



# CITY OF ALBION CITY COUNCIL MEETING AGENDA

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

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

COUNCIL-MANAGER  
GOVERNMENT

Council members and  
other officials normally in  
attendance.

## SPECIAL AGENDA

### COUNCIL MEETING Thursday, January 24, 2019

6:00 P.M.

**David Atchison**  
Mayor

Council Member  
1<sup>st</sup> Precinct

**Lenn Reid**  
Council Member  
2<sup>nd</sup> Precinct

**Sonya Brown**  
Mayor Pro-Tem  
Council Member  
3<sup>rd</sup> Precinct

**Marcola Lawler**  
Council Member  
4<sup>th</sup> Precinct

**Jeanette Spicer**  
Council Member  
5<sup>th</sup> Precinct

**Shane Williamson**  
Council Member  
6<sup>th</sup> Precinct

**LaTonya Rufus**  
City Manager

**The Harkness Law Firm**  
Atty Cullen Harkness

**Jill Domingo**  
City Clerk

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

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

### PLEASE TURN OFF CELL PHONES DURING MEETING

- I. CALL TO ORDER
- II. MOMENT OF SILENCE TO BE OBSERVED
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. APPROVAL OF THE AGENDA (Includes ant proposed additions, deletions or other changes to the agenda)
- VI. PRESENTATIONS AND RECOGNITIONS
- VII. PUBLIC HEARING
- VIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required.)
- IX. CLOSED SESSION--The City Attorney requests a Closed Session under the Open Meetings Act (Section 15.568 (h), P.A. 267 of 1976, as amended) to consider material exempt from discussion or disclosure by state or federal law.
- X. CONSENT CALENDAR (VV) (Items on Consent Calendar are voted on as one unit)
  - A. Approval Regular Session Minutes, January 7, 2019
- XI. ITEMS FOR INDIVIDUAL DISCUSSION
  - A. Request Approval for Personnel Investigation
  - B. Request Payment of Bills
    - Franklin Holwerda Co for \$138,273.00 (Final Payment Digester Project)
    - Consumers Energy for \$96,127.00 (Street Light Replacement Project)
  - C. Request Approval Resolution # 2019-03, Authorization for Change in Standard Lighting Contract



# CITY OF ALBION

## CITY COUNCIL MEETING AGENDA

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

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

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- XII. FUTURE AGENDA ITEMS
- XIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).
- XIV. CITY MANAGER REPORT
- XV. MAYOR AND COUNCIL MEMBER COMMENTS
- XVI. MOTION TO EXCUSE ABSENT COUNCIL MEMBER (S)
- XVII. ROLL CALL
- XVIII. ADJOURN

City of Albion  
Council Session Minutes  
January 7, 2019

I. CALL TO ORDER

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

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5), Shane Williamson (6) and Mayor Atchison.

ABSENT: All members were present

STAFF PRESENT:

LaTonya Rufus, City Manager; Scott Kipp, Chief Public Safety; Cullen Harkness, City Attorney, Jill Domingo, City Clerk; Kent Phillips, Interim Director Public Services; John Tracy, Director Planning, Building & Code Enforcement and Haley Snyder, Deputy Clerk Treasurer.

V. APPROVAL OF THE AGENDA (Includes any proposed additions, deletions or other changes to the agenda)

Williamson moved, Brown supported, CARRIED, to Approve the Agenda as presented. (6-0, vv)

VI. PRESENTATIONS

A. Project Rising Tide Update-Linda LaNoue

Linda LaNoue, Community Development Fellow gave the following update on Project Rising Tide:

- The top five (5) priorities for Project Rising Tide are:
  1. Housing
  2. Health
  3. Infrastructure
  4. Post Industrial Sites
  5. Workforce Development

- Also need to consider focus on transportation, childcare and communication
- Need to be creative with limited resources
- Create asset mapping

Comments were received from Council Member Lawler.

VII. PUBLIC HEARINGS-None

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

Comments were received from O'Neil Warnsley, 1213 Second St.

IX. CLOSED SESSION-None

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

A. Approval of Regular Session Minutes, December 17, 2018

Williamson moved, Spicer supported, CARRIED, to Approve the Consent Calendar as presented. (6-0, vv)

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval 1<sup>st</sup> Reading Ordinance # 2019-01, An Ordinance to Add Chapter 37 Emergency Services Cost Recovery

Comments were received from Council Members Reid, Brown, Lawler and Williamson; City Attorney Harkness and Mayor Atchison.

*Council Member Reid made a motion to postpone Ordinance # 2019-01, An Ordinance to Add Chapter 37 Emergency Cost Services Recovery until a later date and with additional information of how much historically in the past two (2) years the City would receive in revenue.*

*Council Member Brown made a friendly amendment to Council Member Reid's motion to also add a proposed revision to Item 37-2 (h).*

Reid moved, Williamson supported, CARRIED, To **POSTPONE** 1<sup>st</sup> Reading Ordinance # 2019-01, An Ordinance to Add Chapter 37 Emergency Services Cost Recovery until a later date with additional information of how much

historically in the past two (2) years the City would receive in revenue and with a proposed revision to Item 37-2 (h) of the Ordinance. (6-0, rcv)

B. Discussion/Approval 1<sup>st</sup> Reading Ordinance # 2019-02, An Ordinance to Prohibit Marihuana Establishments and Create Article VI of Chapter 22 of the Albion Code of Ordinances

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

*Council Member Williamson asked to add a sunseting provision to expire 60 days after State regulations are put in place.*

*\*Council Member Brown asked for Point of Order as the motion needs a second before discussion can continue.*

*City Attorney Harkness does not recommend a sunseting provision.*

Williamson moved, Brown supported, **FAILED**, to add a sunseting provision to expire 60 days after State regulations are put in place. (2-4, rcv) (Brown, Spicer, Reid and Atchison dissenting.)

Spicer moved, Lawler supported, CARRIED, To Approve 1<sup>st</sup> Reading Ordinance # 2019-02, An Ordinance to Prohibit Marihuana Establishments and Create Article VI of Chapter 22 of the Albion Code of Ordinances as presented. (6-0, rcv)

C. Discussion-Process for Precinct 1 Applications

Mayor Atchison stated during the weekly meeting with the City Manager and City Attorney Harkness the process for Precinct 1 applications was discussed as follows:

- Applications are available on the City's website and also in the Clerk's Office with a deadline of 5:00 p.m. on January 16, 2019
- Must be a resident of the City for one (1) year
- Must be a resident of Precinct 1 for thirty (30) days and be a registered voter in the precinct
- Must be 18 years of age
- Not in default to the City
- Upon receipt of application, the Clerk will complete background checks and check default status of the applicant
- Applicants meeting the above criteria will be invited to come before the Council at the January 22<sup>nd</sup> meeting to make a public statement and answer questions from Council

- All questions from the Council should be sent to the City Manager and City Attorney by January 16<sup>th</sup>, 2019
- Questions received from the Council and applications will be placed in the January 22<sup>nd</sup>, 2019 Council packets
- Each candidate will be interviewed one at a time
- A vote of the Council will be taken at either the January 22<sup>nd</sup>, 2019 or the February 4<sup>th</sup>, 2019 meeting to fill Council 1 precinct seat.

Council Member Brown asked for the January 22<sup>nd</sup>, 2019 meeting begin at 6:00 p.m. if the Council receives several applications.

Mayor Atchison stated if more than three (3) applications are received, the meeting would start at 6:00 p.m.

Additional comments were received from Council Members Spicer and Lawler; City Attorney Harkness and City Manager Rufus.

#### D. Discussion/Amendment to Ordinance # 95-3, Section 2-384, Purchases and Bids Generally

City Manager Rufus stated that Ordinance #95-3, Section 2-384, Purchases and Bids Generally stated that approval for all bills over \$5,000 whether budgeted or non-budgeted items must come to the Council for approval.

City Attorney Harkness stated he would suggest if an item is already approved in the budget that it would not need Council approval but they would be informed if above the set amount. The amount can be determined by Council.

Council Member Brown asked is this was in the Charter. City Attorney Harkness stated there was nothing in the Charter pertaining to the approval amount.

Mayor Atchison asked if there was a difference between paying a bill and entering into a contract.

City Attorney Harkness stated entering into a new contract does need Council approval. Paying the bill is for a contract that was already awarded.

Council Member Williamson would like to lift the cap on budgeted expenses.

Additional comments were received from Council Member Reid and City Manager Rufus.

#### E. Request Approval of Bills:

- Wightman-\$13,623.98
- Wightman-\$13,366.25
- Calhoun County Dispatch-\$23,739.55

Comments were received from City Manager Rufus and Mayor Atchison.

Spicer moved, Williamson supported, CARRIED to Approve Bills as presented. (6-0, rcv)

#### F. Discussion-City Manager Goals

Mayor Atchison stated the initial 6-month City Manager goals were approved by the Council on November 19<sup>th</sup>, 2018. He asked to add three (3) additional goals as follows:

1. **Advance Professional City Governance in accordance with the International City Manager Association (ICMA) Code of Ethics (refer to Section 23 of employment contract)**
  - Model positive leadership
  - Demonstrates high standards of ethical conduct and integrity
  - Provide exemplary supervision of city employees in a consistent and impartial manner
  - Exhibit composure, good judgement and a capacity for innovation and creativity appropriate for the Chief Administrative Officer
2. **Ensure Sound Fiscal Management**
  - Prepare a sustainable 2019 budget which provides improved services to the community
  - Make best possible use of available funds to operate City efficiently and effectively
  - Monitor and manage fiscal activities of the City to stay within approved budget
3. **Enhance Community Relations**
  - Improve community satisfaction with city services
  - Increase the city's responsiveness to citizens inquiries and requests
  - Avoid unnecessary controversy
  - Increase collaboration with city boards, commissions and other municipalities, county, state and federal agencies

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

#### G. Discussion-MML Training Opportunities for City Council

City Manager Rufus provided the MML schedule of MML training events in the Council packet and also reached out to Attorney Scott Smith to come and do

a shorter version of his previous training on City Manager form of government.

Comments were received from Council Member Brown and Mayor Atchison.

#### H. Request Approval for Boards & Commissions Appointments & Reappointments

- Nidia Wolf, DDA, Reappointment, Term to Expire 12-31-2022
- Joyce Washington, Albion Housing Commission, Reappointment, Term to Expire 12-31-2023

Comments were received from City Attorney Harkness who stated the Albion Housing Commission appointment needed to be remove and this is an appointment by the Mayor and does not need Council approval.

Additional comments were received Council Member Brown.

Reid moved, Atchison supported, **FAILED**, To Approve Nidia Wolf, DDA, Reappointment, Term to Expire 12-31-2022 as presented. (3-3, rcv) (Brown, Lawler & Spicer dissented).

#### XII. Future Agenda Items

The following items were requested for the next agenda:

- Council Member Brown asked for Revision to Ordinance # 2019-02, An Ordinance to Prohibit Marihuana Establishments and Create Article VI of Chapter 22 of the Albion Code of Ordinances
- Council Member Reid asked for the following:
  1. Review of the 2019 fee schedule
  2. Lateness of receiving the packets
  3. Improvement to cleaning up the branches around the City
  4. City clean-up
  5. Information center pertaining to services offered in the City
  6. Discussion of a grant writer
- Council Member Brown asked for a resolution supporting Liberty Memorial in D.C.
- Council Member Spicer asked for schedule of implementing sewer rates. *City Manager Rufus stated the City needed to complete the water study so the increase in water and sewer rates would be implemented at the same time.*
- Council Member Lawler asked for a discussion on community engagement reports from the Mayor
- Mayor Atchison asked for the following:

1. Discussion/adoption of additional City Manager goals
2. Presentation from Richard Lindsay on Oaklawn's After Hours Clinic

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

Comments were received from Staci Stuart, 205 W. Oak St; David Abbott, 412 S. Clinton St; Calhoun County Commissioner Gary Tompkins and LaVada Weeks, 917 Luther Drive.

XIV. CITY MANAGER REPORT

City Manager Rufus gave the following report:

- **MML Training**-Council has requested information regarding MML Training. Enclosed in the Council packets are dates and locations for upcoming training activities from MML.
- **Meeting with the Mayor**-On Wednesday, January 2, 2019, Attorney Harkness and City Manager Rufus met with the Mayor to discuss agenda items and provide updates on local projects and activities.
- **North Street Project**-N. Eaton Street to Burr Oak Street  
**Scope**-Reconstruct E. North St. from N. Eaton Street (BL-94) to Burr Oak Street. This project includes some curb replacement in the western two blocks, full replacement of the pavement section (sand subbase, gravel and asphalt), ADA ramp upgrades, water main replacement at three cross streets (N. Berrien Street, Maple Street and Burr Oak Street), and concrete driveway approaches where they don't currently exist. The water main replacements are included to facilitate a future water main project. This project includes federal funds and will be administered through MDOT Local Agency Programs.  
**Contractor:** TBD  
**Funding:** \$375,000 from STP (Surface Transportation Program)-Urban +\$755,000 from City (including \$125,000 from the water fund) + contingent from City.  
**Schedule:**  

Grade inspection with MDOT	10-18-18
Final package submittal to MDOT	12-21-18
MDOT Bid Letting	3-1-19
Construction	4/9 – 8-30-19

**Status:** The final design package was submitted to MDOT on 12-21-18. The drat package has been reviewed and final comments were submitted to MDOT on 1-4-19. The project is on schedule to achieve the March 1, 2019 MDOT Letting.
- **Project Rising Tide**-On Friday, January 4, 2019-Haley Snyder, Deputy Clerk/Treasurer and City Manager Rufus in conjunction with Linda LaNoue, Project Rising Tide Fellow met with MEDC and the consultant from Beckett

& Raeder, Inc. to discuss the project, the goals of the PRT and the direction of the steering committee.

- **Bridging the Gap between Community and Government** Press Release- The first meeting will be held on January 16, 2019 from 6pm-9pm at the Marshall Opportunity High School located at 225 E. Watson St, Albion, MI 49224.
- **Great Job Albion Department of Public Safety**-On Friday, January 4, 2019-ADPS received a call regarding an armed gunman. Due to the strategic and tactical work of ADPS, the suspect was apprehended and there were no casualties and all of the ADPS officers and surrounding units were safe. City Manager Rufus would like to commend Chief Kipp and Deputy Chief Jason Kern for their continued hard work and leadership.

Comments were received from Mayor Atchison who asked if the City Manager report could be provided in the Council packets.

#### XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Reid, Brown, Lawler and Williamson and Mayor Atchison.

#### XVI. Motion to Excuse Absent Council Member (s)

No action was necessary as all members were present.

#### XVII. ROLL CALL

PRESENT: Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5), Shane Williamson (6) and Mayor Atchison.

ABSENT: All members were present.

#### XVIII. ADJOURNMENT

Reid moved, Spicer supported, CARRIED, to adjourn the regular session. (6-0, vv)

Mayor Atchison adjourned the Regular Session at 9:17 p.m.

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Date

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Jill Domingo  
City Clerk

November 16, 2018

Mr. Kent Phillips  
WWTP Superintendent  
City of Albion  
112 W. Cass St.  
Albion, MI 49224

RE: 2017 Albion WWTP Improvements Project – Contractor Final Pay Application

Dear Kent,

The purpose of this letter is to recommend final payment to the Contractor, Franklin Holwerda Co. (FHC) on the above referenced Contract. The final payment includes resolution of the outstanding dewatering issues related to the construction of the WWTP improvements.

FHC, has proposed a final change order (Change Order No. 7) attached, to resolve all outstanding issues and allow for contract closeout. Change Order No. 7, in the amount of \$78,000.00, includes the final costs incurred for the clarifier dewatering system (ADD \$85,000.00) and the removal of the South Clarifier Concrete repairs from the Contract (DEDUCT \$7,000.00).

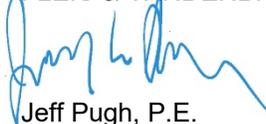
Significant negotiations have been completed with FHC and Change Order No. 7 includes their final offer to completely and finally settle the outstanding dewatering claims. It is in both parties best interest to settle the matter outside of mediation. We recommend that the City execute Change Order No. 7, as presented.

FHC is requesting final payment to close out the Contract. The final pay application (Pay Application No.9) is attached. The total amount requested is \$138,273.00 including \$9,930.00 in remaining work, \$50,343.00 in retainage and \$78,000.00 for Change Order No. 7. We have reviewed the Application for Payment and Change Order No. 7 and recommend that the City pay FHC in full in accordance with the attached documents.

Please let us know if the City requires anything further to issue final payment to FHC and close out the above referenced Contract.

Sincerely,

FLEIS & VANDENBRINK



Jeff Pugh, P.E.  
Project Manager



Scott Hall  
Project Engineer

Attachments: Change Order No. 7 and FHC Pay Application No. 9

**CHANGE ORDER**

No. 07

OWNER City of Albion  
 CONTRACTOR Franklin Holwerda Company  
 Contract: 2017 Wastewater Treatment Plant Improvements  
 ENGINEER's Project No. 829670  
 ENGINEER Fleis & VandenBrink Engineering, Inc.

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

**Description:** Final costs incurred for clarifier dewatering system (ADD \$85,000). Remove South Clarifier concrete repairs from contract (DEDUCT \$7,000). Net increase of contract: \$78,000

CHANGE IN CONTRACT PRICE
Original Contract Price \$ <u>918,500.00</u>
Increase (Decrease) from previously approved Change Orders No. <u>1</u> to <u>6</u> : \$ <u>88,360.00</u>
Contract Price prior to this Change Order: \$ <u>1,006,860.00</u>
Increase of this Change Order: \$ <u>\$78,000.00</u>
Contract Price incorporating this Change Order: \$ <u>1,084,860.00</u>

CHANGE IN CONTRACT TIMES
Original Contract Times: Substantial Completion: <u>290 cal. days</u> Ready for Final Payment: <u>320 cal. days</u>
Increase (Decrease) from previously approved Change Orders No. <u>1</u> to <u>6</u> : Substantial Completion: <u>120</u> Ready for Final Payment: <u>120</u>
Contract Times prior to this Change Order: Substantial Completion: <u>410 cal. days</u> Ready for Final Payment: <u>440 cal. days</u>
Increase (Decrease) of this Change Order: Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u>
Contract Times with all approved Change Orders: Substantial Completion: <u>410 cal. days</u> Ready for Final Payment: <u>440 cal. days</u>

**RECOMMENDED:**  
 By: [Signature]  
 ENGINEER (Authorized Signature)  
 Title: Project Engineer  
 Date: 10-31-18

**APPROVED:**  
 By: \_\_\_\_\_  
 OWNER (Authorized Signature)  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**ACCEPTED:**  
 By: [Signature]  
 CONTRACTOR (Authorized Signature)  
 Title: Proj Mgr  
 Date: 11/01/18

**Application and Certificate for Payment**

TO OWNER: City of Albion  
112 West Cass St  
Albion MI 49224

PROJECT: City of Albion 2017 WWTP Improvements

APPLICATION NO: 9  
PERIOD TO: 10/31/18  
CONTRACT FOR: Mechanical work  
CONTRACT DATE: 3/20/2017  
PROJECT NOS: 829670

Distribution to:  
OWNER:

ARCHITECT:

CONTRACTOR:  
FIELD:  
OTHER:

FROM  
CONTRACTOR Franklin Holwerda Company  
2509 29th St SW  
Wyoming MI 49519

VIA: Fleis & Vandenbrink  
2960 Lucerne Drive SE  
Grand Rapids MI 49546

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Contract.  
Continuation Sheet, AIA G703 format, is attached.

1. ORIGINAL CONTRACT SUM	\$ 918,500.00
2. NET CHANGE BY CHANGE ORDERS	\$ 166,360.00
3. CONTRACT SUM TO DATE (Line 1+/-2)	\$ 1,084,860.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$ 1,084,860.00
<b>5. RETAINAGE</b>	
a. 0% of Contract (Column D + E on G703)	\$ -
b. of Stored Material (Column F on G703)	\$ -
Total Retainage (Lines 5a + 5b or Total in Column 1 of G703)	\$ -
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$ 1,084,860.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$ (946,587.00)
8. CURRENT PAYMENT DUE	\$ 138,273.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 Less Line 6)	\$ -

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ 125,860.00	\$ (37,500.00)
Total approved this Month	\$ 78,000.00	
<b>TOTALS</b>	\$ 203,860.00	\$ (37,500.00)
<b>NET CHANGES by Change Order</b>	\$	166,360.00

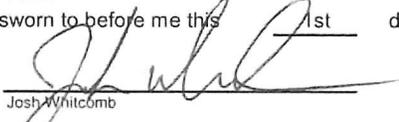
Fleis & Vandenbrink  
2960 Lucerne Drive SE  
Grand Rapids MI 49546

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:  Date: 11/1/2018

State of: Michigan  
County of: Kent

Subscribed and sworn to before me this 1st day of November, 2018

Notary Public:   
Josh Whitcomb

My Commission Expires: 1/15/2025

shall@fveng.com  
E-mail:

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... \$ 138,273.00

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:  Date: 11/14/18

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

FHC Invoice #:	17000911 - 9
C-1692 Date:	10/31/18
FHC Current: Gross Ret	Net Invoice
87,930.00 50,343.00	\$ 138,273.00

Project: City of Albion 2017 WWTP Improvements

Application No.:

9

(modified)

LL

Application Date:

10/31/18

Page 1 of 1

FHC

Period To:

10/31/18

Job No.: 17-0009-11

Architects Project No.:

829670

A	B	C	D	E	F	G		H	I
Item No:	Description of Work	Scheduled Value	Previous App.	This Period	Stored Material	Total To Date	%	Balance To Complete	Retainage
							(G÷C)		
	Mobilization	10,000	10,000			10,000	100.00%	-	-
	General Conditions/Supervision	34,000	34,000			34,000	100.00%	-	-
	Raw Influent Pump System	338,000	338,000			338,000	100.00%	-	-
	Primary clarifier Concrete Repair	21,000	14,000	7,000		21,000	100.00%	-	-
	Primary clarifier Equip Repl	403,000	403,000			403,000	100.00%	-	-
	Primary Sludge/Scum Plunger Pp	75,000	75,000			75,000	100.00%	-	-
Original Contract Total:		881,000	874,000		-	881,000	100.00%	-	-
CO 2	Add reducing flanges	3,490	3,490			3,490	100.00%	-	-
CO 3	Dewatering/Plngr pmp speed cntrl	99,695	96,765	2,930		99,695	100.00%	-	-
CO 4	Dewind Dewatering-drilling	17,000	17,000			17,000	100.00%	-	-
CO 5	Sludge Pump Press Switch	4,435	4,435			4,435	100.00%	-	-
CO 6	Rewire Over-Torque Fault	1,240	1,240			1,240	100.00%	-	-
CO 7	Dewatering Extension (Jan-Mar 2018	78,000		78,000		78,000	100.00%	-	-
Revised Contract Total:		1,084,860	996,930	87,930	-	1,084,860	100.00%	-	-

Micah Holt being duly sworn, deposes and says: That FRANKLIN HOLWERDA COMPANY is the subcontractor to the following described real property situated in Calhoun County, Michigan described as follows: City of Albion 2017 WWTP Improvements

That the following is a statement of each subcontractor and supplier and laborer for which laborer the payment of wages or fringe benefits and withholdings is due but unpaid, with whom the subcontractor has subcontracted for performance under the contract with the owner or lessee thereof, and that the amount due to the persons as of the date hereof are correctly and fully set forth opposite their names, as follows:

NAME OF CONTRACTOR, SUPPLIER, OR LABORER	TYPE OF IMPROVEMENT FURNISHED	CONTRACT PRICE	PAID	Retention /		
				CURRENTLY OWING	BALANCE TO COMPLETE	LABOR WAGES & FRINGE BENEFITS
CT Electrical	Electrical	71,602	65,609	5,993	-	
Kennedy Industries	Influent equip.	160,000	152,200	7,800	-	
Wes Tech	Clarifiers	153,000	145,350	7,650	-	

Note: ALL LABORS PAID IN FULL

384,602	363,159	21,443	-	-
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That the contractor has not procured material from, or subcontracted with, any other than those set forth and owes no money for the improvement other than the sums herein. Deponent further says that he makes the foregoing statement as the subcontractor or as the Controller of the subcontractor for the purpose of representing to the owner or lessee of the described premises and his agents that the property described is free from claims of construction liens, or the possibility of construction liens, except as specifically set forth and except for claims of construction liens by laborers which may be provided pursuant to section 109 of the construction lien act, Act No. 497 of the Public Acts of 1980, as amended, being section 570.1109 of the Michigan Compiled Laws.

**WARNING TO OWNER: AN OWNER OR LESSEE OF PROPERTY DESCRIBED MAY NOT RELY ON THIS SWORN STATEMENT TO AVOID THE CLAIM OF A SUBCONTRACTOR, SUPPLIER, OR LABORER WHO HAS PROVIDED A NOTICE OF FURNISHING OR A LABORER WHO MAY PROVIDE A NOTICE OF FURNISHING PURSUANT TO SECTION 109 OF THE CONSTRUCTION LIEN ACT TO THE OWNER OR LESSEE IF THE DESIGNEE IS NOT NAMED OR HAS DIED.**

**WARNING TO DEPONENT: A PERSON, WHO WITH INTENT TO DEFRAUD, GIVES A FALSE SWORN STATEMENT IS SUBJECT TO CRIMINAL PENALTIES AS PROVIDED IN SECTION 110 OF THE CONSTRUCTION LIEN ACT, ACT NO. 497 OF THE PUBLIC ACTS OF 1980, AS AMENDED, BEING SECTION 570.1110 OF THE MICHIGAN COMPILED LAWS.**



(Deponent)



Josh Whitcomb, Notary Public

Kent County, Michigan

Subscribed and sworn to before me this 31st day of October, 2018

Date: 10/31/18

My Commission Expires: 1/15/2025



A CMS Energy Company

**CEM Support Center**

Consumers Energy, CEM Support Center, Lansing Service Center, Rm. 122, 530 W. Willow St., P.O. Box 30162 Lansing, MI 48909-7662

December 18, 2018

NOTIFICATION #(s):

1047025061-1047025059-1046952703-  
1046952700-1046952697-1044816866

CITY OF ALBION  
PO BOX 90  
ALBION, MI 49224-0090

REFERENCE: CITY CENTER, ALBION

Dear Valued Customer,

Thank you for contacting Consumers Energy for your energy needs. Please note the Notification Number above and include it on any correspondence you send. Please note the Account Number, located above the Account Name on your invoice, when submitting payment.

The estimated cost for your energy request is as follows:

Non Refundable Electric Facilities:	
OH Electric Service Installation Fee:	
UG Electric Service Installation Fee:	
Excess Footage Charge:	
Winter Construction Costs:	\$ -
Additional Costs - See Invoice:	\$ 96,127.00
<b>Total Estimated Cost:</b>	<b>\$ 96,127.00</b>
Less Prepayment Received:	\$ -
<b>Total Estimated Cost Due:</b>	<b>\$ 96,127.00</b>

Costs may also result from practical difficulties encountered during construction and additional payment may be required if:

- Work presently designed is done outside normal business hours.
- Change to the location of the service entrance.
- Changes to the design or route.
- Other construction delays.

If applicable, enclosed is an estimated invoice that is valid for 60 days from the date of this letter and is subject to change thereafter. This cost estimate includes only work required for Consumers Energy and does not reflect any work or costs that may be required by other parties, including other utilities. Once we receive your payment and any required easements, contracts, permits or inspections we can proceed with your request.

**CONTACT OUR SECURE CREDIT/DEBIT CARD PAYMENT CENTER @ 1-866-329-9593 TO PAY "FEE FREE" WITH YOUR VISA OR MASTERCARD OR MAKE A PAYMENT ONLINE AT: www.consumersenergy.com AND CLICK "MAKE PAYMENT" TO USE THE GUEST PAY FEATURE.**

Please review all attached materials carefully and direct inquiries for your request to:

JAYSON S LANDERS at 1-844-316-95



A CMS Energy Company

**CEM Support Center**

Consumers Energy, Lansing Service Center, Rm. 122, 530 W. Willow St., P.O. Box 30162 Lansing, MI 48909-7662

<b>PLEASE RETURN THE CHECKED DOCUMENTS BELOW TO CONSUMERS ENERGY IN THE ENVELOPE PROVIDED</b>	
<b>TO EXPEDITE SERVICE, RETURN VIA EMAIL TO:</b>	
<a href="mailto:POBoxCEServiceRequest@cmsenergy.com">POBoxCEServiceRequest@cmsenergy.com</a>	
<input type="checkbox"/>	AGREEMENT FOR INSTALLATION (Please return all pages of contracts) (Form 93, Form 94 and Form 95 - 2 Page Document Each) (Form 861, Form 862 and Form 230 - 4 Page Document Each)
<input checked="" type="checkbox"/>	PAYMENT WITH INVOICE STUB (BOTTOM STUB IS REQUIRED FOR PROCESSING)
<input type="checkbox"/>	REQUEST FOR ELEVATED CUSTOMER DELIVERY PRESSURE
<input checked="" type="checkbox"/>	STANDARD LIGHTING CONTRACT (MUST BE CERTIFIED BY CLERK)
<input type="checkbox"/>	SIGNED CUSTOMER ATTACHMENT PROGRAM (CAP) CONTRACT (PLEASE ENSURE TO CHECK PAYMENT OPTION ON CONTRACT)
<input type="checkbox"/>	GO READY FORM (FORM 1250) TO EXPEDITE SERVICE, RETURN VIA EMAIL TO: <a href="mailto:POBoxCEServiceRequest@cmsenergy.com">POBoxCEServiceRequest@cmsenergy.com</a>
<input type="checkbox"/>	SITE READY PHOTO(S) TO EXPEDITE SERVICE, RETURN VIA EMAIL TO: <a href="mailto:POBoxCEServiceRequest@cmsenergy.com">POBoxCEServiceRequest@cmsenergy.com</a>
<input type="checkbox"/>	OTHER:
<b>NOTIFICATION REFERENCE NUMBERS</b>	
ELECTRIC SERVICE NOTIFICATION:	
GAS SERVICE NOTIFICATION:	
ELECTRIC OH DISTRIBUTION NOTIFICATION:	
ELECTRIC UG DISTRIBUTION NOTIFICATION:	
GAS MAIN NOTIFICATION:	
STREETLIGHT NOTIFICATION:	1047025061-1047025059-1046952703-1046952700-1046952697-1044816866



**Account Number** 300014550408  
**Account Name** CITY OF ALBION  
**Address** PO BOX 90  
 ALBION, MI 49224

**Invoice Number** 9314483249  
**PO Number**  
**PO Date**  
**Bill Date** 12/18/18  
**DUE DATE** 01/17/19

**CITY OF ALBION**  
**PO BOX 90**  
**ALBION MI 49224-0090**

**Comments:** CITY CENTER - ALBION - STREETLIGHTING - NOTIFICATION NUMBER (s):  
 1047025061-1047025059-1046952703-1046952700-1046952697-1044816866 -  
 Contact our secure credit/debit card payment center at 866-329-9593 to make a payment or visit us at  
 ConsumersEnergy.com/waystopay to view other convenient payment options.

Item	Description	Quantity	Unit Price	Amount
40010404	Electric Streetlights-Reimbursable ALBION CITY LIGHT LOMBARD/SHERIDAN 2- 1046952700	1.0 EA	\$5,547.00	\$5,547.00
40010404	Electric Streetlights-Reimbursable ALBION CITY LIGHTS LOMBARD/LOMBARD 6-1047025061	1.0 EA	\$13,492.00	\$13,492.00
40010404	Electric Streetlights-Reimbursable ALBION CITY LIGHTS CHAUNCEY/CASS 5- 1047025059	1.0 EA	\$21,727.00	\$21,727.00
40010404	Electric Streetlights-Reimbursable ALBION CITY LIGHTS CHAUNCEY/CASS 3- 1046952697	1.0 EA	\$27,847.00	\$27,847.00
40010404	Electric Streetlights-Reimbursable ALBION CITY LIGHTS LOMBARD/LOMBARD 4-1044816866	1.0 EA	\$26,336.00	\$26,336.00
40010404	Electric Streetlights-Reimbursable ALBION CITY LIGHTS CHAUNCEY/AUSTIN 1-1046952703	1.0 EA	\$1,178.00	\$1,178.00
<b>Payment Terms:</b>				<b>Due by:</b> 01/17/19
			<b>TOTAL DUE:</b>	\$96,127.00
PLEASE ENCLOSE THE BOTTOM PORTION OF THIS INVOICE WITH YOUR PAYMENT. THE ACCOUNT NUMBER IS NECESSARY TO ENSURE YOUR PAYMENT IS PROPERLY CREDITED. THANK YOU				

Contact Information: JAYSON S LANDERS -1-844-316-95 -

Consumers Energy is regulated by the Michigan Public Service Commission, Lansing, Michigan.

Please detach this stub and return it with your payment



CONSUMERS ENERGY  
 CEM Support Ctr - Lansing RM 122  
 PO Box 30162  
 Lansing, MI 48909-7662

**PREPAYMENT REQUEST**  
**CITY OF ALBION**  
**PO BOX 90**  
**ALBION MI 49224-0090**

<b>Due Date</b>	<b>Total Due</b>
01/17/19	\$96,127.00
<b>Amount Enclosed</b>	\$

## GENERAL SERVICE UNMETERED LIGHTING RATE GUL, STANDARD HIGH INTENSITY DISCHARGE

<i>Number of Luminaires</i>	<i>Nominal Watts</i>	<i>Luminaire Type</i>	<i>Fixture Type</i>	<i>Fixture Style</i>	<i>Install Remove</i>	<i>Location</i>
1	<u>250</u>	<u>HPS</u>	<u>Cobrahead</u>	<u>Non-Cutoff</u>	<u>Install</u>	SE corner of Parkview Ave & Greenleaf Blvd
1	<u>250</u>	<u>HPS</u>	<u>Cobrahead</u>	<u>Non-Cutoff</u>	<u>Install</u>	NW corner of Parkview Ave & Darro St
1	<u>150</u>	<u>HPS</u>	<u>Cobrahead</u>	<u>Non-Cutoff</u>	<u>Remove</u>	NW corner of Parkview Ave & Darro St

**Resolution #2019-03**

**A RESOLUTION FOR AUTHORIZATION FOR CHANGE IN STANDARD LIGHTING CONTRACT**

Findings and Purpose: Consumers Energy Company is authorized as of 12-18-2018 by the City of Albion, to make changes, as listed below, in the lighting system (s) covered by the existing Standard Lighting Contract between the Company and the City of Albion dated 2-28-2019.

Lighting Type:

General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge

Notification Number (s):

1046952703

1047025061

1046952697

Construction Work Order Number (s):

34056824

34056832

34056838

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

**RESOLVED**, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Albion dated 2-28-19, in accordance with the Authorization for Change in Standard Lighting Contract dated 12-18-18 heretofore submitted to and considered by this Council.

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

I Jill Domingo, Clerk of the City of Albion do hereby certify that the foregoing resolution was duly adopted by Council of said municipality, at the special meeting held on January 24, 2019.

Date: January 24, 2019

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

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Jill Domingo  
City Clerk