



## CITY COUNCIL MEETING AGENDA July 20, 2023

Mark Ammel, Mayor  
Karen Moore, Mayor Pro Tem  
Ronald J. Beauchamp, Council Member  
Tyler DuBord, Council Member  
Todd Flath, Council Member

James R. McNeil, City Manager  
Phil DeMay, City Clerk  
Laura J. Genovich, City Attorney

City Council Chambers located at: City Hall – 410 Ludington Street – Room C101 – Escanaba, MI 49829

The Council has adopted a policy to use a Consent Agenda, when appropriate. All items with an asterisk (\*) are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event, the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

### Regular Meeting

**Thursday, July 20, 2023, at 7:00 p.m.**

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – July 6, 2023  
Work Session – July 12, 2023

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION(S)

BRIEF PUBLIC COMMENT(S)

PUBLIC HEARINGS – None

UNFINISHED BUSINESS – None

NEW BUSINESS

**1. Approval – Clean Water State Revolving Funds (CWSRF) - Wastewater.**

**Explanation:** Administration is requesting City Council approval to retain C2AE from Escanaba, MI, for engineering services with regard to the City of Escanaba Clean Water State Revolving Funds (CWSRF) in an amount not to exceed \$1,994,000.00 in total.

**2. Approval – Proposed Administrative Consent Order (ACO) with EGLE - Wastewater.**

**Explanation:** Administration is requesting City Council approval to enter into and sign the Proposed Administrative Consent Order (ACO) with EGLE in the amount of \$17,158.84 for administrative fees at the recommendation of the City's attorneys, Foster Swift Collins & Smith, P.C.

**3. Approval – PFAS Cost Recovery Program - Wastewater.**

**Explanation:** Administration is requesting City Council approval to enter the PFAS Cost Recovery Program at the recommendation of the City's attorneys, Foster Swift Collins & Smith, P.C.

**4. Approval – Repair of City Hall Condensers - Manager.**

**Explanation:** Administration is requesting City Council approval to obtain the services of Prime Specialty Contracting of Marquette, MI to complete repairs to condensers at City Hall in an amount not to exceed \$13,813. Money is budgeted and available.

**5. Approval – Demolition at 1002 Stephenson Avenue – Manager.**

**Explanation:** Administration is requesting City Council approval to obtain the services of J&S Klee Enterprises of Wilson, MI to demolish and remove the structures, with complete property restoration at 1002 Stephenson Avenue, for an amount not to exceed \$14,500. This property was condemned by the City Council on July 21, 2022.

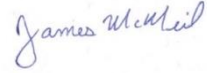
APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

Agenda – July 20, 2023

GENERAL PUBLIC COMMENT  
ANNOUNCEMENTS  
ADJOURNMENT

**Respectfully Submitted,**

A handwritten signature in blue ink that reads "James R. McNeil". The signature is written in a cursive style with a large initial "J" and "M".

**James R. McNeil  
City Manager**

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Regular Council Meeting  
Thursday, July 6, 2023**

The meeting was called to order by the Honorable Mayor Mark Ammel at 7:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Mark Ammel, Council Members, Ronald J. Beauchamp, Tyler DuBord, Todd Flath, and Karen Moore

Absent: None

Also Present: City Manager James R. McNeil, City Clerk Phil DeMay, Department Heads, media, and members of the public.

City Clerk DeMay led Council in the Pledge of Allegiance.

Flath moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from June 15, 2023, as submitted.

Flath moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve Special Meeting minutes from June 29, 2023, as submitted.

**ADJUSTMENTS TO THE AGENDA**

Flath moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

**CONFLICT OF INTEREST DECLARATION**

- Council Member Moore – Old Business item number one because she is the Executive Director of Enhance Escanaba.
- Mayor Ammel – New Business item number three because he is part of the organization committee.

**BRIEF PUBLIC COMMENT**

- Ann Fix – discussed the garden proposal on Sand Point.

**PUBLIC HEARINGS** – None

**UNFINISHED BUSINESS**

**UB-1 Approval – Request to Develop and Maintain Garden on City Property - Administration.**

Enhance Escanaba has requested City Council authorization to build and maintain a garden on Sand Point. A proposed agreement and sketch were included in the agenda packet.

**UB-1** DuBord moved, Beauchamp seconded, to approve a request from Enhance Escanaba to build and maintain a garden on Sand Point along with adding an escrow account to the contract for future maintenance.

Upon a call of the roll, the vote was as follows:

Ayes: DuBord, Beauchamp, Flath, Mayor Ammel

Nays: None

Abstain: Moore

**MOTION CARRIED.**

## **NEW BUSINESS**

### **NB-1 First Reading of Ordinance No. 1282, An Ordinance to Amend Marihuana Establishment Distancing Regulations within the Zoning Ordinance, and Setting the Date of Thursday, August 3, 2023, for the Second Reading, Public Hearing, and Adoption - Planning & Zoning.**

The Planning Commission requested the City Council to consider this the first reading of Ordinance No. 1282, An Ordinance to Amend Marihuana Establishment Distancing Regulations within the Zoning Ordinance. Administration requested that the City Council set August 3, 2023, for the second reading, public hearing adoption of Ordinance No. 1282.

**NB-1** Flath moved, Beauchamp seconded, to consider this the first reading of Ordinance No. 1282, An Ordinance to Amend Marihuana Establishment Distancing Regulations within the Zoning Ordinance and to set August 3, 2023, for the second reading, public hearing adoption of Ordinance No. 1282.

Upon a call of the roll, the vote was as follows:

Ayes: Flath, Beauchamp, Moore, DuBord, Mayor Ammel

Nays: None

**MOTION CARRIED.**

### **NB-2 First Reading of Ordinance No. 1283, An Ordinance to Amend Setback-Related Language within the Zoning Ordinance, and Setting the Date of Thursday, August 3, 2023, for the Second Reading, Public Hearing, and Adoption - Planning & Zoning.**

The Planning Commission requested the City Council to consider this the first reading

of Ordinance No. 1283, An Ordinance to Amend Setback-Related Language within the Zoning Ordinance. Administration requested that the City Council set August 3, 2023, for the second reading, public hearing adoption of Ordinance No. 1283.

**NB-2** DuBord moved, Moore seconded, to consider this the first reading of Ordinance No. 1283, An Ordinance to Amend Setback-Related Language within the Zoning Ordinance and to set August 3, 2023, for the second reading, public hearing adoption of Ordinance No. 1283.

Upon a call of the roll, the vote was as follows:

Ayes: DuBord, Moore, Beauchamp, Flath, Mayor Ammel

Nays: None

**MOTION CARRIED.**

**NB-3 Approval – Request for use of Ludington Park for Annual UPtoberfest Celebration – Administration.**

Administration recommended approval of a Special Event Application submitted by the Bay de Noc Brewers/United Way of Delta County to host UPtoberfest in Ludington Park on Saturday, October 14, 2023. Administration recommended approval of the request contingent upon the following: 1) Proper insurance was provided naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor material and clean up at the conclusion of the event.

**NB-3** Moore moved, Flath seconded, **CARRIED UNANIMOUSLY**, to approve a Special Event Application submitted by the Bay de Noc Brewers/United Way of Delta County to host UPtoberfest in Ludington Park on Saturday, October 14, 2023, contingent upon the following: 1) Proper insurance was provided naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor material and clean up at the conclusion of the event.

Abstain: Mayor Ammel

**NB-4 Approval - Use of Public Space - Ludington Street - Pulling for Honor - Administration.**

Scott Knauf with Honor Flight requested approval to use Ludington Street from 14th Street to 16th Street on Saturday, August 5, 2023, from 12:00 p.m. to 5:30 p.m. for setup, and 2:00 p.m. to 5:00 p.m., for Pulling for Honor (fundraiser for U.P. Honor Flight). Administration recommended approval of the request contingent upon the following: 1) Proper insurance was provided naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor material and clean up at the conclusion of the event.

**NB-4** DuBord moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve

a request from Scott Knauf with Honor Flight to use Ludington Street from 14th Street to 16th Street on Saturday, August 5, 2023, from 12:00 p.m. to 5:30 p.m. for setup, and 2:00 p.m. to 5:00 p.m., for Pulling for Honor (fundraiser for U.P. Honor Flight), contingent upon the following: 1) Proper insurance was provided naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor material and clean up at the conclusion of the event.

**NB-5 Approval – ARPA Project – Division A – LSLR – Water.**

Administration requested City Council approval to hire and retain the professional services of Oberstar, Inc. of Marquette, Michigan with regard to the City of Escanaba's ARPA Project - Division A - Lead Service Line Replacement in an amount not to exceed \$8,089,228, including a 6% contingency.

**NB-5** Moore moved, Beauchamp seconded, to approve to hire and retain the professional services of Oberstar, Inc. of Marquette, Michigan with regard to the City of Escanaba's ARPA Project - Division A - Lead Service Line Replacement in an amount not to exceed \$8,089,228, including a 6% contingency.

Upon a call of the roll, the vote was as follows:

Ayes: Moore, Beauchamp, DuBord, Flath, Mayor Ammel  
Nays: None

**MOTION CARRIED.**

**NB-6 Approval – ARPA Project – Division B – Watermain Improvement Project – Water.**

Administration requested City Council approval to hire and retain the professional services of Oberstar, Inc. of Marquette, Michigan with regard to the City of Escanaba's ARPA Project - Division B - Watermain Improvement Project in an amount not to exceed \$9,326,972.64, including construction and a 6% contingency, along with Non-Participating Funds in the amount of \$1,645,576.72, including construction and a 6% contingency, for a total of \$10,972,549.36.

**NB-6** DuBord moved, Flath seconded, to approve to hire and retain the professional services of Oberstar, Inc. of Marquette, Michigan with regard to the City of Escanaba's ARPA Project - Division B - Watermain Improvement Project in an amount not to exceed \$9,326,972.64, including construction and a 6% contingency, along with Non-Participating Funds in the amount of \$1,645,576.72, including construction and a 6% contingency, for a total of \$10,972,549.36.

Upon a call of the roll, the vote was as follows:

Ayes: DuBord, Flath, Moore, Beauchamp, Mayor Ammel  
Nays: None

**MOTION CARRIED.**

**NB-7 Approval – C2AE – Davis Bacon Wage Review for ARPA Projects (LSLR and DWAM) – Water.**

Administration requested for City Council authorization to hire and retain the services of C2AE of Escanaba MI, to complete Davis Bacon Wage Review and Certification work, as per the grant agreement, at a cost not to exceed \$10,600.00. Money was available and budgeted for this type of use within the Water Fund Budget for Professional Services.

**NB-7** DuBord moved, Beauchamp seconded, to approve to hire and retain the services of C2AE of Escanaba MI, to complete Davis Bacon Wage Review and Certification work, as per the grant agreement, at a cost not to exceed \$10,600.00.

Upon a call of the roll, the vote was as follows:

Ayes: DuBord, Beauchamp, Moore, Flath, Mayor Ammel  
Nays: None

**MOTION CARRIED.**

**NB-8 Approval – WTP Asphalt Patching – Water.**

Administration requested City Council approval to obtain the services of Midwest Asphalt and Gravel of Iron Mountain, MI to complete the needed asphalt patchwork created from work done on the water system in an amount not to exceed \$325.00/ton. Money was budgeted and available.

**NB-8** Moore moved, Beauchamp seconded, to approve to obtain the services of Midwest Asphalt and Gravel of Iron Mountain, MI to complete the needed asphalt patchwork created from work done on the water system in an amount not to exceed \$325.00/ton.

Upon a call of the roll, the vote was as follows:

Ayes: Moore, Beauchamp, DuBord, Flath, Mayor Ammel  
Nays: None

**MOTION CARRIED.**

**NB-9 Approval – Water Treatment Plant Generator Installation – Water.**

Administration requested City Council approval to hire and retain the services of Master Electric, Inc. of Escanaba, Michigan for installation of a new generator for the Water Treatment Plant in an amount not to exceed \$42,000.00, which includes monies

for contingencies for installation. An additional \$10,000.00 was needed for contingencies such as concrete pad, site prep, and demolition of existing generator for a total of \$52,000.00. Money was available and budgeted for this service.

**NB-9** DuBord moved, Moore seconded, to approve to hire and retain the services of Master Electric, Inc. of Escanaba, Michigan for installation of a new generator for the Water Treatment Plant in an amount not to exceed \$42,000.00, which includes monies for contingencies for installation, also an additional \$10,000.00 for contingencies such as concrete pad, site prep, and demolition of existing generator for a total of \$52,000.00.

Upon a call of the roll, the vote was as follows:

Ayes: DuBord, Moore, Beauchamp, Flath, Mayor Ammel  
Nays: None

**MOTION CARRIED.**

**NB-10 Approval – Use of Public Space – Ludington Street – Downtown Sidewalk Sales – Administration.**

The Downtown Partners in Business requested the City Council to approve the closure of Ludington Street on July 29, 2023, from 9:00 a.m. to 5:30 p.m. for setup, and 10:00 a.m. to 5:00 p.m. for the annual “Downtown Sidewalk Day’s” event.

**NB-10** Flath moved, Moore seconded, **CARRIED UNANIMOUSLY**, to approve a request from The Downtown Partners in Business for the closure of Ludington Street on July 29, 2023, from 9:00 a.m. to 5:30 p.m. for setup, and 10:00 a.m. to 5:00 p.m. for the annual “Downtown Sidewalk Day’s” event, contingent upon the following: 1) event sponsors provide all labor material and clean up at the conclusion of the event.

**APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES** – None

**BOARD, COMMISSION, AND COMMITTEE REPORTS**

Council Members reviewed City Board and Commission meetings each attended since the last City Council Meeting.

**GENERAL PUBLIC COMMENT** – None

**ANNOUNCEMENTS**

- Ludington Park looked fantastic for the July 4<sup>TH</sup> festivities on July 1<sup>st</sup>.
- Public Works and crew did an outstanding job cleaning up after Saturday’s event.
- Recreation did a great job getting everything set up and for the Independence Day Celebration.



Hearing no further public comment, Flath moved, DuBord seconded, the Council adjourned at 8:01 p.m.

Respectfully submitted,

Phil DeMay  
City Clerk

Approved: \_\_\_\_\_  
Mark Ammel, Mayor

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Work Session Meeting  
Wednesday, July 12, 2023**

Pursuit to a special meeting notice posted July 5, 2023, the meeting was called to order by the Honorable Mayor Mark Ammel at 5:00 p.m.

Present: Mayor Mark Ammel, Council Members, Ronald J. Beauchamp, Tyler DuBord, Todd Flath, and Karen Moore

Absent: None

Also Present: City Manager James R. McNeil, Deputy City Clerk Tammy Weissert, Department Heads, media, and members of the public.

**ADJUSTMENTS TO THE AGENDA**

Beauchamp moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

**CONFLICT OF INTEREST DECLARATION** – None

**BRIEF PUBLIC COMMENT** – None

**PUBLIC HEARINGS** – None

**UNFINISHED BUSINESS** – None

**NEW BUSINESS**

**NB-1 Discussion – EGLE – Administrative Consent Order.**

Administration led a discussion on a draft Administrative Consent Order (ACO).

- Discussed the DRAFT Administrative Consent Order (ACO) and the goals of it;
- Discussed what an ACO was, why is it a thing right now, and what are the implications of it;
- Jay Parent from the Marquette District Office offered perspective from the EGLE side;
- Water levels of the lake exposed a lot of deficiencies in the collection system in Escanaba, at the same time the Wastewater Treatment Plant is in rough shape;
- Discussed storm sewers and sanitary sewers;
- Discussed roof drains and sump pumps;
- The entire dewatering of Escanaba is going to the Wastewater Treatment Plant;
- City staff talked about (ACO) pros and cons.

**GENERAL PUBLIC COMMENT** – None

**ANNOUNCEMENTS** – None

Hearing no further public comment, Flath moved, DuBord seconded, the Council adjourned at 5:48 p.m.

Respectfully submitted,

Tammy Weissert  
Deputy City Clerk

Approved: \_\_\_\_\_  
Mark Ammel, Mayor

Agenda Item: NB-1  
Date: 07-20-2023

## City Council Agenda Item Request

Date: 7/12/2023

Name: Jeff Lampi

Department: Wastewater Department

Item: Clean Water State Revolving Funds (CWSRF)

Meeting date requested: 7/20/2023

Explanation for request:

Administration is requesting Council's approval to retain C2AE from Escanaba, MI, for engineering services with regard to the City of Escanaba Clean Water State Revolving Funds (CWSRF) in an amount not to exceed \$1,994,000.00 in total.

Engineering costs can be reimbursable to the City as the project progresses throughout design and construction.



June 27, 2023

Mr. Jeff Lampi  
Water and Wastewater Superintendent  
City of Escanaba  
PO Box 948  
Escanaba, MI 49829

Re: Proposal for Professional Services: CWSRF PROJECT

Dear Mr. Lampi,

The preliminary scoring by EGLE for the CWSRF Project Plan submitted in May of 2023 indicates that Escanaba has a total priority points score of 80 out of 100. This ranks Escanaba CWSRF as high as No. 11 in the state to as low as No. 20 depending on the tie breaker criteria. With the high ranking, it is perceived that Escanaba will be within the fundable range for the CWSRF project.

In order to keep the project moving forward at an accelerated pace, the City proceeded with a Quality Base Selection (QBS) for Professional Engineering Services. C2AE has teamed up with WSP to meet the City's demand and time frame. We have been notified that the interview team of city staff and elected official will be recommending retaining engineering services from our firm. We are excited and look forward to meeting your demands and expectations on this very important project.

I have divided the project into two divisions of work: C2AE will be project manager for the entire project with lead rolls on the collection system improvements. WSP will take lead design responsibility on the Ludington Lift Station design. Both firms will provide QA/QC review of the project and assist with construction engineering and inspection services during construction.

Project cost summary, from the Project Plan, indicates a total project cost of \$19,038,000. Funding allocation as to the percentage of grant/principle forgiveness and loan has not yet been established. These numbers should be available later this summer or fall. Moving ahead now with design provides an opportunity to complete plans and specifications late fall with permitting and bidding during the winter with the anticipation to follow the 2<sup>nd</sup> Quarter financial schedule of EGLE.

Based on the Project Plan, the list of improvements includes the following items:

- |    |   |                                   |
|----|---|-----------------------------------|
| 1. | New Ludington Wastewater Lift Station   |                                   |
| 2. | CN Lift Station Upgrades  |                                   |
| 3. | Ludington St (9 <sup>th</sup> Street to WTP):                                   | Replace Sanitary Sewer (4,700 ft) |
| 3. | Alley East of S 16 <sup>th</sup> St (4 <sup>th</sup> to 6 <sup>th</sup> Ave S): | Lining Sanitary Sewer (890 ft)    |
| 4. | Alley East of S 9 <sup>th</sup> St (5 <sup>th</sup> to 6 <sup>th</sup> Ave S):  | Lining Sanitary Sewer (460 ft)    |
| 5. | 6 <sup>th</sup> Ave S (S 21 <sup>st</sup> to 19 <sup>th</sup> St):              | Replace Sanitary Sewer (630 ft)   |



- |     |   |                                 |
|-----|---|---------------------------------|
| 6.  | Alley East of S 14 <sup>th</sup> St (6 <sup>th</sup> to 7 <sup>th</sup> Ave S):   | Pipe Bursting (390 ft)          |
| 7.  | Alley East of Lincoln Rd (S 12 to 13 <sup>th</sup> St):                           | Lining Sanitary Sewer (400 ft)  |
| 8.  | Alley East of S 16 <sup>th</sup> St (10 <sup>th</sup> to 12 <sup>th</sup> Ave S): | Lining Sanitary Sewer (575 ft)  |
| 9.  | Alley South of Ludington St (S 25 <sup>th</sup> St to Walgreens):                 | Replace Sanitary Sewer (500 ft) |
| 10. | Miscellaneous Manhole replacements and/or lining (100 total)                      |                                 |

The Cost Breakdown for Engineering Services for the CWSRF Project is as follows:

### Basic Engineering Services:

- Planning (Project Plan and Ludington Sewer Study): \$ 54,000 – Completed
  - Basis of Design (Lift Station and Collection System): \$ 110,250
  - Preliminary Engineering: \$330,750
  - Final Engineering: \$220,500
  - Bidding and Negotiating: \$ 42,000
  - Construction Engineering: \$324,000
  - Post-Construction: \$ 42,000
- \$1,069,500 Total Basic Engineering**

### Additional Engineering Services during Design

- |                    |                           |
|--------------------|---------------------------|
| • Soil Borings:    | \$36,750                  |
| • Control Survey:  | \$ 44,100                 |
| • CCTV inspection: | \$145,000 – Budget Number |
| • Permitting:      | <u>\$ 7,500</u>           |
|                    | <u>\$233,350</u>          |

### Additional Engineering Services during Construction

- |   |                  |
|---|------------------|
| • Construction Layout:                      | \$36,750         |
| • Material Testing:                         | \$36,750         |
| • Storm Water Management                    | \$ 7,350         |
| • Start-up Services                         | \$22,050         |
| • O&M Manual:                               | \$22,050         |
| • American Iron and Steel (AIS) Monitoring: | \$ 7,500         |
| • Part I and Part II SRF Application:       | \$ 7,350         |
| • Part III SRF Application:                 | <u>\$ 7,350</u>  |
|   | <u>\$147,150</u> |

**Resident Project Representative**

- Anticipate 1.5 Inspectors during course of project
- Assume 212 months of construction
- Time and Material estimate for RPR: **\$544,000**



**Total Engineering: \$1,994,000.00**

The cost of services outlined above are less than what has been programmed into the funding agency budgets. Engineering Costs can be reimbursable to the City as the project progresses throughout design and construction.

C2AE would like to thank the City of Escanaba for the opportunity to work in our hometown and continue to make a better community. We look forward to working with you and your staff on this very important project.

Respectfully,

A handwritten signature in blue ink, appearing to read 'DPionk', written over a light blue circular stamp.

Darren Pionk, PE  
Project Manager

Agenda Item: NB-2  
Date: 07-20-2023

## City Council Agenda Item Request

Date: 7/12/2023

Name: Jeff Lampi

Department: Wastewater Department

Item: Proposed Administrative Consent Order (ACO) with EGLE

Meeting date requested: 7/20/2023

Explanation for request:

Administration is requesting Council's approval to enter into and sign the Proposed Administrative Consent Order (ACO) with EGLE in the amount of \$17,158.84 for administrative fees at the recommendation of the City's attorneys, Foster, Swift, Collins & Smith, P.C.

\*The \$17,158.84 amount is for fees covering EGLE's administrative costs for time spent addressing the violations.



Agenda Item: NB-3  
Date: 07-20-2023

## City Council Agenda Item Request

Date: 7/12/2023

Name: Jeff Lampi

Department: Wastewater Department

Item: PFOS Cost Recovery Program

Meeting date requested: 7/20/2023

Explanation for request:

Administration is requesting Council's approval to enter the PFAS Cost Recovery Program at the recommendation of the City's attorneys, Foster, Swift, Collins & Smith, P.C.

Attached is MRWA and NRWA PFAS Cost Recovery Program information.



# PFAS Cost Recovery Program

The Michigan Rural Water Association and the National Rural Water Association engaged the law firm of Napoli Shkolnik to file a cost recovery action to provide water and wastewater systems the opportunity to recover any current or future expenses for testing, treatment and remediation of PFAS contamination. Registering onto the cost recovery rolls is like an insurance policy without a premium and if asked by your customers, a strong positive message that the system has undertaken action to lessen any financial burden resulting from PFAS contamination.

**Time is of the essence; we encourage all systems to register NOW!**

## NO COST

- Zero upfront cost to register the utility onto the cost rolls.
- A system must be registered prior to any settlement or judgement being reached in order to benefit.

## DON'T MISS OUT

- While there is no timeframe as to when a settlement may be finalized, those settlement talks are underway.

## NO TESTING REQUIRED

- There is no threshold or cost to register onto the cost recovery rolls.
- Systems should register regardless of testing or detection status.

## COMPLY WITH GUIDELINES

- The latest health advisory levels have been lowered to non-enforceable levels of 2 and 20 per quadrillion.
- A system with any level of detection is likely to be out of compliance with the federal standard.

## HOW TO REGISTER AND PROTECT YOUR UTILITY FROM OUT-OF-POCKET COSTS:



*Call Hank Naughton, Managing Partner at 978-852-3643*



*Email Hank Naughton, Managing Partner, at [hnaughton@napolilaw.com](mailto:hnaughton@napolilaw.com)*



*Register at [www.napolilaw.com/nrwa-pfas](http://www.napolilaw.com/nrwa-pfas)*

**Formal presentations are available to your utility and can be arranged by contacting Hank Naughton at [hnaughton@napolilwa.com](mailto:hnaughton@napolilwa.com) or 978-852-3643.**



**NAPOLI  
SHKOLNIK PLLC**  
ATTORNEYS AT LAW



Subject: Michigan PFAS Cost Recovery Program

Michigan Rural Water Association has teamed with National Rural Water Association to make you aware of a PFAS Cost Recovery Program that we strongly encourage your utility to register into, at no cost, to protect your utility and rate payers from a PFAS contamination financial burden.

As background, when the 2016 health advisory was issued by U.S. EPA, the National Rural Water Association Board of Directors, which is comprised of a National Director from all 50 state affiliates including MRWA, voted to engage the Napoli Shkolnik law firm to file a cost recovery action that would allow all utilities to register and recover any current and projected future expenses for testing, treatment and remediation due to PFAS contamination upon any potential settlement or judgement in your favor. For clarification, this is not a class action lawsuit as there are multiple classes of plaintiffs, thus they are combined into what is called multidistrict litigation. The three points we want to stress to utilities are:

1. The action is cost recovery, not punitive.
2. The litigation is filed against the global manufacturers of the compounds and does not impact local companies who may have used them.
3. There is zero upfront cost to register the utility onto the cost rolls, however, a system must be registered prior to any settlement or judgement being reached in order to benefit. While there is no timeframe as to when a settlement may be finalized, those settlement talks are underway. The recently announced revised health advisory from EPA will further place pressure on a potential settlement being reached.

There is no threshold or cost to register onto the cost recovery rolls, we encourage all systems to register and protect their system and ratepayers from a potential increased financial burden. Systems should register regardless of testing or detection status. Registering onto the cost recovery rolls is like an insurance policy without a premium and if asked by your customers, a strong positive message that the system has undertaken action to lessen any financial burden resulting from PFAS contamination.

Time is of the essence; the latest health advisory levels have been lowered to non-enforceable levels of 2 and 20 per quadrillion. The EPA is in the process of establishing an enforceable maximum contaminant level (MCL) under the Safe Drinking Water Act, which essentially means that a system with any level of detection is likely to be out of compliance with the federal standard. Considering PFOS and PFOA are labeled as hazardous substances, there is sure to be a large financial impact on utilities if these forever compounds are detected.

The Michigan Rural Water Association encourages you to take the first step and register your utility at [www.napolilaw.com/nrwa-pfas](http://www.napolilaw.com/nrwa-pfas).

Sincerely,

Tim Neumann, Executive Director

Hank Naughton, Partner



Agenda Item: NB-4  
Date: 07-20-2027

## City Council Agenda Item Request

Date: 7/13/2023

Name: James McNeil

Department: Manager

Item: Repair of City Hall Condensers

Meeting date requested: 7/20/2023

Explanation for request:

Administration is requesting City Council approval to obtain the services of Prime Specialty Contracting of Marquette, MI to complete repairs to condensers at City Hall in an amount not to exceed \$13,813. Money is budgeted and available.

Prime was the only company to provide a quote during the solicitation process, and has completed maintenance on the system previously.

Jason,

Following up with you after our technicians visit last week where it was indicated that the 2 large Trane condensers were in need of repair, and a quote was being requested. After discussing with Jim and reading through the diagnosis, we estimated the cost of repairs for the north and south condensers below. Should you have any questions, please don't hesitate to reach out to us.

#### **South Condenser**

- Recover the refrigerant charge currently in both circuits of the South unit
  - Based on last season's diagnostics, the unit had a full charge in both circuits
- Replace both hot gas bypass valves and filter dryers
- Add two (2) isolation valves to each circuit, to match the North unit for future serviceability
- Pull vacuum on the system to verify work
- Re-charge refrigerant (existing R-22) in both circuits
- Test, check, and verify operation
- NOTE: until repairs are actually made, performance and other issues still could require addressing

**Estimated cost of repairs:** \$10,480.00

#### **North Condenser**

- Replace filter dryer and schrader cores
- Pull vacuum on the system and add small charge for testing
- Leak check circuit (repair if necessary – assumed to be minor repair, less than 1 hour of repairs)
- Finish charge refrigerant (Retro R-438A, circuit A only)
- Leak check again
- Test, check, and verify operations of circuit A
- NOTE: until repairs are actually made on circuit A, performance and other issues still could require addressing
- Recheck circuit B performance as well

**Estimated cost of repairs:** \$3,333.00

Thank you,

**Taylor Birmann**, Service Coordinator

**Prime Specialty Contracting**

**O:** 906.226.8381

**A:** 902 West Baraga Ave., Marquette, MI 49855

**E:** [Taylor@PrimeMQT.com](mailto:Taylor@PrimeMQT.com)

**W:** [PrimeMQT.com](http://PrimeMQT.com)

The logo for Prime Specialty Contracting, featuring the word "PRIME" in a bold, black, sans-serif font. A small, stylized white silhouette of a mountain range is positioned to the left of the letter "P".

Agenda Item: NB-5  
Date: 07-20-2023

## City Council Agenda Item Request

Date: 7/13/2023

Name: James McNeil

Department: Manager

Item: Demolition 1002 Stephenson Avenue

Meeting date requested: 7/20/2023


Explanation for request:

Administration is requesting City Council approval to obtain the services of J&S Klee Enterprises of Wilson, MI to demolish and remove the structures, with complete property restoration at 1002 Stephenson Avenue, for an amount not to exceed \$14,500. This property was condemned by the City Council on July 21, 2022.

J&S Klee Enterprises provided the lowest price.



J&S Klee Enterprises Inc.  
N17012 Bellefeuil Lane  
Wilson, MI 49896

 Jim Klee  
Spencer Klee

## Demolition Contract

J&S Klee Enterprises will demolition a house & garage located at 1002 Stephenson Ave in Escanaba, MI.

J&S Klee Enterprises will remove the foundation & cement floor. The basement hole will be filled in with sand & top soil over the top & seeded. The cost is \$14,500.00.

These prices include the dump fee as well as the dump fee permit.

The City of Escanaba will pay J&S Klee Enterprises half down before starting the job and pay the remaining amount once the job is complete.

J&S Klee Enterprises is fully insured for liability resulting from injury to persons or property, and all employees are covered by Workers Compensation Insurance, if papers are recommended.