



City Hall  
208 North First Avenue  
Alpena, Michigan 49707  
[www.alpena.mi.us](http://www.alpena.mi.us)  
989.354.1700

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## REGULAR COUNCIL MEETING AGENDA JUNE 03, 2024 AT 6 P.M. COUNCIL CHAMBERS

The meeting can be viewed virtually with the login Information as follows:

From a Computer, Tablet or Smartphone: <https://www.gotomeet.me/CityofAlpena>

Dial in Using a Phone: United States: [+1 \(646\) 749-3112](tel:+16467493112)

**Access Code:** 667-050-061

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of and Proposed Modifications to the Agenda**
4. **Approval of the Minutes** – Regular session of May 20, 2024.
5. **Public Comment** - Citizens appearing before Council on agenda and non-agenda items shall be allowed a maximum of five (5) minutes each to address their concerns. This is the only time during a council meeting that citizens are allowed to address the Council. Please come to the podium and state your name and address. Online comments will be accepted after in-person comments are completed. All comments should be directed to Council and not to the audience.
6. **Public Hearing**
7. **Consent Agenda**
  - A. Bills to be allowed in the amount of \$1,816,449.49 and authorize Mayor Johnson and Clerk Soik to sign the warrant.
  - B. Approval of a cemetery deed no. 0301 by and between the City of Alpena and Linda Currier & Owen Werth in the amount of \$745 for block 40, lot 54, for the use and purpose of a burial lot with perpetual care and authorize Mayor Johnson and Clerk Soik to sign said deed.
  - C. Approval of a cemetery deed no. 0302 by and between the City of Alpena and Jay & Lynn Robarge in the amount of \$745 for block 40, lot 163, for the use and purpose of a burial lot with perpetual care and authorize Mayor Johnson and Clerk Soik to sign said deed.
  - D. Approval of a cemetery deed no. 0303 by and between the City of Alpena and Robert & Travis Schilling in the amount of \$745 for block 40, lot 240, for the use and purpose of a burial lot with perpetual care and authorize Mayor Johnson and Clerk Soik to sign said deed.

- E. Commit the donation of \$80,954.95, from the estate of Mr. Edward Grzelak, within the General Fund for building improvements to City Hall.
- F. Lease a postage machine from Pitney Bowes Inc. for a total amount of \$11,077.80 for a term of 60 months and authorize Anna Soik, Clerk/Treasurer/Finance Director, to sign the agreement.
- G. Noise ordinance variance request for Joe's Bar on June 29, 2024, from 10 p.m. to 1 a.m.
- H. Budget Amendment Request to transfer \$267,913 from the General Fund to the Equipment Fund and commit it for the purchase of fire apparatus.
- I. Budget Amendment Request to transfer \$65,748 from the General Fund to the Local Streets Fund and commit it for the extension of Hemlock Lane.
- J. 2024 Tax Rate Request and authorize Mayor Johnson and Clerk Soik to sign the document.

8. **Presentations**

Huron Undercover Narcotics Team 2023 Annual Report – D/Lt. Stuart Sharp, Michigan State Police.

9. **Announcements**

The terms for the Mayor and two Councilmembers will expire on December 31, 2024. The deadline for City candidates who are nominated by petition to the November General Election is July 23, 2024, at 4 p.m. Nonpartisan nominating petitions and affidavits of identity forms are available in the City Clerk's Office.

10. **Mayoral Proclamation**

11. **Report of Officers, Boards and Committees**

- A. Early voting site change and additional increase in election workers' compensation – Anna Soik, Clerk/Treasurer/Finance Director.
- B. Council Policy Statement no. 18 revision – Local Bidders Preference – Bill Pfeifer, City Attorney.
- C. Council committee reports.

12. **Communications and Petitions**

13. **Unfinished Business**

14. **New Business**

- A. Transfer of funds to Alpena County Land Bank Authority to support activities of the Round 3 Blight Elimination Program Grant for three properties located on Bedford Street – Montiel Birmingham, Planning, Development, & Zoning Director.
- B. Resolution authorizing application and implementation of Michigan Shared Streets and Spaces Grant – Anne Gentry, Executive Director of the DDA.

15. **Adjourn to Closed Session**

- A. Discuss pending litigation of Michael Tweh and Uncle Mike's Chicken, LLC v Food Carts Manufacturing, Inc., HD Recovery, LLC, City of Alpena and Repocast.com, Inc.
- B. Water and sewer litigation update.

16. **Return to Open Session**

Possible action on settlement of Michael Tweh and Uncle Mike's Chicken, LLC v Food Carts Manufacturing, Inc., HD Recovery, LLC, City of Alpena and Repocast.com, Inc. as outlined in the settlement term sheet effective May 30, 2024.

17. **Adjournment**

A handwritten signature in blue ink that reads "Rachel R. Smolinski". The signature is written in a cursive, flowing style.

Rachel R. Smolinski  
City Manager

## **COUNCIL PROCEEDINGS**

**May 20, 2024**

The Municipal Council of the City of Alpena met in regular session on the above date and was called to order at 6:00 p.m. by the Mayor.

Present: Mayor Johnson, Councilmember Kane, Councilmember Mitchell, Mayor Pro Tem Nowak and Councilmember Walchak.

Absent: None.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **APPROVAL OF THE AGENDA**

Moved by Mayor Pro Tem Nowak, seconded by Councilmember Mitchell, to approve the agenda.

Motion carried 5-0.

### **MODIFICATION TO THE AGENDA**

Moved by Mayor Pro Tem Nowak, seconded by Councilmember Kane, to add as item B under "Announcements" the Boys and Girls Club Ribbon Cutting.

Motion carried 5-0.

### **MINUTES**

The minutes of the regular and closed sessions of May 06, 2024, were approved as printed.

### **PUBLIC HEARING**

A public hearing was conducted for the FY25 preliminary budget. The hearing was opened at 6:03 p.m. by the Mayor. A report was given by Finance Director, Anna Soik, on the taxes to be levied for tax year 2024. No written comments were received by the Clerk. The public hearing was closed at 6:09 p.m. Approval of the budget will occur at the June 17, 2024, meeting.

### **CONSENT AGENDA**

Moved by Mayor Pro Tem Nowak, seconded by Councilmember Kane, that the following

Consent Agenda items be approved:

- A. Bills to be allowed, in the amount of \$212,912.49, and authorize Mayor Johnson and Clerk Soik to sign the warrant.
- B. Approval of a cemetery deed no. 0300 by and between the City of Alpena and William and Vicki Keller in the amount of \$0 for block 18, lot 1, for the use and purpose of a burial lot with perpetual care and authorize Mayor Johnson and Clerk Soik to sign said deed. This is a transfer to an heir from a relative and therefore, there is no fee.

Motion carried 5-0.

### **PROCLAMATIONS**

Mayor Johnson proclaimed June 9-15, 2024, as Alpena Blues Week within the City of Alpena.

### **ADDITION OF MAYOR JOHNSON TO CITY BANK ACCOUNTS**

Moved by Councilmember Mitchell, seconded by Councilmember Kane, to add Mayor Cindy Johnson as a signer to the General Fund account at Nicolet National Bank, the Payroll Fund at Huntington National Bank, and the Brownfield Authority and Trust Fund at PNC Bank.

Motion carried 5-0.

### **CITY COUNCIL COMPENSATION POLICY**

Moved by Mayor Pro Tem Nowak, seconded by Councilmember Walchak, to adopt Council Policy Statement no. 57, City Council Compensation.

Motion carried 5-0.

### **COUNCIL COMMITTEE REPORTS**

Each council member provided an update for the committees on which they participate.

### **COUNCIL POLICY STATEMENT FOR COUNCIL & MAYORAL APPOINTMENT**

Moved by Councilmember Walchak, seconded by Councilmember Mitchell, to adopt the definition of "taxpayer" as contained within the memo (from the City Attorney) for purposes of the allowing the City Clerk to have a standard for acceptable proof for Council vacancies, Mayoral appointments and/or eligibility for office in the City.

Motion carried 5-0.

### **ALPENA MARINA GAS AND FUEL BID**

The City received and opened bids on May 7, 2024, for the purchase and delivery of recreation gas and diesel fuel for the City of Alpena Marina as follows:

Base price – May 1, 2024 Blarney Castle \$3.4791 (Rec Gas) and \$2.5470 (Diesel)

Crystal Flash \$3.659 (Rec Gas) and \$2.759 (Diesel)

Mark-Up/Gallon Blarney Castle \$0.150 (Rec Gas) and \$0.175 (Diesel)

Crystal Flash \$0.200 (Rec Gas and Diesel)

Upcharge – Below Min. Blarney Castle – no upcharge

Crystal Flash - \$125 (Rec Gas and Diesel)

Upcharge – After hours Blarney Castle – no upcharge

Crystal Flash - \$250 (Rec Gas and Diesel)

Moved by Councilmember Kane, seconded by Councilmember Walchak, to award Blarney Castle of Alpena, MI, the supply and delivery of recreation gas to the Alpena Marina for a markup price of \$0.150 and diesel fuel for a markup price of \$0.175, plus the base price at the time of delivery.

Motion carried 5-0.

### **AMBULANCE FEE SCHEDULE REVISIONS**

Moved by Councilmember Kane, seconded by Councilmember Walchak, to approve the ambulance fee schedule as proposed to be effective July 1, 2024.

Motion carried 5-0.

### **MEMO OF UNDERSTANDING WITH ALPENA COUNTY LAND BANK AUTHORITY**

Moved by Mayor Pro Tem Nowak, seconded by Councilmember Walchak, to approve the memo of understanding between the City of Alpena and the Alpena County Land Bank to support activities of the Round 3 Blight Elimination Program Grant.

Motion carried 5-0.

### **NOISE ORDINANCE VARIANCE REQUEST FOR JOE'S BAR**

Moved by Councilmember Kane, seconded by Councilmember Mitchell, to allow the noise ordinance variation to occur for Joe's Bar on July 8, 2024, and July 20, 2024, for their band, live auction for a benefit for Friends Together and Hope Shores Alliance and allow them to play outside music from 10 p.m. to 1 a.m.

Motion carried 5-0.

### **NOISE ORDINANCE VARIANCE REQUEST FOR MICHIGAN BROWN TROUT FESTIVAL**

Moved by Councilmember Walchak, seconded by Councilmember Kane, to approve the noise ordinance variance request for the Michigan Brown Trout Festival on July 19, 20, 26, and 27, 2024, from 10 p.m. to 1 a.m.

Motion carried 5-0.

### **OUTDOOR MEXICAN FIESTA EVENT APPROVAL**

Moved by Mayor Pro Tem Nowak, seconded by Councilmember Mitchell, to approve the outdoor Mexican fiesta in the space located behind Mango's Tequila Bar on June 22, 2024, from 4 p.m. to 8 p.m.

Motion carried 5-0.

### **ADJOURNMENT**

On motion of Mayor Pro Tem Nowak, seconded by Councilmember Kane, the Municipal Council adjourned at 6:56 p.m.

Cindy Johnson  
Mayor

ATTEST:

Anna Soik  
City Clerk

DRAFT



# INVOICE REGISTER

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EXP CHECK RUN DATES 06/03/2024 - 06/03/2024  
BOTH JOURNALIZED AND UNJOURNALIZED  
OPEN - CHECK TYPE: PAPER CHECK

VENDOR	INVOICE #	DESCRIPTION	AMOUNT
A PICTURESQUE LANDSCAPE LLC	052324	MOWING - CODE ENFORCEMENT	300.00
A PICTURESQUE LANDSCAPE LLC	052724	MOWING - CODE ENFORCEMENT	75.00
A PICTURESQUE LANDSCAPE LLC	052924	MOWING - CODE ENFORCEMENT	150.00
ABBY SMITH	052224	UNIFORMS - FIRE/EMS	74.08
AIRGAS USA LLC	9149913646	SUPPLIES - EMS DISP	46.19
AIRGAS USA LLC	9149778301	SUPPLIES - EMS DISP	53.15
AIRGAS USA LLC	9149218106	SUPPLIES - EMS DISP	61.57
ALL-STAR ASSESSMENT LLC	1007	PROMOTIONAL FOCUSED INTERVIEWS	2,500.00
ALPENA ACE HARDWARE	8613	SUPPLIES - FIRE/EMS	53.96
ALPENA ACE HARDWARE	8490	SUPPLIES - POL/FIRE/EMS	41.53
ALPENA COUNTY TREASURER	051624	REFUND - ASSESSOR PRE CHARGE	35.91
AMAZON CAPITAL SERVICES INC	1Y36-JKRK-3J6M	UNIFORMS - FIRE/EMS	343.35
AMAZON CAPITAL SERVICES INC	1PQY-Y4TQ-L6GL	SUPPLIES - POL	67.48
AMAZON CAPITAL SERVICES INC	14PH-9KFW-Y1MK	SUPPLIES - FIRE/EMS	274.28
AMAZON CAPITAL SERVICES INC	1TNV-RMCN-DFFC	UNIFORMS - FIRE/EMS	162.85
ANDREW WILLIAMS	052924	MICH-E-KE-WIS RENTAL DEPOSIT	100.00
BALL TIRE & GAS INC	230703	VEH MAINT #9	743.00
BOUND TREE MEDICAL LLC	85345312	SUPPLIES - EMS DISP	246.47
BOUND TREE MEDICAL LLC	85345311	SUPPLIES - EMS DISP	726.59
BOUND TREE MEDICAL LLC	85333324	SUPPLIES - EMS DISP	842.78
BOUND TREE MEDICAL LLC	85354469	SUPPLIES - EMS DISP	68.99
BOUND TREE MEDICAL LLC	85352814	SUPPLIES - EMS DISP	763.58
BUSHEY AUTOMOTIVE	INV0304053	VEH MAINT - EQ	585.00
CHERRY HILL GREENHOUSE	517717	FLOWER BASKETS - DDA/MARINA	8,292.00
CLASSIC DESIGNS BY DOREEN THOMAS	052924	COMM PROMO - DDA	2,425.00
DONS TRACTOR & EQUIPMENT SALES	78600	VEH MAINT - EQ	19.80
DONS TRACTOR & EQUIPMENT SALES	78634	VEH MAINT - EQ	284.35
DOUGLAS KRUEGER	051224	CONT ED - FIRE/EMS	446.31
ELMER'S CRANE AND DOZER INC	052924	2024 N SECOND AVE RECONSTRUCTION	1,015,437.92
FALLS CREEK PRODUCE AND FLOWERS	052924	COMM PROMO - DDA	1,625.00
FEDEX	8-482-06254	MISC - POL	32.84
FLOWERLAND DESIGNS INC	052924	COMM PROMO - DDA	1,700.00
FRANKS KEY & LOCK SHOP INC	48969	SUPPLIES - DPW	117.00
GILMET CONSTRUCTION SERVICES	052824	BUILDING/ZONING/CODE SVCS 05/24	2,500.00
HOME DEPOT CREDIT SERVICES	23880	SUPPLIES - DPW	144.60
HOME DEPOT CREDIT SERVICES	7010801	SUPPLIES - DPW	34.00
HOME DEPOT CREDIT SERVICES	1065230	SUPPLIES - POL	58.50
HURON VALLEY GUNS	207911	UNIFORMS - FIRE/EMS	87.95
JASON COLLEGNON	052424	TRAVEL EXPENSES - POL	991.29
KIPFMILLER'S PRODUCE	052524	BEAUTIFICATION	800.00
LAKE SHORE PLUMBING, HEATING &	53388	MAINT - PARKS	455.00
LASTING EXPRESSIONS	052924	COMM PROMO - DDA	2,050.00
LEFAVE PHARMACY INC	160191	SUPPLIES - EMS DISP	78.00
LEFAVE PHARMACY INC	157012	SUPPLIES - EMS DISP	52.00
MACARTHUR CONSTRUCTION INC	052924	FAIR AVE RECONSTRUCTION	444,159.18
MARSH'S COLLISION	0593	MAINT - PARKS	200.00
MICHIGAN MUNICIPAL LEAGUE	050124	DUES - GEN	7,388.00
MY MICHIGAN MEDICAL CENTER ALPENA	786	SUPPLIES - EMS DISP	1,200.00
NETTAS	4143	SUPPLIES - PARKS	525.00
NYE UNIFORM COMPANY	881138	UNIFORMS - POL	435.31
OVERHEAD DOOR CO OF ALPENA INC	63858	BLDG MAINT - PSF	95.00
REVELS TURF & TRACTOR LLC	288069	BELT	327.52
REVELS TURF & TRACTOR LLC	264441	CHOKE CABLE	68.95
ROBERT ERICKSON	052424	MICH-E-KE-WIS RENTAL DEPOSIT REFUND	100.00
ROBERT WHELOCK	071323	SAFETY SHOE ALLOW - DPW	46.60
ROWLEYS WHOLESALE	1438577-01	SUPPLIES - DPW	153.31
ROWLEYS WHOLESALE	1438577-00	SUPPLIES - DPW	172.23
SCHINDLER ELEVATOR CORPORATION	7100564016	PUBLIC SAFETY ELEVATOR VALVE UPGRADI	9,903.00
SEVAN K INC	303 03/24	VEH MAINT - FIRE/DPW	80.64
SHIELD OCCUPATIONAL HEALTH	17546	DRUG SCREEN - DPW	35.00
SHIELD OCCUPATIONAL HEALTH	17553	DRUG SCREEN - MARINA	35.00
SHIELD OCCUPATIONAL HEALTH	17556	DRUG SCREEN - MARINA	35.00
SHIELD OCCUPATIONAL HEALTH	17564	DRUG SCREEN - DPW	125.00
SHIELD OCCUPATIONAL HEALTH	17563	DRUG SCREEN - DPW	125.00
SHIELD OCCUPATIONAL HEALTH	17578	DRUG SCREEN - CEM	35.00
SHIELD OCCUPATIONAL HEALTH	17588	DRUG SCREEN - DPW	35.00
SHIELD OCCUPATIONAL HEALTH	17587	DRUG SCREEN - MARINA	35.00
SHIELD OCCUPATIONAL HEALTH	17594	DRUG SCREEN - DPW	35.00
SHIELD OCCUPATIONAL HEALTH	17606	DRUG SCREEN - MARINA	35.00
SHIELD OCCUPATIONAL HEALTH	17625	DRUG SCREEN - DPW	35.00
SHIELD OCCUPATIONAL HEALTH	17632	DRUG SCREEN - MARINA	35.00
STERICYCLE INC	8007163402	SHRED CONTAINER RENT/SVCS 05/29	92.99

# INVOICE REGISTER

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EXP CHECK RUN DATES 06/03/2024 - 06/03/2024  
BOTH JOURNALIZED AND UNJOURNALIZED  
OPEN - CHECK TYPE: PAPER CHECK

VENDOR	INVOICE #	DESCRIPTION	AMOUNT
STRALEY LAMP & KRAENZLEIN PC	40131	MONTHLY FEE 04/24	3,590.00
STRYKER SALES CORP	9206062576	ANNUAL SERVICE/MAINTENANCE OF CARDI	30,999.23
SUPERIOR FABRICATING INC	16155	SUPPLIES - DDA	840.00
TAYLOR PRINT IMPRESSIONS	7787908	SUPPLIES - TREASURER	543.46
TIME TO SHINE TOUCHLESS CARWASH	4488	VEH MAINT - POL	351.00
TRUGREEN PROCESSING CENTER	192085982	MAINT - CEMETERY	46.45
TYLER SUSZEK	051724	PARAMEDIC EDUCATION - FIRE/EMS	595.00
WEST SHORE FIRE INC	31998	MAINT - FIRE/EMS	690.44

Total: 1,549,150.63

CHECKS ISSUED 05/23/24	7,212.17
VISA ELAN PAYMENT OF 05/22/24	1,181.68
ENTERPRISE ACH PAYMENT OF 05/23/24	11,141.10
LIFE & LTD BENEFITS 05/23/24	2,789.96
DENTAL 05/23/24	6,090.12
HEALTH INSURANCE CHECKS RAN ON 05/23/24	77,088.66
ACH RUN 06/03/24	161,795.17
TOTAL FOR 06/03/24 COUNCIL MEETING	1,816,449.49

**INVOICE REGISTER**

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EXP CHECK RUN DATES 06/03/2024 - 06/03/2024  
BOTH JOURNALIZED AND UNJOURNALIZED  
OPEN - CHECK TYPE: ACH TRANSFER

<b>VENDOR</b>	<b>INVOICE #</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
MML WORKERS COMP FUND	2700207	WORKERS COMP - QTR PAYMENT	22,115.00
VEOLIA WATER CONTRACT OPERATIONS	9000156157	CONTRACT OPERATIONS 05/24	139,680.17
<b>Total:</b>			<b>161,795.17</b>

**INVOICE REGISTER**

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EXP CHECK RUN DATES 05/23/2024 - 05/23/2024  
BOTH JOURNALIZED AND UNJOURNALIZED  
BOTH OPEN AND PAID - CHECK TYPE: ACH TRANSFER

<b>VENDOR</b>	<b>INVOICE #</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
ENTERPRISE FM TRUST	601670-050324	VEHICLE LEASE - TRAVEL VEH/EQUIP FUND	11,141.10
<b>Total:</b>			<b>11,141.10</b>

**INVOICE REGISTER**

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EXP CHECK RUN DATES 05/23/2024 - 05/23/2024  
BOTH JOURNALIZED AND UNJOURNALIZED  
OPEN - CHECK TYPE: PAPER CHECK

<b>VENDOR</b>	<b>INVOICE #</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
DTE ENERGY	052224	NATURAL GAS	7,212.17
<b>Total:</b>			<b>7,212.17</b>

# CEMETERY DEED

THIS DEED, made 05/22/2024 , Deed Number 0301

By and Between the CITY OF ALPENA, County of Alpena, and State of Michigan, of the first part and  
LINDA CURRIER & OWEN WERTH

8408 GREENWOOD ST ALPENA, MI 49707

party(ies) of the second part, (hereinafter called the "buyer"):

WITNESSETH, That for and in consideration of the sum of \$745.00 Dollars, to in hand paid by the said party of  
the second part, has granted and by these presents does grant and sell unto the said party of the second part,  
and to their heirs and assigns forever;

Block 40 Lot 54

according to the Plat of Evergreen Cemetery of the City of Alpena, for the use and purpose of a BURIAL LOT  
with PERPETUAL CARE, and for that only, subject always to the rules and regulations of the MUNICIPAL  
COUNCIL of said City.

IN WITNESS WHEREOF, We, the Mayor and Clerk of said City, by authority  
of said Municipal Council, have hereunto set our hands and affixed the seal  
of said City.



\_\_\_\_\_  
Cindy Johnson Mayor

\_\_\_\_\_  
Anna Soik Clerk

# CEMETERY DEED

THIS DEED, made 05/22/2024, Deed Number 0302

By and Between the CITY OF ALPENA, County of Alpena, and State of Michigan, of the first part and  
JAY & LYNN ROBARGE

200 LONG RAPIDS PLAZA APT 21 ALPENA, MI 49707

party(ies) of the second part, (hereinafter called the "buyer"):

WITNESSETH, That for and in consideration of the sum of \$745.00 Dollars, to in hand paid by the said party of  
the second part, has granted and by these presents does grant and sell unto the said party of the second part,  
and to their heirs and assigns forever;

Block 40 Lot 163

according to the Plat of Evergreen Cemetery of the City of Alpena, for the use and purpose of a BURIAL LOT  
with PERPETUAL CARE, and for that only, subject always to the rules and regulations of the MUNICIPAL  
COUNCIL of said City.

IN WITNESS WHEREOF, We, the Mayor and Clerk of said City, by authority  
of said Municipal Council, have hereunto set our hands and affixed the seal  
of said City.



\_\_\_\_\_  
Cindy Johnson Mayor

\_\_\_\_\_  
Anna Soik Clerk



# CEMETERY DEED

THIS DEED, made 05/29/2024 , Deed Number 0303

By and Between the CITY OF ALPENA, County of Alpena, and State of Michigan, of the first part and  
ROBERT & TRAVIS SCHILLING

10610 62ND STREET N STILL WATER, MN 55082

party(ies) of the second part, (hereinafter called the "buyer"):

WITNESSETH, That for and in consideration of the sum of \$745.00 Dollars, to in hand paid by the said party of  
the second part, has granted and by these presents does grant and sell unto the said party of the second part,  
and to their heirs and assigns forever;

Block 40 Lot 240

according to the Plat of Evergreen Cemetery of the City of Alpena, for the use and purpose of a BURIAL LOT  
with PERPETUAL CARE, and for that only, subject always to the rules and regulations of the MUNICIPAL  
COUNCIL of said City.

IN WITNESS WHEREOF, We, the Mayor and Clerk of said City, by authority  
of said Municipal Council, have hereunto set our hands and affixed the seal  
of said City.



\_\_\_\_\_  
Cindy Johnson Mayor

\_\_\_\_\_  
Anna Soik Clerk



# Memorandum

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Date: May 28, 2024

To: Mayor Johnson and Municipal Council Members

From: Anna Soik, Clerk/Treasurer/Finance Director *AS*

Subject: Commit Donation Funds for Building Improvements to City Hall

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In October 2023, a donation of \$80,954.95 was received from the estate of Mr. Edward Grzelak to be used for updates to City Hall. The intent is to use the funds toward the replacement of windows at City Hall. Since this project has not been awarded yet, nor is it expected to be completed by June 30<sup>th</sup>, I am requesting that Council commit the funds within the General Fund for the project.

**Recommended motion:** To commit the donation of \$80,954.95, from the estate of Mr. Edward Grzelak, within the General Fund for building improvements to City Hall.

# Memorandum

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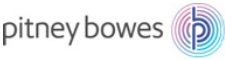


Date: May 28, 2024  
To: Mayor Johnson and Municipal Council Members  
From: Anna Soik, Clerk/Treasurer/Finance Director *AS*  
Subject: Lease of Postage Machine

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Recently, we were notified that our postage machine will no longer be compliant and must be replaced. As a member of the MiDEAL Extended Purchasing Program, we can purchase goods and services from state contracts and therefore it is not needed to put this to bid. This is authorized under the City's purchasing policy. The vendor that has the state contract for postage and mail equipment is Pitney Bowes Inc., contract no. 220000000858, which expires May 14, 2025. We are looking to lease the postage machine at a cost of \$11,077.80, which will be billed quarterly over the course of 60 months.

**Recommended motion:** To lease a postage machine from Pitney Bowes Inc. for a total amount of \$11,077.80 for a term of 60 months and authorize Anna Soik, Clerk/Treasurer/Finance Director to sign the agreement.



NASPO ValuePoint FMV Lease Agreement (Option C)

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Agreement Number

Your Business Information

Full Legal Name of Lessee / DBA Name of Lessee	Tax ID # (FEIN/TIN)
CITY OF ALPENA CITY HALL	386004519

Sold-To: Address
208 N 1ST AVE, ALPENA, MI, 49707-2864, US

Sold-To: Contact Name	Sold-To: Contact Phone #	Sold-To: Account #
Anna Soik	9893541720	0010218424

Bill-To: Address
208 N 1ST AVE, ALPENA, MI, 49707-2864, US

Bill-To: Contact Name	Bill-To: Contact Phone #	Bill-To: Account #	Bill-To: Email
Anna Soik	9893541720	0010218424	annas@alpenna.mi.us

Ship-To: Address
208 N 1ST AVE, ALPENA, MI, 49707-2864, US

Ship-To: Contact Name	Ship-To: Contact Phone #	Ship-To: Account #
Anna Soik	9893541720	0010218424

PO #
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Your Business Needs

Qty	Item	Business Solution Description
1	SENDPROCAUTO	SendPro C Auto
1	1E48	SP100 Label Printer
1	1FXA	Interface to InView Dashboard
1	7H00	C Series IMI Meter
1	993-4B	DM400C Return Kit - Upgrade to 9H00
1	APAC	Connect+ Accounting Weight Break Reports
1	APAX	Cost Acctg Accounts Level (100)
1	APKN	Account List Import/Export
1	C5CC	Sendpro C Auto 95
1	CAAB	Basic Cost Accounting
1	COVER-SPCA	Protective Dust Cover - SendPro C Auto
1	ERB4	eReturn Receipt Subscription - C Series
1	F9DD	USPS Special Services Welcome Kit
1	F9PG2	PowerGuard LE Service Package

1	ME1A	Meter Equipment - C Series
1	MP81	C Series Integrated Scale
1	PAB1	C Series Premium App Bundle
1	PTJ1	SendPro Online-PitneyShip
1	PTJ4	Multicarrier Sending App w HW or Meter
1	PTJ8	SPO-PitneyShip Mailing included w HW
1	PTJC	SPO-PitneyShip Individual
1	PTJN	Single User Access
1	PTK1	Web Browser Integration
1	PTK2	SendPro C Series Shipping Integration
1	SJS2	Softguard For SendPro C500
1	STDsla	Standard SLA-Equipment Service Agreement (for SendPro C Auto)
1	ZH24	Manual Weight Entry
1	ZH29	HZ03 95 LPM Speed
1	ZHC5	SendPro C500 Base System Identifier
1	ZHD5	USPS Rates with Metered Letter
1	ZHD7	E Conf Services for Metered LTR. BDL
1	ZHD8	Electronic Return Receipt
1	ZHD9	Retail Ground LOR
1	ZHWL	5lb/3kg Weighing Option for MP81

Your Payment Plan

Initial Term: 60 months	Initial Payment Amount:	
Number of Months	Monthly Amount	Billed Quarterly at*
60	\$ 184.63	\$ 553.89

\*Does not include any applicable sales, use, or property taxes which will be billed separately.  
 If the equipment listed above is replacing your current meter, your current meter will be taken out of service once this lease commences.

- ☐ Tax Exempt Certificate Attached
 ☐ Tax Exempt Certificate Not Required

☐ Purchase Power<sup>®</sup> transaction fees included
 ☒ Purchase Power<sup>®</sup> transaction fees extra

**Your Signature Below**

By signing below, you agree to be bound by your State's/Entity's/Cooperative's contract, which is available at <http://www.pb.com/states> and is incorporated by reference. The terms and conditions of this contract will govern this transaction and be binding on us after we have completed our credit and documentation approval process and have signed below. If software is included in the Order, additional terms apply which are either (i) included in your State's contract which is available at <http://www.pb.com/states> or (ii) available by clicking on the hyperlink for that software located at [https://www.naspovaluepoint.org/search/?term=pitney+bowes&page\\_ref=contractors](https://www.naspovaluepoint.org/search/?term=pitney+bowes&page_ref=contractors). Those additional terms are incorporated by reference.

NASPO VALUEPOINT CTR058808; 220000000858  
State/Entity's Contract#

\_\_\_\_\_  
Lessee Signature  
  
\_\_\_\_\_  
Print Name  
  
\_\_\_\_\_  
Title  
  
\_\_\_\_\_  
Date  
  
\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Pitney Bowes Signature  
  
\_\_\_\_\_  
Print Name  
  
\_\_\_\_\_  
Title  
  
\_\_\_\_\_  
Date

**Sales Information**

Cynthia Volpe	cynthia.volpe@pb.com	
Account Rep Name	Email Address	PBGFS Acceptance

May 21, 2024

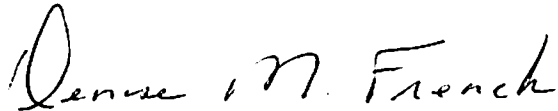
To Whom it may concern:

I am requesting a noise ordinance variance for Joe's Bar on June 29th, 2024. I am having a band outside from 9:00 p.m. until 1:00 a.m. on June 30<sup>th</sup>.

I will be taking care of all outside security etc.

Any questions, I can be contacted at 989-356-2201.

Thank You,

A handwritten signature in cursive script that reads "Denise M. French". The signature is written in black ink and is positioned below the "Thank You," text.

Denise M. French

Owner

Joe's Bar

# BUDGET AMENDMENT REQUEST

FUND: 101 - General Fund & 661 - Equipment Fund

DEPARTMENT: \_\_\_\_\_

PROJECT: \_\_\_\_\_

Account No.	Account Description	Current Budget	Proposed Increase or (Decrease)	Proposed Budget
101-000-573.000	Local Comm Stabilization	\$308,539	\$267,913	\$576,452
101-966-995.661	Transfer to Equip Fund	\$550,000	\$267,913	\$817,913
661-931-699.103	General Fund - Fire Apparatu	\$550,000	\$267,913	\$817,913

## Justification for Budget Amendment

In May 2024, an additional personal property tax reimbursement payment was received. We never budget for this additional payment

as it is never guaranteed that it will be received. As presented at the 3/4/24 Council meeting, the payment would be transferred

to the Equipment Fund and committed for the purchase of fire apparatus.

## Michigan Uniform Accounting and Budget Act:

\*\* Requires budget amendments before any expenditures exceed the budget.

\*\* The City Manager and City Clerk/Treasurer/Finance Director are authorized by the Municipal Council to make budgetary transfers within the departments established through this budget. All transfers between departments or funds or from fund balance may be made only by further action of the Municipal Council.

NA  
Department Head \_\_\_\_\_ Date \_\_\_\_\_

Anna Soik 5/28/24  
Clerk/Treasurer \_\_\_\_\_ Date \_\_\_\_\_

Richard G. Gindler 5/29/24  
City Manager \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
City Council \_\_\_\_\_ Date \_\_\_\_\_



# BUDGET AMENDMENT REQUEST

FUND: 101 - General Fund & 203 - Local Streets

DEPARTMENT: \_\_\_\_\_

PROJECT: \_\_\_\_\_

Account No.	Account Description	Current Budget	Proposed Increase or (Decrease)	Proposed Budget
101-000-693.000	Sale of Capital Assets	0	\$65,748	\$65,748
101-966-995.203	Transfer to Local Streets	0	\$65,748	\$65,748
203-931-699.101	FR General Fund	0	\$65,748	\$65,748

## Justification for Budget Amendment

In May 2024, the City received funds from the sale of a parcel of property on Hemlock Lane. The funds need to be transferred to the

Local Streets Fund and then committed for the purpose of the extension of Hemlock Lane.

## Michigan Uniform Accounting and Budget Act:

\*\* Requires budget amendments before any expenditures exceed the budget.

\*\* The City Manager and City Clerk/Treasurer/Finance Director are authorized by the Municipal Council to make budgetary transfers within the departments established through this budget. All transfers between departments or funds or from fund balance may be made only by further action of the Municipal Council.

NA  
Department Head Date

Anna Soik 5/28/24  
Clerk/Treasurer Date

Faruk Gulen 5/29/24  
City Manager Date

\_\_\_\_\_  
City Council Date



## 2024 Tax Rate Request (This form must be completed and submitted on or before September 30, 2024)

### MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS

This form is issued under authority of MCL Sections 211.24e, 211.34 and 211.34d. Filing is mandatory; Penalty applies.

Carefully read the instructions on page 2.

County(ies) Where the Local Government Unit Levies Taxes <b>Alpena</b>	2024 Taxable Value of ALL Properties in the Unit as of 5-28-2024 <b>\$299,465,387</b>
Local Government Unit Requesting Millage Levy <b>City of Alpena</b>	For LOCAL School Districts: 2024 Taxable Value excluding Principal Residence, Qualified Agricultural, Qualified Forest, Industrial Personal and Commercial Personal Properties.

This form must be completed for each unit of government for which a property tax is levied. Penalty for non-filing is provided under MCL Sec 211.119. The following tax rates have been authorized for levy on the 2024 tax roll.

(1) Source	(2) Purpose of Millage	(3) Date of Election	(4) Original Millage Authorized by Election Charter, etc.	(5) ** 2023 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(6) 2024 Current Year "Headlee" Millage Reduction Fraction	(7) 2024 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(8) Sec. 211.34 Truth in Assessing or Equalization Millage Rollback Fraction	(9) Maximum Allowable Millage Levy *	(10) Millage Requested to be Levied July 1	(11) Millage Requested to be Levied Dec. 1	(12) Expiration Date of Millage Authorized
Charter	Operating	6/1943	17.5000	16.0373	0.9966	15.9827	1.0000	15.9827	15.9827		None

Prepared by <b>Anna Soik</b>	Telephone Number <b>(989) 354-1721</b>	Title of Preparer <b>Clerk/Treasurer/Finance Director</b>	Date
---------------------------------	-------------------------------------------	--------------------------------------------------------------	------

**CERTIFICATION:** As the representatives for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary, to comply with MCL Sections 211.24e, 211.34 and, for LOCAL school districts which levy a Supplemental (Hold Harmless) Millage, 380.1211(3).

<input checked="" type="checkbox"/> Clerk	Signature	Print Name <b>Anna Soik</b>	Date
<input type="checkbox"/> Secretary			
<input checked="" type="checkbox"/> Chairperson	Signature	Print Name <b>Cindy Johnson, Mayor</b>	Date
<input type="checkbox"/> President			

\* Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. The requirements of MCL 211.24e must be met prior to levying an operating levy which is larger than the base tax rate but not larger than the rate in column 9.

\*\* **IMPORTANT:** See instructions on page 2 regarding where to find the millage rate used in column (5).

**Local School District Use Only. Complete if requesting millage to be levied. See STC Bulletin 2 of 2024 for instructions on completing this section.**

Total School District Operating Rates to be Levied (HH/Supp and NH Oper ONLY)	Rate
For Principal Residence, Qualified Ag., Qualified Forest and Industrial Personal	
For Commercial Personal	
For all Other	

**Instructions For Completing  
Form 614 (L-4029) 2024 Tax Rate Request,  
Millage Request Report To County Board Of Commissioners**

These instructions are provided under MCL Sections 211.24e (truth in taxation), 211.34 (truth in county equalization and truth in assessing), 211.34d (Headlee), and 211.36 and 211.37 (apportionment).

**Column 1: Source.** Enter the source of each millage. For example, allocated millage, separate millage limitations voted, charter, approved extra-voted millage, public act number, etc. Do not include taxes levied on the Industrial Facilities Tax Roll.

**Column 2: Purpose of millage.** Examples are: operating, debt service, special assessments, school enhancement millage, sinking fund millage, etc. A local school district must separately list operating millages by whether they are levied against ALL PROPERTIES in the school district or against the NON-HOME group of properties. (See State Tax Commission Bulletin 2 of 2024 for more explanation.) A local school district may use the following abbreviations when completing Column 2: "Operating ALL" and "Operating NON-HOME". "Operating ALL" is short for "Operating millage to be levied on ALL PROPERTIES in the local school district" such as Supplemental (Hold Harmless) Millages and Building and Site Sinking Fund Millages. "Operating NON-HOME" is short for "Operating millage to be levied on ALL PROPERTIES EXCLUDING PRINCIPAL RESIDENCE, QUALIFIED AGRICULTURAL, QUALIFIED FOREST AND INDUSTRIAL PERSONAL PROPERTIES in the local school district" such as the 18 mills in a district which does not levy a Supplemental (Hold Harmless) Millage.

**Column 3: Date of Election.** Enter the month and year of the election for each millage authorized by direct voter approval.

**Column 4: Millage Authorized.** List the allocated rate, charter aggregate rate, extra-voted authorized before 1979, each separate rate authorized by voters after 1978, debt service rate, etc. (This rate is the rate before any reductions.)

**Column 5: 2023 Millage Rate Permanently Reduced by MCL 211.34d ("Headlee") Rollback.** Starting with taxes levied in 1994, the "Headlee" rollback permanently reduces the maximum rate or rates authorized by law or charter. The **2023** permanently reduced rate can be found in column 7 of the **2023** Form L-4029. For operating millage approved by the voters after April 30, 2023, enter the millage approved by the voters. For debt service or special assessments not subject to a millage reduction fraction, enter "NA" signifying "not applicable."

**Column 6: Current Year Millage Reduction Fraction.** List the millage reduction fraction certified by the county treasurer for the current year as calculated on Form 2166 (L-4034), *2024 Millage Reduction Fraction Calculations Worksheet*. The millage reduction fraction shall be rounded to four (4) decimal places. The current year millage reduction fraction shall not exceed 1.0000 for 2024 and future years. This prevents any increase or "roll up" of millage rates. Use

1.0000 for new millage approved by the voters after April 30, 2024. For debt service or special assessments not subject to a millage reduction fraction, enter 1.0000.

**Column 7: 2024 Millage Rate Permanently Reduced by MCL 211.34d ("Headlee") Rollback.** The number in column 7 is found by multiplying column 5 by column 6 on this 2024 Form L-4029. This rate must be rounded DOWN to 4 decimal places. (See STC Bulletin No. 11 of 1999, Supplemented by Letter of 6/7/2000.) For debt service or special assessments not subject to a millage reduction fraction, enter "NA" signifying "not applicable."

**Column 8: Section 211.34 Millage Rollback Fraction (Truth in Assessing or Truth in Equalization).** List the millage rollback fraction for 2024 for each millage which is an operating rate. Round this millage rollback fraction to 4 decimal places. Use 1.0000 for school districts, for special assessments and for bonded debt retirement levies. For counties, villages and authorities, enter the Truth in Equalization Rollback Fraction calculated on STC Form L-4034 as TOTAL TAXABLE VALUE BASED ON CEV FOR ALL CLASSES/TOTAL TAXABLE VALUE BASED ON SEV FOR ALL CLASSES. Use 1.0000 for an authority located in more than one county. For further information, see State Tax Commission Bulletin 2 of 2024. For townships and cities, enter the Truth in Assessing Rollback Fraction calculated on STC Form L-4034 as TOTAL TAXABLE VALUE BASED ON ASSESSED VALUE FOR ALL CLASSES/TOTAL TAXABLE VALUE BASED ON SEV FOR ALL CLASSES. The Section 211.34 Millage Rollback Fraction shall not exceed 1.0000.

**Column 9: Maximum Allowable Millage Levy.** Multiply column 7 (2024 Millage Rate Permanently Reduced by MCL 211.34d) by column 8 (Section 211.34 millage rollback fraction). Round the rate DOWN to 4 decimal places. (See STC Bulletin No. 11 of 1999, Supplemented by Letter of 6/7/2000.) For debt service or special assessments not subject to a millage reduction fraction, enter millage from Column 4.

**Column 10/Column 11: Millage Requested to be Levied.** Enter the tax rate approved by the unit of local government provided that the rate does not exceed the maximum allowable millage levy (column 9). A millage rate that exceeds the base tax rate (Truth in Taxation) cannot be requested unless the requirements of MCL 211.24e have been met. For further information, see State Tax Commission Bulletin 2 of 2024. A LOCAL School District which levies a Supplemental (Hold Harmless) Millage shall not levy a Supplemental Millage in excess of that allowed by MCL 380.1211(3). Please see the memo to assessors dated October 26, 2004, regarding the change in the collection date of certain county taxes.

**Column 12: Expiration Date of Millage.** Enter the month and year on which the millage will expire.

# Memorandum



Date: May 24, 2024

To: Mayor Johnson and Municipal Council Members

From: Anna Soik, Clerk/Treasurer/Finance Director *AS*

Subject: Early Voting Site Change Approval & Additional Increase in Compensation

At the May 06, 2024, meeting I presented the costs of the Presidential Primary election and also informed the Council that I entered into an agreement with the Charter Township of Alpena. At that time, my understanding was that I, as the clerk, was able to make that decision, which I did and signed an agreement with the Township. According to a news update from the Michigan Bureau of Election received today, May 24<sup>th</sup>, approval is needed by the City Council. To be fully compliant, I respectfully request your approval to move the early voting site location to the Charter Township of Alpena.

At the January 29, 2024, meeting I requested an increase to the election workers' wages which was approved. Since we are combining efforts with the Township for early voting, I would like to request an additional increase in compensation for the city's election workers. I believe that the city's workers should be paid the same amount as township workers at least for early voting but would also like the increase to apply to election day as well. Our workers will be performing the exact same work as the township workers and therefore should be compensated equally. Also, I would hope that by equalizing the wages between both municipalities that this would eliminate the possibility of losing any workers due to wage differences. The City's current hourly wages are: \$12 for election inspectors, \$13.75 for deputies, and \$15.84 for chairs. The Township's hourly rates are: \$13 for election inspectors, \$14 for deputies, and \$16 for chairs. As you can see our deputies and chairs are very close to the Township's rates, but the election inspector rate needs to increase substantially. The election inspectors are very dedicated to their

important roles and I feel the increase is warranted and fair. Training will remain at minimum wage of \$10.33/hour.

**Recommended motion:** To move the early voting site location for all city voters to the Charter Township of Alpena for all future elections.

**Recommended motion:** To increase the hourly wages to \$13 for election inspectors, \$14 for deputies, and \$16 for chairpersons.



City Attorney's Office  
William A. Pfeifer • City Attorney

208 North First Avenue  
Alpena, MI 49707  
www.alpena.mi.us

**MEMORANDUM**

TO: Mayor Cindy Johnson and Members of City Council  
FROM: William A. Pfeifer, City Attorney *WAP*  
CC: Rachel Smolinski, City Manager  
Anna Soik, City Clerk/Treasurer  
DATE: May 30, 2024  
SUBJECT: Revised Council Policy Statement No. 18

Please find attached a revised Council Policy Statement No. 18. Specifically refer to page 14 under section D. Local Bidders Preference which sets forth the changes that City staff is requesting based on our discussions to provide better definition as to what is required for local bidder preference. We will discuss this at the meeting on June 3, 2024.

If you have any questions, please feel free to contact me.

laa

## CITY OF ALPENA

## COUNCIL POLICY STATEMENT

General Subject:	FINANCE	Policy No.	<u>18</u>
Specific Subject:	POLICY FOR PURCHASES AND SALES	Date Issued	<u>01-04-94</u>
		Effective Date	<u>01-04-94</u>
		Revised Date	<u>08-07-95</u>
		Revised Date	<u>06-07-99</u>
		Revised Date	<u>06-04-01</u>
		Revised Date	<u>02-02-04</u>
		Revised Date	<u>02-04-08</u>
		Revised Date	<u>02-16-09</u>
		Revised Date	<u>10-05-09</u>
		Revised Date	<u>03-05-12</u>
		Revised Date	<u>03-07-16</u>

Copies to: City Council, City Manager, City Attorney, City Clerk/Treasurer/Finance Director,  
DDA, Department Heads, SUEZ, File

## PURPOSE:

The purpose of this Council Policy Statement (CPS) is to provide for the fair and equitable treatment of all persons involved in public purchases and sales by the City, to maximize the purchasing value of public funds in procurement, to maximize the income to the City for sales of property, to provide safeguards for maintaining a procurement system of quality and integrity, and to be consistent with Section 7.11 (Purchasing Agent) of the City Charter.

## APPLICATION:

This policy applies to sales and to contracts for procurement of equipment, supplies, services, and construction entered into by the City after the effective date of the CPS. Nothing in this CPS shall prevent the City from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law. Nothing in this CPS shall affect any existing contract, procurement, retainer agreement, etc., or require the same to be modified or terminated.

The City Clerk/Treasurer/Finance Director and the City Manager's authorization is needed to solicit bids or quotes for all activities or projects of \$10,000 or less.

Municipal Council authorization is needed to solicit for bids or quotes for procurements in excess of \$10,000 that are not identified in the City budget.

If no bids are received after using due diligence in the bidding process, the City Manager and City Clerk/Treasurer/Finance Director shall be authorized to seek alternative bidding methods.

Individual Departments shall be responsible for determining and requiring American-made products where applicable.

1. PURCHASING

A. Methods of Source Selection

1) QUOTATION AND SMALL PURCHASES

- a) General Any contract not exceeding \$10,000 may be made in accordance with the quotation and small purchase procedures authorized in this section. Contract requirements shall not be artificially divided so as to constitute a small purchase under this section. Preference may be given to businesses located within the City of Alpena for small purchases if the prices are within 5%.
- b) All purchases exceeding \$500 must solicit three quotes, written or documented oral quotes (per City Charter).
- c) Purchase Orders between \$3,000 and \$10,000 - No less than three businesses shall be solicited to submit written or oral quotations that are recorded and attached to the purchase order. Award shall be made by the City Clerk/Treasurer/Finance Director to the business offering the lowest acceptable quotation prior to being purchased. Awards for capital outlay projects not identified in the City Budget shall be made by the Municipal Council. For routine purchases or purchases for which the City Clerk/Treasurer/Finance Director and the affected Department Head are aware of the potential bidders, published or broadcast public notice is not required; however, potential bidders shall be given a set amount of time as determined reasonable by the Department Head to respond to a request for a quote but a minimum of three calendar days.

For non-routine purchases for which the City Clerk/Treasurer/Finance Director and the affected Department Head are not aware of the potential bidders, adequate public notice of the request for quotations shall be given a reasonable time, not less than seven calendar days prior to the day set forth therein for the granting of quotations.

“The City reserves the right to reject any and all quotations and to waive irregularities in quotations and to accept any quotations which in the opinion of the City Manager and City Clerk/Treasurer/Finance Director (or City Council) may be most advantageous to the City of Alpena in accordance with the City’s “Award Process.”

- d) Small Purchases of Professional Services and Architect-Engineer and Land Surveying Services If it is expected that the above-mentioned professional services can be procured between \$3,000 and \$10,000, the methods specified in this section may be used. A statement of qualifications may be requested if necessary.

2) COMPETITIVE SEALED BIDDING

- a) Conditions for Use All contracts of the City in excess of \$10,000 shall be awarded by competitive sealed bidding except as provided in the following sections of this policy:

Competitive Sealed Proposals  
Professional Services  
Sole Source Procurements  
Emergency Procurements  
State Purchasing Program

No sealed bids will be accepted by fax or e-mail.

- b) Request for Bids. A request for bids shall be issued and shall include specifications, and all contractual terms and conditions applicable to the procurement.
- c) Public Notice. All Public Notices shall be approved and signed by the City Clerk/Treasurer/Finance Director or his/her designee prior to being posted, published, broadcast, or mailed. Adequate public notice of the request for bids shall be given a reasonable time, not less than 10 calendar days prior to the day set forth therein, for the opening of bids. Such notice shall be published or broadcast as a Public Notice at least once. All departments will maintain a vendor list and copies of public notices will be sent to eligible vendors. Such public notice shall be titled "Request for Bids," and shall include the place, date, and time of the bid opening; a short description of the bid procurement; where the specifications may be obtained; a note to bidders to mark their sealed bid envelopes as follows: "SEALED BID – NAME OF PROCUREMENT – DATE OF BID OPENING"; and the following statement:

The City reserves the right to reject any and all bids and to waive irregularities in bids and to accept any bids which in the opinion of the City Council may be most advantageous to the City of Alpena in accordance with paragraph (e) below and/or the City's "Award Process," paragraph (f), and/or paragraph (g) as determined in advance by the City Manager and City Clerk/Treasurer/Finance Director.

Such public notice shall also be posted on the Public Bulletin Board at City Hall.



- d) Bid Opening. Bids shall be opened publicly by the City Clerk/Treasurer/Finance Director or Deputy City Clerk/Treasurer/Finance Director or their designee in the presence of one or more witnesses (preferably from the initiating department) at the time and place designated in the request for bids. The amount of each bid, and such other relevant information as the City Clerk/Treasurer/Finance Director deems appropriate, together with the name of each bidder shall be recorded; the record of each bid shall be open to public inspection. During the period of evaluation, processing of bids and accompanying information is limited to personnel responsible for participating in the evaluation. Vendors are not allowed to participate in the evaluation or be furnished information on the status of the bid evaluation. The bids themselves will be made publicly available after the award.
- e) Bid Acceptance and Bid Evaluation Bids shall be unconditionally accepted without alteration or correction except as authorized in this CPS. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The request for bids shall set forth the evaluation criteria to be used. **No criteria may be used in bid evaluations that are not set forth in the invitation for bids.**

The Department Head responsible for the proposed requisition shall provide a written memo to the City Clerk/Treasurer/Finance Director reviewing the bids and recommending an award of the contract or procurement.

- f) Correction or Withdrawal of Bids; Cancellation of Awards Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistake, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written or electronic notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:
- (1) the mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or

- (2) the bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or that cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the City Clerk/Treasurer/Finance Director.

g) **Award Process – Contractor Services**

Responses to this request for sealed bids will be evaluated based upon the bidder's current ability to provide the highest level of service and quality product that meets the requirements and goals of this request for sealed bids and is in the best interest of the City.

- (1) **Evaluation** All bidders must submit either a completed "Contractor's Qualification Statement" included at the end of this package or have submitted a Contractor's Qualification Statement within the past three years. If three or more years have passed since the submission of a Contractor's Qualification Statement or a bid the contractor shall submit a Statement with this bid package. The cover sheet and Sections 1 through 4 and Section 6 MUST be completed in their entirety. Section 5 "Financing" need only be submitted upon request of the City of Alpena. This document will be used in evaluating your request for sealed bid response. Failure to provide this information shall make the bid ineligible.

Bidders shall also submit unit cost and/or total project cost on the prepared bid forms included.

- (2) **Past Performance** The City of Alpena reserves the right to evaluate the bidder's prior performance with the City of Alpena, and the prior performance information may be a factor in the award decision.
- (3) **Financial Stability** In making an award decision, the City of Alpena reserves the right to evaluate the financial stability of any bidder. The City of Alpena may seek financial information from the bidder via the "Financing" section of the "Contractor's Qualification Statement." If the City of Alpena determines in its sole discretion that contracting with a bidder presents an unacceptable risk to the City of Alpena, the City of Alpena reserves the right to not award a contract to that bidder.
- (4) **Additional Steps** The City of Alpena, at its option, may engage other processes in order to make a final award decision:
  - (a) **Clarifications**  
If it is determined to be in the best interest of the City of Alpena and/or if a bid is unclear, the City of Alpena may

request a clarification from one or all bidders. The City of Alpena will document, in writing, the clarification being requested and forward to the bidders affected. **This process does not allow for changes, rather to simply clarify the bid submitted.**

(b) Site Visit

The City of Alpena may conduct a site visit to tour and inspect the bidder's facilities. The City of Alpena will schedule these visits if required.

(c) Pricing Negotiations

If it is determined that the pricing offered by bidders exceeds the budget or the cost expectation for the bid, the City of Alpena may enter into negotiations with the bidders on **pricing only**. No modification to the technical requirements or specifications will be allowed. If once a recommendation is made to award to a bidder, the City of Alpena, at its discretion, may engage in further pricing negotiations with the recommended bidder.

- (5) Method of Award - Award will be made to the responsive and responsible bidder who offers the best value to the City of Alpena. Best Value is determined by the bidder offering the best combination of the factors stated above under Bid Acceptance and Bid Evaluation.

The City of Alpena reserves the right to award by item, part or portion of an item, group of items, or total bid to one or more bidders. If so, this will be a factor in the final award recommendation. The City of Alpena further reserves the right to reject any or all bids in whole or in part, and to waive any informality or technical defects, if it is determined by the City of Alpena that the best interest of the City of Alpena will be served by doing so. In determining an award, qualifications of the bidder, conformity with specification of goods and/or services to be supplied, cost, delivery terms, and a bidder's past performance on City of Alpena contracts will be considered. Bidders in violation of City Ordinance at the time of the bid opening may be considered ineligible to contract with the City or the bid may be rejected entirely.

h) Award Process - Equipment and Materials

Reoccurring equipment and materials can be awarded through the purchase order process. Award will be made to the responsive bidder who offers the best value to the City of Alpena. Best value is determined by the bidder offering the best combination of the factors stated above in Bid Acceptance and Bid Selection. The City reserves the right to award

by item, part or portion of an item, group of items, region, or total bid. If so, this will be a factor in the final award recommendation. In the event the low responsive and responsible bid for a construction project exceeds available funds, the City Clerk/Treasurer/Finance Director or City staff under the direction of the City Clerk/Treasurer/Finance Director is authorized, when time or economic considerations preclude re-solicitation of work of a reduced scope, to negotiate an adjustment of the bid price with the low responsive and responsible bidder in order to bring the bid within the amount of available funds. Any such negotiated adjustment shall be based only upon eliminating independent deductive items specified in the request for bids and must be approved by the City Clerk/Treasurer/Finance Director or City Manager.

*The City reserves the right not to award a contract to any individual, organization, contractor, or subcontractor who has filed any lawsuits or requested arbitration with regard to construction contracts within 5 years prior to the bid.*

3) COMPETITIVE SEALED PROPOSAL

- a) Conditions for Use When the City Clerk/Treasurer/Finance Director determines in writing that the use of competitive sealed bid is either not practicable or not advantageous to the City, a contract may be entered into by use of the competitive sealed proposal method (for procurements in excess of \$10,000).

No sealed bid proposals will be accepted by fax or e-mail.

- b) Request for Proposals Bids shall be solicited through a request for proposals.
- c) Public Notice Adequate public notice of the request for proposals shall be given in the same manner as provided on page 3, Item 2 A (c) under "Competitive Sealed Bidding, Public Notice"; provided the minimum time shall be 10 calendar days.
- d) Receipt of Proposals - No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.
- e) Evaluation Factors - The request for proposals shall state the relative importance of price and other evaluation factors.

- f) Discussion with Responsible Offerors and Revisions to Proposals - As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of and conformance to the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.

The Department Head responsible for the request for proposal shall provide a written memo to the City Clerk/Treasurer/Finance Director reviewing the proposals and recommending award of the contract.

- g) Award Process – Contractor Services

Responses to this request for sealed proposals will be evaluated based upon the bidder's current ability to provide the highest level of service and quality product that meets the requirements and goals of this request for sealed proposals and is in the best interest of the City.

- (1) Evaluation All bidders must submit either a completed "Contractor's Qualification Statement" included at the end of this package or have submitted a Contractor's Qualification Statement within the past three years. If three or more years have passed since the submission of a Contractor's Qualification Statement or a bid the contractor shall submit a Statement with this bid package. The cover sheet and Sections 1 through 4 and Section 6 MUST be completed in their entirety. Section 5 "Financing" need only be submitted upon request of the City of Alpena. This document will be used in evaluating your request for sealed proposals response. Failure to provide this information shall make the bid ineligible. Bidders shall also submit unit cost and/or total project cost on the prepared proposal forms included.
- (2) Past Performance The City of Alpena reserves the right to evaluate the bidder's prior performance with the City of Alpena, and the prior performance information may be a factor in the award decision.
- (3) Financial Stability In making an award decision, the City of Alpena reserves the right to evaluate the financial stability of any bidder. The City of Alpena may seek financial information from the bidder via the "Financing" section of the "Contractor's Qualification Statement." If the City of Alpena determines in its sole discretion that contracting with a bidder presents an unacceptable risk to the City of Alpena, the City of Alpena reserves the right to not award a contract to that bidder.

- (4) Additional Steps The City of Alpena, at its option, may engage other processes in order to make a final award decision:

(a) Clarifications

If it is determined to be in the best interest of the City of Alpena and/or if a proposal is unclear, the City of Alpena may request a clarification from one or all bidders. The City of Alpena will document, in writing, the clarification being requested and forward to the bidders affected. **This process does not allow for changes, rather to simply clarify the bid submitted.**

(b) Site Visit

The City of Alpena may conduct a site visit to tour and inspect the bidder's facilities. The City of Alpena will schedule these visits, if required.

(c) Pricing Negotiations

If it is determined that the pricing offered by bidders exceeds the budget or the cost expectation for the proposal, the City of Alpena may enter into negotiations with the bidders on **pricing only**. No modification to the technical requirements or specifications will be allowed. If once a recommendation is made to award to a bidder, the City of Alpena, at its discretion, may engage in further pricing negotiations with the recommended bidder.

- (5) Method of Award- Award will be made to the responsive and responsible bidder who offers the best value to the City of Alpena. Best Value is determined by the bidder offering the best combination of the factors stated above.

The City of Alpena reserves the right to award by item, part or portion of an item, group of items, or total bid to one or more bidders. If so, this will be a factor in the final award recommendation. The City of Alpena further reserves the right to reject any or all bids in whole or in part, and to waive any informality or technical defects, if it is determined by the City of Alpena that the best interest of the City of Alpena will be served by doing so. In determining an award, qualifications of the bidder, conformity with specification of goods and/or services to be supplied, cost, delivery terms, and a bidder's past performance on City of Alpena contracts will be considered. Bidders in violation of City Ordinance at the time of the bid opening may be considered ineligible to contract with the City or the bid may be rejected entirely.

- (6) **Award Process - Equipment and Materials**  
Reoccurring equipment and materials can be awarded through the purchase order process. Award will be made to the responsive bidder who offers the best value to the City of Alpena. Best value is determined by the bidder offering the best combination of the factors stated above in (5) Bid Acceptance and Bid Selection. The City reserves the right to award by item, part or portion of an item, group of items, region, or total bid. If so, this will be a factor in the final award recommendation. In the event the low responsive and responsible bid for a construction project exceeds available funds, the City Clerk/Treasurer/Finance Director or City staff under the direction of the City Clerk/Treasurer/Finance Director is authorized, when time or economic considerations preclude re-solicitation of work of a reduced scope, to negotiate an adjustment of the bid price with the low responsive and responsible bidder in order to bring the bid within the amount of available funds. Any such negotiated adjustment shall be based only upon eliminating independent deductive items specified in the request for bids and must be approved by the City Clerk/Treasurer/Finance Director or City Manager.

*The City reserves the right not to award a contract to any individual, organization, contractor, or subcontractor who has filed any lawsuits or requested arbitration with regard to construction contracts within 5 years prior to the bid.*

- 4) **CONTRACTING FOR DESIGNATED PROFESSIONAL SERVICES**
- a) **Authority** For the purpose of procuring professional services as defined as professional under the regulations of the Department of Commerce implementing Title VI of the Civil Rights Act [this is the definition used by the City for its various Civil Rights Reports], except the services of architects, engineers, and land surveyors; any department requiring such services may procure them in accordance with the selection procedures specified in this section. A Department Head procuring such services shall consult with the City Manager. No contract for the services of legal counsel may be awarded without the approval of Municipal Council. It is intended that the types of services may be procured on a “retained” basis as well as for a particular project.

Those services where the City pays annual dues such as NEMCOG and the MML, will be used when advantageous to the City.

b) Selection Procedure

- (1) Conditions for Use Except as provided under Sole Source Procurement or Emergency Procurements, the professional services shall be procured in accordance with this subsection (for procurements in excess of \$10,000).
- (2) Statement of Qualifications Persons engaged in providing the designated types of professional services may submit statements of qualifications and expressions of interest in providing such professional services. A department using such professional services may specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.
- (3) Public Announcement and Form of Request for Proposal Adequate notice of the need for such services shall be given by the department requiring the services through a request for proposals.. The request for proposal shall describe the services required, list the types of information and data required of each offeror, and state the relative importance of particular qualifications and cost per RFP
- (4) Discussions The Department Head procuring the required professional services or a designee of such officer will review all proposals submitted and determine such offeror's qualifications for further consideration. The proposal will be narrowed down to those the Department will interview. Candidates will be ranked based on their written proposal cost and interview.
- (5) Award Staff will present their recommendation to Council. Award shall be made by the Municipal Council to the offeror determined to be best qualified based on the evaluation factors set forth in the request for bids and interviews.

5) QUALIFICATION-BASED SELECTION PROCESS (RFQP)

- a) Public Announcement - It is the policy of the City to announce publicly all requirements for architect-engineer and land surveying services. In the procurement of architect-engineer and land surveying services, the Department Head shall request firms to submit a statement of qualifications, performance data, and cost.
- b) Selection Process - The Department Head in need of the architect-engineer or land surveying services will review all qualifications and proposals and shall select from among them no less than three of the firms deemed most qualified to provide the required services. The



selection shall be made in order of preference based on criteria established in the RFQP by the Department Head.

- c) Contracts above \$10,000 shall be awarded by the Municipal Council.

6) SOLE SOURCE PROCUREMENTS

- a) Application - The provisions of this section apply to all sole source procurements unless emergency conditions exist as defined in Emergency Procurements of this Policy.
- b) Conditions for Use - Sole source procurement is not permissible unless the product or service is available from only a single supplier. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror for that item. The following are examples of circumstances which could necessitate sole source procurement:
  - (1) where the compatibility of equipment, accessories, or replacement parts is the paramount consideration;
  - (2) where a sole supplier's item is needed for trial use or testing;
  - (3) where public utility services are to be procured.

The determination as to whether a procurement shall be made as a sole source shall be made by the Municipal Council for those purchases above \$10,000 and by the City Manager and City Clerk/Treasurer/Finance Director for other purchases. Any Department Head requesting a sole source procurement shall provide a written explanation as to why no other will be suitable or acceptable to meet the need.

7) EMERGENCY PROCUREMENTS

Notwithstanding any other provisions of this policy, the City Manager and City Clerk/Treasurer/Finance Director may make or authorize others to make emergency procurements of supplies, services, or construction items when it **significantly impedes operations of the City**; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the item(s) procured under the contract, and the identification number of the contract file.

8) STATE PURCHASING PROGRAM

- a) Application - The City shall maintain its membership in the State of Michigan's Extended Purchasing Program and will comply with all of the program's rules and regulations.
- b) Conditions for Use - All purchases made through the State Purchasing Program shall be considered to have fully complied with this policy. The City Manager and City Clerk/Treasurer/Finance Director shall approve all state purchases except for those capital outlay purchases not identified in the City Budget.

9) CHANGE ORDERS

- a) Required Submission Relating to Change Orders or Contract Modifications - A contractor shall submit cost or pricing data prior to the pricing of any change order or contract modification, including adjustments to contracts awarded by competitive sealed bidding.
- b) Certification Required - A contractor, actual or prospective, required to submit cost or pricing data in accordance with this section, shall certify that, to the best of its knowledge and belief, the cost or pricing data submitted was accurate, complete, and current as of a mutually specified date prior to the award of the contract or the pricing of the change order or contract modification.
- c) Price Adjustment Provision Required - Any contract award, change order, or contract modification under which the submission and certification of cost or pricing data are required shall contain a provision stating that the price to the City, including profit or fee, shall be adjusted to exclude any significant sums by which the City finds that such price was increased because the contractor-furnished cost or pricing data was inaccurate, incomplete, or not current as of the date agreed upon between the City and the contractor.
- d) Award - Change Orders above \$10,000 shall be approved by the Municipal Council. Change Orders under \$10,000 shall be approved by the City Manager and City Clerk/Treasurer/Finance Director.

10) BID SECURITY AND PERFORMANCE BONDS

- a) Requirement for Bid Security - Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated by the purchasing agent to exceed \$35,000. Bid security shall be a bond provided by a surety company authorized to do business in the state, or the equivalent in cash, or otherwise supplied in a form satisfactory to the City. Nothing herein shall prevent the requirement of

such bonds on construction contracts under \$35,000 when the circumstances warrant.

- b) Amount of Bid Security Bid security shall be in an amount equal to at least 5% of the amount of the bid.
- c) Rejection of Bids for Noncompliance with Bid Security Requirements When the invitation for bids requires security, noncompliance requires that the bid be rejected unless it is determined that the bid fails to comply only in a non-substantial manner with the security requirements.
- d) Withdrawal of Bids If a bidder is permitted to withdraw its bid before award as provided in Section 2 (Competitive Sealed Bidding; Correction or Withdrawal of Bids), no action shall be had against the bidder or the bid security.
- e) When Required – Amounts - When a construction contract is awarded in excess of \$35,000, the following bonds or security shall be delivered to the City and shall become binding on the parties upon the execution of the contract:
  - (1) a performance bond satisfactory to the City, executed by a surety company authorized to do business in the state or otherwise secured in a manner satisfactory to the City, in an amount equal to 100% of the price specified in the contract; and
  - (2) a payment bond satisfactory to the City, executed by a surety company authorized to do business in the state or otherwise secured in a manner satisfactory to the City for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to 100% of the price specified in the contract.
- f) Authority to Require Additional Bonds - Nothing in this section shall be construed to limit the authority of the City to require a performance bond or other security in addition to those bonds, or in circumstance other than specified in subsection (1) of this section, including the bond required by sidewalk contractors.
- g) For Non-Construction Type Contracts - The City, at its discretion, may require bid security and performance and/or payment bonds depending upon the nature of the project and the past performance of the contractor.

D. LOCAL BIDDERS PREFERENCE

When preparing specifications or solicitations for bids, quotes, etc., the following language shall be added to instructions to bidders:

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The City may grant an award to a qualified local bidder/vendor as defined below for an amount equal to the lowest bid submitted meeting specifications. The following businesses shall be given the opportunity to lower their overall bid amount on any transaction if they are within the following percentages:

- a) Alpena City businesses – within 7% for projects up to \$100,000 and 5% for projects at or over \$100,000;
- b) Alpena County businesses – within 5% for projects up to \$100,000 and 3% for projects at or over \$100,000.

~~b) No bid amount will be decreased below the amount of the original lowest bid.~~

~~City of Alpena businesses shall have priority over Alpena County businesses.~~

To be considered for local bidder preference, a local bidder/vendor shall have met the following qualifications for at least one year prior to the date bids are due:

- 1) Shall have a legal and permanent business address within Alpena County.
- 2) Shall be a personal property and/or real property taxpayer in Alpena County.
- 3) Shall be in compliance with all City Codes and Ordinances.
- 4) Shall not be indebted or in default to the City or County of Alpena.

~~4) Business shall regularly be conducted at the legal and permanent address located in the County of Alpena that was listed on the bid documents. Business activity at this location shall be consistent with the nature and type required by the project.~~

#### E. INSURANCE

The following language shall be included in all quote and bid documents and shall apply to all vendor, professional, environmental, and construction contracts. Modification to the following requirements may be permitted or required for certain types of contracts upon the approval of the City Manager and City Clerk/Treasurer/ Finance Director.

#### ALL BIDDERS - INSURANCE REQUIREMENTS

All Bidders shall maintain at own expense during the term of this Contract the insurance coverage(s) where indicated by an [X]:

##### 1. [ ] Workers Compensation Insurance

- a. Bidder shall maintain statutory workers compensation and employer's liability insurance. Limits shall be no less than \$ 500,000 for bodily injury by accident or \$500,000 each employee for bodily injury by disease, Dependent on the type of

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project the minimum coverage may be increased.

- b. Waiver of Subrogation - Bidder waives all rights against the City of Alpena, its agents, public officials, employees, and volunteers for recovery of damages to the extent these damages are covered by workers compensation and employer's liability insurance obtained by the Bidder.

- c. If Bidder is self-insured for purposes of workers compensation, the Bidder must submit a copy of a current letter, permit, or certification issued by the appropriate state agency.

2. [ ] Commercial General Liability and Umbrella/Excess Liability Insurance

- a. Bidder shall maintain commercial general liability (CGL), and, if necessary, commercial umbrella/excess insurance with a limit of not less than \$1,000,000 each occurrence/\$2,000,000 aggregate. If the CGL insurance contains a general aggregate limit, such limit shall apply separately to this project. Projects of a larger scope that could or would impact the greater population may require a CGL of \$2,000,000 per occurrence and \$4,000,000 aggregate. The required amount of coverage will be included in the bid specifications.
- b. CGL insurance shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract, including this contract.
- c. City of Alpena shall be included as an additional insured under the CGL and under the commercial umbrella/excess, if any. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance program afforded to the City of Alpena. ***A copy of the certificate shall be provided to the City prior to the execution of the contract. On the*** Additional Remarks Schedule of the certificate it shall state: "The City of Alpena is an Additional Insured on the noted policies with respect to any contract between the Named Insured and the Certificate Holder." A sample Certificate of Liability Insurance form is attached to the end of this policy.
- d. Waiver of subrogation - Bidder waives all rights against the City of Alpena and its agents, public officials, employees, and volunteers to the extent these damages are covered by the CGL or commercial umbrella liability maintained pursuant to this agreement.

3. [ ] Business Auto and Umbrella/Excess Liability Insurance

- a. Bidder shall maintain business auto liability and, if necessary, commercial umbrella/excess liability insurance with a limit of not less than \$1,000,000 each accident. Such insurance shall cover liability arising out of any auto, including owned, non-owned, and hired.
- b. Waiver of subrogation - Bidder waives all rights against the City of Alpena and its agents, public officials, employees, and volunteers for recovery of damages to the extent these damages are covered by the business auto liability or commercial umbrella insurance obtained pursuant to this agreement.

4. [ ] Professional Liability Insurance (*for Professional Services*)

- a. Professional shall maintain professional (Errors & Omissions) coverage with a limit of not less than \$1,000,000 per loss.
- b. Such insurance shall cover damages arising out of a Wrongful Act including any error, omission, or negligent act committed in the performance of professional services for the City of Alpena.
- c. If coverage requested in 4 is written on a claims-made basis, the Professional warrants that any retroactive date applicable to coverage under the policy precedes the effective date of this contract; and that continuous coverage will be maintained or an extended discovery period (EDP) will be exercised for a period of 3 years beginning from the time that work under this Contract is completed. Contractor shall bear the expense of purchasing the EDP, if applicable.

A copy of the certificate shall be provided to the City prior to the execution of the contract. On the Additional Remarks Schedule of the certificate it shall state: "The City of Alpena is an Additional Insured on the noted policies with respect to any contract between the Named Insured and the Certificate Holder."

5. [ ] Builder's Risk Insurance (*Construction Contractors*)

- a. Contractor shall purchase and maintain builder's risk insurance on the entire project. Such insurance shall be written in an amount equal to the contract sum. Insurance shall be written on a replacement costs basis. All approved change orders must be accompanied by an increase in the builder's risk limit of insurance at the time the change order is approved.
- a. The insurance shall name as insured the Owner, General Contractor, Construction Manager, and all contractors and subcontractors undertaking the work.
- b. The insurance shall cover the entire work at the site identified in this agreement, including reasonable compensation for architect's fees made necessary by an insured loss. Insured property shall include property on the site but not yet a part of the building, portions of the work located away from the site but intended for use at the site, and shall also cover portions of the work in transit. The policy shall include as insured property scaffolding and temporary buildings located at the site. The policy shall cover the cost of removing debris, including demolition as may be legally made necessary by operation of building laws and ordinances.
- c. Contractor shall purchase and maintain boiler and machinery insurance, The insurance shall name as insured the Owner, General Contractor, Construction Manager, and all contractors and subcontractors undertaking the work.
- d. The insurance required in this section shall be written to cover "all risk" of physical loss except those specifically excluded in the policy.

A copy of the certificate shall be provided to the City prior to the execution of the contract. On the Additional Remarks Schedule of the certificate, it shall state: "The City of Alpena is an Additional Insured on the noted policies with respect to any contract between the Named Insured and the Certificate Holder."

6. [ ] Pollution Legal Liability (*Environmental Contractor*)

- a. Contractor shall purchase and maintain insurance for pollution legal liability with a limit of not less than \$1,000,000 per loss, with an annual aggregate of at least \$1,000,000
- b. Such coverage shall be applicable to bodily injury; property damage, including loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense, or settlement of claims.
- c. Coverage as required in 6.b. shall apply to sudden and non-sudden pollution incidents resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material, or other irritants, contaminants, or pollutants.
- d. If coverage requested in 4 is written on a claims-made basis, the Contractor warrants that any retroactive date applicable to coverage under the policy precedes the effective date of this contract; and that continuous coverage will be maintained or an extended discovery period (EDP) will be exercised for a period of 3 years beginning from the time that work under this Contract is completed. Contractor shall bear the expense of purchasing the EDP if applicable.
- e. If the scope of services as defined in this contract includes the disposal of any hazardous or non-hazardous materials from the job site, the Contractor must furnish to the Owner evidence of pollution legal liability insurance maintained by the disposal site operator for losses arising from the insured facility accepting waste under this contract. Coverage certified to the Owner under this paragraph 6.e. must be maintained with a minimum limit of \$1,000,000 primary limit, and a \$1,000,000 umbrella minimum with an annual aggregate of at least \$2,000,000, if applicable.
- f. A copy of the certificate shall be provided to the City prior to the execution of the contract. On the Additional Remarks Schedule of the certificate it shall state: "The City of Alpena is an Additional Insured on the noted policies with respect to any contract between the Named Insured and the Certificate Holder."

7. [ ] Environmental Professional Liability Insurance (E & O) (*Professional Services*)

- a. Contractor shall purchase and maintain errors and omissions liability insurance for a professional error, act, or omission arising out of the scope of the Contractor's services as defined in this contract. Coverage shall be written with



- b. a limit of not less than \$1,000,000 primary limit, and a \$1,000,000 umbrella minimum with an annual aggregate of at least \$2,000,000, if applicable.
- c. Insurance required in paragraph 5.a. may not exclude bodily injury; property damage; pollution conditions arising out of environmental work; asbestos-related claims; testing, monitoring, measuring operations, or laboratory analyses; liability arising out of the operation of a treatment facility if such operation is required within the scope of the contractor's services as defined in this contract.
- d. If coverage requested in 7 is written on a claims-made basis, the Contractor warrants that any retroactive date applicable to coverage under the policy precedes the effective date of this contract; and that continuous coverage will be maintained or an extended discovery period (EDP) will be exercised for a period of 3 years beginning from the time that work under this Contract is completed. Contractor shall bear the expense of purchasing the EDP, if applicable.
- e. A policy providing both contractor's pollution legal liability and professional errors and omissions coverage shall be acceptable in meeting the requirements of paragraph 7.a. through 7.c. above, provided that the limits of such combined policy are at least \$1,000,000 primary limit, and a \$1,000,000 umbrella minimum with an annual aggregate of at least \$2,000,000, if applicable \$4,000,000 per loss, with an annual aggregate of at least \$4,000,000.
- e. If the scope of services as defined in this contract includes the disposal of any hazardous or non-hazardous materials from the job site, the Contractor must furnish to the Owner evidence of pollution legal liability insurance maintained by the disposal site operator for losses arising from the insured facility accepting waste under this contract. Coverage certified to the Owner under this paragraph 4.e. must be maintained at least \$1,000,000 primary limit, and a \$1,000,000 umbrella minimum with an annual aggregate of at least \$2,000,000, if applicable.
- f. A copy of the certificate shall be provided to the City prior to the execution of the contract. On the Additional Remarks Schedule of the certificate it shall state: "The City of Alpena is an Additional Insured on the noted policies with respect to any contract between the Named Insured and the Certificate Holder."

All the above insurance policies shall contain the following wording:

"It is agreed that this insurance shall not be cancelled, materially changed, or non-renewed without at least a sixty (60) day written notice to the City of Alpena at their principal mailing address."

Insurance Company Approval and Certificates of Insurance

Insurance Companies, additional insured endorsements, and policy forms shall be subject to the approval of the City of Alpena. Such approval shall not be unreasonably withheld. Contractor shall furnish the City Manager of the City of Alpena with certificates of insurance or a certified copy of the policy, if requested by the City Manager.

**HOLD HARMLESS CLAUSE**

The Contractor shall defend, pay on behalf of, and hold harmless the City of Alpena, its employees, agents, public officials, and volunteers from and against any and all losses, damages, expenses, claims, suits, and demand of whatever nature resulting from damages or injuries, including death, to any persons or property, and including any claim for losses incurred by reason of project delay, impact (soft) costs, or other intangible losses that might result from Contractor's late or defective performance, caused by or arising out of any action, omission or operation performed in connection with work attributable to the Contractor, any Sub-contractor, any Sub-subcontractor, any material men, any of their respective employees, agents, servants, or representatives; provided, however, the Contractor shall not be required to indemnify the City of Alpena, its employees, agents, public officials, and volunteers for any damages or injuries, including death, to any person or property caused solely and exclusively by the negligence of the City of Alpena, its employees, public officials, and volunteers

**PURCHASE ORDERS AND WRITTEN AGREEMENTS**

Purchase orders, written memos, or acceptance of offer forms, signed by the City Manager and City Clerk/Treasurer/Finance Director, shall be required for all purchases in excess of \$3,000.

For procurement of **services** in excess of \$10,000, a written agreement outlining the responsibilities of the parties for the specific service(s) shall be required. The City Attorney shall review and approve the contract language before finalizing.

For construction projects up to \$10,000, a purchase order may be used. Copies of insurance certificates (general liability and workers compensation) shall be obtained prior to the execution of the purchase order. For **construction** projects of \$10,000 or more a written agreement outlining the responsibilities of the parties for the specific project shall be required. Copies of insurance certificates, and bonds, if required, shall be obtained prior to the execution of the written agreement. The City Attorney shall review and approve the contract language before finalizing.

Purchase orders are not needed for monthly professional services and utilities.

**BLANKET PURCHASE ORDERS -**

Blanket purchase orders may be used for repetitious purchases of supplies that are used frequently; and where it would be expensive and time consuming to issue purchase orders on a weekly or monthly basis. Three quotes are still required so that the material is purchased at the most competitive rate.

The amount of the blanket purchase order should be kept at a reasonable level based on a historical use of the supplies. Keep in mind that when a blanket purchase order is issued, it sets aside (encumbers) that amount of the budgeted expenses, which therefore cannot be used to purchase other supplies.

Blanket purchase orders can be amended throughout the year.

**PROCEDURES FOR BUYING AND SELLING THROUGH ON-LINE AUCTION,  
PROFESSIONAL DISPOSAL COMPANIES AND SIMILAR COMPANIES.**

A. ADMINISTRATIVE PROCEDURE FOR SELLING

The department disposing of assets will be referred to as Department or Seller.

- 1) One site ID will be obtained by the Treasurer's office and utilized by the City of Alpena, when auction sites require ID. No individual ID's shall be obtained.
- 2) The Department "Seller" will submit a "Request to Sell" form to Treasurer's office. Once approved, the seller will be responsible for following CPS #18 and providing correct ad information to the Treasurer's office. An electronic picture will also be supplied to the Treasurer's office. All costs incurred for the use of an on-line auction for the disposal of assets is the responsibility of the department seller.
- 3) A contact phone number of the department will be included in the ad for additional request for information. The auction will not end on a weekend or holiday. A copy of ad placement verification will be signed by the Department Head and retained by the City Treasurer's Office acknowledging placement of ad and cost. The department head shall identify that shipping is NOT included.
- 4) The Department Head will monitor all sales and communications between "Seller" and "Bidder".
- 5) Upon completion of the auction, auction end information will be provided to the City Treasurer's office by the seller. The City Treasurer's office will contact the seller and authorize the release of the item upon receipt and clearance of payment.
- 6) The seller will be responsible for posting feedback for buyers (positive or negative).

**TERMS**

The City will accept bids from PayPal users only.

B) **ADMINISTRATIVE PROCEDURE FOR PURCHASING**

The department purchasing an item by use of auction may be referred to as "Department" or "Buyer".

- 1) One site ID will be obtained by the Treasurer's office and utilized by the City of Alpena when auction sites require ID. No individual ID's shall be obtained. One Pay Pal account will be obtained by the Treasurer's office and utilized by the City of Alpena.

- 2) The “Buyer” Department will follow the provisions of CPS #18 and submit a request to bid, and the line item in the budget that the purchase will be charged to. The “Buy It Now” option can be utilized for budgeted supplies up to \$3,000. Upon approval, the buyer will place the bid and subsequent follow-up bids, up to the amount authorized. It is the buyer’s responsibility to ensure that funds are available in the budget before bidding. Purchase orders must be utilized for purchases over \$3,000. No purchases over \$10,000 may be made or will be authorized.
- 3) It is the departments’ responsibility to monitor their purchase at the auction.
- 4) Upon conclusion of the auction, the Department Head will submit the final purchase price to the City Treasurer’s office with documentation and approval to pay.
- 5) It is the buyer’s responsibility to ensure that auction services are being utilized to obtain items at a better price than by any other means. CPS #18 – Policy for Purchases and Sales must be followed.
- 6) The buyer will be responsible for posting feedback for sellers (positive or negative).

#### SALE OR DISPOSAL OF PROPERTY

- 1) Personal Property
  - a) The City Clerk/Treasurer/Finance Director is authorized to enter into agreements for property disposition that are the most advantageous to the City, such as the use of PropertyRoom.com, or similar services.
  - b) If City Manager and City Clerk/Treasurer/Finance Director determine that the cost to sell the item is greater than the value of the item it will be scrapped, donated or recycled in the most economical manner.
  - c) If City Manager and City Clerk/Treasurer/Finance Director determine that an item should be sold locally, the following procedure will be followed:
    - (1) Public Notice Adequate public notice of the request for bids shall be given a reasonable time, not less than 7 calendar days prior to the date set forth therein for the opening of bid. Such public notice shall be published or broadcast as a Public Notice at least once. Such public notice shall be titled, “FOR SALE TO HIGHEST BIDDER,” and shall include the place, date, and time of the bid opening; a short description of the items offered for sale; where the bid forms may be obtained; a note to bidders to mark their sealed bid envelope as follows: “SEALED BID – NAME OF ITEM(S) – DATE OF BID OPENING”; and the following statements:

The City reserves the right to reject any and all bids and to waive irregularities in bids and to accept any bids which in the opinion of the City Manager and City Clerk/Treasurer/Finance Director may be most advantageous to the City of Alpena in accordance with the City's "Award Process." The successful bidder will be notified by the City Clerk/Treasurer/Finance Director's office. The successful bidder will have 10 business days from notification to complete the purchase. After 10 days, item will be offered to next highest bidder. All Public Notices (For Sale to Highest Bidder) shall be approved and signed by the City Clerk/Treasurer/Finance Director or Deputy City Clerk/Treasurer/Finance Director prior to being posted or published.

- d) No Bids or Quotations If no bids or quotes are received; the City Manager and City Clerk/Treasurer/Finance Director are authorized to sell the items to the first person offering a reasonable price. Nothing in this paragraph shall prevent the City Manager or City Clerk/Treasurer/Finance Director from deciding to completely re-bid the sale or sell through other businesses.

2) Real Property

- a) All sales of real property shall conform to the provisions of the City Charter and be approved by the Municipal Council. The Municipal Council shall determine whether to accept sealed bids, to negotiate a price, or to accept an offer.
- b) All purchases of real property shall be authorized and approved by the Municipal Council.

**COUNCIL POLICY NO. 18  
ADDENDUM A  
REQUEST TO SELL/DISPOSE/RECYCLE FORM**

Date: \_\_\_\_\_

Seller/Department: \_\_\_\_\_

Equipment Description: \_\_\_\_\_

Asset Number (if applicable): \_\_\_\_\_

Sale Option: \_\_\_\_\_

Minimum Sale Price: \_\_\_\_\_

Shipping Costs: \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
Date Department Head

\_\_\_\_\_  
Date Clerk/Treasurer/Finance Director



City Hall  
208 North First Avenue  
Alpena, Michigan 49707  
[www.alpena.mi.us](http://www.alpena.mi.us)

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## ***Planning, Development, & Zoning***

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**To:** Mayor and City Council Members

**From:** Montiel Birmingham, Director

**cc:** Rachel Smolinski, City Manager

**Date:** May 29, 2024

**RE:** Bedford St. Properties – Alpena County Land Bank Round 3 Blight Elimination Program Grant

The City of Alpena is moving forward with next steps in partnership with the Alpena County Land Bank and State Land Bank Authority for the Round 3 Blight Elimination Program. The first project will be the demolition of the residential properties on Bedford Street. The Alpena County Land Bank must purchase the properties to be eligible for the blight elimination program. Each property will be purchased by the Alpena County Land Bank for \$20,000 plus closing costs and proration of taxes, for an amount not to exceed \$70,000 for all three properties combined.

The City requests a transfer, not to exceed \$70,000, to the Alpena County Land Bank to initiate the sale and future demolition of these properties. Funds will be reimbursed by the State Land Bank grant once the projects are complete. Once the properties are demolished, we will be working in partnership with Habitat for Humanity to build three new houses.

**Recommended Motion:**

Motion to approve the transfer, not to exceed \$70,000, to the Alpena County Land Bank to support activities of the Round 3 Blight Elimination Program Grant for their purchase of 307 Bedford, 317 Bedford, and 321 Bedford.



City of Alpena  
STATE OF MICHIGAN

RESOLUTION NO. 2024-07

RESOLUTION AUTHORIZING APPLICATION AND IMPLEMENTATION OF  
MICHIGAN SHARED STREETS AND SPACES GRANT

WHEREAS, the City of Alpena is an incorporated municipality of the State of Michigan and therefore an eligible applicant to apply for the one-time appropriation of Shared Streets and Spaces Grant (SSSG) funding through the Michigan Department of Transportation, and

WHEREAS, the City of Alpena strives for a more walkable, bikeable, and transit-friendly community, and is submitting an application for funding for the project Downtown Alpena- Safe Streets, and

WHEREAS, the project will take place in two phases; Phase 1, which will add and enhance pedestrian lighting throughout the Downtown Development Authority (DDA) district; and Phase 2, which will assess and implement other updates to enhance pedestrian and biker safety throughout the district;

WHEREAS, the City of Alpena finds that this project uses *innovation* and forward-thinking project planning, design, and construction, considers *equity and accessibility* in the selection of the project, and meets program goals, and

WHEREAS, the City of Alpena has worked across municipal departments to gain broader agency support and *coordination for ease of implementation* as desired by the program goals, and

WHEREAS, the City of Alpena has prioritized this project based on stakeholder feedback and will present project in a public forum and notify the community at large about this application and exciting opportunity, and

WHEREAS, the City of Alpena authorizes Rachel Smolinski, City Manager as representative on behalf of the city to sign a contract upon receipt of a grant funding award.

NOW, THEREFORE BE IT RESOLVED:

That the City of Alpena hereby submits to the State of Michigan an application for the Shared Streets and Spaces Grant program for the project described herein, and commits to additional funding that may be required over and beyond the grant amount, and

That the City of Alpena hereby agrees to the implementation and continued maintenance of the resulting Shared Streets and Spaces Grant project.

AYES:            NAYS:            ABSENT:

Certification:

Signed: \_\_\_\_\_

Date: \_\_\_\_\_