

Thanks in advance for your consideration. If you have any questions please contact me at 863-1333.

Tom Everard



Michigan Department of Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505
 Licensing Division Telephone 517-322-1400
 Licensing Division Unit 4 Fax 517-322-6137

TEMPORARY AUTHORIZATION REQUIREMENTS

[Authorized by MAC R 436.1023 (2) (3), R 436.1403 (2), R 436.1407 and R 436.1419]

Effective March 1, 2010, a non-refundable \$70.00 inspection fee is required.

GENERAL INSTRUCTIONS

This application must be completed and returned with a \$70.00 inspection fee for each application submitted before it can be considered by the Commission. All answers must be typed or printed. Sign the completed form in ink and return it to the MLCC with the inspection fee. **MAKE ALL CHECKS or MONEY ORDERS PAYABLE TO "STATE OF MICHIGAN". Any changes made to the application after it has been considered by the Commission will require submission of a new application along with a \$70.00 inspection fee.**

A licensee is prohibited from having the outdoor sale, service, and consumption of beer, wine, and/or spirits without the prior written approval of the MLCC. The MLCC may not issue more than 12 daily temporary authorizations to a licensee for each type of temporary authorization requested in a calendar year upon completion of this application and **approval of the chief law enforcement officer who has jurisdiction. Please read these instructions carefully to avoid having your application returned to you due to missing or deficient information. Please submit your application at least 10 days prior to the event.**

1. To be considered for temporary authorization you must complete all the information in Part 1, indicate the type of event(s) to be conducted in Part 2 and answer all of the questions in Part 3 of the application for the type of temporary authorization requested. **A diagram must be included with the application if requesting temporary outdoor service and/or add space. You must include dimensions on the diagram.**
2. The application form must be signed by the licensee, an authorized corporate officer or an authorized member of a limited liability company in Part 4. Only authorized signors (as indicated on the LC-52, Report of Officers, Directors and Stockholders or the LC-52a, Report of Limited Liability Company Members, Managers & Assignees) may sign the application. Usually a general manager of the licensed business is not an authorized signor. **MAKE A COPY OF THIS APPLICATION FOR YOUR FILE.**
3. The Police Chief or Sheriff who has jurisdiction must sign the form in Part 4 if approval of this application is recommended.
4. The completed application must be received **at least 10 days prior to the date the event is being held** or there may not be sufficient time for MLCC review and consideration.
5. If approval is granted, the on-premises license shall not sell, or allow the consumption of alcoholic beverages outdoors, except in the defined area. **NOTE:** The defined area must include some type of barrier at least 4 feet high. Ropes, tape and banners are not acceptable barriers to adequately secure and define the area.
6. Try to draw the outdoor service or add space diagram to scale, include dimensions, streets, relation to existing licensed premises, etc. The dimensions of the diagram **MUST** match the dimensions of the outdoor service / add space area included on the application. **NOTE:** The licensee **MUST** have control of all intervening property (if any) between the licensed premises and proposed outdoor service or temporary add space.
7. Include the signature of the city, village, or township clerk if the outdoor service or added space will be located on property owned by the city, village, or township. The clerks' signature is **MANDATORY** for approval.
8. Refrigeration trucks and/or trailers **CANNOT** include an alcoholic beverage logo and **MUST** be rented by the licensee from a non-wholesale company. If the refrigeration truck/trailer allows customer access to obtain alcoholic beverages, a Temporary Additional Bar must be requested unless an existing Additional Bar Permit will be used.
9. Check the Temporary Add Bar box and pay the required fee if there is no table service (bar or wait staff) provided unless an existing Additional Bar Permit will be used. The fee covers **ALL DATES** requested on the application - you do not have to pay the fee for each event. Up to 12 event dates (maximum per calendar year) can be requested on a single application as long as the other criteria remain the same as well. If you have only a **SERVICE BAR** for employee access and **NOT** for customer access to alcoholic beverages, it is **NOT** necessary to request a **TEMPORARY ADDITIONAL BAR** and the fee is not required.



Michigan Department of Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

APPLICATION FOR TEMPORARY AUTHORIZATION

[Authorized by R 436.1023 (2) (3), R 436.1403 (2), R 436.1407 and R 436.1419 of the M.A.C.]

Effective March 1, 2010, a non-refundable \$70.00 inspection fee is required.

PART 1. APPLICANT INFORMATION		
1. Name of License (Corporation, Individual, Limited Liability Company, Limited Partnership): T & N, Inc.		
2. Street Address, City or Village, Township (if applicable), County, and Zip Code: 736 10th Avenue Menominee Menominee 49858		
3. Type of License and Number: Class C 142129 - 201055		
4. Business Telephone Number:	+1 (906) 863-1333	Fax Number:
5. Email Address:		
PART 2. TYPE OF EVENT Describe the Type of Event(s) Being Held:		
M & M Football Game		
PART 3. TYPE OF AUTHORIZATION REQUESTED		
Check only the types of authorization needed and answer the questions required for the authorization requested: <input checked="" type="checkbox"/> TEMPORARY OUTDOOR SERVICE OR <input type="checkbox"/> TEMPORARY ADDED SPACE Please enclose a diagram showing proposed outdoor service or added space area, existing licensed premises, any streets and all dimensions requested below.		
1. <u>Dates requested:</u> October 15, 2011		
2. What is the size of the proposed outdoor service area or added space area? <u>84</u> feet X <u>50</u> feet		
3. Describe the barrier that will be used to enclose the outdoor service or added space area. [Include the type of barrier and the height of the barrier. Ropes, tape, and banners are NOT acceptable barriers.] 4' Fence		
4. Does your license currently include an existing Additional Bar? <input checked="" type="radio"/> Yes <input type="radio"/> No If NO , Temporary Additional Bar will be needed unless there will only be table service of alcoholic beverages. See General Instruction 9 for more information		
5. Describe the type of security that will be used for the event. Bouncers		
6. Is the proposed outdoor service area or added space area directly next to the licensed premises? <input checked="" type="radio"/> Yes <input type="radio"/> No If NO , indicate how many feet there is between the proposed outdoor service or added space and the licensed premises?		
7. Are there any dedicated streets within the proposed outdoor service or added space area or is there any intervening property between the licensed premises and outdoor service or added space area? <input type="radio"/> Yes <input type="radio"/> No If YES , explain and include on the diagram .		
8. Is the proposed outdoor service area, added space and/or any intervening property owned, rented, or leased by the licensee? <input checked="" type="radio"/> Yes <input type="radio"/> No If NO , a lease for the outdoor service, added space and/or any intervening property must be provided with this application.		
9. Is the proposed outdoor service area or added space located on property owned by the city, village, or township? <input checked="" type="radio"/> Yes <input type="radio"/> No If YES , the city, village, or township clerk must sign the application indicating approval of the request by city, village or township.		

10. Is all of the proposed outdoor service or added space area in the same governmental unit as the licensed premises?
 Yes No If **NO**, please explain.

TEMPORARY OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION (Check each specific type of activity requested in #2)

1. Dates requested:

2. Type of Activity:

Bowling Do you operate the bowling center? Yes No If **NO**, please explain.

Dance Do you have a Dance Permit? Yes No If **NO**, **Temporary Dance will be needed**

Entertainment Do you have an Entertainment Permit? Yes No If **NO**, **Temporary Entertainment will be needed**

Food Do you operate a full service kitchen? Yes No If **NO**, please explain.

Golf Do you operate the golf course? Yes No If **NO**, please explain.

Other Special Event Activity Please describe and explain the type of event.

3. The licensed premises may not be occupied by anyone except the licensee and bona fide employees who are working between the hours of 2:30 A.M. and 12:00 Noon on any Sunday or from 2:30 A.M. until 7:00 A.M. on any other day. Please indicate the extended hours you are applying for to conduct the activities indicated above.

Weekdays A.M. to A.M. Sundays A.M. to A.M./P.M.

TEMPORARY ADDITIONAL BAR* Fee is \$350.00

* A Temporary Additional Bar is **not** needed if there will be table service only or a currently issued Additional Bar will be utilized.

Dates requested:

TEMPORARY DANCE

It is required that the Dance Floor be at least 100 square feet, clearly marked, and shall not have tables, chairs and other obstacles on the dance floor while customers are dancing.

Dates requested:

Weekdays A.M. to A.M. Sundays A.M. to A.M./P.M.

TEMPORARY ENTERTAINMENT OR **TEMPORARY TOPLESS ACTIVITY**

1. Dates requested:

Weekdays A.M. to A.M. Sundays A.M. to A.M./P.M.

2. Describe the type of entertainment to be provided.

3. If the entertainment includes a contest with prizes totaling over \$250 in value, please complete the following questions:

a. Explain in detail rules of the contest. *Attach another page, if needed.*

b. Describe and state the retail value of each prize to be awarded.

c. Specify who will be paying for and supplying the prizes.

d. Will there be any alcoholic beverage items with a brand name logo used as prizes for part of the contest? Yes No

IMPORTANT: No alcoholic beverages may be used as part of any contest or as a prize for a contest.

No licensee may receive anything of value from another licensee without prior MLCC approval.

e. Is there a cover charge or entrance fee for the contest or tournament? Yes No If YES, please explain.

PART 4. WARNING, AUTHORIZED SIGNATURES, AND LAW ENFORCEMENT/LOCAL APPROVALS

WARNING: Section 1003 of the Liquor Control Code of 1998, being MCL 436.2003, provides in part as follows: "A person who makes a false or fraudulent statement to the commission, orally or in writing, for the purpose of inducing the commission to act or refrain from taking action, or for the purpose of enabling or assisting a person to evade the provisions of this act is guilty of a violation of this act and is punishable in the manner provided for in section 909. . ."

I hereby swear that I have read all of the above answers and that they are true and further that I have read and understand the warning.

THE LICENSEE, AN AUTHORIZED CORPORATE OFFICER, OR MEMBER OF A LIMITED LIABILITY COMPANY MUST SIGN THIS APPLICATION.

 _____
Licensee Signature Tom Everard, Owner
Print Name and Title

Tom Everard _____ 906 863-1333
Print Contact Name Area Code and Phone Number

Date of Application 8/15/10

THE POLICE CHIEF OR SHERIFF WHO HAS JURISDICTION RECOMMENDS THIS REQUEST.

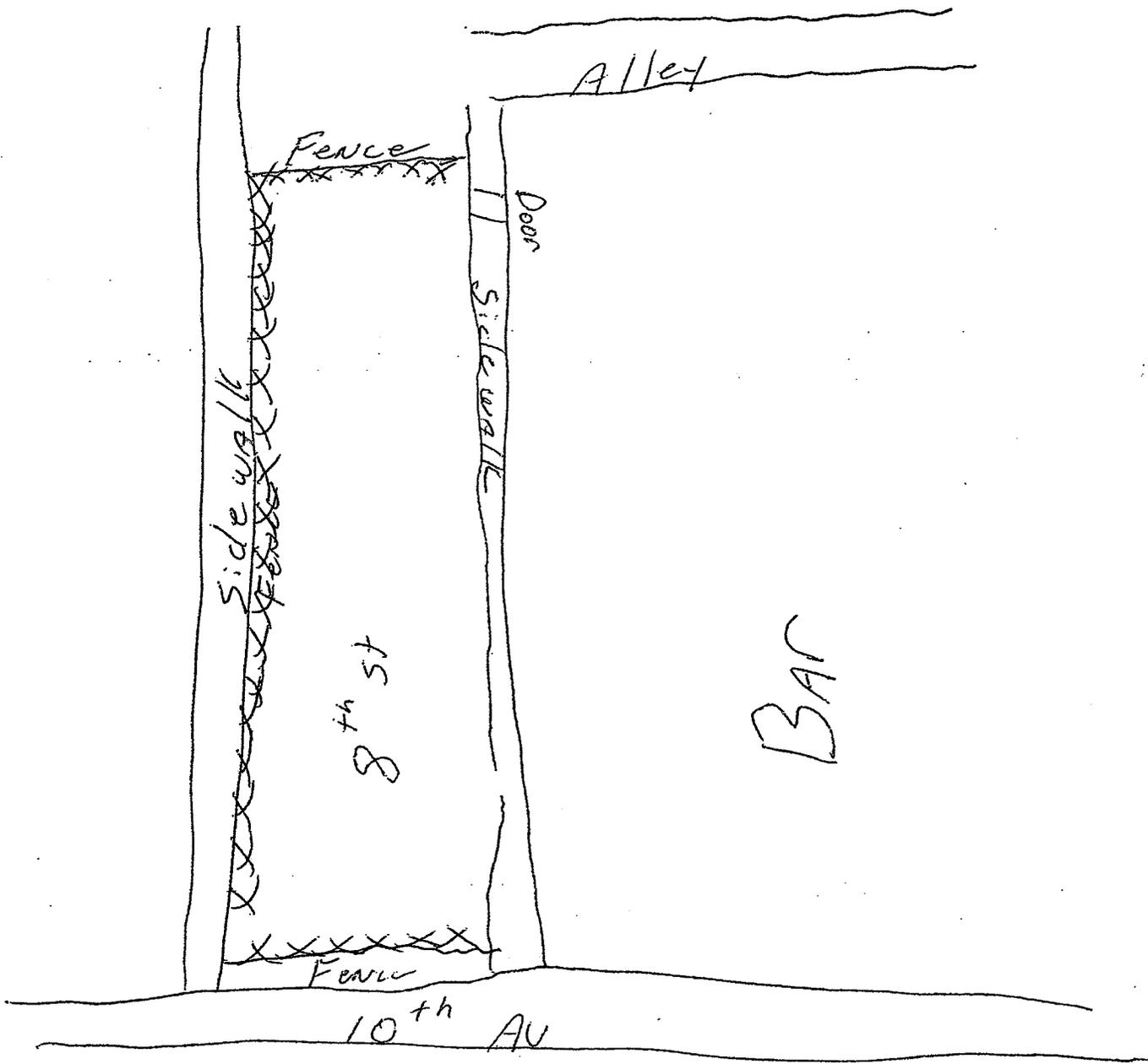
8-23-11 _____ Brett J. Botbyl
Date of Application Police Chief or Sheriff Signature Print Name

Print Name of Police Agency Menominee Police Department
2509 10th Street
Street Address
Menominee MI 49858
City and Zip Code
Area Code and Telephone Number (906) 863-5568

IF REQUESTING TEMPORARY TOPLESS ACTIVITY, OFFICIAL PERMIT FOR DANCE, OFFICIAL PERMIT FOR ENTERTAINMENT, OR THE TEMPORARY OUTDOOR SERVICE AREA IS LOCATED ON PROPERTY OWNED, BY THE CITY, VILLAGE OR TOWNSHIP, THIS APPLICATION MUST BE SIGNED BY THE CLERK.

This request was approved by the Menominee City Council On _____
Print Name of City, Village Council or Township Board Date

City, Village, Township Clerk Signature Print Name of City, Village, Township Clerk
2511 10th Street
Street Address
Menominee MI 49858
City and Zip Code
Area Code and Telephone Number (906) 863-2656





City of Menominee
City Council
Agenda Item

TITLE: Purchase two patrol cars

Requesting Agency: Police	Meeting Date: September 19, 2011
Contact: Michael Cramer	Public Hearing:
Phone: 863-1747	Advertising Date:
	Council District: Citywide

Attachments:

PURPOSE:

Request that City Council waive Bid Policy – P94-5 and authorize the City Manager to purchase two replacement police patrol cars.

BACKGROUND:

The City of Menominee Police Department has four primary patrol cars. The model years are (1) 2007, (2) 2008's, and (1) 2009. Three of these vehicles have over 100,000 miles and the other is fast approaching this number. Over the past year approximately \$9,000.00 has been spent on repairs. For fiscal year 2011/2012 the City Council has approved and appropriated \$50,000 for the purchase of two replacement patrol cars. The appropriated funding was placed in the Capital Outlay Line Item 101-301-970. We respectfully request the authority to purchase two new Dodge Charger Patrol Cars through the State of Michigan Bid Program.

BUDGET IMPACT:

The purchasing of the two new patrol cars will be through the State of Michigan Bid Program, with funding coming from the City Council approved Capital Outlay line item 101-301-970.

The State Bid Price for these vehicles is approximately \$22,600.00. This number could change slightly due to options.

COMMITTEE RECOMMENDATION / ACTION:

The Finance and Public Safety/Public Works Committees both reviewed the request during their September 12th meetings and voted to recommend to City Council the waiving of Bid Policy 94-5 and the purchase of two patrol cars.

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager requests that City Council waive the Bid Policy and authorize the City Manager to purchase two replacement police patrol vehicles.

Agenda Item: _____



City of Menominee
City Council
Agenda Item

TITLE: Award Contract to Wilcox Professional Services for M-35 Sanitary and Water Project

Requesting Agency: City Manager

Meeting Date: September 19, 2011

Contact: Michael Cramer

Public Hearing: N/A

Phone: 863-1747

Advertising Date: N/A

Council Ward: 4

Attachments: Recommendation Sheet

PURPOSE:

The City Manager requests that the City Council approve and award the design and oversight contract for the M-35 Reconstruction Sanitary Sewer and Water System Improvements Project to Wilcox Professional Services..

BACKGROUND:

At the Special Council Meeting held on May 23, 2011 City Council authorized the City Manager to waive the bid requirements for the M-35 Utility Project. The City Manager signed the contract with Wilcox Professional Services for a cost of \$9,500.00. This contract was intended to provide preliminary design, environmental reporting and funding application through the USDA. At the August 15, 2011 Regular City Council Meeting the council approved an amendment to the project to apply for funding with the State of Michigan Revolving Loan Fund and the Drinking Water Revolving Loan Fund. These services were intended to continue to move the project along while the City advertised a Request for Proposal for Design and Oversight Services for the construction phase of the project.

On August 30th the City Manager's office received RFP's from four interested firms and after evaluating the proposals I request that City Council award to contract to Wilcox Professional Services.

BUDGET IMPACT:

The contracted amount for the design and oversight of the water and sewer improvement on this project is \$136,488.00. This amount includes \$113,740.00 for the contract and a 20% contingency of \$22,748.00. Funding is available in 591-000.000-140 and 590-000.000-140.

COMMITTEE RECOMMENDATION / ACTION:

The Finance and Public Safety/Public Works Committees both reviewed the City Manager's recommendation during their September 12th meetings and voted to recommend to City Council that they approve awarding the contract to Wilcox Professional Services.

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager's Office requests and recommends that the City Council approve the contract award and authorize the City Manager to sign and encumber the contract.

Agenda Item: _____



City of Menominee

City Hall • 2511 10th Street • Menominee, MI 49858-1995

Phone (906) 863-2656 • FAX (906) 863-3266

Recommendation Sheet

The City of Menominee sent out "Request for Proposals (RFP's) during the month of August 2011 for services on M-35 Sanitary Sewer and Water System Improvement Project. The purpose of this summary is to describe the selection process and provide needed information for the contract. The content of this summary shall consist of the following:

- (1) Name and address of the consultants that were sent a copy of the RFP.
- (2) List of consultants who responded to the RFP.
- (3) Criterion that was used to evaluate the consulting firms.
- (4) Selection of consultant and a brief explanation of why the firm was selected.

Name & Addresses of Consultants

- | | |
|--|--|
| 1. Ayres Associates
3376 Packerland Drive
De Pere, WI 54115 | Contact: Michael D. Liebman, P.E.
Phone: 1-800-678-4828 |
| 2. U.P. Engineers and Architects, Inc.
2906 N. Stephenson Ave, Suite 2
Iron Mountain, MI 49801 | Contact: Nancy J. Roberts, P.E.
Phone: 1-800-872-9013 |
| 3. Wilcox Professional Services, LLC.
3500 Ludington St., Suite 310
Escanaba, MI 49829 | Contact: Gary J. Daniels, P.E.
Phone: 1-906-789-7800 |
| 4. Robert E. Lee & Associates, Inc.
4664 Golden Pond Park Ct.
Hobart, WI 54155 | Contact: Lee G. Novak, P.E.
Phone: 1-920-662-9641 |
| 5. C2AE
1211 Ludington St.
Escanaba, MI 49829 | Contact: Randy M. Scott
Phone: 1-906-233-9360 |
| 6. Oneida Total Integrated Enterprises
1239 Flightway Dr.
De Pere, WI 54115 | Contact: John Moser, P.E.
Phone: 1-920-330-9894 |

Consultants who responded to the RFP

1. Wilcox Professional Services, LLC.
2. Robert E. Lee & Associates, Inc.
3. C2AE
4. Oneida Total Integrated Enterprises

The following companies indicated that they would not respond to the RFP.

1. Ayres Associates
2. U.P. Engineers and Architects, Inc.

Evaluation of the Consultants

Selection criteria included in the RFP that was sent to the consultants is listed below:

1. Responsiveness to the conditions listed in the City RFP.
2. Knowledge and expertise of services.
3. Costs estimate of the proposed services.
4. Selection of consultant.

*** In addition, submittal requirements listed in the RFP were also used to evaluate the consultants.

Selection of Consultant

After review of all the proposals, the City of Menominee selected Wilcox Professional Services, LLC.

There were three main reasons that Wilcox Professional Services was chosen over the other firms for this project. The first reason was their familiarity with the project and their understanding of the project specifications related to the project. The second reason was the high level of satisfaction that the City has had with their oversight of the US-41 project. The M-35 and US-41 projects are very similar and the M-35 project will require a strong presence in the field to handle project oversight. The third reason was the distribution of costs for the project. Wilcox recognized the importance of the in the field construction oversight and limited requirements for design services for the project.

Out of the four proposals, Wilcox Professional Services, LLC was the third lowest in the overall costs of services. The lowest bid was from the Robert E. Lee & Associates, Inc. However, the company scored low on the overall experience, expertise, and qualifications of the firm / project team members and the technical proposal. The second lowest bid was from Oneida Total Integrated Enterprises. However, the company has no previous experience managing projects in coordination with MDOT. The services provided by C2AE were on par with Wilcox Professional Services in regards to knowledge and experiences, however, the cost of services were almost twice as expensive.



City of Menominee
City Council
Agenda Item

TITLE: Budget Ordinance Amendment #2 for Appropriation of the MML Liability Pool Dividend

Requesting Agency: City Manager

Meeting Date: September 19, 2011

Contact: Michael Cramer

Public Hearing: September 19, 2011

Phone: 863-1747

Advertising Date: N/A

Council Ward: Citywide

Attachments: Budget Amendment

PURPOSE:

The City Manager requested that the Finance Committee recommend the approval of the attached budget amendment to utilize the dividend check from the Michigan Municipal League Liability and Property Pool for the funding of the benefits for the new Assistant Parks and Recreation Director Position's benefits for fiscal year 2011-2012.

BACKGROUND:

At the July 11, 2011 Judicial and Legislative / Personnel and Labor Committee and Parks and Recreations / Building and Grounds Committee Meetings the City Manager reviewed the need for a full time position with benefits in order to manage the reorganized Parks and Recreation Department. During this discussion the City Manager stated that the current part time position was budgeted and utilized for full time hours and that the only financial requirement was to fund the full time benefits of the position. The Manager has requested that a dividend check from the Michigan Municipal League Liability and Property Pool be used to fund the benefits for fiscal year 2011-2012.

At the August 15, 2011 City Council meeting a public hearing was scheduled to be held at the September 19, 2011 City Council meeting.

BUDGET IMPACT:

This recommendation would request that City Council appropriate \$13,000.00 of unbudgeted revenue in the General Fund (101) to fund the cost of the benefits for the new Assistant Parks and Recreation Director Position.

COMMITTEE RECOMMENDATION / ACTION:

At the August 8, 2011 meeting of the Finance Committee the committee recommended approval of the attached Budget Adjustment and requested formal adoption by City Council.

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager recommends that City Council approve the attached budget amendment.

Agenda Item: _____

**ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 M.O.C. 8.3.1 BUDGET,
APPROPRIATION FOR THE GENERAL FUND (101)**

Section 1:

THE CITY OF MENOMINEE HEREBY ORDAINS:

That the appropriation for the General Fund Budget be amended as follows:

SECTION 9. The objects and purposes for which the amounts appropriated in Section 1, 3 and 4 hereof for the City General Fund Operations are as follows:

City Council	\$	14,632
Judicial	\$	1,500
Mayor	\$	1,352
Manager	\$	171,280
Board of Review	\$	2,548
Assessor	\$	77,946
Clerk/Treasurer	\$	294,304
Elections	\$	18,186
Buildings and Grounds	\$	167,671
Attorney	\$	129,224
Fixed Expenses	\$	308,223
Police	\$	1,403,373
Auxiliary Police	\$	3,000
Crossing Guards	\$	16,550
MI Justice Training Fund	\$	4,000
Fire	\$	1,117,336
Building Inspector	\$	116,249
Animal Control	\$	18,500
Sidewalks	\$	16,273
Highways, Streets, Bridges	\$	170,000
Street Lighting	\$	130,773
Alleys	\$	21,273
Zoning Board	\$	750
Economic Development	\$	39,500
Community Development	\$	5,600
Recreation	\$	107,943
Parks Maintenance	\$	103,412
Spies Field Maintenance	\$	73,818
Henes Park	\$	70,796
TOTALS		4,593,012
		\$4,606,012

SECTION 10. The said estimated revenues and their sources for the city general fund operations are as follows:

Total Taxes	\$3,249,282
Taxes Other Than Assessed	\$ 111,900
Business Licenses and Permits	\$ 105,800
Non-Business Licenses and Permits	\$ 24,530

Federal Grants		\$ -0-
State Grants		\$ 2,000
State Shared Revenues		\$ 608,000
Charges for Services		\$ 3,500
Other Revenues		\$ 303,500
Fines and Forfeits		\$ 25,500
Interest Earned		\$ 15,000
Rents and Royalties		\$ 24,000
Other Reimbursibles	120,000	\$ 133,000
TOTALS	4,593,012	\$4,606,012

Section 2:

And, that this ordinance should become effective upon adoption.

Agenda Item: _____



City of Menominee
City Council
Agenda Item

TITLE: Middleby Marshall LLC dba Nu-Vu Food Service
Application for an Industrial Facilities Tax Exemption Certificate

Requesting Agency: Middleby Marshall LLC
dba Nu-Vu Food Service Meeting Date: September 19, 2011

Contact: Michael Cramer Public Hearing: September 19, 2011

Phone: 863-1747 Advertising Date: N/A

Council Ward: 4

Attachments: A. Application.
B. Resolution approving the application.

PURPOSE:

The company has filed a request for a 50% exemption in taxes for a period of twelve years on planned improvements, both real and personal property, in an amount totaling \$1,887,144, with the anticipation of creating thirty-eight new jobs within two years.

BACKGROUND:

In recent years, the company has been upgrading their facility, received similar IFT exemptions and maintained their operations as a result. The company previously filed an application which was received by the City Council at the July 18, 2011 meeting. This application did not reflect the actual total costs. A corrected application has been received by the City Clerk.

BUDGET IMPACT:

Without the tax exemption on the \$1,002,724 building improvement, the city's share of the property tax revenue would be approximately \$11,656. If a 12 year IFT exemption is granted, the city's revenue would be reduced by 50% to \$5,828.

COMMITTEE RECOMMENDATION / ACTION:

No Committee Action is Required

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager and staff recommend the award for the IFT to Middleby Marshall LLC dba Nu-Vu Food Service .

Agenda Item: _____

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>Thomas F. White</i>	Date received by Local Unit <i>JULY 7, 2011</i>
STC Use Only	
Application Number	Date Received by STC

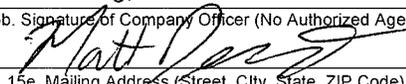
APPLICANT INFORMATION
All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) Middleby Marshall Holding LLC, DBA NU-VU Food Service		▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3589	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 5600 13th St, menominee, MI 49858		▶ 1d. City/Township/Village (indicate which) Menominee	▶ 1e. County Menominee
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))		▶ 3a. School District where facility is located Menominee Area Public	▶ 3b. School Code 55100
▶ 4. Amount of years requested for exemption (1-12 Years) 12 years after completion of project			
5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed. NU-VU Food Service Systems makes a wide variety of commercial baking equipment for use in restaurants and other institutions. The addition of this equipment will keep this firm competitive in a progressive market. The warehouse/manufacturing space is an addition of 10,000 s/f.			
6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.		▶ \$1,002,724.00	
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total		▶ \$884,420.00	
6c. Total Project Costs * Round Costs to Nearest Dollar		▶ \$1,887,144.00	
Total of Real & Personal Costs			
7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.			
	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	▶ <u>1/11/11</u>	▶ <u>12/1/11</u>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements	▶ <u>1/11/11</u>	▶ <u>6/30/11</u>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased
▶ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. 0		▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. 38	
11. Rehabilitation applications only. Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.			
a. TV of Real Property (excluding land)		<u>\$0.00</u>	
b. TV of Personal Property (excluding inventory)		<u>\$0.00</u>	
c. Total TV		<u>\$0.00</u>	
▶ 12a. Check the type of District the facility is located in:			
<input checked="" type="checkbox"/> Industrial Development District <input type="checkbox"/> Plant Rehabilitation District			
▶ 12b. Date district was established by local government unit (contact local unit) 1/20/75		▶ 12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Cindy Hendon	13b. Telephone Number (260) 490-2121	13c. Fax Number (260) 490-1707	13d. E-mail Address chendon@valutech.com
14a. Name of Contact Person Cindy Hendon	14b. Telephone Number (260) 490-2121	14c. Fax Number (260) 490-1707	14d. E-mail Address chendon@valutech.com
▶ 15a. Name of Company Officer (No Authorized Agents) Matt Deming, Vice President & General Manager			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (906) 863-5889	15d. Date 7-5-11
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 5600 13th St, Menominee, MI 49858		15f. Telephone Number (906) 863-4401	15g. E-mail Address mdeming@nu-vu.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code	16d. School Code
17. Name of Local Government Body	▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

ATTACHMENT A

**Middleby Marshall Holding LLC
DBA NU-VU Food Service Systems**

PLAT OF MENOMINEE INDUSTRIAL PARK NO. 1 LOTS 4, 5, & 6.

NU-VU Food Service Systems
Capital Spending
2011

CATEGORY	PROJECT NO.	AMOUNT	START DATE	END DATE
BUILDING & IMPROVE	WAREHOUSE / MFG SPACE (2011-03)	850,000	3/1/2011	12/1/2011
BUILDING & IMPROVE	TEST KITCHEN & LUNCHROOM (2011-02)	50,000	3/1/2011	7/1/2011
BUILDING & IMPROVE	Concrete - Dock	6,272	3/1/2011	3/15/2011
BUILDING & IMPROVE	FRONT & MIDDLE WAREHOUSE (2010-03)	39,727	1/1/2011	2/11/2011
BUILDING & IMPROVE	SHELIVING	15,617	1/1/2011	1/11/2011
BUILDING & IMPROVE	TEST KITCHEN & LUNCHROOM (2011-02)	25,000	5/1/2011	7/1/2011
BUILDING & IMPROVE	WAREHOUSE (2010-04)	16,108	2/1/2011	2/20/2011
REAL PROPERTY TOTAL		1,002,724		
EQUIPMENT	55 TON JAWS 4 IRONWORKER MACHINE	6,474	3/1/2011	3/11/2011
EQUIPMENT	BREAK OUT TABLE	5,000	2/1/2011	2/11/2011
EQUIPMENT	FLADDER	62,354	2/1/2011	2/11/2011
EQUIPMENT	FORKLIFT	2,499	5/1/2011	5/11/2011
EQUIPMENT	Mig Welder Millermatic 350P	3,661	1/1/2011	1/11/2011
EQUIPMENT	POLLUTION CONTROL DUSTER	4,350	2/1/2011	2/11/2011
EQUIPMENT	SAW	1,601	5/2/2011	5/11/2011
EQUIPMENT	SCOTCHMAN METAL SAW	19,966	4/1/2011	4/11/2011
EQUIPMENT	Tig Welder Syncrowave 250DX	4,572	1/1/2011	1/11/2011
EQUIPMENT	TOOL GRINDER	16,903	2/1/2011	2/20/2011
EQUIPMENT	TRUMPF BRAKE	269,921	1/30/2011	2/20/2011
EQUIPMENT	TRUMPF PUNCH	440,159	1/30/2011	2/20/2011
EQUIPMENT	TRUMPF PUNCH PUNCHES	4,706	2/10/2011	2/20/2011
EQUIPMENT	TRUMPF PUNCH UNLOADER	15,000	2/10/2011	2/20/2011
EQUIPMENT	ANGLE SHEAR / IRON WORKER (2011-01)	6,700	6/20/2011	6/30/2011
MACHINERY & EQUIPMENT TOTAL		863,865		
EQUIPMENT	SERVER	20,555	1/1/2011	1/11/2011
COMPUTER EQUIPMENT TOTAL		20,555		
TOTAL PERSONAL PROPERTY		884,420		
Grand Total REAL & PERSONAL PROPERTY		1,887,144		

ABATEMENT CONTRACT BETWEEN THE CITY OF MENOMINEE
AND MIDDLEBY MARSHALL HOLDING LLC
DBA NU-VU FOOD SERVICE SYSTEMS

This Agreement, made this _____ day of _____ 2011, by and between the City of Menominee, (hereinafter referred to as "City"), and Middleby Marshall Holding LLC DBA NU-VU Food Service Systems, (hereinafter referred to as "Company").

WHEREAS, pursuant to Section 22 of Act 334 of the Public Acts of 1993, it is necessary for the City and the "Company" to enter into a written agreement prior to approval and issuance of an Industrial Facility Exemption Certificate; and

WHEREAS, this agreement must formally accompany any application made by the "Company" for an Industrial Facilities Exemption to the State of Michigan, outlining the conditions and resources to be upheld during an abatement period.

NOW, THEREFORE, THE PARTIES AGREE TO THE FOLLOWING:

1. The "Company" agrees to submit a report regarding status of employment on an annual basis with an initial report filed no later than the 10th day of March immediately following the second year after the issuance date of the Industrial Facilities Exemption Certificate. The report must include:
 - a) The number of new jobs promised in the application and the actual number of new jobs created to date; and
 - b) If the employment has not remained or exceeded the number given in the application, an explanation for this shall be included; and
 - c) The estimated project cost in the application and the actual final project cost to date (required in the initial report only); and
 - d) If the costs of the improvements proposed to be constructed and/or installed and on the basis of which the Industrial Facilities Exemption Certificate is issued, are not within 10 percent (10%) of the estimated amount stated in the Applicant's application, an explanation for this shall be included.
2. The "Company" understands that if employment has not been retained or reached as stated in the application or the construction and/or expansion project has not been completed or expenditures made as described in the application without just cause, the City has the right to reduce or revoke the industrial facilities exemption certificate.

However, it is both the City's position and the "Company's" position that this is a good faith agreement and no adverse action by either party will be made relative to this agreement without open disclosure with the other party.

- 3. The "Company" agrees to remain within the Municipality for the period of the IFT in order to retain the benefits of the IFT unless permission for relocation is granted by the governing body of the Municipality.

By signatures of representative of both the "Company" and the City, understood that both the "Company's" investment in the project and City's investment through the granting of the industrial facilities exemption certificate is to encourage the economic growth of all.

It is also acknowledged that certain economic conditions can, at times, prohibit the maintenance of the "Company's" targeted status. It is understood that if such conditions exist at the time of the designated "Company" reports, the governing body of the City will carefully evaluate the "Company's" situation, and will inform the "Company" if any action is considered in order to give the "Company" an opportunity for correction.

DATE: _____

City of Menominee

DATE: 7-5-11



Matt Deming, VP & General Manager
Middleby Marshall Holding LLC
DBA NU-VU Food Service Systems

**INDUSTRIAL FACILITIES EXEMPTION APPLICATION
AFFIDAVIT OF FEES**

In accordance with State Tax Commission Bulletin No. 3 dated January 1998, the Local Unit and Applicant for Industrial Facilities Exemption Certificate do hereby swear and affirm that no payment of any kind, whether they be referred to as "fees," "payment in lieu of taxes," "donations," or by other like terms, such payments are contrary to the legislative intent of Act 198 that exemption certificates have the effect of abating all ad valorem property taxes levied by taxing units with the unit of local government which approves the certificate.

We do swear and affirm by our signatures below that "no payment of any kind in excess of the fee allowed, as amended by Public Act 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certificate application."

City of Menominee

Signed _____
Print Name _____
Title _____
Dated _____

Applicant: Middleby Marshall Holding LLC
NU-VU Food Service Systems

Signed 
Print Name Matt Deming
Title VP & General Manager
Dated 7-5-11



NU-VU® Food Service Systems



June 28, 2011

City of Menominee
2511 10th Street
Menominee, MI 49858

To Whom It May Concern:

This letter is to certify that January 19, 2011 was the date construction began at NU-VU Food Service Systems, 5600 13th St, Menominee, Michigan. Installation of the personal property began January 11, 2011.

Sincerely,

Matt Deming
Vice President & General Manager

Subscribed and sworn to before me this 6th day of July, 2011.

My Commission Expires:

9/10/2017

Residence of Michigan

Notary Public

Cheryl A La Combe
Notary Public
State of Michigan, County of Menominee
Acting in the County of Menominee
My Commission Expires 09/10/2017



CONSTRUCTION PERMIT

ISSUED TO
MJB INDUSTRIES INC

This permit authorizes the above applicant to perform such construction or repairs as shown on the application, approved plans, and specifications on file in the Building Department at 2511 10th Street, Menominee, Michigan.

Project Address:

5600 13TH ST

Parcel No.:

4012-000

Project No.: Issue Date:

3323 12/1/2010

Project Description:

[13] ADD TEMPORARY BUSINESS OFFICE & PARKING LOT EXPANSION

Contacts:

	Name	Phone No.
Owner:	MIDDLEBY MARSHALL HOLDING LLC	
Applicant:	ED MCCLAIN	(715) 735-9771
Project Mngr:	MJB INDUSTRIES INC	(715) 735-9771
E.C. Contractor:		
Bldg Contractor:	MJB INDUSTRIES INC	(715) 735-9771
Elec Contractor:		
Hvac Contractor:		
Pibg Contractor:		
Swrs Contractor:		

Inspections: Prior to concealing any work and prior to final project approval, checked [X] items below require inspections. To schedule an inspections please call 906-863-1735 at least 12 hours prior to your requested inspection date and time to avoid delays or penalties.

BUILDING Construction (by City of Menominee)

- Footings & Setbacks
- Foundation Construction / Waterproofing
- Rough Construction - Framing, Components, etc.
- Thermal Systems - Insulation
- Fire Alarm / Fire Protection Systems
- Final Exterior Finishes - Siding, Roofing, etc.
- Final Interior Inspection - Occupancy

ZONING Inspections (by City of Menominee)

- Land-disturbing Construction - Grading, Filling, etc.
- Acc. Structures - Fencing, Pools, Sheds, Tanks, etc.
- Driveways, Parking Spaces & Sidewalks
- Certificate of Occupancy

Electrical Inspections (by Michigan BCC)

- Electrical Service
- Rough System Installation
- Final Inspection

Mechanical Inspections (by Michigan BCC)

- Rough System Installation
- Final Inspection

Plumbing Inspections (by Michigan BCC)

- Service Connections: Water, Sanitary, Storm
- Site Groundwork
- Building Groundwork
- Rough System Installation
- Final Inspection

Project | PERMIT CARD | (Proj-PermitCard.rpt, rev. 6/2/2010)

2511 10th Street

Menominee MI 49858

906-863-2656

Fax 906-863-3766

**A RESOLUTION APPROVING THE APPLICATION
OF MIDDLEBY MARSHALL HOLDING, LLC
dba NU-VU FOOD SERVICE SYSTEMS
FOR A FACILITIES EXEMPTION CERTIFICATE
FOR ITS FACILITY IN
MENOMINEE INDUSTRIAL DEVELOPMENT DISTRICT NO. 1**

WHEREAS, pursuant to 1974 P.A. 198, M.C.L. 207.551 et. seq., after a duly noticed public hearing, the Menominee City Council, by Resolution, established Menominee Industrial Development District No. 1 on January 20, 1975;

WHEREAS, Middleby Marshall Holding, LLC, dba Nu-Vu Food Service Systems has filed an application for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed within the Industrial Development District No. 1;

WHEREAS, before acting on said application, the Menominee City Council held a hearing on September 19, 2011, at the City Hall in the Council Chambers at 6:00 p.m. at which hearing the Applicant, the City Assessor, and a representative of the effected units were give written notice and were afforded the opportunity to be heard on said Application;

WHEREAS, installation of the new machinery and equipment had not begun earlier than six (6) months before July 7, 2011, the date of acceptance of the original Application for an Industrial Facilities Exemption Certificate;

WHEREAS, the machinery and equipment is calculated to and will at the time of issuance of the Certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Menominee;

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Menominee, after granting this Certificate, will exceed five percent (5%) of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property exempted.

WHEREAS, it has been determined that the application filed by Middleby Marshall Holding, LLC, dba Nu-Vu Food Service Systems for an Industrial Facilities Exemption Certificate was incomplete and the company is filing an amended application;

NOW, THEREFORE, BE IT RESOLVED by the Menominee City Council that:

- 1) The Menominee City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Menominee, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Menominee.

- 2) The existing Application of Middleby Marshall Holding, LLC, dba Nu-Vu Food Service Systems for an Industrial Facilities Exemption Certificate with respect to new machinery and equipment to be acquired and installed on the following described parcel of real estate situated within the Menominee Industrial Development District No. 1, to wit: Plat of Menominee Industrial Park No. 1 Lots 4, 5 & 6 be and the same is hereby approved.
- 3) The Industrial Facilities Exemption Certificate when issued shall remain in force and effect for a period of twelve (12) years after completion.
- 4) That the City Council shall meet in the Council Chambers on September 19, 2011 at 6 p.m., and shall provide to the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of said company's amended application for an Industrial Facilities Tax Exemption Certificate with regard to proposed construction within said district.



City of Menominee
City Council
Agenda Item

TITLE: Election Location Resolution

Requesting Agency: Thomas DeNike

Meeting Date: September 19, 2011

Contact: Michael Cramer

Public Hearing: N/A

Phone: 863-1747

Advertising Date: N/A

Council Ward: City Wide

Attachments: Resolution

PURPOSE:

Resolution that approves the polling location, pay and number of workers for the City General Election on Tuesday, November 8, 2011.

BACKGROUND:

City Council adopts a resolution prior to each election that designates the High School Cafeteria as the polling place for all four (4) wards, hours that the polls are open, and rates of pay and number of workers.

BUDGET IMPACT:

General Fund account numbers 101-262-702/728/900 in the General Fund have funds budgeted for wages, supplies, and publications. The approximate cost of the election is \$5,000.

COMMITTEE RECOMMENDATION / ACTION:

No Committee Action is Required

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager and City Clerk recommend the approval of the attached resolution.

Agenda Item: _____

Election Location Resolution

RESOLVED, the following location is designated as the polling place for all of the four wards in the City of Menominee for the General Election to be held Tuesday, November 8, 2011:

Menominee High School Cafeteria
2101-18th Street

and that the Election Board consist of Chairperson and up to five (5) inspectors for each ward and that the rate of pay be \$9.50 per hour for Chairpersons and \$8.75 per hour for inspectors and the janitors at the school be paid \$9.00;

RESOLVED FURTHER, that all election personnel be paid \$20.00 for attending the Election School and \$10.00 for attending the Election Session for Chairpersons preceding the election;

RESOLVED FURTHER, that the polling place be open from 7 a.m. to 8 p.m., Local Time, on said day.

/skj



City of Menominee
City Council
Agenda Item

TITLE: Change Order # 3 Request for US-41 Wastewater Improvement Project

Requesting Agency: City Manager	Meeting Date: September 19, 2011
Contact: Michael Cramer	Public Hearing: N/A
Phone: 863-1747	Advertising Date: N/A
	Council District: Citywide
Attachments: A: Change Order # 3 Wastewater	

PURPOSE:

The City Manager requests that the City Council approval of the attached change order for additional project costs related to the US-41 Wastewater Improvement Project.

BACKGROUND:

As part of the MDOT Roadway Reconstruction of US-41 from 20th Ave to 48th Ave the City of Menominee has participated with MDOT to upgrade the water and wastewater infrastructure. This is a unit price project. Each pay item begins with an estimated quantity based upon details on the plans. As the project progresses, field decisions are made to add or delete items of work, or field conditions dictate that additional quantities are needed for certain items of work. The attached Change Order # 3 for Wastewater Improvements indicates that additional quantities were needed for items such as; aggregate base, shoulder stone, temporary paving, and temporary markings.

BUDGET IMPACT:

The change order services described in the background section will increase the total US -41 Wastewater Improvement Project by \$12,805.02 to \$990,816.77. These funds are available in the current contract contingency line item and will leave \$29,309.95 remaining in wastewater contingency.

COMMITTEE RECOMMENDATION / ACTION:

No Committee action is required.

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager's Office requests and recommends that City Council approve the change order and authorize the city manager the sign and execute the change order.

Agenda Item: _____

CHANGE ORDER NO. 3

CITY OF MENOMINEE, MICHIGAN

CONTRACT 12018.00007, WASTEWATER; US-41 RECONSTRUCTION

Date of Issuance: September 7, 2011

Effective Date: Upon Approval by USDA

Project: **US-41 Reconstruction; Wastewater** ; Owner: **City of Menominee** Owner's Contract No.: **12018.00007**
MDOT CS: **55011; JN: 84193**

Contract: **US-41 Reconstruction: Wastewater** Date of Contract: **March 26, 2010**

Contractor: **Bacco Construction Company: MDOT** Engineer's Project No. **12018.00007**

The Contract Documents are modified as follows upon execution of this Change Order:

Item # 1: Adjust the contract amount to reflect MDOT Contract Modifications # 16. Add \$12,805.02

REASON: Refer to the attached Contract Modification. Misc. changes to reflect project conditions

No other costs are associated with this Change Order # 3.

Attachments: Change Order Summary, Attachment A, Contingency Summary, and MDOT CM # 16.

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 944,348.46

~~[[Increase]~~ ~~[[Decrease]]~~ from previously approved Change Orders.

\$ 33,663.29

Contract Price prior to this Change Order:

\$ 978,011.75

~~[[Increase]]~~ ~~[[Decrease]]~~ of this Change Order:

\$ 12,805.02

Contract Price incorporating this Change Order:

\$ 990,816.77

CHANGE IN CONTRACT TIMES:

Original Contract Times: Working days Calendar Dates

Substantial completion: November 12, 2011

Ready for final payment: November 12, 2011

~~[[Increase]]~~ ~~[[Decrease]]~~ from previously approved Change Orders:

Substantial completion (days): No Change

Ready for final payment (days): No Change

Contract Times prior to this Change Order:

Substantial completion: November 12, 2011

Ready for final payment: November 12, 2011

~~[[Increase]]~~ ~~[[Decrease]]~~ of this Change Order:

Substantial completion (days): No Change

Ready for final payment (days): No Change

Contract Times with all approved Change Orders:

Substantial completion: November 12, 2011

Ready for final payment: November 12, 2011

RECOMMENDED: Wilcox

ACCEPTED: City of Menominee

ACCEPTED: Refer to Attached

By: _____
Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

By: Contract Modifications
Contractor (Authorized Signature)

Date: _____

Date: _____

Date: _____

Approved by Funding Agency (if applicable): _____

Date: _____

CITY OF MENOMINEE
US-41 RECONSTRUCTION - WASTEWATER
CONTRACT 12018.00007
Date: September 7, 2011
CHANGE ORDER SUMMARY

Original Contract Amount		\$ 944,348.46
<u>Change Order No. 1</u>		
Item # 1: Adjust contract items in accordance with MDOT Contract Modification # 10	\$ 4,663.29	
Total C.O. # 1 =	\$ 4,663.29	\$ 4,663.29
<u>Change Order No. 2</u>		
Item # 1: Adjust contract items in accordance with MDOT Contract Modification # 15	\$ 29,000.00	
Total C.O. # 2 =	\$ 29,000.00	\$ 29,000.00
<u>Change Order No. 3</u>		
Item # 1: Adjust contract items in accordance with MDOT Contract Modification # 16	\$ 12,805.02	
Total C.O. # 3 =	\$ 12,805.02	\$ 12,805.02
Total All Change Orders =		\$ 46,468.31
Current Contract Amount =		\$ 990,816.77

Client: City of Menominee		Project: 10th Street Utility Improvements, 12018.00007		Date: 9/7/2011		By: MDW		ATTACHMENT A TO CHANGE ORDER # 3 WASTEWATER											
Item	Description	Unit	Change MDOT CM # 16	B Unit Price	A x B Adjusted Amount CO # 3	C Contract Quantity with CO # 1 & 2	B x C Contract Amount with CO # 1 & 2	D = A + C Contract Quantity w/CO # 3	B x D Contract Amount w/CO # 3										
SANITARY SEWER																			
1000001	Mobilization, Max	LS	0	\$ 307,490.00		0.15	\$ 46,123.50	0.15	\$ 46,123.50										
1040007	Contractor Staking, Road Only	LS	0	\$ 48,000.00		0.15	\$ 7,200.00	0.15	\$ 7,200.00										
2030011	Dr Structure, Rem	Ea	0	\$ 61.00		40	\$ 2,440.00	40.00	\$ 2,440.00										
2030015	Sewer, Rem, Less than 24 inch	Ft	0	\$ 1.00		12,744	\$ 12,744.00	12,744.00	\$ 12,744.00										
3020016	Aggregate Base, 6 inch	Syd	466.435	\$ 3.75	1,749.13	5,400	\$ 20,250.00	5,866.44	\$ 21,999.13										
3070125	Shoulder, C II, 3 inch	Syd	104.96	\$ 2.25	236.16	675	\$ 1,518.75	779.96	\$ 1,754.91										
4011128	Steel Casing Pipe, 20 inch, Jacked in Place	Ft	0	\$ 340.00		60	\$ 20,400.00	60.00	\$ 20,400.00										
4021260	Trench Undercut and Backfill	Cyd	0	\$ 15.00		2,567	\$ 38,505.00	2,567.00	\$ 38,505.00										
4021275	Video Taping Sewer and Culv Pipe	Ft	0	\$ 0.64		8,822	\$ 5,646.08	8,822.00	\$ 5,646.08										
4030051	Dr Structure Cover	Lb	0	\$ 1.00		12,285	\$ 12,285.00	12,285.00	\$ 12,285.00										
4030054	Dr Structure, Temp Lowering	Ea	0	\$ 100.00		15.5	\$ 1,550.00	15.50	\$ 1,550.00										
5020709	HMA, Temp Pavt (13A)	Ton	66.515	\$ 70.00	4,656.05	953	\$ 66,710.00	1,019.52	\$ 71,366.05										
8120003	Barricade, Ty III, High Intensity, Dbl Sided, Furn	Ea	0	\$ 195.00		6	\$ 1,170.00	6.00	\$ 1,170.00										
8120004	Barricade, Ty III, High Intensity, Dbl Sided, Oper	Ea	0	\$ 75.00		6	\$ 450.00	6.00	\$ 450.00										
8120042	Lighted Arrow, Type C, Furn	Ea	0	\$ 1,250.00		0.5	\$ 625.00	0.50	\$ 625.00										
8120043	Lighted Arrow, Type C, Oper	Ea	0	\$ 1.00		0.5	\$ 0.50	0.50	\$ 0.50										
8120077	Pavt Mrkg, Longit, 6" or Less Width, Rem	Ft	2,417	\$ 0.30	725.10	3,345.5	\$ 1,003.65	5,762.50	\$ 1,728.75										
8120080	Pavt Mrkg, Type NR, Paint, 4", White, Temp	Ft	2,162	\$ 0.09	194.58	7,896	\$ 710.64	10,058.00	\$ 905.22										
8120081	Pavt Mrkg, Type NR, Paint, 4", Yellow, Temp	Ft	0	\$ 0.09		9,050	\$ 814.50	9,050.00	\$ 814.50										
8120085	Pavt Mrkg, Type NR, Tape, 4", White, Temp	Ft	0	\$ 0.35		1,962.5	\$ 686.88	1,962.50	\$ 686.88										
8120086	Pavt Mrkg, Type NR, Tape, 4", Yellow, Temp	Ft	0	\$ 0.35		3,925	\$ 1,373.75	3,925.00	\$ 1,373.75										
8120100	Plastic Drum, High Intensity, Furn	Ea	0	\$ 29.00		40	\$ 1,160.00	40.00	\$ 1,160.00										
8120101	Plastic Drum, High Intensity, Oper	Ea	0	\$ 10.00		40	\$ 400.00	40.00	\$ 400.00										
8120101	Tubular Marker	Ea	0	\$ 49.00		137.5	\$ 6,737.50	137.50	\$ 6,737.50										
4027001	Sanitary Sewer Lateral, PVC, 6 inch, Tr Det B, Special	Ft	0	\$ 30.00		5,179	\$ 155,370.00	5,179.00	\$ 155,370.00										
4027001	San Sewer, PVC, 8inch, Tr Det B, Special	Ft	6	\$ 44.00	264.00	1,055	\$ 46,420.00	1,061.00	\$ 46,884.00										
4027001	San Sewer, PVC, 10inch, Tr Det B, Special	Ft	0	\$ 34.00		2,740	\$ 93,160.00	2,740.00	\$ 93,160.00										
4027001	San Sewer, PVC, 12inch, Tr Det B, Special	Ft	0	\$ 50.00		2,562	\$ 128,100.00	2,562.00	\$ 128,100.00										
4027001	San Sewer, PVC, 15inch, Tr Det B, Special	Ft	0	\$ 65.00		2,877	\$ 187,005.00	2,877.00	\$ 187,005.00										
4027050	San Sewer, Wye Branch, 10 inch by 6 inch	Ea	2	\$ 190.00	380.00	47	\$ 8,930.00	49.00	\$ 9,310.00										
4027001	San Structure, Add Depth of 48 inch dia, 8 feet to 15 feet	Ft	0	\$ 1.00		52	\$ 52.00	52.00	\$ 52.00										
4027050	San Sewer, Wye Branch, 12 inch by 6 inch	Ea	0	\$ 226.00		45	\$ 10,170.00	45.00	\$ 10,170.00										
4027050	San Sewer, Wye Branch, 15 inch by 6 inch	Ea	0	\$ 330.00		40	\$ 13,200.00	40.00	\$ 13,200.00										
4027050	San Structure, 48 inch dia	Ea	2	\$ 2,300.00	4,600.00	37	\$ 85,100.00	39.00	\$ 89,700.00										
2050018	Excavation, Rock	Cyd	0	\$ -		0	\$ -	0.00	\$ -										
				Total = \$	12,805.02	Total = \$	978,011.75	Total = \$	990,816.77										



Michigan Department of Transportation

Contract Modification

C.O. # 3
Sanitary Sewer
8/18/2011 7:40 AM
FieldManager 4.7a

Contract: 55011-84193, Road reconstruction, excavation, hot mix asphalt, concrete

Cont. Mod. Number 16	Revision Number	Cont. Mod. Date 8/18/2011	Electronic File Created Yes	Net Change \$163,408.79	Awarded Contract Amount \$8,590,024.18
Route US-41		Managing Office Escanaba TSC			District 01018
Contract Location US-41 from 20th Avenue to 48th Avenue					

Short Description

Balancing Mod

Description of Changes

Balance or increase the following items to the quantities indicated to reflect the final quantity or the increased quantity to properly compensate the contractor for the items required to complete the project.

Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
Corporation Stop, 1 inch	8257050	2530	2110	84193A	0003	Original	14.000	Ea	220.00000	\$3,080.00
San Sewer, PVC, 8 inch, Tr Det B,	8267001	2620	1770	84193A	0003	Original	6.000	Ft	44.00000	\$264.00
San Sewer, Wye Branch, 10 inch by 6 inch	8267050	2640	1780	84193A	0003	Original	2.000	Ea	190.00000	\$380.00
San Structure, 48 inch dia	8267050	2670	1840	84193A	0003	Original	2.000	Ea	2,300.00000	\$4,600.00
Tubular Marker	8127050	1670	1530	84193A	0001	Original	9.000	Ea	49.00000	\$441.00
Aggregate Base, 6 inch	3020016	0300	1680	84193A	0003	Original	932.870	Syd	3.75000	\$3,498.26

1/2 Sewer 466.435

\$1,749.13



Contract Modification

Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
Approach, Cl I, LM	3070003	0320	0310	84193A	0001	Original	80.100	Cyd	14.00000	\$1,121.40
Barr, Type III, High Inten, Dbl Sided, Oper	8120004	1480	1340	84193A	0001	Original	9.000	Ea	75.00000	\$675.00
Barr, Type III, High Inten, I	8120003	1470	1330	84193A	0001	Original	9.000	Ea	195.00000	\$1,755.00
Case Sign, One Way, 24" by 30", Non-III	8200434	2360	0840	100488A	0001	Original	1.000	Ea	1,300.00000	\$1,300.00
Dr Structure, Rem	2030011	0090	0090	84193A	0001	Original	22.000	Ea	61.00000	\$1,342.00
Excavation, Earth	2050016	0220	0210	84193A	0001	Original	346.310	Cyd	6.00000	\$2,077.86
Gate Valve and Box, 12 inch	8250054	2430	2010	84193A	0003	Original	4.000	Ea	2,250.00000	\$9,000.00
Gate Valve and Box, 6 inch	8250051	2410	1990	84193A	0003	Original	5.000	Ea	1,000.00000	\$5,000.00
Hand Patching	5020025	0910	0880	84193A	0001	Original	170.520	Ton	100.00000	\$17,052.00
Reason: as placed										
HMA, Temp Pavt (13A)	5020709	0970	0940	84193A	0001	Original	253.360	Ton	70.00000	\$17,735.20
Reason: As placed										



Contract Modification

8/18/2011 7:40 AM

Michigan Department of Transportation

FieldManager 4.7a

Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
HMA, Temp Pavt (13A)	5020709	0970	1850	84193A	0003	Original	133.030	Ton	70.00000	\$9,312.10
						<i>1/2 sewer</i>	<i>66.515 t</i>		<i>\$ 1,656.05</i>	
Lighted Arrow, Type C, Furn	8120042	1500	1360	84193A	0001	Original	2.000	Ea	1,250.00000	\$2,500.00
Lighted Arrow, Type C, Oper	8120043	1510	1370	84193A	0001	Original	2.000	Ea	1.00000	\$2.00
Maintenance Gravel, LM	3060015	0310	0300	84193A	0001	Original	3,061.950	Cyd	10.00000	\$30,619.50
Reason: As placed										
Pavt Mrkg, Longit, 6"or Less Width, Rem	8120077	1530	1390	84193A	0001	Original	4,834.000	Ft	0.30000	\$1,450.20
Pavt Mrkg, Longit, 6"or Less Width, Rem	8120077	1530	1900	84193A	0003	Original	4,834.000	Ft	0.30000	\$1,450.20
						<i>1/2 sewer</i>	<i>2,417 ft</i>			<i>\$ 725.10</i>
Pavt Mrkg, Type NR, Paint, 4", White, Tem	8120080	1540	1400	84193A	0001	Original	4,372.000	Ft	0.09000	\$393.48
Pavt Mrkg, Type NR, Paint, 4", White, Tem	8120080	1540	1910	84193A	0003	Original	4,324.000	Ft	0.09000	\$389.16
						<i>1/2 sewer</i>	<i>2,162 ft</i>			<i>\$ 194.58</i>
Pavt Mrkg, Type NR, Paint, 4", Yellow, Ten	8120081	1550	1410	84193A	0001	Original	10,029.000	Ft	0.09000	\$902.61
Pedestal Fdn, Rem	8200106	2040	0520	100488A	0001	Original	1.000	Ea	200.00000	\$200.00



Contract Modification

Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
Plastic Drum, High Intensity, Furn	8120100	1580	1440	84193A	0001	Original	18.000	Ea	29.00000	\$522.00
Plastic Drum, High Intensity, Oper	8120101	1590	1450	84193A	0001	Original	18.000	Ea	10.00000	\$180.00
Rem Spec Mrkg	8110150	2705	2185	84193A	0001	Extra	354.000	Sft	1.58000	\$559.32
Sewer Bulkhead, 24 inch	4021234	0720	0700	84193A	0001	Original	2.000	Ea	135.00000	\$270.00
Sewer, Cl A, 15 inch, Tr Det B	4020034	0560	0540	84193A	0001	Original	71.500	Ft	34.00000	\$2,431.00
Sewer, Cl A, 30 inch, Tr Det B	4020037	0590	0570	84193A	0001	Original	173.500	Ft	53.00000	\$9,195.50
Sewer, Cl E, 24 inch, Tr Det B	4020603	0650	0630	84193A	0001	Original	75.000	Ft	65.00000	\$4,875.00
Shoulder, Cl II, 3 inch	3070125	0350	0070	100488A	0001	Original	238.300	Syd	2.25000	\$536.18
Shoulder, Cl II, 3 inch	3070125	0350	1690	84193A	0003	Original <i>1/2 Sewer</i>	209.920 <i>104.96</i>	Syd	2.25000	\$472.32 <i>\$ 236.16</i>
Sign, Type A, Temp, Prismatic, Furn	8120130	1610	1470	84193A	0001	Original	9.000	Sft	9.00000	\$81.00



Contract Modification

Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
Sign, Type A, Temp, Prismatic, Oper	8120131	1620	1480	84193A	0001	Original	9.000	Sft	1.00000	\$9.00
Sign, Type B, Temp, Prismatic, Furn	8120135	1630	1490	84193A	0001	Original	1,443.400	Sft	9.00000	\$12,990.60
Reason: As placed										
Sign, Type B, Temp, Prismatic, Oper	8120136	1640	1500	84193A	0001	Original	1,443.400	Sft	1.00000	\$1,443.40
Tree, Rem, 6 inch to 18 inch	2020004	0070	0070	84193A	0001	Original	1.000	Ea	200.00000	\$200.00
Water Main, DI, 12 inch, Tr Det G	8250166	2470	2050	84193A	0003	Original	67.500	Ft	78.00000	\$5,265.00
Water Main, DI, 6 inch, Tr Det G	8250151	2450	2030	84193A	0003	Original	137.500	Ft	57.00000	\$7,837.50

Total Dollar Value: \$163,408.79

Project / Category Summary

Project/Catg	Project/Category Description	Federal Number	Project Status	Finance System	Control Section	Dollar Value
100488A	Road reconstruction, excavation, hot mix asphalt paving,	STP 1055(015)	FHWA Oversight	STH	55011	
0001	Fed/State					\$2,036.18
						Total: \$2,036.18
84193A	Road reconstruction, excavation, hot mix asphalt, concrete	NH 1055(016)	FHWA Oversight	NH	55011	
0001	Federal					\$110,824.07



City of Menominee
City Council
Agenda Item

TITLE: Change Order # 3 Request for US-41 Water Improvement Project

Requesting Agency: City Manager

Meeting Date: September 19, 2011

Contact: Michael Cramer

Public Hearing: N/A

Phone: 863-1747

Advertising Date: N/A

Council District: Citywide

Attachments: A: Change Order # 3 Water

PURPOSE:

The City Manager requests that the City Council approval of the attached change order for additional project costs related to the US-41 Water Improvement Project.

BACKGROUND:

As part of the MDOT Roadway Reconstruction of US-41 from 20th Ave to 48th Ave the City of Menominee has participated with MDOT to upgrade the water and wastewater infrastructure. This is a unit price project. Each pay item begins with an estimated quantity based upon details on the plans. As the project progresses, field decisions are made to add or delete items of work, or field conditions dictate that additional quantities are needed for certain items of work. The attached Change Order # 3 for Water Improvements indicates that additional quantities were needed for items such as; aggregate base, shoulder stone, temporary paving, temporary markings and additional water mains.

BUDGET IMPACT:

The change order services described in the background section will increase the total US -41 Water Improvement Project by \$37,743.52 to \$1,727,999.61. These funds are available in the current contract contingency line item and will leave \$98,148.75 remaining in water contingency.

COMMITTEE RECOMMENDATION / ACTION:

No Committee action is required.

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager's Office requests and recommends that City Council approve the change order and authorize the city manager the sign and execute the change order.

Agenda Item: _____

CHANGE ORDER NO. 3

CITY OF MENOMINEE, MICHIGAN

CONTRACT 12018.00007, WATER MAIN; US-41 RECONSTRUCTION

Date of Issuance: <u>September 7, 2011</u>	Effective Date: <u>Upon Approval by USDA</u>
Project: US-41 Reconstruction; Water Main; MDOT CS: 55011; JN: 84193	Owner: <u>City of Menominee</u> Owner's Contract No.: <u>12018.00007</u>
Contract: US-41 Reconstruction: Water Main	Date of Contract: <u>March 26, 2010</u>
Contractor: Bacco Construction Company; MDOT	Engineer's Project No. <u>12018.00007</u>

The Contract Documents are modified as follows upon execution of this Change Order:

Item # 1: Adjust the contract amount to reflect MDOT Contract Modification # 16. Add \$37,743.52

REASON: Refer to the attached Contract Modification. Misc. changes to reflect project conditions

No other costs are associated with this Change Order # 3.

Attachments: Change Order Summary; Attachment A, Contingency Summary, and MDOT CM # 16

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>1,641,193.38</u>	Original Contract Times: Working days <input checked="" type="checkbox"/> Calendar Dates Substantial completion: <u>November 12, 2011</u> Ready for final payment: <u>November 12, 2011</u>

[Increase] [Decrease] from previously approved Change Orders: 49,062.71

Substantial completion (days): No Change
Ready for final payment (days): No Change

Contract Price prior to this Change Order: \$ 1,690,256.09

Contract Times prior to this Change Order:
Substantial completion: November 12, 2011
Ready for final payment: November 12, 2011

[Increase] [Decrease] of this Change Order: \$ 37,743.52

[Increase] [Decrease] of this Change Order:
Substantial completion (days): No Change
Ready for final payment (days): No Change

Contract Price incorporating this Change Order: \$ 1,727,999.61

Contract Times with all approved Change Orders:
Substantial completion: November 12, 2011
Ready for final payment: November 12, 2011

RECOMMENDED: <u>Wilcox</u>	ACCEPTED: <u>City of Menominee</u>	ACCEPTED: <u>Refer to Attached</u>
By: _____ Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: <u>Contract Modifications</u> Contractor (Authorized Signature)
Date: _____	Date: _____	Date: _____
Approved by Funding Agency (if applicable): _____		Date: _____

CITY OF MENOMINEE
US-41 RECONSTRUCTION - WATER
CONTRACT 12018.00007

Date: September 7, 2011

CHANGE ORDER SUMMARY

Original Contract Amount		\$ 1,641,193.38
<u>Change Order No. 1</u>		
Item # 1: Adjust contract items in accordance with MDOT Contract Modification # 5	\$ 7,725.00	
Item # 2: Adjust contract items in accordance with MDOT Contract Modification # 10	\$ 4,805.10	
Item # 3: Adjust contract items in accordance with MDOT Contract Modification # 11	\$ 23,750.00	
Item # 4: Adjust contract items in accordance with MDOT Contract Modification # 14	\$ 7,082.61	
Total C.O. # 1 =	\$ 43,362.71	\$ 43,362.71
<u>Change Order No. 2</u>		
Item # 1: Adjust contract items in accordance with MDOT Contract Modification # 15	\$ 5,700.00	
Total C.O. # 2 =	\$ 5,700.00	\$ 5,700.00
<u>Change Order No. 3</u>		
Item # 1: Adjust contract items in accordance with MDOT Contract Modification # 16	\$ 37,743.52	
Total C.O. # 3 =	\$ 37,743.52	\$ 37,743.52
Total All Change Orders =		\$ 86,806.23
Current Contract Amount =		\$ 1,727,999.61

Client: City of Menominee
 Project: 10th Street Utility Improvements, 12018.00007
 Date: 9/7/2011
 By: MDW

ATTACHMENT A TO CHANGE ORDER # 3 WATER

Item	Description	Unit	A Change MDO CM #16	B Unit Price	A x B Adjusted Amount CO #3	C Contract Quantity w/CO #1 & 2	B x C Contract Amount Thru CO #2	D = A + C Contract Quantity w/CO #1 thru 3	B x D Contract Amount Thru CO #3
WATER MAIN									
1000001	Mobilization, Max	LS	0	\$ 307,490.00	\$ -	0.15	\$ 46,123.50	0.15	\$ 46,123.50
1040007	Contractor Staking, Road Only	LS	0	\$ 48,000.00	\$ -	0.15	\$ 7,200.00	0.15	\$ 7,200.00
3020016	Aggregate Base, 6 inch	Syd	466.435	\$ 3.75	\$ 1,749.13	5,400	\$ 20,250.00	5,866.44	\$ 21,999.13
3070125	Shoulder, CI II, 3 inch	Syd	104.96	\$ 2.25	\$ 236.16	675	\$ 1,518.75	779.96	\$ 1,754.91
4011128	Steel Casing Pipe, 20 inch, Jacked in Place	Ft	0	\$ 340.00	\$ -	60	\$ 20,400.00	60.00	\$ 20,400.00
4030054	Dr Structure, Temp Lowering	Ea	0	\$ 100.00	\$ -	15.5	\$ 1,550.00	15.50	\$ 1,550.00
5020709	HMA, Temp Pavt (13A)	Ton	66.515	\$ 70.00	\$ 4,656.05	953	\$ 68,710.00	1,019.52	\$ 71,366.05
8120003	Barricade, Ty III, High Intensity, Dbl Sided, Furn	Ea	0	\$ 185.00	\$ -	6	\$ 1,170.00	6.00	\$ 1,170.00
8120004	Barricade, Ty III, High Intensity, Dbl Sided, Oper	Ea	0	\$ 75.00	\$ -	6	\$ 450.00	6.00	\$ 450.00
8120042	Lighted Arrow, Type C, Furn	Ea	0	\$ 1,250.00	\$ -	0.5	\$ 625.00	0.50	\$ 625.00
8120043	Lighted Arrow, Type C, Oper	Ea	0	\$ 1.00	\$ -	0.5	\$ 0.50	0.50	\$ 0.50
8120077	Pav Mrgk, Longit, 6" or Less Width, Rem	Ft	2,417	\$ 0.30	\$ 725.10	3,345.5	\$ 1,003.65	5,762.50	\$ 1,728.75
8120080	Pav Mrgk, Type NR, Paint, 4", White, Temp	Ft	2,162	\$ 0.09	\$ 194.58	7,896	\$ 710.64	10,058.00	\$ 9,052.22
8120081	Pav Mrgk, Type NR, Paint, 4", Yellow, Temp	Ft	0	\$ 0.09	\$ -	9,050	\$ 814.50	9,050.00	\$ 814.50
8120085	Pav Mrgk, Type NR, Tape, 4", White, Temp	Ft	0	\$ 0.35	\$ -	1,962.5	\$ 686.88	1,962.50	\$ 686.88
8120086	Pav Mrgk, Type NR, Tape, 4", Yellow, Temp	Ft	0	\$ 0.35	\$ -	3,925	\$ 1,373.75	3,925.00	\$ 1,373.75
8120100	Plastic Drum, High Intensity, Furn	Ea	0	\$ 29.00	\$ -	40	\$ 1,160.00	40.00	\$ 1,160.00
8120101	Plastic Drum, High Intensity, Oper	Ea	0	\$ 10.00	\$ -	40	\$ 400.00	40.00	\$ 400.00
8127050	Tubular Marker	Ea	0	\$ 49.00	\$ -	137.5	\$ 6,737.50	137.50	\$ 6,737.50
8250040	Fire Hydrant	Ea	0	\$ 3,100.00	\$ -	33	\$ 102,300.00	33.00	\$ 102,300.00
8250051	Gate Valve and Box, 6 inch	Ea	5	\$ 1,000.00	\$ 5,000.00	39	\$ 39,000.00	44.00	\$ 44,000.00
8250052	Gate Valve and Box, 8 inch	Ea	0	\$ 1,300.00	\$ -	22	\$ 28,600.00	22.00	\$ 28,600.00
8250054	Gate Valve and Box, 12 inch	Ea	4	\$ 2,250.00	\$ 9,000.00	40	\$ 90,000.00	44.00	\$ 99,000.00
8250091	Hydrant, Rem	Ea	0	\$ 415.00	\$ -	27	\$ 11,205.00	27.00	\$ 11,205.00
8250151	Water Main, DI, 6 inch, Tr Det G	Ft	137.5	\$ 57.00	\$ 7,837.50	905.33	\$ 51,603.81	1,042.83	\$ 59,441.31
8250156	Water Main, DI, 8 inch, Tr Det G	Ft	0	\$ 91.00	\$ -	1,343	\$ 122,213.00	1,343.00	\$ 122,213.00
8250166	Water Main, DI, 12 inch, Tr Det G	Ft	67.5	\$ 78.00	\$ 5,265.00	9,988	\$ 779,844.00	10,065.50	\$ 785,109.00
8250171	Water Main, DI, 16 inch, Tr Det G	Ft	0	\$ 185.00	\$ -	215	\$ 39,775.00	215.00	\$ 39,775.00
8257001	Water Main, Rem, Less than 12 inch	Ft	0	\$ 1.00	\$ -	12,150	\$ 12,150.00	12,150.00	\$ 12,150.00
8257050	Water Service, 1 inch	Ft	0	\$ 27.00	\$ -	1,737	\$ 46,899.00	1,737.00	\$ 46,899.00
8257050	Water Service, 1 inch, Bored	Ft	0	\$ 27.00	\$ -	2,080	\$ 56,160.00	2,080.00	\$ 56,160.00
8257050	Water Service, 2 inch	Ft	0	\$ 42.00	\$ -	432	\$ 18,144.00	432.00	\$ 18,144.00
8257050	Corporation Stop, 1 inch	Ea	14	\$ 220.00	\$ 3,080.00	96	\$ 21,120.00	110.00	\$ 24,200.00
8257050	Corporation Stop, 2 inch	Ea	0	\$ 500.00	\$ -	13	\$ 6,500.00	13.00	\$ 6,500.00
8257050	Curb Stop and Box, 1 inch	Ea	0	\$ 300.00	\$ -	96	\$ 28,800.00	96.00	\$ 28,800.00
8257050	Curb Stop and Box, 2 inch	Ea	0	\$ 500.00	\$ -	13	\$ 6,500.00	13.00	\$ 6,500.00
8257050	Gate Valve and Box, 16 inch	Ea	0	\$ 6,000.00	\$ -	2	\$ 12,000.00	2.00	\$ 12,000.00
8257050	Water Service, Additional (Schloegel)	LS	0	\$ 7,725.00	\$ -	1	\$ 7,725.00	1.00	\$ 7,725.00
8257050	Pressure Reducing Valve, 8 inch	Ea	0	\$ 10,750.00	\$ -	1	\$ 10,750.00	1.00	\$ 10,750.00
8257050	PRV Valve Manhole, 72 inch dia	Ea	0	\$ 7,500.00	\$ -	1	\$ 7,500.00	1.00	\$ 7,500.00
8257050	Wye Pattern Strainer, 8 inch	Ea	0	\$ 5,500.00	\$ -	1	\$ 5,500.00	1.00	\$ 5,500.00
8257051	Relocate Watermain	LS	0	\$ 4,816.33	\$ -	1	\$ 4,816.33	1.00	\$ 4,816.33
8257051	Watermain Break	LS	0	\$ 2,266.28	\$ -	1	\$ 2,266.28	1.00	\$ 2,266.28
				Total =	\$ 37,743.52	Total =	\$ 1,680,256.09	Total =	\$ 1,727,999.61



Michigan Department of Transportation

Contract Modification

*C.O. #3
Water Main*

8/18/2011 7:40 AM
FieldManager 1.7a

Contract: 55011-84193, Road reconstruction, excavation, hot mix asphalt, concrete

Cont. Mod. Number 16	Revision Number	Cont. Mod. Date 8/18/2011	Electronic File Created Yes	Net Change \$163,408.79	Awarded Contract Amount \$8,590,024.18
Route US-41		Managing Office Escanaba TSC			District 01018
Contract Location US-41 from 20th Avenue to 48th Avenue					

Short Description

Balancing Mod

Description of Changes

Balance or increase the following items to the quantities indicated to reflect the final quantity or the increased quantity to properly compensate the contractor for the items required to complete the project.

Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
_ Corporation Stop, 1 inch	8257050	2530	2110	84193A	0003	Original	14.000	Ea	220.00000	\$3,080.00
_ San Sewer, PVC, 8 inch, Tr Det B,	8267001	2620	1770	84193A	0003	Original	6.000	Ft	44.00000	\$264.00
_ San Sewer, Wye Branch, 10 inch by 6 inch	8267050	2640	1780	84193A	0003	Original	2.000	Ea	190.00000	\$380.00
_ San Structure, 48 inch dia	8267050	2670	1840	84193A	0003	Original	2.000	Ea	2,300.00000	\$4,600.00
_ Tubular Marker	8127050	1670	1530	84193A	0001	Original	9.000	Ea	49.00000	\$441.00
Aggregate Base, 6 inch	3020016	0300	1680	84193A	0003	Original	932.870	Syd	3.75000	\$3,498.26

1/2 Water

466.435

\$1,749.13



Contract Modification

Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
Approach, Cl I, LM	3070003	0320	0310	84193A	0001	Original	80.100	Cyd	14.00000	\$1,121.40
Barr,Type III,High Inten,DBI Sided,Oper	8120004	1480	1340	84193A	0001	Original	9.000	Ea	75.00000	\$675.00
Barr,TypeIII,HighInten,I	8120003	1470	1330	84193A	0001	Original	9.000	Ea	195.00000	\$1,755.00
Case Sign, One Way, 24" by 30", Non-III	8200434	2360	0840	100488A	0001	Original	1.000	Ea	1,300.00000	\$1,300.00
Dr Structure, Rem	2030011	0090	0090	84193A	0001	Original	22.000	Ea	61.00000	\$1,342.00
Excavation, Earth	2050016	0220	0210	84193A	0001	Original	346.310	Cyd	6.00000	\$2,077.86
Gate Valve and Box, 12 inch	8250054	2430	2010	84193A	0003	Original	4.000	Ea	2,250.00000	\$9,000.00
Gate Valve and Box, 6 inch	8250051	2410	1990	84193A	0003	Original	5.000	Ea	1,000.00000	\$5,000.00
Hand Patching	5020025	0910	0880	84193A	0001	Original	170.520	Ton	100.00000	\$17,052.00
Reason: as placed										
HMA, Temp Pavt (13A)	5020709	0970	0940	84193A	0001	Original	253.360	Ton	70.00000	\$17,735.20
Reason: As placed										



Contract Modification

Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
HMA, Temp Pavt (13A)	5020709	0970	1850	84193A	0003	Original	133.030	Ton	70.00000	-\$9,312.40
						<i>1/2 Water</i>	<i>66,515 t</i>			<i>\$1,656.05</i>
Lighted Arrow, Type C, Furn	8120042	1500	1360	84193A	0001	Original	2.000	Ea	1,250.00000	\$2,500.00
Lighted Arrow, Type C, Oper	8120043	1510	1370	84193A	0001	Original	2.000	Ea	1.00000	\$2.00
Maintenance Gravel, LM	3060015	0310	0300	84193A	0001	Original	3,061.950	Cyd	10.00000	\$30,619.50
Reason: As placed										
Pavt Mrkg, Longit, 6" or Less Width, Rem	8120077	1530	1390	84193A	0001	Original	4,834.000	Ft	0.30000	\$1,450.20
Pavt Mrkg, Longit, 6" or Less Width, Rem	8120077	1530	1900	84193A	0003	Original	4,834.000	Ft	0.30000	\$1,450.20
						<i>1/2 Water</i>	<i>2,417 ft</i>			<i>\$ 725.10</i>
Pavt Mrkg, Type NR, Paint, 4", White, Tem	8120080	1540	1400	84193A	0001	Original	4,372.000	Ft	0.09000	\$393.48
Pavt Mrkg, Type NR, Paint, 4", White, Tem	8120080	1540	1910	84193A	0003	Original	4,324.000	Ft	0.09000	\$389.16
						<i>1/2 Water</i>	<i>2,162 ft</i>			<i>\$ 194.58</i>
Pavt Mrkg, Type NR, Paint, 4", Yellow, Ten	8120081	1550	1410	84193A	0001	Original	10,029.000	Ft	0.09000	\$902.61
Pedestal Fdn, Rem	8200106	2040	0520	100488A	0001	Original	1.000	Ea	200.00000	\$200.00



Contract Modification

Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
Plastic Drum, High Intensity, Furn	8120100	1580	1440	84193A	0001	Original	18.000	Ea	29.00000	\$522.00
Plastic Drum, High Intensity, Oper	8120101	1590	1450	84193A	0001	Original	18.000	Ea	10.00000	\$180.00
Rem Spec Mrkg	8110150	2705	2185	84193A	0001	Extra	354.000	Sft	1.58000	\$559.32
Sewer Bulkhead, 24 inch	4021234	0720	0700	84193A	0001	Original	2.000	Ea	135.00000	\$270.00
Sewer, CI A, 15 inch, Tr Det B	4020034	0560	0540	84193A	0001	Original	71.500	Ft	34.00000	\$2,431.00
Sewer, CI A, 30 inch, Tr Det B	4020037	0590	0570	84193A	0001	Original	173.500	Ft	53.00000	\$9,195.50
Sewer, CI E, 24 inch, Tr Det B	4020603	0650	0630	84193A	0001	Original	75.000	Ft	65.00000	\$4,875.00
Shoulder, CI II, 3 inch	3070125	0350	0070	100488A	0001	Original	238.300	Syd	2.25000	\$536.18
Shoulder, CI II, 3 inch	3070125	0350	1690	84193A	0003	Original <i>1/2 Water</i>	209.920 <i>104.96</i>	Syd	2.25000	\$472.32 <i>\$ 236.16</i>
Sign, Type A, Temp, Prismatic, Furn	8120130	1610	1470	84193A	0001	Original	9.000	Sft	9.00000	\$81.00



Contract Modification

Michigan Department of Transportation

8/18/2011 7:40 AM

FieldManager 4.7a

Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
Sign, Type A, Temp, Prismatic, Oper	8120131	1620	1480	84193A	0001	Original	9.000	Sft	1.00000	\$9.00
Sign, Type B, Temp, Prismatic, Furn	8120135	1630	1490	84193A	0001	Original	1,443.400	Sft	9.00000	\$12,990.60
Reason: As placed										
Sign, Type B, Temp, Prismatic, Oper	8120136	1640	1500	84193A	0001	Original	1,443.400	Sft	1.00000	\$1,443.40
Tree, Rem, 6 inch to 18 inch	2020004	0070	0070	84193A	0001	Original	1.000	Ea	200.00000	\$200.00
Water Main, DI, 12 inch, Tr Det G	8250166	2470	2050	84193A	0003	Original	67.500	Ft	78.00000	\$5,265.00
Water Main, DI, 6 inch, Tr Det G	8250151	2450	2030	84193A	0003	Original	137.500	Ft	57.00000	\$7,837.50

Total Dollar Value: \$163,408.79

Project / Category Summary

Project/Catg	Project/Category Description	Federal Number	Project Status	Finance System	Control Section	Dollar Value
100488A	Road reconstruction, excavation, hot mix asphalt paving,	STP 1055(015)	FHWA Oversight	STH	55011	
0001	Fed/State					\$2,036.18
					Total:	\$2,036.18
84193A	Road reconstruction, excavation, hot mix asphalt, concrete	NH 1055(016)	FHWA Oversight	NH	55011	
0001	Federal					\$110,824.07



Contract Modification

Project / Category Summary

Project/Catg	Project/Category Description	Federal Number	Project Status	Finance System	Control Section	Dollar Value
84193A	Road reconstruction, excavation, hot mix asphalt, concrete	NH 1055(016)	FHWA Oversight	NH	55011	
0003	City of Menominee					\$50,548.54
Total:						\$161,372.61

Total Net Change Amount: \$163,408.79

<p>If authorized, the contractor agrees to do the work outlined above under the direction of the Engineer, and to accept as payment in full the basis of payment as indicated. Prime Contractor, you are authorized and instructed as the contractor to do the work described herein in accordance with the terms of your contract.</p>			
Prime Contractor: Bacco Construction Company _____ (Signature)		Recommended by Resident Engineer: Mark A. Kleikamp _____ (Signature)	
_____ (Date)		_____ (Date)	
Prepared by Project Engineer: _____ (Signature)		Authorized by TSC Manager: John W. Bedard _____ (Signature)	
_____ (Date)		_____ (Date)	
Recommended by Airport Sponsor _____ (Signature)		Authorized by Airports Division _____ (Signature)	
_____ (Date)		_____ (Date)	
FEDERAL PARTICIPATION - ACTION BY F.H.W.A.			
___ Approved ___ Not Eligible ___ See Letter Dated _____		_____ (Signature)	
		_____ (Date)	



City of Menominee
City Council
Agenda Item

TITLE: US-41 Reconstruction Payment Package; Wastewater			
Requesting Agency: Wilcox Professional Services	Meeting Date: September 19, 2011		
Contact: Michael Cramer	Public Hearing: N/A		
Phone: 863-1747	Advertising Date: N/A		
	Council Ward: 4		
Attachments: Pay Application			

PURPOSE:

Payment of the invoices in the amount of \$105,543.21 for the upgrade of the wastewater system on the US-41 Wastewater Improvement Project.

BACKGROUND:

As part of our continuing coordination with the Michigan Department of Transportation (MDOT) on the reconstruction of the US-41 Corridor and the upgrade of the wastewater system under the facility Wilcox Engineering has submitted the payment approvals for the construction and engineering services related to the Wastewater Project.

BUDGET IMPACT:

The current invoice is for \$105,543.21 and funding is available from the USDA Rural Development Bond for the Project.

COMMITTEE RECOMMENDATION / ACTION:

No Committee Action is required

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager recommends approval of the payment for the US-41 Wastewater Improvement Project.

Agenda Item: _____

September 1, 2011

Name of Borrower City of Menominee: US-41 Wastewater Project (12018.00007)

Items	Amount of Funds
Development	\$95,086.96
Contract of Job No. Bacco Construction PPE #36 & #37	
Contract of Job No.	
Contract of Job No.	
Land and Rights-of-Way	
Legal Services	
Engineering Fees -- Basic: \$1,540.00; RPR: \$6,460.00; Additional: \$2,456.25	\$10,456.25
Interest	
Equipment	
Contingencies	
Refinancing	
Initial O&M	
Other Administration	
TOTAL	\$105,543.21

Prepared By City of Menominee

Name of Borrower

By _____

Date _____

Approved by _____

Date _____

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

City of Menominee
US-41 Wastewater Project
 Contract: 12018.00007
 USDA-RD

APPROVAL OF PAYMENTS

Meeting Date: September 19, 2011

It was moved by: _____

and seconded by: _____

that the following invoices be approved for payment:

Invoice	Dated	From	Contract	Category	Subtotal	Amount
PPE #36	8/23/2011	MDOT/Bacco	12018.00007	Construction	\$87,431.52	
PPE #37	9/7/2011	MDOT/Bacco	12018.00007	Construction	\$7,655.44	
				Subtotal 10th Street Construction =	\$95,086.96	\$95,086.96
76244	9/8/2011	Wilcox	12018.00007.41	Basic Engineering: General Engineering	\$1,540.00	
				Subtotal Basic Engineering = (A)	\$1,540.00	
76245	9/8/2011	Wilcox	12018.00007.51	RPR	\$6,460.00	
				Subtotal RPR = (B)	\$6,460.00	
76246	9/8/2011	Wilcox	12018.00007.75	Environmental Permits	\$85.00	
76249	9/8/2011	Wilcox	12018.00007.79	Additional: Construction Testing	\$1,960.00	
76250	9/8/2011	Wilcox	12018.00007.81	Additional: Construction Stormwater Monitoring	\$411.25	
				Subtotal Additional Engineering = (C)	\$2,456.25	
				Total Engineering (A+B+C)		\$10,456.25
				Subtotal Administrative =	\$0.00	\$0.00
				TOTAL		\$105,543.21

Ayes: _____

Motion: Passes/Failed

Nays: _____

By: _____

Absent: _____

Date:

CITY OF MENOMINEE		WASTEWATER PAY ESTIMATE SUMMARY										Percent Complete to Date	
10 th STREET (US-41) IMPROVEMENTS													
MDW/Wilcox													
9/8/2011													
Item Number	Item Description	Current Contract Quantity Thru CO # 3	Unit	Unit Price	Current Contract Amount Thru CO # 3	Quantity Placed PPE # 36	Amount PPE # 36 (August 23, 2011)	Quantity Placed PPE # 37	Amount PPE # 37 (Sept. 7, 2011)	Total Quantity Placed to Date	Percent Complete to Date		
X 1000001	Mobilization, Max. _____	0.15	LS	\$ 307,490.00	\$ 46,123.50	0	\$ -	0	\$ -	0.15	100.00%		
X 1040007	Contractor Staking, Road Only	0.15	LS	\$ 48,000.00	\$ 7,200.00	0	\$ -	0	\$ -	0.1125	75.00%		
	Dr. Structure, Rem	40.00	Ea	\$ 61.00	\$ 2,440.00	4	\$ 244.00	0	\$ -	39	97.50%		
	Sewer, Rem, Less than 24 inch	12,744.00	Fl	\$ 1.00	\$ 12,744.00	981	\$ 981.00	0	\$ -	9646	75.69%		
X 3020016	Aggregate, Base, 6 inch	5,866.435	Syd	\$ 3.75	\$ 21,999.13	466.435	\$ 1,749.13	0	\$ -	5866.435	100.00%		
X 3070125	Shoulder, Cl II, 3 inch	779.96	Syd	\$ 2.25	\$ 1,754.91	104.96	\$ 236.16	0	\$ -	779.96	100.00%		
	Steel Casing Pipe, 20", Jacked in Place	60.00	Fl	\$ 340.00	\$ 20,400.00	0	\$ -	0	\$ -	0	0.00%		
X 4021260	Trench Undercut and Backfill	2,567.00	Cyd	\$ 15.00	\$ 38,505.00	0	\$ -	0	\$ -	1685.8	65.67%		
	Video Taping Sewer and Culv Pipe	9,822.00	Fl	\$ 0.64	\$ 5,646.08	0	\$ -	1096	\$ 701.44	3797.6	43.05%		
	Dr Structure Cover	12,286.00	LB	\$ 1.00	\$ 12,286.00	0	\$ -	0	\$ -	10665	86.81%		
X 4030051	Dr Structure, Temp Lowering	15.50	Ea	\$ 100.00	\$ 1,550.00	0	\$ -	0	\$ -	15.5	100.00%		
X 4030054	Dr Structure, Temp Lowering	1,019.515	Ton	\$ 70.00	\$ 71,366.05	66.515	\$ 4,656.05	0	\$ -	1019.515	100.00%		
X 8120003	HMA, Temp Pavt (19A)	6.00	Ea	\$ 195.00	\$ 1,170.00	0	\$ -	0	\$ -	2.5	41.67%		
X 8120004	Barricade, Type III, High Intensity, Double Sided, Furn	6.00	Ea	\$ 75.00	\$ 450.00	0	\$ -	0	\$ -	2.5	41.67%		
X 8120004	Barricade, Type III, High Intensity, Double Sided, Oper	0.50	Ea	\$ 1,250.00	\$ 625.00	0	\$ -	0	\$ -	0.5	100.00%		
X 8120042	Lighted Arrow, Type C, Furn	0.50	Ea	\$ 1.00	\$ 0.50	0	\$ -	0	\$ -	0.5	100.00%		
X 8120043	Lighted Arrow, Type C, Oper	0.50	Ea	\$ 1.00	\$ 0.50	0	\$ -	0	\$ -	0.5	100.00%		
X 8120077	Pavt Markg, Longit, 6 inch or less width, Rem	5,762.50	Fl	\$ 0.30	\$ 1,728.75	2417	\$ 725.10	0	\$ -	5762.5	100.00%		
X 8120080	Pavt Markg, Type NR, Paint, 4 inch, White, Temp	10,058.00	Fl	\$ 0.09	\$ 905.22	2162	\$ 194.58	0	\$ -	10058	100.00%		
X 8120081	Pavt Markg, Type NR, Paint, 4 inch, Yellow, Temp	9,050.00	Fl	\$ 0.09	\$ 814.50	0	\$ -	0	\$ -	8921.5	98.58%		
X 8120085	Pavt Markg, Type NR, Tape, 4 inch, White, Temp	1,962.50	Fl	\$ 0.35	\$ 686.88	0	\$ -	0	\$ -	108	5.50%		
X 8120086	Pavt Markg, Type NR, Tape, 4 inch, Yellow, Temp	3,925.00	Fl	\$ 0.35	\$ 1,373.75	0	\$ -	0	\$ -	108	2.75%		
X 8120100	Plastic Drum, High Intensity, Furn	40.00	Ea	\$ 29.00	\$ 1,160.00	0	\$ -	0	\$ -	40	100.00%		
X 8120101	Plastic Drum, High Intensity, Oper	40.00	Ea	\$ 10.00	\$ 400.00	0	\$ -	0	\$ -	40	100.00%		
X 8127050	Tubular Marker	137.50	Ea	\$ 49.00	\$ 6,737.50	0	\$ -	0	\$ -	69.5	50.55%		
	San Sewer Lateral, PVC, 6 inch, Tr Det B, Special	5,179.00	Fl	\$ 30.00	\$ 155,370.00	290.5	\$ 8,715.00	231.8	\$ 6,954.00	5179	100.00%		
8267001	San Sewer, PVC, 10 inch, Tr Det B, Special	2,740.00	Fl	\$ 34.00	\$ 93,160.00	674	\$ 22,916.00	0	\$ -	2617.5	95.53%		
8267001	San Sewer, PVC, 12 inch, Tr Det B, Special	2,562.00	Fl	\$ 50.00	\$ 128,100.00	330	\$ 16,500.00	0	\$ -	2461	96.06%		
8267001	San Sewer, PVC, 15 inch, Tr Det B, Special	2,877.00	Fl	\$ 65.00	\$ 187,005.00	332	\$ 21,580.00	0	\$ -	2847	98.96%		
8267001	San Sewer, PVC, 8 inch, Tr Det B, special	1,081.00	Fl	\$ 44.00	\$ 46,684.00	6	\$ 264.00	0	\$ -	1061	100.00%		
8267001	San Structure, Add Depth of 48 inch dia, (8' to 15')	52.00	Fl	\$ 1.00	\$ 52.00	2.5	\$ 2.50	0	\$ -	15.6	30.00%		
8267050	San Sewer, Wye Branch, 10 inch by 6 inch	49.00	Ea	\$ 190.00	\$ 9,310.00	4	\$ 760.00	0	\$ -	49	100.00%		
8267050	San Sewer, Wye Branch, 12 inch by 6 inch	45.00	Ea	\$ 226.00	\$ 10,170.00	3	\$ 678.00	0	\$ -	36	80.00%		
8267050	San Sewer, Wye Branch, 15 inch by 6 inch	40.00	Ea	\$ 330.00	\$ 13,200.00	1	\$ 330.00	0	\$ -	36	90.00%		
8267050	San Structure, 48 inch dia	98.00	Ea	\$ 2,300.00	\$ 89,700.00	3	\$ 6,900.00	0	\$ -	39	100.00%		
	Total Stockpile (from Summary)				\$ 990,816.77		\$ 87,451.52	TOTAL =	\$ 7,655.44				

NOTE: "X" ITEMS ON MIDOT PPE ARE SHARED 50% TO WATER AND 50% TO SANITARY SEWER ON CITY PAY ESTIMATE SUMMARY FOR TEMPORARY ROAD COSTS
P:\Projects\2016 - Menominee\00007-10thStreetConst\Payment_Aps\Sanitary_Sewer_Estimates\September 2011\PEE Summary 10th St - Sewer 9-8-11.xls\Sheet 2



Michigan Department of Transportation

Construction Pay Estimate Report

*Sanitary Sewer
Category 3 Items*

8/23/2011 7:04 AM

FieldManager 4 7a

Contract: 55011-84193, Road reconstruction, excavation, hot mix asphalt, concret

Estimate Date	Estimate No.	Entered By	Estimate Type	Electronic File Created	All Contract Work Completed	Construction Started Date
08/23/2011	36	Rich Gagnon	Semi-Monthly	Yes		
Prime Contractor Bacco Construction Company				Managing Office Escanaba TSC		
Comments						

Pre-Voucher Summary

Project	Voucher No.	Item Payment	Stockpile Adjustment	Dollar Amount
100488A, Road reconstruction, excavation, hot mix asphalt paving,	0031	\$9,460.11	\$0.00	\$9,460.11
84193A, Road reconstruction, excavation, hot mix asphalt, concrete	0036	\$335,608.96	\$-6,358.00	\$329,250.96

Total Estimated Payment: \$338,711.07

(Does not include central office adjustments)

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
_ Corporation Stop, 1 inch	8257050	2530	84193A	0003	2110	00	000	14.000	\$3,080.00
_ Curb Stop and Box, 1 inch	8257050	2550	84193A	0003	2130	00	000	20.000	\$6,000.00
_ San Sewer Lateral, PVC, 6 inch, Tr Det B	8267001	2580	84193A	0003	1730	00	000	290.500	\$8,715.00
_ San Sewer, PVC, 10 inch, Tr Det B,	8267001	2590	84193A	0003	1740	00	000	674.000	\$22,916.00
_ San Sewer, PVC, 12 inch, Tr Det B,	8267001	2600	84193A	0003	1750	00	000	330.000	\$16,500.00
_ San Sewer, PVC, 15 inch, Tr Det B,	8267001	2610	84193A	0003	1760	00	000	332.000	\$21,580.00
_ San Sewer, PVC, 8 inch, Tr Det B,	8267001	2620	84193A	0003	1770	00	000	6.000	\$264.00
_ San Sewer, Wye Branch, 10 inch by 6 inch	8267050	2640	84193A	0003	1780	00	000	4.000	\$760.00
_ San Sewer, Wye Branch, 12 inch by 6 inch	8267050	2650	84193A	0003	1790	00	000	3.000	\$678.00
_ San Sewer, Wye Branch, 15 inch by 6 inch	8267050	2660	84193A	0003	1800	00	000	1.000	\$330.00
_ San Structure, 48 inch dia	8267050	2670	84193A	0003	1840	00	000	3.000	\$6,900.00
_ San Structure, Add Depth of 48 inch dia, 8 feet to 15 feet	8267001	2630	84193A	0003	1830	00	000	2.500	\$2.50
_ Tubular Marker	8127050	1670	84193A	0001	1530	00	000	9.000	\$441.00
_ Water Service, 1 inch, Bored	8257001	2510	84193A	0003	2090	00	000	722.000	\$19,494.00



Construction Pay Estimate Report

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
Aggregate Base, 6 inch	3020016	0300	100488A	0001	0060	00	000	611.000	\$2,291.25
Aggregate Base, 6 inch	3020016	0300	84193A	0001	0290	00	000	925.000	\$3,468.75
Aggregate Base, 6 inch	3020016	0300	84193A	0003	1680	00	000	932.870	\$3,498.26 *
Approach, Cl I, LM	3070003	0320	84193A	0001	0310	00	000	80.100	\$1,121.40 466.435 1,749.
Barr, Type III, High Inten, Dbl Sided, Oper	8120004	1480	84193A	0001	1340	00	000	9.000	\$675.00
Barr, Type III, High Inten, Dbl Sided, F	8120003	1470	84193A	0001	1330	00	000	9.000	\$1,755.00
Case Sign, One Way, 24" by 30", Non-III	8200434	2360	100488A	0001	0840	00	000	1.000	\$1,300.00
Curb and Gutter, Conc, Det F4	8020038	1080	84193A	0001	1020	00	000	698.500	\$11,176.00
Dr Structure Cover	4030051	0830	84193A	0001	0800	00	000	2,165.000	\$2,165.00
Dr Structure, 24 inch dia	4030000	0780	84193A	0001	0750	00	000	3.000	\$3,000.00
Dr Structure, 48 inch dia	4030005	0790	84193A	0001	0760	00	000	4.000	\$7,400.00
Dr Structure, Rem	2030011	0090	84193A	0001	0090	00	000	22.000	\$1,342.00
Dr Structure, Rem	2030011	0090	84193A	0003	1660	00	000	4.000	\$244.00
Embankment, CIP	2050010	0190	84193A	0001	0110	00	000	127.500	\$127.50
Excavation, Earth	2050016	0220	100488A	0001	0040	00	000	455.750	\$2,734.50
Excavation, Earth	2050016	0220	84193A	0001	0210	00	000	346.310	\$2,077.86
Gate Valve and Box, 12 inch	8250054	2430	84193A	0003	2010	00	000	4.000	\$9,000.00
Gate Valve and Box, 6 inch	8250051	2410	84193A	0003	1990	00	000	5.000	\$5,000.00
Hand Patching	5020025	0910	84193A	0001	0880	00	000	170.520	\$17,052.00
HMA Approach	5020061	0930	84193A	0001	0900	00	000	23.000	\$2,208.00
HMA, 3E3	5020045	0920	84193A	0001	0890	00	000	261.560	\$14,071.93
HMA, 4E3, High Stress	5020509	0950	84193A	0001	0920	00	000	143.860	\$9,084.76
HMA, Temp Pavt (13A)	5020709	0970	84193A	0001	0940	00	000	253.360	\$17,735.20
HMA, Temp Pavt (13A)	5020709	0970	84193A	0003	1850	00	000	133.030	\$9,312.10 *
Lighted Arrow, Type C, Furn	8120042	1500	84193A	0001	1360	00	000	2.000	\$2,500.00 66.515 4656.0
Lighted Arrow, Type C, Oper	8120043	1510	84193A	0001	1370	00	000	2.000	\$2.00
Maintenance Gravel, LM	3060015	0310	84193A	0001	0300	00	000	3,061.950	\$30,619.50
Pavt Mrkg, Longit, 6" or Less Width, Rem	8120077	1530	84193A	0001	1390	00	000	4,834.000	\$1,450.20
Pavt Mrkg, Longit, 6" or Less Width, Rem	8120077	1530	84193A	0003	1900	00	000	4,834.000	\$1,450.20 *
Pavt Mrkg, Type NR, Paint, 4", White, Temp	8120080	1540	84193A	0001	1400	00	000	4,372.000	\$393.48 2417.00 725.10



Construction Pay Estimate Report

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
Pavt Mrkg, Type NR, Paint, 4", White, Temp	8120080	1540	84193A	0003	1910	00	000	4,324.000 <i>2162.0</i>	\$389.16 * <i>194.58</i>
Pavt Mrkg, Type NR, Paint, 4", Yellow, Temp	8120081	1550	84193A	0001	1410	00	000	10,029.000	\$902.61
Pedestal Fdn, Rem	8200106	2040	100488A	0001	0520	00	000	1.000	\$200.00
Plastic Drum, High Intensity, Furn	8120100	1580	84193A	0001	1440	00	000	18.000	\$522.00
Plastic Drum, High Intensity, Oper	8120101	1590	84193A	0001	1450	00	000	18.000	\$180.00
Rem Spec Mrkg	8110150	2705	84193A	0001	2185	SA	002	354.000	\$559.32
Sewer Bulkhead, 24 inch	4021234	0720	84193A	0001	0700	00	000	2.000	\$270.00
Sewer, CI A, 12 inch, Tr Det B	4020033	0550	84193A	0001	0530	00	000	71.000	\$2,272.00
Sewer, CI A, 15 inch, Tr Det B	4020034	0560	84193A	0001	0540	00	000	71.500	\$2,431.00
Sewer, CI A, 18 inch, Tr Det B	4020035	0570	84193A	0001	0550	00	000	39.000	\$1,443.00
Sewer, CI A, 30 inch, Tr Det B	4020037	0590	84193A	0001	0570	00	000	173.500	\$9,195.50
Sewer, CI E, 12 inch, Tr Det B	4020600	0620	84193A	0001	0600	00	000	25.200	\$1,008.00
Sewer, CI E, 18 inch, Tr Det B	4020602	0640	84193A	0001	0620	00	000	34.200	\$1,710.00
Sewer, CI E, 24 inch, Tr Det B	4020603	0650	84193A	0001	0630	00	000	75.000	\$4,875.00
Sewer, Rem, 24 inch to 48 inch	2030016	0110	84193A	0001	0110	00	000	338.500	\$338.50
Sewer, Rem, Less than 24 inch	2030015	0100	84193A	0001	0100	00	000	764.500	\$764.50
Sewer, Rem, Less than 24 inch	2030015	0100	84193A	0003	1670	00	000	981.000	\$981.00
Shoulder, CI II, 3 inch	3070125	0350	100488A	0001	0070	00	000	238.300	\$536.18
Shoulder, CI II, 3 inch	3070125	0350	84193A	0003	1690	00	000	209.920 <i>104.960</i>	\$472.32 * <i>236.16</i>
Sign, Type A, Temp, Prismatic, Furn	8120130	1610	84193A	0001	1470	00	000	9.000	\$81.00
Sign, Type A, Temp, Prismatic, Oper	8120131	1620	84193A	0001	1480	00	000	9.000	\$9.00
Sign, Type B, Temp, Prismatic, Furn	8120135	1630	84193A	0001	1490	00	000	1,443.400	\$12,990.60
Sign, Type B, Temp, Prismatic, Oper	8120136	1640	84193A	0001	1500	00	000	1,443.400	\$1,443.40
Sodding	8160055	1730	84193A	0001	1590	00	000	1,277.000	\$3,511.75
Subbase, CIP	3010002	0290	100488A	0001	0050	00	000	305.500	\$2,398.18
Subbase, CIP	3010002	0290	84193A	0001	0280	00	000	926.500	\$7,273.03
Topsoil Surface, Furn, 4 inch	8160062	1740	84193A	0001	1600	00	000	794.500	\$993.13
Tree, Rem, 6 inch to 18 inch	2020004	0070	84193A	0001	0070	00	000	1.000	\$200.00
Underdrain, Subbase, 6 inch	4040063	0890	84193A	0001	0860	00	000	1,000.000	\$2,000.00
Water Main, DI, 12 inch, Tr Det G	8250166	2470	84193A	0003	2050	00	000	67.500	\$5,265.00



Construction Pay Estimate Report

Michigan Department of Transportation

8/23/2011 7:04 AM

FieldManager 4. /a

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
Water Main, DI, 6 inch, Tr Det G	8250151	2450	84193A	0003	2030	00	000	137.500	\$7,837.50
Water, Sodding/Seeding	8160090	1750	84193A	0001	1610	00	000	4.000	\$100.00

Total Estimated Item Payment: \$345,069.07

Stockpile Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Stockpile Type	Net Change	Total Amount Remaining
Dr Structure Cover	4030051	0830	84193A	0001	0800	00	000	DR01	\$-2,068.01	\$18,974.59
Sewer, CI A, 12 inch, Tr Det B	4020033	0550	84193A	0001	0530	00	000	DR01	\$-1,513.21	\$14,443.61
Sewer, CI A, 15 inch, Tr Det B	4020034	0560	84193A	0001	0540	00	000	DR01	\$-1,292.00	\$0.00
Sewer, CI A, 18 inch, Tr Det B	4020035	0570	84193A	0001	0550	00	000	DR01	\$-495.58	\$1,665.93
Underdrain, Subbase, 6 inch	4040063	0890	84193A	0001	0860	00	000	DR01	\$-989.20	\$3,214.96

Total Stockpile Dollar Amount: \$-6,358.00

Estimate Certification

I certify the items included on this report constitute my estimate of work completed and due the contractor as of the date of this document. I also certify the prime contractor is meeting all requirements for minority percentages and the payrolls are current.

(Project Engineer) and/or

(Date)

Mark A. Kleikamp (Delivery/Resident Engineer)

(Date)



Michigan Department of Transportation

Construction Pay Estimate Report

*Sanitary Sewer
Category 3 Items*

9/7/2011 10:22 AM

FieldManager 4.7a

Contract: 55011-84193, Road reconstruction, excavation, hot mix asphalt, concret

Estimate Date	Estimate No.	Entered By	Estimate Type	Electronic File Created	All Contract Work Completed	Construction Started Date
09/07/2011	37	Rich Gagnon	Semi-Monthly	Yes		
Prime Contractor Bacco Construction Company				Managing Office Escanaba TSC		
Comments						

Pre-Voucher Summary

Project	Voucher No.	Item Payment	Stockpile Adjustment	Dollar Amount
100488A, Road reconstruction, excavation, hot mix asphalt paving,	0032	\$36,308.32	\$0.00	\$36,308.32
84193A, Road reconstruction, excavation, hot mix asphalt, concrete	0037	\$86,520.54	\$-10,621.37	\$75,899.17

Total Estimated Payment: \$112,207.49

(Does not include central office adjustments)

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Item Mod. Line No. Type No.	Quantity	Dollar Amount
San Sewer Lateral, PVC, 6 inch, Tr Det B	8267001	2580	84193A	0003	1730 00 000	231.800	\$6,954.00
Approach, CI I, 6 inch	3070008	0330	84193A	0001	0320 00 000	285.000	\$1,068.75
Dr Structure, 24 inch dia	4030000	0780	84193A	0001	0750 00 000	1.000	\$1,000.00
Dr Structure, 48 inch dia	4030005	0790	84193A	0001	0760 00 000	14.000	\$25,900.00
Embankment, CIP	2050010	0190	84193A	0001	0180 00 000	105.000	\$105.00
Ero Con, Inlet Protection, Fabric Drop	2080006	0270	84193A	0001	0260 00 000	31.000	\$930.00
Field Office, CI 2	8090002	1190	84193A	0001	1070 00 000	7.000	\$4,200.00
HMA, 3E3	5020045	0920	100488A	0001	0080 00 000	630.300	\$33,910.14
Sewer, CI A, 12 inch, Tr Det B	4020033	0550	84193A	0001	0530 00 000	296.700	\$9,494.40
Sewer, CI A, 15 inch, Tr Det B	4020034	0560	84193A	0001	0540 00 000	-19.000	\$-646.00
Sewer, CI A, 18 inch, Tr Det B	4020035	0570	84193A	0001	0550 00 000	36.000	\$1,332.00
Sewer, CI A, 8 inch, Tr Det A	4020002	0480	84193A	0001	0460 00 000	44.000	\$2,508.00
Sewer, CI E, 12 inch, Tr Det B	4020600	0620	84193A	0001	0600 00 000	307.900	\$12,316.00
Sewer, CI E, 15 inch, Tr Det B	4020601	0630	84193A	0001	0610 00 000	19.000	\$836.00
Sewer, CI E, 18 inch, Tr Det B	4020602	0640	84193A	0001	0620 00 000	42.000	\$2,100.00
Sewer, Rem, 24 inch to 48 inch	2030016	0110	84193A	0001	0110 00 000	26.000	\$26.00



Construction Pay Estimate Report

Michigan Department of Transportation

9/7/2011 10:22 AM

FieldManager 4.7a

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
Sewer, Rem, Less than 24 inch	2030015	0100	84193A	0001	0100	00	000	525.000	\$525.00
Subbase, CIP	3010002	0290	100488A	0001	0050	00	000	305.500	\$2,398.18
Subbase, CIP	3010002	0290	84193A	0001	0280	00	000	1,306.500	\$10,256.03
Tree, Rem, 19 inch to 36 inch	2020002	0060	84193A	0001	0060	00	000	1.000	\$300.00
Underdrain, Subbase, 6 inch	4040063	0890	84193A	0001	0860	00	000	2,000.000	\$4,000.00
Video Taping Sewer and Culv Pipe	4021275	0770	84193A	0001	0740	00	000	2,678.000	\$1,713.92
Video Taping Sewer and Culv Pipe	4021275	0770	84193A	0003	1720	00	000	1,096.000	\$701.44
Water, Sodding/Seeding	8160090	1750	84193A	0001	1610	00	000	36.000	\$900.00

Total Estimated Item Payment: \$122,828.86

Stockpile Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Stockpile Type	Net Change	Total Amount Remaining
Sewer, CI A, 12 inch, Tr Det B	4020033	0550	84193A	0001	0530	00	000	DR01	\$-6,323.51	\$8,120.10
Sewer, CI A, 15 inch, Tr Det B	4020034	0560	84193A	0001	0540	00	000	DR01	\$646.00	\$646.00
Sewer, CI A, 18 inch, Tr Det B	4020035	0570	84193A	0001	0550	00	000	DR01	\$-457.46	\$1,208.47
Sewer, CI A, 8 inch, Tr Det A	4020002	0480	84193A	0001	0460	00	000	DR01	\$-2,508.00	\$0.00
Underdrain, Subbase, 6 inch	4040063	0890	84193A	0001	0860	00	000	DR01	\$-1,978.40	\$1,236.56

Total Stockpile Dollar Amount: \$-10,621.37

Estimate Certification

I certify the items included on this report constitute my estimate of work completed and due the contractor as of the date of this document. I also certify the prime contractor is meeting all requirements for minority percentages and the payrolls are current.

(Project Engineer) and/or

(Date)

Mark A. Kleikamp (Delivery/Resident Engineer)

(Date)



Please remit to:
Wilcox Professional Services, LLC
 Dept Ch 19434
 Palatine, IL 60055-9434
 231-775-7755; Fax 231-775-3135

City of Menominee
 2511 10th Street
 Menominee, MI 49858-1995

September 8, 2011
 Project No: 12018.00007.41
 Invoice No: 76244

Project 12018.00007.41 Menominee-10th St. General Eng.- WWater

For Professional Services rendered for 10th Street Utility Improvements.

Professional Services through August 28, 2011

Phase	0100	General Engineering - Wastewater		
Professional Personnel				
			Hours	Amount
Professional Engineer			14.00	1,540.00
Totals			14.00	1,540.00
Total Labor				1,540.00
			Total this Phase	\$1,540.00

Contract Summary	Current	Prior	To-Date
Total Billings	1,540.00	29,900.00	31,440.00
Contract Amount			33,000.00
Contract Remaining			1,560.00
		Total this Invoice	\$1,540.00



Please remit to:
 Wilcox Professional Services, LLC
 Dept Ch 19434
 Palatine, IL 60055-9434
 231-776-7755; Fax 231-775-3135

City of Menominee
 2511 10th Street
 Menominee, MI 49858-1995

September 8, 2011
 Project No: 12018.00007.51
 Invoice No: 76245

Project 12018.00007.51 Menominee-10th St. RPR - WWater

For Professional Services rendered for 10th Street Utility Improvements.

Professional Services through August 28, 2011

Phase 0100 RPR - Wastewater
 Professional Personnel

	Hours	Amount
Professional Engineer	68.00	6,460.00
Totals	68.00	6,460.00
Total Labor		6,460.00

Total this Phase \$6,460.00

Contract Summary

	Current	Prior	To-Date
Total Billings	6,460.00	68,522.50	74,982.50
Contract Amount			75,000.00
Contract Remaining			17.50
			Total this Invoice \$6,460.00



Please remit to:
Wilcox Professional Services, LLC
Dept Ch 19434
Palatine, IL 60055-9434
231-775-7756; Fax 231-775-3135

City of Menominee
2511 10th Street
Menominee, MI 49858-1995

September 8, 2011
Project No: 12018.00007.75
Invoice No: 76246

Project 12018.00007.75 Menominee-10th St. Env. Permits-WWater

For Professional Services rendered for 10th Street Utility Improvements.

Professional Services through August 28, 2011

Phase 0100 Environmental Permits - Wastewater
Professional Personnel

	Hours	Amount
Professional Engineer	1.00	95.00
Totals	1.00	95.00
Total Labor		95.00

Total this Phase \$95.00

Contract Summary

	Current	Prior	To-Date
Total Billings	95.00	915.00	1,010.00
Contract Amount			1,000.00
Not-to-Exceed Adjustment			-10.00
Total this Invoice			\$85.00



Please remit to:
Wilcox Professional Services, LLC
 Dept Ch 19434
 Palatine, IL 60055-9434
 231-775-7755; Fax 231-775-3135

City of Menominee
 2511 10th Street
 Menominee, MI 49858-1995

September 8, 2011
 Project No: 12018.00007.79
 Invoice No: 76249

Project 12018.00007.79 Menominee-10th St.-Const. Testing-WWater

For Professional Services rendered for 10th Street Utility Improvements.

Professional Services through August 28, 2011

Phase 0100 Construction Comp. Testing - Wastewater

Professional Personnel

	Hours	Amount
Professional Engineer	21.00	1,995.00
Totals	21.00	1,995.00
Total Labor		1,995.00

Total this Phase \$1,995.00

Contract Summary

	Current	Prior	To-Date
Total Billings	1,995.00	3,040.00	5,035.00
Contract Amount			5,000.00
Not-to-Exceed Adjustment			-35.00
			Total this Invoice \$1,960.00



Please remit to:
Wilcox Professional Services, LLC
Dept Ch 19434
Palatine, IL 60055-9434
231-775-7755; Fax 231-775-3135

City of Menominee
2511 10th Street
Menominee, MI 49858-1995

September 8, 2011
Project No: 12018.00007.81
Invoice No: 76250

Project 12018.00007.81 Menominee-10th St-Stormwater Mon.-WWater

For Professional Services rendered for 10th Street Utility Improvements.

Professional Services through August 28, 2011

Phase 0100 Constr. Stormwater Monitoring-Wastewater
Professional Personnel

	Hours	Amount
Professional Engineer	4.50	427.50
Totals	4.50	427.50
Total Labor		427.50

Total this Phase \$427.50

Contract Summary

	Current	Prior	To-Date
Total Billings	427.50	2,588.75	3,016.25
Contract Amount			3,000.00
Not-to-Exceed Adjustment			-16.25
Total this Invoice			\$411.25



City of Menominee
City Council
Agenda Item

TITLE: US-41 Reconstruction Payment Package; Water

Requesting Agency: Wilcox Professional Services

Meeting Date: September 19, 2011

Contact: Michael Cramer

Public Hearing: N/A

Phone: 863-1747

Advertising Date: N/A

Council Ward: 4

Attachments: Pay Application

PURPOSE:

Payment of the invoices in the amount of \$68,125.02 for the upgrade of the water system on US-41 Water Improvement Project.

BACKGROUND:

As part of our continuing coordination with the Michigan Department of Transportation (MDOT) on the reconstruction of the US-41 Corridor and the upgrade of the water system under the facility, Wilcox Engineering has submitted the attached payment approvals for the construction and engineering services related to the Water Project.

BUDGET IMPACT:

The current invoice is for \$68,125.02 and funding is available from the USDA Rural Development Bond for the Project.

COMMITTEE RECOMMENDATION / ACTION:

No Committee Action is required.

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager recommends approval of the payment for the US-41 Water Improvement Project.

Agenda Item: _____

September 1, 2011

Name of Borrower City of Menominee: US-41 Water Project (12018.00007)

Items	Amount of Funds
Development	\$63,237.52
Contract of Job No. Bacco Construction PPE #36 & #37	
Contract of Job No.	
Contract of Job No.	
Land and Rights-of-Way	
Legal Services	
Engineering Fees -- Basic: \$2,837.50; Additional: \$2,050.00	\$4,887.50
Interest	
Equipment	
Contingencies	
Refinancing	
Initial O&M	
Other Administration	
TOTAL	\$68,125.02

Prepared By City of Menominee

Name of Borrower

By _____

Date _____

Approved by _____

Date _____

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

City of Menominee
US-41 Water Project
 Contract: 12018.00007
 USDA-RD

APPROVAL OF PAYMENTS
 Meeting Date: September 19, 2011

It was moved by: _____

and seconded by: _____

that the following invoices be approved for payment:

Invoice	Dated	From	Contract	Category	Subtotal	Amount
PPE # 36	8/23/2011	Bacco Construction Co.	12018.00007	Construction	\$63,237.52	
PPE # 37	9/7/2011	Bacco Construction Co.	12018.00007	Construction	\$0.00	
				Total 10th Street Construction =	\$63,237.52	\$63,237.52
76243	9/8/2011	Wilcox	12018.00007.40	Basic Engineering	\$2,837.50	
				Subtotal Basic Engineering = (A)	\$2,837.50	
		Wilcox	12018.00007.50	RPR	\$0.00	
				Subtotal RPR = (B)	\$0.00	
76247	9/8/2011	Wilcox	12018.00007.76	Additional Engineering: Construction Layout	\$160.00	
76248	9/8/2011	Wilcox	12018.00007.78	Additional Engineering: Construction Testing	\$1,890.00	
				Subtotal Additional Engineering = (C)	\$2,050.00	
				Total Engineering (A+B+C)		\$4,887.50
				Subtotal Administrative =	\$0.00	\$0.00
				TOTAL		\$68,125.02

Ayes: _____

Motion: Passes/Failed

Nays: _____

By: _____

Absent: _____

Date: _____

CITY OF MEMPHIS											
10th STREET (US-41) IMPROVEMENTS											
MDW/alicox											
9/8/2011											
WATER MAIN PAY ESTIMATE SUMMARY											
Item Number	Item Description	Current Contract Quantity Thru CO # 3	Unit	Unit Price	Current Contract Amount CO # 3	Quantity Placed PPE # 36	Amount PPE # 36 (August 23, 2011)	Quantity Placed PPE # 37	Amount PPE # 37 (Sept. 7, 2011)	Total Quantity Placed to Date	Percent Complete to Date
X 1000001	Mobilization, Max.	0.15	LS	\$ 307,490.00	\$ 46,123.50	0	\$	0	\$	0.15	100.00%
X 1040007	Contractor Staking, Road Only	0.15	LS	\$ 48,000.00	\$ 7,200.00	0	\$	0	\$	0.1125	75.00%
X 3020016	Aggregate, Base, 6 inch	5866.435	Syd	\$ 3.75	\$ 21,999.91	466.435	\$ 1,749.13	0	\$	5866.435	100.00%
X 3070125	Shoulder, CI II, 3 inch	779.96	Syd	\$ 2.25	\$ 1,754.91	104.96	\$ 236.16	0	\$	779.96	100.00%
X 4011128	Steel Casing Pipe, 20", Jacked in Place	60.00	Ft	\$ 340.00	\$ 20,400.00	0	\$	0	\$	46	76.67%
X 4030054	Dr Structure, Temp Lowering	15.50	Ea	\$ 100.00	\$ 1,550.00	0	\$	0	\$	15.5	100.00%
X 5020709	HMA, Temp Pavt (13A)	1019.515	Ton	\$ 70.00	\$ 71,366.05	66.515	\$ 4,656.05	0	\$	1019.515	100.00%
X 8120003	Barricade, Type III, High Intensity, Double Sided, Furn	6.00	Ea	\$ 195.00	\$ 1,170.00	0	\$	0	\$	2.5	41.67%
X 8120042	Lighted Arrow, Type C, Furn	0.50	Ea	\$ 1,250.00	\$ 625.00	0	\$	0	\$	0.5	100.00%
X 8120043	Lighted Arrow, Type C, Oper	0.50	Ea	\$ 1.00	\$ 0.50	0	\$	0	\$	0.5	100.00%
X 8120077	Pavt Markg, Longit, 6 inch or less width, Rem	5762.50	Ft	\$ 0.30	\$ 1,728.75	2417	\$ 725.10	0	\$	5762.5	100.00%
X 8120080	Pavt Markg, Type NR, Paint, 4 inch, White, Temp	10058.00	Ft	\$ 0.09	\$ 905.22	2162	\$ 194.58	0	\$	10058	100.00%
X 8120081	Pavt Markg, Type NR, Paint, 4 inch, Yellow, Temp	9050.00	Ft	\$ 0.09	\$ 814.50	0	\$	0	\$	8921.5	98.58%
X 8120085	Pavt Markg, Type NR, Tape, 4 inch, White, Temp	1962.50	Ft	\$ 0.35	\$ 686.88	0	\$	0	\$	108	5.50%
X 8120086	Pavt Markg, Type NR, Tape, 4 inch, Yellow, Temp	3925.00	Ft	\$ 0.35	\$ 1,373.75	0	\$	0	\$	108	2.75%
X 8120100	Plastic Drum, High Intensity, Furn	40.00	Ea	\$ 29.00	\$ 1,160.00	0	\$	0	\$	40	100.00%
X 8120101	Plastic Drum, High Intensity, Oper	40.00	Ea	\$ 10.00	\$ 400.00	0	\$	0	\$	40	100.00%
X 8127050	Tubular Marker	137.50	Ea	\$ 49.00	\$ 6,737.50	0	\$	0	\$	69.5	50.55%
8250040	Fire Hydrant	33.00	Ea	\$ 3,100.00	\$ 102,300.00	0	\$	0	\$	31	93.94%
8250051	Gate Valve and Box, 6 inch	44.00	Ea	\$ 1,000.00	\$ 44,000.00	5	\$ 5,000.00	0	\$	44	100.00%
8250052	Gate Valve and Box, 8 inch	22.00	Ea	\$ 1,300.00	\$ 28,600.00	0	\$	0	\$	20	90.91%
8250054	Gate Valve and Box, 12 inch	44.00	Ea	\$ 2,250.00	\$ 99,000.00	4	\$ 9,000.00	0	\$	44	100.00%
8250091	Hydrant, Rem	27.00	Ea	\$ 415.00	\$ 11,205.00	0	\$	0	\$	20	74.07%
8250151	Water Main, DI, 6 inch, Tr, Det G	1042.83	Ft	\$ 57.00	\$ 59,441.31	137.5	\$ 7,837.50	0	\$	1042.83	100.00%
8250156	Water Main, DI, 8 inch, Tr, Det G	1343.00	Ft	\$ 91.00	\$ 122,213.00	0	\$	0	\$	1171.5	87.23%
8250166	Water Main, DI, 12 inch, Tr, Det G	10065.50	Ft	\$ 78.00	\$ 785,109.00	67.5	\$ 5,265.00	0	\$	10065.5	100.00%
8250171	Water Main, DI, 16 inch, Tr, Det G	215.00	Ft	\$ 185.00	\$ 39,775.00	0	\$	0	\$	78	36.28%
8257001	Water Main, Rem, Less than 12 inch	12150.00	Ft	\$ 1.00	\$ 12,150.00	0	\$	0	\$	10683.5	89.58%
8257001	Water Service, 1 inch	1737.00	Ft	\$ 27.00	\$ 46,899.00	0	\$	0	\$	1730	99.60%
8257001	Water Service, 1 inch, Bored	2080.00	Ft	\$ 27.00	\$ 56,160.00	722	\$ 19,494.00	0	\$	2080	100.00%
8257001	Water Service, 2 inch	432.00	Ft	\$ 42.00	\$ 18,144.00	0	\$	0	\$	299.5	69.33%
8257050	Corporation Stop, 1 inch	110.00	Ea	\$ 220.00	\$ 24,200.00	14	\$ 3,080.00	0	\$	110	100.00%
8257050	Corporation Stop, 2 inch	13.00	Ea	\$ 500.00	\$ 6,500.00	0	\$	0	\$	7	53.85%
8257050	Curb Stop and Box, 1 inch	96.00	Ea	\$ 300.00	\$ 28,800.00	20	\$ 6,000.00	0	\$	96	100.00%
8257050	Curb Stop and Box, 2 inch	13.00	Ea	\$ 500.00	\$ 6,500.00	0	\$	0	\$	7	53.85%
8257050	Gate Valve and Box, 16 inch	2.00	Ea	\$ 6,000.00	\$ 12,000.00	0	\$	0	\$	2	100.00%
8257050	Water Service, 6" Additional Sta. 177 +50	1.00	Ea	\$ 7,725.00	\$ 7,725.00	0	\$	0	\$	1	100.00%
8257050	Pressure Reducing Valve, 8 inch	1.00	Ea	\$ 10,750.00	\$ 10,750.00	0	\$	0	\$	1	100.00%
8257050	PRV Manhole, 72 inch dia	1.00	Ea	\$ 7,500.00	\$ 7,500.00	0	\$	0	\$	1	100.00%
8257050	Wye Pattern Strainer, 8 inch	1.00	Ea	\$ 5,500.00	\$ 5,500.00	0	\$	0	\$	1	100.00%
8257050	Relocate Watermain	1.00	LS	\$ 4,816.33	\$ 4,816.33	0	\$	0	\$	1	100.00%
8257050	Watermain Break	1.00	LS	\$ 2,266.28	\$ 2,266.28	0	\$	0	\$	1	100.00%
	Total Stockpile (from Summary)				\$ 1,727,999.61	TOTAL =	\$ 63,237.52	TOTAL =	\$		

NOTE: "X" ITEMS ON MIDDOT PPE ARE SHARED 50% TO WATER AND 50% TO SANITARY SEWER ON CITY PAY ESTIMATE SUMMARY FOR TEMPORARY ROAD COSTS



Michigan Department of Transportation

Construction Pay Estimate Report

*Water Main
Category 3 Items*

8/23/2011 7:04 AM

FieldManager 4 7a

Contract: 55011-84193, Road reconstruction, excavation, hot mix asphalt, concret

Estimate Date	Estimate No.	Entered By	Estimate Type	Electronic File Created	All Contract Work Completed	Construction Started Date
08/23/2011	36	Rich Gagnon	Semi-Monthly	Yes		
Prime Contractor Bacco Construction Company				Managing Office Escanaba TSC		
Comments						

Pre-Voucher Summary

Project	Voucher No.	Item Payment	Stockpile Adjustment	Dollar Amount
100488A, Road reconstruction, excavation, hot mix asphalt paving,	0031	\$9,460.11	\$0.00	\$9,460.11
84193A, Road reconstruction, excavation, hot mix asphalt, concrete	0036	\$335,608.96	\$-6,358.00	\$329,250.96

Total Estimated Payment: \$338,711.07

(Does not include central office adjustments)

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
_ Corporation Stop, 1 inch	8257050	2530	84193A	0003	2110	00	000	14.000	\$3,080.00
_ Curb Stop and Box, 1 inch	8257050	2550	84193A	0003	2130	00	000	20.000	\$6,000.00
_ San Sewer Lateral, PVC, 6 inch, Tr Det B	8267001	2580	84193A	0003	1730	00	000	290.500	\$8,715.00
_ San Sewer, PVC, 10 inch, Tr Det B,	8267001	2590	84193A	0003	1740	00	000	674.000	\$22,916.00
_ San Sewer, PVC, 12 inch, Tr Det B,	8267001	2600	84193A	0003	1750	00	000	330.000	\$16,500.00
_ San Sewer, PVC, 15 inch, Tr Det B,	8267001	2610	84193A	0003	1760	00	000	332.000	\$21,580.00
_ San Sewer, PVC, 8 inch, Tr Det B,	8267001	2620	84193A	0003	1770	00	000	6.000	\$264.00
_ San Sewer, Wye Branch, 10 inch by 6 inch	8267050	2640	84193A	0003	1780	00	000	4.000	\$760.00
_ San Sewer, Wye Branch, 12 inch by 6 inch	8267050	2650	84193A	0003	1790	00	000	3.000	\$678.00
_ San Sewer, Wye Branch, 15 inch by 6 inch	8267050	2660	84193A	0003	1800	00	000	1.000	\$330.00
_ San Structure, 48 inch dia	8267050	2670	84193A	0003	1840	00	000	3.000	\$6,900.00
_ San Structure, Add Depth of 48 inch dia, 8 feet to 15 feet	8267001	2630	84193A	0003	1830	00	000	2.500	\$2.50
_ Tubular Marker	8127050	1670	84193A	0001	1530	00	000	9.000	\$441.00
_ Water Service, 1 inch, Bored	8257001	2510	84193A	0003	2090	00	000	722.000	\$19,494.00



Construction Pay Estimate Report

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
Aggregate Base, 6 inch	3020016	0300	100488A	0001	0060	00	000	611.000	\$2,291.25
Aggregate Base, 6 inch	3020016	0300	84193A	0001	0290	00	000	925.000	\$3,468.75
Aggregate Base, 6 inch	3020016	0300	84193A	0003	1680	00	000	932.870	\$3,498.26 *
Approach, CI I, LM	3070003	0320	84193A	0001	0310	00	000	80.100	\$1,121.40 1,749.1
Barr,Type III,High Inten,DbI Sided,Oper	8120004	1480	84193A	0001	1340	00	000	9.000	\$675.00
Barr,TypeIII,HighInten,DbISided,Fi	8120003	1470	84193A	0001	1330	00	000	9.000	\$1,755.00
Case Sign, One Way, 24" by 30", Non-III	8200434	2360	100488A	0001	0840	00	000	1.000	\$1,300.00
Curb and Gutter, Conc, Det F4	8020038	1080	84193A	0001	1020	00	000	698.500	\$11,176.00
Dr Structure Cover	4030051	0830	84193A	0001	0800	00	000	2,165.000	\$2,165.00
Dr Structure, 24 inch dia	4030000	0780	84193A	0001	0750	00	000	3.000	\$3,000.00
Dr Structure, 48 inch dia	4030005	0790	84193A	0001	0760	00	000	4.000	\$7,400.00
Dr Structure, Rem	2030011	0090	84193A	0001	0090	00	000	22.000	\$1,342.00
Dr Structure, Rem	2030011	0090	84193A	0003	1660	00	000	4.000	\$244.00
Embankment, CIP	2050010	0190	84193A	0001	0180	00	000	127.500	\$127.50
Excavation, Earth	2050016	0220	100488A	0001	0040	00	000	455.750	\$2,734.50
Excavation, Earth	2050016	0220	84193A	0001	0210	00	000	346.310	\$2,077.86
Gate Valve and Box, 12 inch	8250054	2430	84193A	0003	2010	00	000	4.000	\$9,000.00
Gate Valve and Box, 6 inch	8250051	2410	84193A	0003	1990	00	000	5.000	\$5,000.00
Hand Patching	5020025	0910	84193A	0001	0880	00	000	170.520	\$17,052.00
HMA Approach	5020061	0930	84193A	0001	0900	00	000	23.000	\$2,208.00
HMA, 3E3	5020045	0920	84193A	0001	0890	00	000	261.560	\$14,071.93
HMA, 4E3, High Stress	5020509	0950	84193A	0001	0920	00	000	143.860	\$9,084.76
HMA, Temp Pavt (13A)	5020709	0970	84193A	0001	0940	00	000	253.360	\$17,735.20
HMA, Temp Pavt (13A)	5020709	0970	84193A	0003	1850	00	000	133.030	\$9,312.10 *
Lighted Arrow, Type C, Furn	8120042	1500	84193A	0001	1360	00	000	2.000	\$2,500.00 4,656.1
Lighted Arrow, Type C, Oper	8120043	1510	84193A	0001	1370	00	000	2.000	\$2.00
Maintenance Gravel, LM	3060015	0310	84193A	0001	0300	00	000	3,061.950	\$30,619.50
Pavt Mrkg, Longit, 6"or Less Width, Rem	8120077	1530	84193A	0001	1390	00	000	4,834.000	\$1,450.20
Pavt Mrkg, Longit, 6"or Less Width, Rem	8120077	1530	84193A	0003	1900	00	000	4,834.000	\$1,450.20 * 725.11
Pavt Mrkg,Type NR,Paint,4",White,Temp	8120080	1540	84193A	0001	1400	00	000	4,372.000	\$393.48



Construction Pay Estimate Report

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
Pavt Mrkg,Type NR,Paint,4",White,Temp	8120080	1540	84193A	0003	1910	00	000	4,324.000	\$389.16
Pavt Mrkg,Type NR,Paint,4",Yellow,Temp	8120081	1550	84193A	0001	1410	00	000	10,029.000	\$902.61
Pedestal Fdn, Rem	8200106	2040	100488A	0001	0520	00	000	1.000	\$200.00
Plastic Drum, High Intensity, Furn	8120100	1580	84193A	0001	1440	00	000	18.000	\$522.00
Plastic Drum, High Intensity, Oper	8120101	1590	84193A	0001	1450	00	000	18.000	\$180.00
Rem Spec Mrkg	8110150	2705	84193A	0001	2185	SA	002	354.000	\$559.32
Sewer Bulkhead, 24 inch	4021234	0720	84193A	0001	0700	00	000	2.000	\$270.00
Sewer, CI A, 12 inch, Tr Det B	4020033	0550	84193A	0001	0530	00	000	71.000	\$2,272.00
Sewer, CI A, 15 inch, Tr Det B	4020034	0560	84193A	0001	0540	00	000	71.500	\$2,431.00
Sewer, CI A, 18 inch, Tr Det B	4020035	0570	84193A	0001	0550	00	000	39.000	\$1,443.00
Sewer, CI A, 30 inch, Tr Det B	4020037	0590	84193A	0001	0570	00	000	173.500	\$9,195.50
Sewer, CI E, 12 inch, Tr Det B	4020600	0620	84193A	0001	0600	00	000	25.200	\$1,008.00
Sewer, CI E, 18 inch, Tr Det B	4020602	0640	84193A	0001	0620	00	000	34.200	\$1,710.00
Sewer, CI E, 24 inch, Tr Det B	4020603	0650	84193A	0001	0630	00	000	75.000	\$4,875.00
Sewer, Rem, 24 inch to 48 inch	2030016	0110	84193A	0001	0110	00	000	338.500	\$338.50
Sewer, Rem, Less than 24 inch	2030015	0100	84193A	0001	0100	00	000	764.500	\$764.50
Sewer, Rem, Less than 24 inch	2030015	0100	84193A	0003	1670	00	000	981.000	\$981.00
Shoulder, CI II, 3 inch	3070125	0350	100488A	0001	0070	00	000	238.300	\$536.18
Shoulder, CI II, 3 inch	3070125	0350	84193A	0003	1690	00	000	209.920	\$472.32
Sign, Type A, Temp, Prismatic, Furn	8120130	1610	84193A	0001	1470	00	000	9.000	\$81.00
Sign, Type A, Temp, Prismatic, Oper	8120131	1620	84193A	0001	1480	00	000	9.000	\$9.00
Sign, Type B, Temp, Prismatic, Furn	8120135	1630	84193A	0001	1490	00	000	1,443.400	\$12,990.60
Sign, Type B, Temp, Prismatic, Oper	8120136	1640	84193A	0001	1500	00	000	1,443.400	\$1,443.40
Sodding	8160055	1730	84193A	0001	1590	00	000	1,277.000	\$3,511.75
Subbase, CIP	3010002	0290	100488A	0001	0050	00	000	305.500	\$2,398.18
Subbase, CIP	3010002	0290	84193A	0001	0280	00	000	926.500	\$7,273.03
Topsoil Surface, Furn, 4 inch	8160062	1740	84193A	0001	1600	00	000	794.500	\$993.13
Tree, Rem, 6 inch to 18 inch	2020004	0070	84193A	0001	0070	00	000	1.000	\$200.00
Underdrain, Subbase, 6 inch	4040063	0890	84193A	0001	0860	00	000	1,000.000	\$2,000.00
Water Main, DI, 12 inch, Tr Det G	8250166	2470	84193A	0003	2050	00	000	67.500	\$5,265.00

*1/2 water 21620 194.5**

*1/2 water 104.960 236.1**



Construction Pay Estimate Report

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
Water Main, DI, 6 inch, Tr Det G	8250151	2450	84193A	0003	2030	00	000	137.500	\$7,837.50
Water, Sodding/Seeding	8160090	1750	84193A	0001	1610	00	000	4.000	\$100.00

Total Estimated Item Payment: \$345,069.07

Stockpile Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Stockpile Type	Net Change	Total Amount Remaining
Dr Structure Cover	4030051	0830	84193A	0001	0800	00	000	DR01	\$-2,068.01	\$18,974.59
Sewer, CI A, 12 inch, Tr Det B	4020033	0550	84193A	0001	0530	00	000	DR01	\$-1,513.21	\$14,443.61
Sewer, CI A, 15 inch, Tr Det B	4020034	0560	84193A	0001	0540	00	000	DR01	\$-1,292.00	\$0.00
Sewer, CI A, 18 inch, Tr Det B	4020035	0570	84193A	0001	0550	00	000	DR01	\$-495.58	\$1,665.93
Underdrain, Subbase, 6 inch	4040063	0890	84193A	0001	0860	00	000	DR01	\$-989.20	\$3,214.96

Total Stockpile Dollar Amount: \$-6,358.00

Estimate Certification

I certify the items included on this report constitute my estimate of work completed and due the contractor as of the date of this document. I also certify the prime contractor is meeting all requirements for minority percentages and the payrolls are current.

(Project Engineer) and/or

(Date)

Mark A. Kleikamp (Delivery/Resident Engineer)

(Date)



Michigan Department of Transportation

Construction Pay Estimate Report

*Water Main
Category 3 Items*
9/7/2011 10:22 AM

FieldManager 1.7a

Contract: 55011-84193, Road reconstruction, excavation, hot mix asphalt, concret

Estimate Date	Estimate No.	Entered By	Estimate Type	Electronic File Created	All Contract Work Completed	Construction Started Date
09/07/2011	37	Rich Gagnon	Semi-Monthly	Yes		
Prime Contractor Bacco Construction Company				Managing Office Escanaba TSC		
Comments						

Pre-Voucher Summary

Project	Voucher No.	Item Payment	Stockpile Adjustment	Dollar Amount
100488A, Road reconstruction, excavation, hot mix asphalt paving,	0032	\$36,308.32	\$0.00	\$36,308.32
84193A, Road reconstruction, excavation, hot mix asphalt, concrete	0037	\$86,520.54	\$-10,621.37	\$75,899.17

No Water Main Work This Estimate

Total Estimated Payment: \$112,207.49

(Does not include central office adjustments)

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
_ San Sewer Lateral, PVC, 6 inch, Tr Det B	8267001	2580	84193A	0003	1730	00	000	231.800	\$6,954.00
Approach, CI I, 6 inch	3070008	0330	84193A	0001	0320	00	000	285.000	\$1,068.75
Dr Structure, 24 inch dia	4030000	0780	84193A	0001	0750	00	000	1.000	\$1,000.00
Dr Structure, 48 inch dia	4030005	0790	84193A	0001	0760	00	000	14.000	\$25,900.00
Embankment, CIP	2050010	0190	84193A	0001	0180	00	000	105.000	\$105.00
Ero Con, Inlet Protection, Fabric Drop	2080006	0270	84193A	0001	0260	00	000	31.000	\$930.00
Field Office, CI 2	8090002	1190	84193A	0001	1070	00	000	7.000	\$4,200.00
HMA, 3E3	5020045	0920	100488A	0001	0080	00	000	630.300	\$33,910.14
Sewer, CI A, 12 inch, Tr Det B	4020033	0550	84193A	0001	0530	00	000	296.700	\$9,494.40
Sewer, CI A, 15 inch, Tr Det B	4020034	0560	84193A	0001	0540	00	000	-19.000	\$-646.00
Sewer, CI A, 18 inch, Tr Det B	4020035	0570	84193A	0001	0550	00	000	36.000	\$1,332.00
Sewer, CI A, 8 inch, Tr Det A	4020002	0480	84193A	0001	0460	00	000	44.000	\$2,508.00
Sewer, CI E, 12 inch, Tr Det B	4020600	0620	84193A	0001	0600	00	000	307.900	\$12,316.00
Sewer, CI E, 15 inch, Tr Det B	4020601	0630	84193A	0001	0610	00	000	19.000	\$836.00
Sewer, CI E, 18 inch, Tr Det B	4020602	0640	84193A	0001	0620	00	000	42.000	\$2,100.00
Sewer, Rem, 24 inch to 48 inch	2030016	0110	84193A	0001	0110	00	000	26.000	\$26.00



Construction Pay Estimate Report

Michigan Department of Transportation

9/7/2011 10:22 AM

FieldManager 4.7a

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
Sewer, Rem, Less than 24 inch	2030015	0100	84193A	0001	0100	00	000	525.000	\$525.00
Subbase, CIP	3010002	0290	100488A	0001	0050	00	000	305.500	\$2,398.18
Subbase, CIP	3010002	0290	84193A	0001	0280	00	000	1,306.500	\$10,256.03
Tree, Rem, 19 inch to 36 inch	2020002	0060	84193A	0001	0060	00	000	1.000	\$300.00
Underdrain, Subbase, 6 inch	4040063	0890	84193A	0001	0860	00	000	2,000.000	\$4,000.00
Video Taping Sewer and Culv Pipe	4021275	0770	84193A	0001	0740	00	000	2,678.000	\$1,713.92
Video Taping Sewer and Culv Pipe	4021275	0770	84193A	0003	1720	00	000	1,096.000	\$701.44
Water, Sodding/Seeding	8160090	1750	84193A	0001	1610	00	000	36.000	\$900.00
Total Estimated Item Payment:									\$122,828.86

Stockpile Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Stockpile Type	Net Change	Total Amount Remaining
Sewer, CI A, 12 inch, Tr Det B	4020033	0550	84193A	0001	0530	00	000	DR01	\$-6,323.51	\$8,120.10
Sewer, CI A, 15 inch, Tr Det B	4020034	0560	84193A	0001	0540	00	000	DR01	\$646.00	\$646.00
Sewer, CI A, 18 inch, Tr Det B	4020035	0570	84193A	0001	0550	00	000	DR01	\$-457.46	\$1,208.47
Sewer, CI A, 8 inch, Tr Det A	4020002	0480	84193A	0001	0460	00	000	DR01	\$-2,508.00	\$0.00
Underdrain, Subbase, 6 inch	4040063	0890	84193A	0001	0860	00	000	DR01	\$-1,978.40	\$1,236.56
Total Stockpile Dollar Amount:									\$-10,621.37	

Estimate Certification

I certify the items included on this report constitute my estimate of work completed and due the contractor as of the date of this document. I also certify the prime contractor is meeting all requirements for minority percentages and the payrolls are current.

(Project Engineer) and/or

(Date)

Mark A. Kleikamp (Delivery/Resident Engineer)

(Date)



Please remit to:
Wilcox Professional Services, LLC
 Dept Ch 19434
 Palatine, IL 60055-9434
 231-775-7755; Fax 231-775-3135

City of Menominee
 2511 10th Street
 Menominee, MI 49858-1995

September 8, 2011
 Project No: 12018.00007.40
 Invoice No: 76243

Project 12018.00007.40 Menominee-10th St. General Eng.- Water

For Professional Services rendered for 10th Street Utility Improvements.

Professional Services through August 28, 2011

Phase 0100 General Engineering - Water

Professional Personnel

	Hours	Amount
Office Tech.	.50	32.50
Professional Engineer	11.00	1,045.00
Professional Engineer	16.00	1,760.00
Totals	27.50	2,837.50
Total Labor		2,837.50

Total this Phase \$2,837.50

Contract Summary

	Current	Prior	To-Date
Total Billings	2,837.50	47,895.00	50,732.50
Contract Amount			53,000.00
Contract Remaining			2,267.50
		Total this Invoice	\$2,837.50



Please remit to:
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Palatine, IL 60055-9434
231 775-7755; Fax 231-775-3135

City of Menominee
2511 10th Street
Menominee, MI 49858-1995

September 8, 2011
Project No: 12018.00007.76
Invoice No: 76247

Project 12018.00007.76 Menominee-10th St.-Constr. Layout- Water

For Professional Services rendered for 10th Street Utility Improvements.

Professional Services through August 28, 2011

Phase	0100	Const. Layout & MDOT Coordination-Water	
Professional Personnel			
		Hours	Amount
Professional Engineer		2.00	190.00
Totals		2.00	190.00
Total Labor			190.00
		Total this Phase	\$190.00

Contract Summary	Current	Prior	To-Date	
Total Billings	190.00	22,840.00	23,030.00	
Contract Amount			23,000.00	
Not-to-Exceed Adjustment				-30.00
		Total this Invoice		\$160.00



Please remit to:
Wilcox Professional Services, LLC
Dept Ch 19434
Palatine, IL 60055-9434
231-775-7755; Fax 231-775-3135

City of Menominee
2511 10th Street
Menominee, MI 49858-1995

September 8, 2011
Project No: 12018.00007.78
Invoice No: 76248

Project 12018.00007.78 Menominee-10th St.-Const. Testing -Water

For Professional Services rendered for 10th Street Utility Improvements.

Professional Services through August 28, 2011

Phase	0100	Construction Compaction Testing - Water
Professional Personnel		
Professional Engineer	Hours	Amount
	20.50	1,947.50
Totals	20.50	1,947.50
Total Labor		1,947.50
Total this Phase		\$1,947.50

Contract Summary	Current	Prior	To-Date
Total Billings	1,947.50	5,110.00	7,057.50
Contract Amount			7,000.00
Not-to-Exceed Adjustment			-57.50
Total this Invoice			\$1,890.00