

Council Agenda

December 7, 2009, 6:30 p.m., Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE

ROLL CALL

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

- November 23, 2009 regular council meeting.

ANNOUNCEMENTS:

PUBLIC HEARINGS:

- Amending the City's Brownfield Plan to include 1200 Leon Scott Court, for Project Infinity whereby Global Watt plans to invest \$177 million for a solar modular production plant creating approximately 500 jobs.

PERSONAL APPEARANCES:

REMARKS OF COUNCIL:

PETITIONS:

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARD AND COMMISSION MEMBERS:

From the Council Boards and Commission Committee:

1. Consideration of appointing William Edward Schaiberger and Hazel Marie Moore to the Human Planning Commission with a term to expire December 7, 2011.
2. Consideration of reappointing Wilnita Williams to the STARS Board with a term to expire September 26, 2012.
3. Consideration of reappointing George C. Bush to the Zoning Board of Appeals with a term to expire December 31, 2012.
4. Consideration of reappointing Myron Shinkel to the Housing Board of Appeals with a term to expire October 8, 2011.

REPORTS FROM MANAGER:

Recommended Actions:

1. Recommending approval of the 2010 Calendar Year Schedule for regular meetings and special strategic planning sessions of the Council.
2. Recommending that the Mayor, and Mayor Pro tem in his absence, be authorized to sign any Michigan State Housing Development and Housing and Urban Development grant related documents.
3. Recommending approval of the Settlement and Release Agreement in the amount of \$25,000.00 to resolve a pending lawsuit against City police officers filed by Bennie Choice. The Agreement has been approved by the City Manager as to substance and the City Attorney as to form.
4. Recommending that payment be made to R. W. Mercer Co., Jackson, Michigan, in the amount of \$2,740.00 for emergency repairs to the release detection system for the underground diesel storage tanks. Funds are budgeted in the Water Treatment General Repairs Account, No. 591 4730 861 8040.
5. Recommending acceptance of the quote received from Standard Electric, Inc., Saginaw, MI, and issuance of a purchase order to them in the amount of \$3,360.00 for the purchase of street light globes. Standard Electric, Inc., is the sole source supplier. This purchase is to repair or replace globes that have been broken due to car accidents and storm damage. Funds are available in the Traffic Engineering Parts and Supplies Account, No. 101 4621 791 7330.
6. Recommending that a purchase order be approved and issued to Spartan Distributors in the amount of \$3,500.00 for the purchase of a mower to be used by the Cemeteries Division. The City purchased a Toro mower in 2008 and it has had many maintenance problems and is not able to withstand the type of usage required in City Cemeteries. Spartan Distributors has offered to refund the cost of the mower and apply it to the purchase of a Toro Groundsmaster 7210, which is a heavier duty mower. Funds are available in the Cemeteries Operation Repairs and Replacement Account, No. 101 1747 821 9720.
7. Recommending that a blanket purchase order be approved and issued to Amerigas in the amount of \$4,000.00 for the purchase of propane gas to be used by the Right of Way Division, Compost Site Section. Past usage of propane gas and price increases dictate the need to establish an annual purchase order to ensure an adequate supply for the year. Funds are budgeted in the Rubbish Collection Parts and Supplies Account, No. 226 4587 841 7330.
8. Recommending that the Service Agreement, Commercial Acceptance Use Policy, Commercial Terms of Service and Website Use Terms and Conditions between the City of Saginaw and Charter Business Communications be approved. The term of the Agreement is for three years. The monthly charge is \$352.52 and the annual amount of \$4,230.24. Funds are budgeted in the Celebration Park Operating Services Account, No. 508 7580 831 8001.
9. Recommending acceptance of the low bid and issuance of a purchase order to Kerr Pump & Supply, Inc. in the amount of \$5,845.00 for the supply and delivery of a rotary claw vacuum pump. Funds are budgeted in the Water Operations Repairs and Replacement Account, No. 591 4730 861 9720.

10. Recommending that payment be made to Elliot Environmental Company in the amount of \$8,044.00 for the emergency mold removal at City Hall. Funds are available in the Building and Grounds Division Professional Services Account, No. 101 7575 821 8001.
11. Recommending that payment be made to Hamilton Electric in the amount of \$11,300.00 for the emergency purchase of Variable Frequency Drives to be used by the Wastewater Treatment Plant. Funds are available in the Sewer Operation and Maintenance Parts and Supplies Account, No. 590 4830 861 7330.
12. Recommending acceptance of the quote received from Jack Doheny Supplies and that a purchase be approved and issued to them in the amount of \$19,086.60 for the purchase of a Stanley Hydraulic Power Pack with tools to be used in the maintenance and construction of the water distribution and sewage collection systems. Funds are available in the Water Operations and Supplies Account, No. 591 4721 861 7330.
13. Recommending approval of the Cost Agreement (No. 09-5653) with the Michigan Department of Transportation for the purpose of fixing the rights and obligations of the parties agreeing to the reconstruction and utility upgrade work along North Woodbridge Street from Houghton Avenue to Davenport Avenue. Further recommend that the City Manager be authorized to execute this agreement on behalf of the City. Funds for the City's share will be made available in the Sewer Operation and Maintenance Sewer Surplus Construction Projects Fund, Account No. 590 4840 881 8047 (\$550,000.00), Water Operation and Maintenance Refunding Bonds Construction Projects Fund Account, No. 591 4741 881 8047 (\$608,600.00).

INTRODUCTION OF ORDINANCES:

1. An Uncodified Ordinance imposing a temporary moratorium on certain land uses connected with the use of marijuana for medical purposes.
2. An Ordinance to delete "Low Income Housing Tax Exemption for Wolgast Corporation," and to add in its place "Low Income Housing Tax Exemption for Wickes Park Homes Limited Dividend Housing Association Partnership," to the Table of Special Ordinances VIII.

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to amend Section 130.52, "Parental Responsibility", and Section 130.54, "Violation and Penalty", of Sections 130.50, Et. Seq., "Curfews for Minors", of Chapter 130, "Offenses Against Public Peace and Safety", of Title XIII, "General Offenses", of the City of Saginaw

RESOLUTIONS:

1. Revoking Industrial Facilities Exemption Certificate No. 98-714 for KBC Trading & Processing Co. in the City of Saginaw.
2. Revoking Industrial Facilities Exemption Certificate No. 2004-115 for Quality Roll, LLC in the City of Saginaw.
3. Revoking Industrial Facilities Exemption Certificate No. 99-709 for Saginaw Rock Products Company in the City of Saginaw.
4. Revoking Industrial Facilities Exemption Certificate No. 98-715 for Professional Assembly Corporation in the City of Saginaw.
5. Approving MDOT Cost Agreement No. 09-5563 for North Woodbridge Reconstruction Project.
6. Amending the Brownfield Plan for the City of Saginaw, Michigan to include GlobalWatt, Inc., Project Infinity, 1200 Leon Scott Street, in compliance with the provisions of Act 381, Public Acts of 1996, as amended by Act 145, Public Acts of 2000.
7. Supporting the development of Central Michigan University's proposed medical school in the Riverfront Zone of downtown Saginaw.
8. Recognizing the contributions made by Toshiji Miki, former mayor of Tokushima, Japan, and that an official copy of this Resolution be delivered to his family.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Darnell Earley
City Manager

COUNCIL COMMUNICATION

From: The City Manager

Subject: Pilot Ordinance Wickes Park Homes

Manager's Recommendation:

It is recommended that a Low Income Housing Tax Exemption for Wickes Park Homes Limited Dividend Housing Association Partnership be added to the Table of Special Ordinances VIII. An Ordinance has been prepared and appears under the regular order of business.

Justification:

In 2005, the City of Saginaw enacted a Pilot Ordinance for the Wolgast Corporation to construct homes in the Wickes Park area of the City. The Wolgast Corporation has created the Wickes Park Homes Limited Dividend Housing Association as the Sponsor for this project. This Pilot ordinance is designed to replace and supercede the earlier one, with no change in terms or conditions. The format has been updated slightly to the one now preferred by the Michigan State Housing Development Authority for Pilot Ordinances.

The Wolgast Corporation and the Michigan State Housing Development Authority have both requested that the City enact this replacement ordinance.

Council Action:

Council _____ moved that the report from the City Manager be received and filed.

COUNCIL COMMUNICATION

Council _____ introduced an ordinance entitled and

reading as follows:

AN ORDINANCE TO DELETE "LOW INCOME HOUSING TAX EXEMPTION FOR WOLGAST CORPORATION", AND TO ADD IN ITS PLACE "LOW INCOME HOUSING TAX EXEMPTION FOR WICKES PARK HOMES LIMITED DIVIDEND HOUSING ASSOCIATION PARTNERSHIP", TO THE TABLE OF SPECIAL ORDINANCES VIII.

Laid over under the Charter provision.

COUNCIL COMMUNICATION

Council _____ moved that an ordinance introduced December 7, 2009, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO DELETE "LOW INCOME HOUSING TAX EXEMPTION FOR WOLGAST CORPORATION", AND TO ADD IN ITS PLACE "LOW INCOME HOUSING TAX EXEMPTION FOR WICKES PARK HOMES LIMITED DIVIDEND HOUSING ASSOCIATION PARTNERSHIP", TO THE TABLE OF SPECIAL ORDINANCES VIII.

Section 1. "Low Income Housing Tax Exemption For Wolgast Corporation", is hereby deleted and "Low Income Housing Tax Exemption For Wickes Park Homes Limited Dividend Housing Association Partnership," is hereby added in its place to the Table of Special Ordinances VIII of the City Of Saginaw Code Of Ordinances, O-1, and shall read as follows:

LOW INCOME HOUSING TAX EXEMPTION

This ordinance shall provide for a service charge in lieu of taxes for a proposed single-family lease/purchase dwelling project for persons of low income to be financed or assisted pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

(A) *Preamble.*

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge to be paid in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL Section 125.1401 et seq.). The City is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any

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amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The City acknowledges that Wickes Park Homes Limited Dividend Housing Association Partnership (the "sponsor") has offered, subject to receipt of a Mortgage Loan from the Michigan State Housing Development Authority, to erect, own and operate a housing development identified as Wickes Park Homes on certain property located in the City of Saginaw, County of Saginaw, State of Michigan described on Exhibit A which is kept on file with the City Clerk, the keeper of records for the City of Saginaw, and is incorporated herein by reference to serve persons of low income; and that the Sponsor has offered to pay to the City on account of such Housing Development an annual service charge for public services in lieu of all taxes.

(B) *Definitions.*

(1) Act means the State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, as amended.

(2) Annual Shelter Rents means the total collections during an agreed annual period from all occupants of a Housing Development representing rent or occupancy

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charges, exclusive of charges for gas, electricity, water and sanitary sewer service, or other utilities furnished to the occupants.

(3) Authority means the Michigan State Housing Development Authority.

(4) Contract Rents are as defined by the U. S. Department of Housing and Urban Development in regulations promulgated pursuant to the U. S. Housing Act of 1937, as amended.

(5) Family means low income persons and families: persons or families eligible to live in the Housing Development.

(6) Housing Development means a development which contains a significant element of housing for Persons of Low Income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for Persons of Low Income.

(7) Mortgage Loan means a loan to be made by the Authority to the Sponsor for the construction and/or permanent financing of the Housing Development.

(8) Sponsor means person(s) or entities which have applied to the Authority for a Mortgage Loan to finance a Housing Development.

(C) *Class of Housing Developments.*

It is determined that the class of Housing Development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such tax shall be family, which are financed or assisted pursuant to the Act. It is further determined that Wickes Park Homes is of this class.

(D) *Establishment of Annual Service Charge.*

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The Housing Development identified as Wickes Park Homes and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The City, acknowledging that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, and in consideration of the Sponsor's offer, subject to receipt of a Mortgage Loan from the Authority to construct, own, and operate the Housing Development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to four (4%) percent of Annual Shelter Rents.

(E) *Limitation on the Payment of Annual Service Charge.*

Notwithstanding Section D, the service charge to be paid each year in lieu of taxes for the part of the Housing Development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

(F) *Contractual Effect of Ordinance.*

Notwithstanding the provisions of Section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor, with the Authority as a third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes as previously described is effectuated by enactment of this Ordinance. The City Manager and the City Clerk shall be and hereby are authorized to execute any and all

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contracts which may be required by the Authority for the purpose of effectuating and executing the provisions of this section.

(G) *Payment of Service Charge.*

The annual service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the City except that the annual payment shall be paid on or before January 1 of each year.

(H) *Duration.*

This Ordinance shall remain in effect and shall not terminate so long as the Mortgage Loan remains outstanding and unpaid or the Authority has any interest in the property; provided, that the construction of the Housing Development commences within one year from the effective date of this Ordinance.

(H) *Severability.*

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

Section 2. This ordinance shall become effective December 31, 2009.

Enacted: December 21, 2009.

COUNCIL COMMUNICATION

Council _____ introduced an ordinance entitled and reading as follows:

AN UNCODIFIED ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON CERTAIN LAND USES CONNECTED WITH THE USE OF MARIHUANA FOR MEDICAL PURPOSES.

Laid over under the Charter provision.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Medical Marihuana Moratorium Ordinance

Manager's Recommendation:

I recommend that a Moratorium Ordinance be enacted to prohibit certain land uses connected with medical Marihuana for a period of six months, or until a land use ordinance can be enacted. An Ordinance has been prepared and appears under the regular order of business.

Justification:

In 2008, a Michigan voter referendum approved the use of medical Marihuana. Neither the referendum nor the subsequent state regulations addressed the appropriate zoning for the various aspects of the new Marihuana uses. A municipality has the responsibility for regulating its land for the proper residential, commercial and industrial uses in its boundaries. There are few standard models from which to work for the proper zoning of Marihuana cultivation and related uses. The City of Saginaw, therefore, wants to study this issue and enact a new land use ordinance to properly address:

1. Cultivation or processing of Marihuana.
2. Distribution or dispensing of Marihuana.
3. Smoking or other administration of Marihuana.
4. "Grow stores", providing specialized equipment for cultivation of Marihuana, etc.
5. "Marihuana schools", teaching students how to cultivate and process Marihuana.

When a new zoning regulation is being reviewed and considered, it is common to enact a moratorium on the legal land uses to be addressed by that ordinance. The purpose is to prevent a rush to implement land use in an area if the developers believe that the use will be zoned out in the near future. The moratoria are limited in scope and this one will expire in six months or when a superceding zoning ordinance is enacted.

This proposal was discussed and approved at a public meeting of the Planning Commission on October 27, 2009.

Council Action:

COUNCIL COMMUNICATION

This Council Communication is for explanation of the ordinance and requires no separate approval.

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Manager's Recommendation: Approval of the ordinance as follows:

Title: An Uncodified Interim Ordinance Imposing a Temporary Moratorium on Certain Land Uses Connected with the Use of Marihuana for Medical Purposes

WHEREAS, the State of Michigan, by voter referendum of November, 2008 approved the use of medical marihuana; and

WHEREAS, this law has been identified as Initiated Law 1 of 2008, MCL 333.26421 and executive reorganization order numbers 1996-1, 1996-2 and 2003-1, MCL 330.3101, MCL 445.2001 and MCL 445.2011; and

WHEREAS, such laws and state regulations have not addressed the appropriate land use associated with these activities; and

WHEREAS, the present zoning and land use ordinances do not address the proper location of such activities as, until the recent referendum, many of the activities were illegal and not permitted in any zoning classification, and

WHEREAS, the experience of other states with similar law changes has been that unregulated land use has caused substantial problems for communities, and

WHEREAS, THE City of Saginaw has a legitimate purpose in addressing the proper location and land use for this new activity in appropriate areas, and

WHEREAS, this review process may take several months to properly accomplish, and

WHEREAS, the City is legitimately concerned that uses may be established in inappropriate locations before the revised land use ordinances may be drafted and enacted, thereby defeating the purpose of the ordinance.

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WHEREAS, it is a routine and appropriate method to forestall such problems to enact a reasonable moratorium on all land uses for medical marihuana until such an ordinance can be drafted and enacted,

NOW, THEREFORE, BE IT RESOLVED, that the City of Saginaw hereby temporarily denies use of land for the following activities:

1. Cultivation or processing of marihuana;
2. Distribution or dispensing of marihuana;
3. Smoking or other administration of marihuana;
4. Stores for specialized equipment for cultivation, processing, distributing or administering marihuana; and
5. Specialized schools or training for cultivation, processing, distributing or administering marihuana, and

BE IT FURTHER RESOLVED, that the moratorium forbidding such land use shall terminate and be of no further effect upon the effective date of a land use ordinance regulating such activities or after six months from the effective date of this moratorium, whichever shall first occur.

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REVISED

From: The City Manager

Subject: Charter Business Communications Service Agreement, Commercial Acceptable Use Policy, Commercial Terms of Service, Service Order and Website Use Terms and Conditions

Manager's Recommendation:

I recommend that the Service Agreement ("Agreement"), Commercial Acceptable Use Policy ("AUP"), Commercial Terms of Service ("Terms of Service"), Service Order ("Order") and Website Use Terms and Conditions ("Terms and Conditions") between the City of Saginaw and Charter Business Communications ("Charter") be approved. The term of the Agreement is three years. The monthly charge is \$352.52 and the annual amount is \$4,230.24. In addition, there will be no installation charge. The Agreement, AUP, Terms of Service, Order and Terms and Conditions have been approved by me as to substance the City Attorney as to form.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted in the Celebration Park Operating Services Account, Number 508-7580-831.80-01.

Justification:

The City of Saginaw ("City") is in the process of re-purposing the former Andersen Water Park and part of the project is renovating the vending building into a police substation. The substation will be utilized as a "Crime Prevention Information Center," housing the City Police's high-tech crime prevention computer and digital applications. In

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order to connect into the City's computer network through a Virtual Private Network ("VPN"), the building will need to have an Internet connection. The City has chosen Charter Business to provide Internet, phone and cable service for the substation. Charter requires the City to approve the Agreement, AUP, Terms of Service, Order and Terms and Conditions. Pursuant to the terms of the Terms of Service, the City must pay late fees, all collection expenses, disclaims all express and implied warranties and must indemnify and hold Charter harmless against any claims. Though those terms are not favorable to the City, City staff has determined that Charter will offer the best service to the City.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

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From: The City Manager

Subject: Revocation of Industrial Facilities Tax Abatement Certificates

Manager's Recommendation:

I recommend the revocation of the following Industrial Facilities Tax Exemption Certificates: Professional Assembly Corporation (220 Florence), IFTEC #98-715; Saginaw Rock Products (1701 N. 1st Street), IFTEC #99-709; Quality Roll, LLC (1010 Hess), IFTEC #2004-115; and KBC Trading & Processing Company (f/k/a Berger and Company and n/k/a ConAgra Foods) (1741 N. Niagara), IFTEC #98-714.

Justification:

The City Assessor and City Treasurer provide an annual report to the Department of Treasury, State Tax Commission, on all Industrial Facilities Tax Exemption Certificates issued for property in the City of Saginaw. The Department of Treasury, State Tax Commission subsequently inquired on the status of several certificates issued which were not included in the annual report and requested that the legislative body formally revoke any inactive Industrial Facilities Tax Exemption Certificates. The City Assessor has reviewed her records which indicate the Industrial Facilities Tax Exemption Certificates issued to the following companies are no longer valid for the reasons set forth below and therefore should be revoked:

Company Name and Address

Reason for Revocation

Professional Assembly Corporation
220 Florence
IFTEC #98-715

Moved to 1400 Weiss in Saginaw Township in 2001.

Saginaw Rock Products
1701 N. 1st Street
IFTEC #99-709

Sold this equipment in 2003.

Quality Roll, LLC
1010 Hess
IFTEC #2004-115

Moved to Buena Vista Township in 2005.

KBC Trading & Processing Company
1741 N. Niagara
IFTEC #98-714

Filed equipment as "idle" in 2001; removed equipment from location in 2003; sold business in 2006.

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In addition to the foregoing, simultaneous with the approval of the Industrial Facilities Tax Abatement Certificates, the City of Saginaw entered into an Industrial Facilities Tax Abatement Agreement which gave the City Manager the authority, under certain circumstances, to recommend to City Council to reduce or revoke the Industrial Facilities Tax Exemption Certificate, which include, but are not limited to, abandonment of the facility or relocation of the facility operations outside the City.

The City has complied with its obligations under the Agreement in requesting these certificates be revoked. As such, I recommend City Council adopt the necessary resolution to revoke the foregoing Industrial Facilities Tax Abatement Certificates.

Council Action:

This Council Communication is for explanation purposes only of the Resolutions to be adopted.

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Manager's Recommendation: Approval of the resolution as follows:

**RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE NO. 98-715 FOR PROFESSIONAL ASSEMBLY CORPORATION
IN THE CITY OF SAGINAW**

Council _____ offered and moved adoption of the following resolution:

WHEREAS, an Industrial Development District was established by Resolution approved by City Council at a regular meeting held September 28, 1998, for real property description no. 19-0502-006-00, located in the City of Saginaw, County of Saginaw, more commonly known as: 220 Florence, Saginaw, Michigan; and

WHEREAS, the City Council of the City of Saginaw at a regular meeting held October 12, 1998, approved an Industrial Facilities Tax Exemption Certificate, identified as IFTEC No. 98-715 (parcel no. 18-9550-00000), for Professional Assembly Corporation for \$50,000.00 in real property and \$50,000.00 in personal property for a period of twelve (12) years, expiring December 30, 2010, and

WHEREAS, the City of Saginaw and Professional Assembly Corporation, entered into an Industrial Facilities Tax Abatement Agreement, dated October 8, 1998, as provided under P.A. 198 of 1974, as amended, which sets forth that abandonment of the facility or relocation of facility operations outside the City would constitute grounds for an immediate revocation of the Industrial Facilities Tax Exemption Certificate; and

WHEREAS, the City Assessor has reviewed this matter and advised that Professional Assembly Corporation moved to 1400 Weiss, in Saginaw Township in 2001; and

WHEREAS, given the foregoing, the City Manager having reviewed this matter

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on or about November 23, 2009 recommends City Council for the City of Saginaw revoke Industrial Facilities Tax Exemption Certificate No. 98-715 (parcel no. 18-9550-00000), issued to Professional Assembly Corporation.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Saginaw hereby revokes Industrial Facilities Tax Exemption Certificate No. 98-715 (parcel no. 18-9550-00000), for Professional Assembly Corporation for the real property description no. 19-0502-006-00, located in the City of Saginaw, County of Saginaw, more commonly known as: 220 Florence, Saginaw, Michigan.

BE IT FURTHER RESOLVED that the City Council for the City of Saginaw requests the Michigan State Tax Commission revoke Industrial Facilities Tax Exemption Certificate No. 98-715 (parcel no. 18-9550-00000), for Professional Assembly Corporation for the real property description no. 19-0502-006-00, located in the City of Saginaw, County of Saginaw, more commonly known as: 220 Florence, Saginaw, Michigan.

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Manager's Recommendation: Approval of the resolution as follows:

**RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE NO. 99-709 FOR SAGINAW ROCK PRODUCTS COMPANY
IN THE CITY OF SAGINAW**

Council _____ offered and moved adoption of the following resolution:

WHEREAS, an Industrial Development District was established by Resolution approved by City Council at a regular meeting held January 4, 1999, for property description no. 01-0928-000-00, 01-0930-001-00, and 01-0928-001-00, located in the City of Saginaw, County of Saginaw, more commonly known as: 1701 North 1st, 1813 North 1st and 1647 North 1st, Saginaw, Michigan; and

WHEREAS, the City Council of the City of Saginaw at a regular meeting held February 22, 1999, approved an Industrial Facilities Tax Exemption Certificate, identified as IFTEC No. 99-709, for Saginaw Rock Products Company for \$305,000.00 in personal property for a period of twelve (12) years, expiring December 30, 2011, and

WHEREAS, the City of Saginaw and Saginaw Rock Products Company, entered into an Industrial Facilities Tax Abatement Agreement, dated August 12, 1999, as provided under P.A. 198 of 1974, as amended, which gave the City Manager the authority under certain circumstances to recommend to City Council that the Industrial Facilities Tax Exemption Certificate be reduced or revoked; and

WHEREAS, the City Assessor has reviewed this matter and advised that Saginaw Rock Products Company sold the equipment, which is the subject matter of Industrial Facilities Tax Exemption Certificate No. 99-709 (parcel number 01-9671-0000) in 2003; and

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WHEREAS, given the foregoing, the City Manager having reviewed this matter on or about November 23, 2009 recommends City Council for the City of Saginaw revoke Industrial Facilities Tax Exemption Certificate No. 99-709 (parcel number 01-9671-00000) issued to Saginaw Rock Products Company.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Saginaw hereby revokes Industrial Facilities Tax Exemption Certificate No. 99-709 (parcel number 01-9671-00000) for Saginaw Rock Products Company for the real property description no. 01-0928-00000, located in the City of Saginaw, County of Saginaw, more commonly known as: 1701 North 1st Street, Saginaw, Michigan.

BE IT FURTHER RESOLVED that the City Council for the City of Saginaw requests the Michigan State Tax Commission revoke Industrial Facilities Tax Exemption Certificate No. 99-709 (parcel number 01-9671-00000) for Saginaw Rock Products Company for the real property description no. 01-0928-00000, located in the City of Saginaw, County of Saginaw, more commonly known as: 1701 N. 1st Street, Saginaw, Michigan.

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Manager's Recommendation: Approval of the resolution as follows:

**RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE NO. 2004-115 FOR QUALITY ROLL, LLC
IN THE CITY OF SAGINAW**

Council _____ offered and moved adoption of the following resolution:

WHEREAS, an Industrial Development District was established by Resolution approved by City Council at a regular meeting held September 24, 2001, for real property description no. 12-0451-000-00, 12-0451-002-00, 12-0451-004-00, 12-0451-005-00, 12-0451-006-00, 12-0451-007-00, 12-0451-008-00 and 12-0451-009-00, located in the City of Saginaw, County of Saginaw, more commonly known as: 1000-1018 Hess, Saginaw, Michigan; and

WHEREAS, the City Council of the City of Saginaw at a regular meeting held April 22, 2002, approved an Industrial Facilities Tax Exemption Certificate, identified as IFTEC No. 2004-115 (parcel no. 12-9650-00000) for Quality Roll, LLC for \$159,400.00 in personal property for a period of twelve (12) years, expiring December 30, 2016, and

WHEREAS, the City of Saginaw and Quality Roll, LLC entered into an Industrial Facilities Tax Abatement Agreement, dated January 5, 2004, as provided under P.A. 198 of 1974, as amended, which sets forth that abandonment of the facility or relocation of facility operations outside the City would constitute grounds for an immediate revocation of the Industrial Facilities Tax Exemption Certificate; and

WHEREAS, the City Assessor has reviewed this matter and advised that Quality Roll, LLC moved out of the City in 2005; and

COUNCIL COMMUNICATION

WHEREAS given the foregoing, the City Manager having reviewed this matter on or about November 23, 2009 recommends City Council for the City of Saginaw revoke Industrial Facilities Tax Exemption Certificate No. 2004-115 (parcel no. 12-9650-00000) issued to Quality Roll, LLC.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Saginaw hereby revokes Industrial Facilities Tax Exemption Certificate No. 2004-115 (parcel no. 12-9650-00000) for Quality Roll, LLC for the real property description no. 12-0451-0000, located in the City of Saginaw, County of Saginaw, more commonly known as: 1010 Hess, Saginaw, Michigan.

BE IT FURTHER RESOLVED that the City Council for the City of Saginaw requests the Michigan State Tax Commission revoke Industrial Facilities Tax Exemption Certificate No. 2004-115 (parcel no. 12-9650-00000) for Quality Roll, LLC for the real property description no. 12-0451-0000, located in the City of Saginaw, County of Saginaw, more commonly known as: 1010 Hess, Saginaw, Michigan.

COUNCIL COMMUNICATION

Manager's Recommendation: Approval of the resolution as follows:

**RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE NO. 98-714 FOR KBC TRADING & PROCESSING CO.
IN THE CITY OF SAGINAW**

Council _____ offered and moved adoption of the following resolution:

WHEREAS, an Industrial Development District was established by Resolution approved by City Council at a regular meeting held April 20, 1998, for real property description no. 14-0279A-008, located in the City of Saginaw, County of Saginaw, more commonly known as: 1741 N. Niagara, Saginaw, Michigan; and

WHEREAS, the City Council of the City of Saginaw at a regular meeting held June 1, 1998, approved an Industrial Facilities Tax Exemption Certificate, identified as IFTEC No. 98-714 (parcel no. 14-9600-00000), for KBC Trading & Processing Company for \$150,000.00 in personal property for a period of twelve (12) years, expiring December 30, 2010, and

WHEREAS, the City of Saginaw and KBC Trading & Processing Company, (f/k/a Berger & Company and n/k/a ConAgra Foods, Inc.) entered into an Industrial Facilities Tax Abatement Agreement, dated May 18, 1998, as provided under P.A. 198 of 1974, as amended, which sets forth that abandonment of the facility or relocation of facility operations outside the City would constitute grounds for an immediate revocation of the Industrial Facilities Tax Exemption Certificate; and

WHEREAS, the City Assessor has reviewed this matter and advised that KBC Trading & Processing Company (f/k/a Berger & Company and n/k/a ConAgra Foods) filed the equipment, which is the subject matter of Industrial Facilities Tax Exemption Certificate No. 98-714 (parcel no. 14-9600-00000), from the 1741 N. Niagara, Saginaw, Michigan as "idle" as of December 31, 2001, and stated it was in the process of being removed or sold, and the equipment listed on the parcel was no longer located in Michigan; and

WHEREAS, the City Assessor records further indicate that KBC Trading & Processing Company (f/k/a Berger & Company and n/k/a ConAgra Foods), sold its

COUNCIL COMMUNICATION

business at 1741 N. Niagara on April 19, 2006; and

WHEREAS, given the foregoing, the City Manager having reviewed this matter on or about November 23, 2009 recommends City Council for the City of Saginaw revoke Industrial Facilities Tax Exemption Certificate No. 98-714 (parcel no. 14-9600-00000) issued to KBC Trading & Processing Company (f/k/a Berger & Company and n/k/a ConAgra Foods).

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Saginaw hereby revokes Industrial Facilities Tax Exemption Certificate No. 98-714 (parcel no. 14-9600-00000) for KBC Trading & Processing Company (f/k/a Berger & Company and n/k/a ConAgra Foods) for the real property description no. 14-0279A-008, located in the City of Saginaw, County of Saginaw, more commonly known as: 1741 N. Niagara, Saginaw, Michigan.

BE IT FURTHER RESOLVED that the City Council for the City of Saginaw requests the Michigan State Tax Commission revoke Industrial Facilities Tax Exemption Certificate No. 98-714 (parcel no. 14-9600-00000) for KBC Trading & Processing Company (f/k/a Berger & Company and n/k/a ConAgra Foods) for the real property description no. 14-0279A-008, located in the City of Saginaw, County of Saginaw, more commonly known as: 1741 Niagara, Saginaw, Michigan.

COUNCIL COMMUNICATION

From: The City Manager

Subject: 2010 Regular Council Meeting Schedule

Manager's Recommendation:

I recommend the 2010 Calendar Year Schedule for Regular Meetings and Special Strategic Planning sessions of the Council be adopted.

Justification:

The 2010 schedule is established in accordance with the Saginaw City Charter and posted in compliance with requirements of Act 267, P.A. 1976. Following are the proposed dates:

JANUARY	11, 25 AND *30 (*Strategic Planning Session)
FEBRUARY	8 AND 22
MARCH	8 AND 22
APRIL	5 AND 19
MAY	3 AND 17
JUNE	7 AND 21
JULY	12, *24 AND 26 (*Strategic Planning Session)
AUGUST	9 AND 23
SEPTEMBER	13 AND 27
OCTOBER	11 AND 25
NOVEMBER	8 AND 22
DECEMBER	6 AND 20

COUNCIL COMMUNICATION

Regular meetings are held on Monday evenings at 6:30 p.m. Student Government Day (which will be announced) begins at 12:00 noon.

On November 3, 2009, the voters approved a revision to the City Charter of the City of Saginaw (Chapter IV, Legislation, Regular Meetings, Section 18) which now states in part, *The council shall meet at least twice monthly.* As a result, there are three (3) weeks between the following meetings: December 21, 2009 and January 11, 2010, May 17, 2010 and June 7, 2010, June 21, 2010 and July 12, 2010 and August 23, 2010 and September 13, 2010.

Special Meetings for Strategic Planning have been placed on the regular calendar in January and July so Council members and staff may plan accordingly. These sessions generally run from 8:30 a.m. to 4:30 p.m.

To accommodate the City Clerk in preparing for elections, City Council adopted a motion in 2007, wherein Council meetings would not be scheduled on the Monday preceding an election. Election consolidation provides for elections to be held on the fourth Tuesday in February, and the first Tuesday after the first Monday in May, August and November. Possible election dates for 2010 are February 23rd, May 4th, August 3rd and November 2nd. To date, there are two (2) scheduled elections in 2010, i.e. August 3, 2010 and November 2, 2010. As such, it was not necessary to adjust the Council calendar for this purpose. In the event an election is scheduled on the February or May dates, an adjustment in the Council calendar may become necessary.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Cemeteries Mower Purchase

Manager's Recommendation:

I recommend that a purchase order be issued to Spartan Distributors in the amount of \$3,500.00 for the purchase of a mower to be used by the Cemeteries Division.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Cemeteries Operation Repairs and Replacement Account No. 101-1747-821.97-20.

Justification:

The City purchased a Toro 74253 Z-Master mower in 2008 for \$9,979.98. The mower has had many maintenance problems and is not able to withstand the type of usage required in City Cemeteries. Spartan Distributors has offered to refund the cost of the mower and apply it to the purchase of a Toro Groundsmaster 7210, which is a heavier duty mower. This mower is a demonstration unit that has approximately the same number of hours as the mower the City is trading in. A new Toro Groundsmaster 7210 would cost \$17,294.00 at State bid price.

Council Action:

Council_____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Variable Frequency Drives

Manager's Recommendation:

I recommend that payment be made to Hamilton Electric in the amount of \$11,300.00 for emergency purchase of Variable Frequency Drives (purchase order #39213).

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Sewer Operation and Maintenance Parts and Supplies Account, No. 590-4830-861.73-30.

Justification:

Two of the flow matcher units on the effluent pumps at the wastewater treatment plant failed. These pumps are used to pump effluent out of the wastewater treatment plant when high flows and high river levels make gravity flow impossible. These units are obsolete and parts are no longer available. Variable frequency drives were ordered to replace the flow matchers, using an emergency purchase order. Hamilton Electric provided the lowest cost of the four vendors submitting quotes.

Council Action

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Water Treatment Plant Vacuum Pump Purchase

Manager's Recommendation:

I recommend that the low bid from Kerr Pump & Supply, Inc. be accepted and a purchase order be approved and issued to them in the amount of \$5,845.00 for the supply and delivery of a rotary claw vacuum pump.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Water Operations Repairs and Replacement Account No. 591-4730-861.97-20.

Justification:

On November 17, 2009, the City received three bids for the supply and delivery of a rotary claw vacuum pump. The pump is for the priming system for the high service and low service pumps at the Water Plant. The priming system ensures the pumps are constantly filled with water, which is essential for starting the pumps. Spare parts are no longer available for the current vacuum pumps. There is no price comparison available for this purchase. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

	<u>Total Bid</u>
Kerr Pump & Supply, Inc. Oak Park, MI	\$5,845.00
Behco Incorporated Warren, MI	\$6,328.53
American Controls, Inc. Farmington Hills, MI	\$7,582.00

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Emergency Repair to Diesel Storage Tank

Manager's Recommendation:

I recommend that payment be made to R.W. Mercer Co., Jackson, Michigan, in the amount of \$2,740.00 for emergency repairs to the underground storage tanks.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Water Treatment General Repairs Account No. 591-4730-861.80-40.

Justification:

On October 8, 2009, emergency purchase order #39624 was issued to R.W. Mercer Co. in the amount of \$2,740.00. The purchase order was for repairs to the release detection system for the underground diesel storage tanks, along with signage. The diesel fuel storage is critical for the operation of the Emergency Diesel Generators at the Water Plant in the event of a power failure. R.W. Mercer Co. was chosen based on their knowledge of the detection system and is the company that performs the routine maintenance on the Water Plant's diesel supply system.

Council Action:

Council_____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Settlement of Police Claim

Manager's Recommendation:

I recommend approval of the Settlement and Release Agreement in the amount of \$25,000 to resolve a pending lawsuit against City police officers filed by Bennie Choice. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

Mr. Choice's nephew was a homicide victim on April 27, 2005. Mr. Choice went to the crime scene when he heard about this and was arrested after allegedly crossing the police tape and ignoring instructions not to do so. Mr. Choice and his family alleged that he was not crossing the tapeline, but was assisting the victim's mother and that the police used excessive force. The criminal charges against him were later dismissed. Mr. Choice also claims that he suffered an aggravation of a pre-existing injury during the arrest process. In order to avoid the expense and uncertainties of litigation and resolve this matter, the City has negotiated a payment of \$25,000. The Plaintiff has provided a full and complete release of liability.

Council Action:

Council _____ moved that the recommendation from the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Hydraulic Power Pack with Tools

Manager's Recommendation:

I recommend that the quote received from Jack Doheny Supplies be accepted and a purchase order be issued to them in the amount of \$19,086.60 for the purchase of a Stanley Hydraulic Power Pack with tools.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Water Operations Parts and Supplies Account No. 591-4721-861.73-30.

Justification:

The Right of Way Division, Maintenance and Service Section, is purchasing a Stanley Hydraulic Power Pack with Tools and will use this item in the maintenance and construction of the water distribution and sewage collection systems. This is a specialty piece of construction equipment, combining gas powered hand tools or pumps and using hydraulics as the energy source for them. This is a sole source item.

Council Action:

Council _____ moved that the recommendation of the City Manager be accepted.

COUNCIL COMMUNICATION

From: The Brownfield Redevelopment Authority

Subject: Brownfield Plan Amendment, GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street. (Brownfield Plan Project No. 2009-01)

Brownfield Redevelopment Authority Recommendation:

Recommending that City Council adopt the resolution approving the Brownfield Plan amendment for GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street, which is listed under the regular order of business.

Justification:

On November 19, 2009, the Brownfield Redevelopment Authority approved an amendment to the Brownfield Plan to include the Brownfield Plan Project No. 2009-01, GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street. The proposed project includes the redevelopment of a 70,000 square foot industrial building. Global Watt plans to invest \$177 million for a solar modular production plant creating approximately 500 jobs. This Brownfield Plan has been created for the purpose of facilitating the redevelopment of the property and to allow an application for a State of Michigan Brownfield Redevelopment Single Business Tax (SBT) Credit.

The original Brownfield Plan was adopted by City Council on May 17, 1999 in compliance with State Act 381. The purpose of Brownfield legislation is to assist in development of vacant and/or underutilized sites. The State Act requires that the City Council approve amendments to the plan and adopt a resolution after a duly advertised public hearing. The public hearing on the proposed amendment is also on the Council Agenda for this meeting, (December 07, 2009). A notice was published in The Saginaw News and was also sent to all taxing jurisdictions.

COUNCIL COMMUNICATION

Subject to any compelling reasons to the contrary which may develop after the public hearing, it is recommended that the City Council adopt the resolution approving the Brownfield Plan amendment for GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street, which is listed under the regular order of business.

Council Action:

Council____ _____ moved that the recommendation from the Brownfield Redevelopment Authority be approved.

COUNCIL COMMUNICATION

Brownfield Redevelopment Authority Recommendation: Approval of the resolution as follows:

Council_____ offered and moved adoption of the following resolution:

A RESOLUTION TO AMEND THE BROWNFIELD PLAN FOR THE CITY OF SAGINAW, MICHIGAN TO INCLUDE GLOBALWATT INC., PROJECT INFINITY, 1200 LEON SCOTT STREET, IN COMPLIANCE WITH THE PROVISIONS OF ACT 381, PUBLIC ACTS OF 1996, AS AMENDED BY ACT 145, PUBLIC ACTS OF 2000.

WHEREAS, the Saginaw City Council approved a resolution on September 29, 1997 creating a Brownfield Redevelopment Authority and designated the boundaries of the Brownfield Redevelopment Zone; and

WHEREAS, the Saginaw City Council approved a resolution on May 17, 1999 adopting a development plan for the Brownfield Redevelopment Zone which complies with the provisions of Act 381 of Public Acts of 1996; and

WHEREAS, on November 19, 2009, the Brownfield Redevelopment Authority approved an amendment to the Brownfield Redevelopment Zone Development Plan to include Brownfield Plan Project No. 2009-01 – GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street, which complies with the provisions of Act 381 of Public Acts of 1996, as amended by Act 145 of Public Acts of 2000; and

WHEREAS, a public hearing notice on the proposed amendment was published in The Saginaw News and all taxing jurisdictions were notified of the hearing on the plan amendment; and

COUNCIL COMMUNICATION

WHEREAS, the amended Brownfield Plan constitutes a public purpose and eligible activities provided in the amended plan are feasible and the cost of the eligible activities is reasonable to carry out the purposes of the Act,

NOW, THEREFORE, BE IT RESOLVED, that the Saginaw City Council does hereby approve the twenty-fourth amendment to the Development Plan for the City of Saginaw Brownfield Redevelopment Zone to include Brownfield Plan Project No. 2009-01, GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street.

COUNCIL COMMUNICATION

From: The City Manager

Subject: MSHDA and HUD Grant Signature

Manager's Recommendation:

I recommend that the Mayor and the Mayor Pro Tem in my absence, be authorized to sign any Michigan State Housing Development (MSHDA) and Housing and Urban Development (HUD) grant related documents. In the future, the Mayor may be required to sign additional documents related to the grants to fulfill MSHDA and HUD requirements. Therefore, it is requested that he be given blanket authorization to sign future MSHDA and HUD grant related documents until June 30, 2013. Furthermore, it is requested that in the Mayor's absence, that the Mayor Pro Tem be given blanket authorization to sign the forms.

Justification:

There are several MSHDA and HUD related grant documents that require the signature of the highest certified official for the City of Saginaw before the grant can be issued. In order to accept the grant, there is a designated time period for the Mayor, the highest official to sign the necessary documents that may not be consistent with the City Council meeting schedule. As a necessary step in obtaining grants from MSHDA and HUD, each municipality must formally approve the grant related documents. This proposed authorization will allow the Mayor and the Mayor Pro Tem in his absence, to sign the MSHDA and HUD related grant documents within the designated time limit without having to call a special council meeting for approval. In the future, the Mayor may need to sign additional certificates related to these programs to fulfill MSHDA and HUD's requirements.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

Manager's Recommendation: Approval of the resolution as follows:

RESOLUTION IN SUPPORT OF THE DEVELOPMENT OF CENTRAL MICHIGAN UNIVERSITY'S PROPOSED MEDICAL SCHOOL IN THE RIVERFRONT ZONE OF DOWNTOWN SAGINAW

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the City of Saginaw ("City") would reap a number of economic and other benefits through the establishment of academic and research endeavors associated with institutions of higher learning within the City limits; and

WHEREAS, the City welcomes partnerships with residents, concerned citizens, and institutions of higher learning that result in the greater growth and development of the City; and

WHEREAS, Central Michigan University has stated its intention to develop some portion of a new medical school in Mid-Michigan, and

WHEREAS, the City has established a development agreement with Dr. Gerald R. Schell, a neurosurgeon who practices in Saginaw, and Michigan Healthpark Development, LLC, for the establishment of a healthcare campus within the downtown riverfront zone; and

WHEREAS, the aforementioned healthcare campus could provide an especially suitable environment for the development and growth of research and academic activities associated with a medical school.

COUNCIL COMMUNICATION

WHEREAS, the development and growth of the healthcare sector, vital to the City's economy, depends on the education and training of new physicians to meet the increasing demand in the area for physicians.

WHEREAS, a variety of economic and other associated benefits to the City may result from the development and growth of research and academic activities associated with a medical school.

NOW, THEREFORE, BE IT RESOLVED, that the City of Saginaw supports the efforts of Central Michigan University and others that would result in the development and growth of research and academic activities associated with a medical school in the Riverfront zone of downtown Saginaw. Further, it is recommended that City Council designate a member of the Saginaw Riverfront Development Commission as advisor to the City to assist Central Michigan University with matters associated with the development of research and academic activities associated with a medical school within the city limits of Saginaw.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Water Treatment Plant Analyzer/Controllers

Manager's Recommendation:

I recommend that a purchase order be approved and issued to RS Technical Services, Inc., Lowell, MI, in the amount of \$12,932.00 for the purchase of an analyzer/controller.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Water Operation and Maintenance Repairs and Replacements Acct. No. 591-4740-881.97-20.

Justification:

On October 27, 2009, the City received a sole bid from RS Technical Services, Inc., for one (1) Wallace and Tiernan Multi-Function Analyzer/Controller (MFC) with Deplox 5 and one (1) Deplox 3 Controller with Deplox 5. The MFC will measure free chlorine, pH, conductance and temperature to monitor distribution system water quality. The bid price is an increase of 3.9% over the price paid in FY 2009, but includes additional items. The Deplox 3 will monitor the free chlorine of plant process water corresponding to chemical feed upgrades. No price comparison is available.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Propane Gas

Manager's Recommendation:

I recommend that a blanket purchase order be approved and issued to Amerigas in the amount of \$4,000.00 for the purchase of propane gas.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title 1, "General Provisions" of the Saginaw Code of Ordinances 0-1

Funds for this purchase are budgeted in the Rubbish Collection Parts and Supplies Account No. 226-4587-841.73-30.

Justification:

The Right of Way Division, Compost Site Section, uses propane gas to heat its facility on Veteran's Memorial Highway. Past usage of propane gas and price increases dictate the need to establish an annual purchase order to ensure an adequate supply for the year.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Cost Agreement (No. 09-5653) for the Reconstruction of North Woodbridge Street from Houghton Avenue to Davenport Avenue

Manager's Recommendation:

I recommend that the Cost Agreement (No. 09-5653) be approved and that the City Manager be authorized to execute this agreement on behalf of the City. The agreement has been approved by the City Manager as to substance and the City Attorney as to form. A resolution to approve the subject agreement appears under the regular order of business for your consideration.

Funds for the City's share will be made available in the Sewer Operation and Maintenance Sewer Surplus Construction Projects Fund Account No. 590-4840-881-8047 (\$550,000.00), Water Operation and Maintenance Refunding Bonds Construction Projects Fund Account No. 591-4741-881-8047 (\$608,600.00). The Project No. is ST 0904.

Justification:

Transmitted herewith is a proposed Cost Agreement (City Clerk's File No. _____) with the Michigan Department of Transportation (MDOT) for the purpose of fixing the rights and obligations of the parties agreeing to the reconstruction and utility upgrade work along North Woodbridge Street from Houghton Avenue to Davenport Avenue; including Hot Mix Asphalt (HMA) Paving, concrete pavement, concrete curb and gutter, earthwork, water main, sewer main and storm sewer replacement, ADA sidewalk ramps; together with necessary related work. The total project is estimated to cost \$1,998,600.00 of which Federal American Recovery and Reinvestment Act Urban Local (ARUL) funds will pay \$400,000.00, Federal Surface Transportation Urban Local (STUL) funds will pay

COUNCIL COMMUNICATION

\$440,000.00 and the City's estimated share is \$1,158,600.00. The City of Saginaw is responsible for any cost overruns in excess of \$1,998,600.00.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

Manager's Recommendation: Approval of the resolution as follows:

**RESOLUTION TO APPROVE MDOT COST AGREEMENT
NUMBER 09-5653 FOR NORTH WOODBRIDGE RECONSTRUCTION PROJECT**

Council _____ offered and moved adoption of the following resolution:

WHEREAS, a Cost Agreement, Number 09-5653, has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in the reconstruction and utility upgrade work along North Woodbridge Street from Houghton Avenue to Davenport Avenue; including Hot Mix Asphalt (HMA) Paving, concrete pavement, concrete curb and gutter, earthwork, water main, sewer main and storm sewer replacement, ADA sidewalk ramps; together with necessary related work; and

WHEREAS, the Agreement has been approved by the City Manager as to substance and by the City Attorney as to form.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager be authorized to execute this agreement on behalf of the City of Saginaw.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Emergency Mold Removal

Manager's Recommendation:

I recommend that payment be made to Elliot Environmental Company in the amount of \$8,044.00 for the emergency mold removal at City Hall.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are available in General Fund Building and Grounds Division Professional Services Account, No. 101-7575-821.80-01.

Justification:

On October 7, 2009, emergency purchase order #39622 was issued to Elliot Environmental Company to collect mold samples from the City Hall boiler valve room, conduct testing and provide a report on the air quality of the area where samples were collected. Included in the total cost was the cost to abate the hazard and conduct testing to confirm the safety of the air quality in the area. The purchase order was expedited in order to eliminate the mold before the boilers at City Hall were started for the heating season.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

Manager's Recommendation: Approval of the resolution as follows:

WHEREAS, On behalf of the citizens of Saginaw and the City Council, we want to offer our warmest condolences and heartfelt sympathy to the family of our friend and former mayor of Tokushima, Japan, Toshiji Miki; and

WHEREAS, the City of Saginaw takes great pride in our Sister City's efforts and acknowledges Mr. Miki for his good works and his tireless work ethic; and

WHEREAS, His years of service as mayor of Tokushima have been marked by exemplary dedication to the best interests of the community, as he worked for the betterment of its economic, cultural and aesthetic development; and

WHEREAS, He justly earned the respect, admiration and high regard of all with whom he came into contact, and this community has sustained a great loss in his death; now

THEREFORE, BE IT RESOLVED, that this Council, speaking on behalf of all our citizens, hereby goes on record as recognizing the great contributions made by Toshiji Miki to the City of Saginaw, and extends to the members of his family this expression of sincere regret for their loss, and hope that they will be consoled by the memories of his fine life and achievements.