

CITY OF BENTON HARBOR
COMMISSION AGENDA

LULA LEE COMMISSION CHAMBERS
MONDAY, FEBRUARY 7, 2022 AT 7:00 P.M.

Presiding: HONORABLE MAYOR
Marcus Muhammad

HONORABLE MAYOR PRO-TEM
Duane L. Seats II

INVOCATION – INVOCATION/SILENT PRAYER

PLEDGE TO FLAG

ROLL CALL

APPROVAL OF MINUTES

Regular Minutes of October 4, 2021
Special Minutes of October 11, 2021
Regular Minutes of October 18, 2021
Regular Minutes of January 18, 2022
Closed Minutes of January 18, 2022
Special Minutes of January 24, 2022

APPROVAL OF ACCOUNTS PAYABLE LISTING

AUDIT PRESENTATION – REHMANN ROBSON

PRESENTATION – FLEIS & VANDENBRINK

CITIZENS COMMENTS – THREE (3) MINUTE MAXIMUM PER SPEAKER

CONSENT CALENDAR

(The following ordinances/resolutions will be adopted by one motion).

APPROVAL OF BID REQUEST FOR TECHNOLOGICAL UPGRADE OF COMMISSION CHAMBERS

APPROVAL OF AN ORDINANCE AMENDING CITY OF BENTON HARBOR CODE OF ORDINANCES CHAPTER 44 UTILITIES; ARTICLE II BY ADDING DIVISION 3. "MANDATORY REPLACEMENT OF LEAD SERVICE LINE"

COMMUNICATIONS

REPORT OF STAFF OFFICIALS;

**COMMISSION COMMENTS - FOUR (4) MINUTE MAXIMUM
REPORT OF STANDING COMMITTEES;**

**CLOSED SESSION – PENDING LITIGATION; WMP PROPERTIES, V. CITY OF BENTON HARBOR, ET AL, BERRIEN
COUNTY CIRCUIT COURT FILE NO. 20-00999-AW-H**

ADJOURN TO: TUESDAY, FEBRUARY 22, 2022

COMMITTEE MEETING SCHEDULE:

LEGISLATIVE COMMITTEE MEETS EVERY FIRST WEDNESDAY OF THE MONTH AT 5:30 P.M. IN THE LULA LEE COMMISSION CHAMBERS. THE CHAIRPERSON IS COMMISSIONER HENDERSON.

PUBLIC SAFETY AND RECREATION COMMITTEE MEETS EVERY SECOND WEDNESDAY OF THE MONTH AT 5:30 P.M. IN THE LULA LEE COMMISSION CHAMBERS. THE CHAIRPERSON IS COMMISSIONER SINGLETON.

PERSONNEL AND FINANCE COMMITTEE MEETS EVERY THIRD WEDNESDAY OF THE MONTH AT 5:30 P.M. IN THE LULA LEE COMMISSION CHAMBERS. THE CHAIRPERSON IS COMMISSIONER ISOM.

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE MEETS EVERY FOURTH WEDNESDAY OF THE MONTH AT 5:30 P.M. IN THE LULA LEE COMMISSION CHAMBERS. THE CHAIRPERSON IS MAYOR PRO-TEM SEATS.

COMMUNICATIONS/ PUBLIC RELATIONS COMMITTEE MEETS EVERY FOURTH MONDAY OF THE MONTH AT 5:30 P.M IN THE LULA LEE COMMISSION CHAMBERS. THE CHAIRPERSON IS COMMISSIONER HENRY.

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
OCTOBER 4, 2021**

The regular meeting of the Benton Harbor City Commission was called to order by Mayor Muhammad. Invocation let by Mayor Pro-Tem Seats, followed by the Pledge of Allegiance led by City Manager Mitchell. Roll call showed the following members present: Commissioners Adams, Edwards, Haralson, Henderson, Henry, Isom, Mayor Pro-Tem Seats, Commissioner Singleton, Mayor Muhammad. Members Absent: None. Also present: City Manager Mitchell, Attorney Racht, Deputy Clerk McIntosh

APPROVAL OF MINUTES

A motion was made by Commissioner Henderson and supported by Commissioner Adams to approve the Regular Minutes of September 20, 2021. The motion **carried** unanimously on the roll call vote.

APPROVAL OF ACCOUNTS PAYABLE

A motion made by Commissioner Haralson and supported by Commissioner Henderson to approve the Accounts Payable Listing. With no discussion, Motion **carried** on the following roll call vote. Yeas: Commissioners Singleton, Isom, Henderson, Haralson, Edwards, Mayor Pro-Tem Seats, Mayor Muhammad. Nays: Commissioners Adams, Henry. Members Abstain: None. Members Absent: None.

CITIZENS COMMENTS

Michael Hoyh announced that on Saturday, October 16th, a celebration will be held for the oldest Church in Benton Harbor turning 155 years old. Celebration will start at 8am.

Casandra Booker had the intent to speaking on negative comments that have been spread about her by a Commissioner but decided to state that it's a shame that there are people on the Committee that make it their business to slander peoples names and defame their character. She asks that it stops before she has to move forward with legal action. She wanted to let the committee know that she will be moving forward being successful and help rebuild the city.

Daryl Jackson spoke about the renaming of Britain Bridge. Spoke good words about Commissioner Singleton.

James Watson stated he has been trying to purchase the Mercy property for a couple years. Spoke with Director Little who told him it wasn't for sale and that there was a program ready for the property. Inquired why the city was never able to purchase the land.

Mayor Muhammad suggested he pass his information on to the Clerk for a response.

CONSENT CALENDAR

Commissioner Adams requested that the Resolution that she brought forth last meeting regarding the emergency on the lead lines be added to the agenda and to separate all items listed on the Consent Agenda.

Mayor Muhammad asked if the Resolution was brought to Committee and if there was a Consensus to move it forward. Commissioner Adams replied that it went through Committee and she's bringing it from the floor today.

Given the nature of the Resolution, Mayor Muhammad stated that the City Attorney should review that and asked Attorney Racht if he was aware of the resolution, he stated he was not.

Commissioner Henry requested the following items be pulled from the Consent Calendar:
ADOPT A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO CONTINUE WITH THE FITNESS COURT PROCESS

ADOPT A RESOLUTION TO APPROVE THE PLANNING FOR CLEAN UP AND DEVELOPMENT OF THE OX CREEK CORRIDOR AS A CITY COMMISSION PRIORITY

Mayor Pro-Tem Seats requested the following item be pulled from the Consent Calendar:
ADOPT A RESOLUTION TO AWARD THE BID TO VOLLARA FOR AIR PURIFICATION EQUIPMENT RELATED TO COVID-19

No Items were left on the Consent Calendar for approval

SEPARATED ITEMS

A motion was made by Commissioner Singleton and supported by Commissioner Adams to ADOPT A RESOLUTION TO APPROVE THE PLANNING FOR CLEAN UP AND DEVELOPMENT OF THE OX CREEK CORRIDOR AS A CITY COMMISSION PRIORITY. After discussion, Motion carried unanimously on the roll call vote.

A motion was made by Mayor Muhammad and supported by Commissioner Singleton to AMEND THE RESOLUTION TO AWARD THE BID TO VOLLARA FOR AIR PURIFICATION EQUIPMENT RELATED TO COVID-19 TO INCLUDE THE OPENING OF CITY HALL ON MONDAY, OCTOBER 11, 2022 AT 8:30AM PER CITY MANAGER MITCHELL. After discussion, Motion carried unanimously on the roll call vote.

After lengthy discussion and clarification among the Commissioners, City Manager, Attorney, and Representatives of Best Early/Vollara, A motion was made by Mayor Muhammad, and supported by Commissioner Adams to table A RESOLUTION TO AWARD THE BID TO VOLLARA FOR AIR PURIFICATION EQUIPMENT RELATED TO COVID-19 so the City Manager can present a purchase agreement to the Commissioners and Attorney. Motion carried on the following roll call vote: YEAS: Commissioners Singleton, Adams, Mayor Pro-Tem Seats, Commissioners Haralson, Isom, Henderson, Edwards, Mayor Muhammad. NAYS: Commissioner Henry. Abstain: None, Absent: None.

A motion was made by Commissioner Henderson and supported by Commissioner Edwards to ADOPT A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO

CONTINUE WITH THE FITNESS COURT PROCESS. After discussion, Motion carried unanimously on the roll call vote.

COMMUNICATIONS

Director Little mentioned that the 5-year Consolidated Plan and the 2021 Annual Plan is completed and accepted.

Manager Mitchell explained that a purchase order is never issued before the item is approved so he feels he has not been neglecting his duties.

COMMISSION COMMENTS

Commissioner Henry thanked the citizens for coming out and encouraged them to make the Commissioners do what they need.

Commissioner Edwards thanked the citizens for being patient and listening and thanked the staff for their hard work. Something it is often brought up whether the citizens know about what's going on. Encouraged citizens that attend to go talk to their fellow neighbors about the process and what's going on.

Commissioner Henderson stated she had the opportunity to attend the Michigan Municipal League Conference and one of the issues is housing and there is a huge opportunity to create housing through a housing fund. Housing is an issue throughout the state.

Commissioner Singleton thanked the citizens for coming out and watching us take care of your business. There are processes that have to be followed and the Commissioners need to know those processes, along with the staff. We are accountable for the money, so we need to get it right. Would like to see things get tightened up. Commissioners should attend Committee meetings and ask the Committee members what went on if they are unable to attend so things are clarified before the Commission meeting.

Commissioner Isom stated you have to ask the hard questions and go through the process to get what we need.

Commissioner Adams stated it was wonderful to be apart of the memorial that took place at the Britain bridge. Need to start putting up homes on vacant land one ward at a time. Joined the task force a few months ago to try to pass through Committee to put more oversight on the water plant to ensure that things are being followed and going to the State in a timely manner. Water is good when it leaves the plant but when it travels through the city, the pipes are contaminated.

Mayor Pro-Tem Seats thanked Director Little for the job he is doing with the CDBG funding.

Mayor Muhammad read from Winston Churchill "democracy is the worst form of government, except for all others" Thanked all Commissioners and the manager for bringing individual views, its what's needed to move the government forward. Met with the office of the Governor, chief operating officer, director of MDHHS, director of EGLE, director of agency operations and all of those agencies

departments are behind making sure that every lead line in the city is removed and replaced in 12-18 months, which is record time.

MOTION TO ADJOURN

A motion made by Commissioner Mayor Pro-Tem Seats and supported by Commissioner Adams to adjourn the meeting and was carried unanimously on the roll call vote.

There being no further business to discuss, the meeting adjourned at 9:32 p.m.

City Manager Mitchell, acting Clerk

Marcus Muhammad, Mayor

Tiffany Moore, Clerk (transcribed)

**SPECIAL MINUTES OF THE BENTON HARBOR CITY COMMISSION MEETING
LULA LEE COMMISSION CHAMBERS
OCTOBER 11, 2021**

The special meeting of the Benton Harbor City Commission was called to order by the Mayor Muhammad at 7:00 p.m. Invocation was given by Commissioner Singleton, followed by the Pledge of Allegiance led by City Manager Mitchell. Roll call showed the following members present: Commissioners Adams, Edwards, Henderson, Henry, Isom, Singleton, Mayor Pro-Tem Seats and Mayor Muhammad. Members Absent: Commissioner Haralson. Also present: City Manager Mitchell, Public Safety Deputy Director Clark, Attorney Racht, and Deputy Clerk McIntosh.

CITIZENS COMMENTS

None

AGREEMENT FOR INTERIM CITY CLERK

A motion was made by Mayor Pro-Tem Seats and supported by Commissioner Henderson to APPROVE THE AGREEMENT FOR INTERIM CITY CLERK motion carried on the following roll call vote: YEAS: Commissioners Isom, Henderson, Edwards, Mayor Pro-Tem Seats, Commissioners Singleton, Adams, Henry, Mayor Muhammad, NAYS: None. ABSTAIN: None, ABSENT: Commissioner Haralson.

COMMUNICATIONS

No Staff Comments.

COMMISSION COMMENTS

Commissioner Henry expressed concerns about keeping the Commission Chambers clean.

Commissioner Adams recommends starting the city's own water bottling company and testing facility and hiring residents.

Mayor Pro-Tem Seats suggested those that need their water tested to call the Berrien County Health Department. This Commission did not put lead lines in the ground but we want to find where the lead lines are. Wants to figure out a way to get everyone's water bills paid.

Mayor Muhammad congratulated the interim city clerk coming in to help in the November election. Met with MDHHS to establish other sites to store and distribute water.

MOTION TO ADJOURN

A motion made by Mayor Pro-Tem Seats and supported by Commissioner Adams to adjourn the meeting carried on the following roll call vote: YEAS: Commissioners Adams, Henry, Singleton, Isom, Henderson, Edwards, Mayor Pro-Tem Seats, Mayor Muhammad. NAYS: None, ABSTAIN: None, ABSENT: Commissioner Haralson.

There being no further business to discuss, the meeting was adjourned by Mayor Muhammad at 7:13pm

Tiffany Moore, City Clerk (Transcribed)

Marcus Muhammad, Mayor

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
OCTOBER 18, 2021**

The regular meeting of the Benton Harbor City Commission was called to order by Mayor Muhammad. Invocation led by Commissioner Singleton, followed by the Pledge of Allegiance led by Commissioner Isom. Roll call showed the following members present: Commissioners Adams, Edwards, Haralson, Henderson, Isom, Singleton, Mayor Muhammad. Members Absent: Commissioner Henry (arrived during Citizens Comments) and Mayor Pro-Tem Seats (arrived during Accounts Payable). Also present: City Manager Mitchell, Assessor Story, Director of Community and Economic Development Little, Public Safety Deputy Director Clark.

APPROVAL OF ACCOUNTS PAYABLE

A motion was made by Commissioner Henderson and supported by Commissioner Haralson to approve the Accounts Payable Listing. After Discussion. Motion **carried** on the following roll call vote. Yeas: Commissioners Singleton, Isom, Henderson, Haralson, Edwards, Mayor Pro-Tem Seats, Mayor Muhammad. Nays: Commission Adams, Members Abstain: None. Members Absent: Commissioner Henry.

CITIZENS COMMENTS

Ambie Bell stated in 2017-2018 she attended a Commissioners meeting and noticed Ms Kinnard showing other residents what came out of her faucets. She has not seen a plan and is asking for all water payments to be suspended since it cannot be used.

Robert Holbrook echoed the same sentiments as Ambie and stated there is a lack of knowing where to go to get the information regarding the water. For the last 3-4 months he's attending meetings but stopped because he hasn't seen anything being done.

Joey Andrews wanted to reach out to express that the City doesn't have to go through the water crisis alone. He brought other union members with that has experience in dealing with similar issues elsewhere.

Emma Kinnard stated she is deeply saddened because she brought water to the chambers a few years ago and something should have been done.

Chokwe Pitchford stated the issue has predated a lot of people on the Commission but that doesn't mean we have to sit. People want to do something to help the community. Plumbers and Pipefitters Union #357 wants to do the job in the city and replace all lead lines and hire residents and apprentices.

Ken Wilcox from Local Union #357 believes they can get this job done. The sister local #370 performed the work in Flint.

Ray Bell spoke in support and solidarity of the Plumbers and Pipefitters Union #357

C.F. Jones expressed concerns regarding the behavior of some of the commissioners.

Marvin Haywood spoke that in order to understand how we got into the crisis is to know some of the steps that were made.

Michael Perkins spoke on behalf of the Plumbers and Pipefitters Union #357.

Rod Jennings spoke on being accountable and having solutions.

Derek Mays, Councilman for the City of Flint, offered help and expertise as he's been through the process.

Rev Pinkney thanked the water council to do something for the residents of the city. It's unknown how many people have been affected by lead in the water. Urged the commission to make the call to issue a State of Emergency.

Mamie Yarbrough spoke on what was reported in the newspaper. And announced Berrien County Commission meetings.

Anisea Noel, the Benton Harbor Absentee Ballot Chair, stated the Mayor spoke on the radio that the City is more worried about the lead in the water but not the lead in the streets. Asked for a State of Emergency to be declared.

Mr Mays is asking the city to potentially allow him to buy a home his grandma used to live in that went back for back taxes after they moved.

Michael Hoyh of Benton Harbor Historical Preservation Society stated Abonmarche knew that there were lead pipes and pleaded to bring in jobs for the people of Benton Harbor.

CONSENT CALENDAR

Motion was made by Commissioner Singleton and supported by Commissioner Adams to add a Resolution Stating a Declaration of Emergency to the agenda. Item was added by Mayor Muhammad.

The following Consent Calendar items were moved by Commissioner Singleton and supported by Commissioner Haralson. Motion carried the following roll call vote: YAYS: Commissioners Singleton, Henderson, Adams, Mayor Pro-Tem Seats, Commissioners Henry, Haralson, Isom, Mayor Muhammad NAYS: None, ABSTAIN: Commissioner Edwards, ABSENT: None.

RESOLUTION APPROVING THE RE-APPOINTMENT OF MARYALICE ADAMS TO THE BROWNFIELD REDEVELOPMENT AUTHORITY BOARD

RESOLUTION APPROVING THE RE-APPOINTMENT OF RICHARD HENSEL TO THE PLANNING COMMISSION

RESOLUTION APPROVING THE RE-APPOINTMENT OF VERA SINGLETON TO THE BOARD OF REVIEW

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR 200 E. MAIN ST. FOR JUSTICE GROWN

RESOLUTION APPROVING THE WINNING BID TO THE CITY'S RFP FOR AIR PURIFIERS

RESOLUTION ESTABLISHING HALLOWEEN TRICK OR TREAT HOURS

Motion by Commissioner Adams and supported by Commissioner Haralson to approve a Resolution Stating a Declaration of Emergency. After discussion, Motion carried on the following roll call vote: YAYS: Commissioners Singleton, Henderson, Adams, Mayor Pro-Tem Seats, Commissioners Henry, Haralson, Isom, Mayor Muhammad, NAYS: Commissioner Edwards, ABSTAIN: None, ABSENT: None

COMMUNICATIONS

Attorney Racht stated despite the vote there still has to be a State of Emergency Plan that has to be voted on.

COMMISSION COMMENTS

Commissioner Singleton stated Council will do what need to be done regarding the plans needed.

Commissioner Henry stated there have been plans in the making for awhile now. There should have been a timeline attached to the state of emergency. We would not be where we are now would not have happened if the citizens didn't step up and say there was a problem.

Commissioner Edwards gave kudos to Public Safety and Public Works. He gave his stance on why he ran for the people and stated he would continue to help the people.

Commissioner Adams would like everyone to pay attention on how government is working and why and see the people of America are not being serviced as we should. Encouraged everyone to take a look at what government seats are available.

Commissioner Haralson thanked the citizens for coming out and seeing their government work.

Commissioner Isom stated we are all in this together.

Commissioner Henderson stated she chose to live in the heart of the City of Benton Harbor and they all care for the City. Appreciates all the verbal support and the helping hands. The Commission has been working diligently to solve this issue.

Mayor Pro-Tem Seats stated he doesn't think there is one person in the room that doesn't want to fix the water problem. Every resident needs to test the water to find out if they have lead in the water. Appreciates the Public Safety, Fire Department, Public Works for slaying cases of water.

Mayor Muhammad will be meeting with Governor Whitmer tomorrow and will express the people's concerns. Asked for everyone's cooperation and to not get angry because it doesn't solve problems.

MOTION TO ADJOURN

A motion made by Commissioner Adams and supported by Commissioner Singleton to adjourn the meeting and was carried unanimously on the roll call vote.

There being no further business to discuss, the meeting adjourned by Mayor Muhammad

Tiffany Moore, City Clerk (transcribed)

Marcus Muhammad, Mayor

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
JANUARY 18, 2022**

The regular meeting of the Benton Harbor City Commission was called to order by Mayor Muhammad at 7:02 p.m. Invocation led by Mayor Pro-Tem Seats, followed by the Pledge of Allegiance led by Commissioner Edwards. Roll call showed the following members present: Commissioners Adams, Clark-Griffin, Edwards, Henderson, Henry, Isom, Singleton, Mayor Pro-Tem Seats, Mayor Muhammad. Members Absent: None. Also present: City Manager Mitchell, Assessor Story, and City Clerk Moore.

APPROVAL OF MINUTES

A motion was made by Commissioner Henderson and supported by Mayor Pro-Tem Seats to approve the Regular Minutes of January 3, 2022. The motion **carried** on the following roll call vote: Yeas: Commissioners Adams, Edwards, Clark-Griffin, Isom, Henderson, Henry, Mayor Pro-Tem Seats. Nays: None. Members Abstain: Mayor Muhammad. Members Absent: Commissioner Singleton.

A motion was made by Commissioner Adams and supported by Mayor Pro-Tem Seats to approve the Closed Minutes of January 3, 2022. The motion **carried** on the following roll call vote: Yeas: Commissioners Adams, Edwards, Clark-Griffin, Isom, Henderson, Henry, Mayor Pro-Tem Seats. Nays: None. Members Abstain: Mayor Muhammad. Members Absent: Commissioner Singleton.

APPROVAL OF ACCOUNTS PAYABLE

A motion was made by Mayor Pro-Tem Seats and supported by Commissioner Henderson to approve the Accounts Payable Listing. During Discussion, Commissioner Adams stated she will be voting no until a Finance Director is in place. Commissioner Clark-Griffin had concerns of items that she saw when reviewing the audit and believes the city needs their own Finance Director, not a contractor. Motion **carried** on the following roll call vote. Yeas: Commissioners Edwards, Henderson, Isom, Mayor Pro-Tem Seats, Mayor Muhammad. Nays: Commissioners Henry, Adams, Clark-Griffin. Members Abstain: None. Members Absent: Commissioner Singleton. Mayor Muhammad alerted the Council that if the Accounts Payable are not approved, checks cannot be issued to keep the city functioning.

UPDATED – COUNTY COMMISSIONER YARBROUGH

Commissioner Yarbrough brought newspapers with the property tax sales, she left a couple with the City Clerk for anyone to review, they were also published in the Herald Palladium on December 17 and 24. She stated that County Commission seats have always been 2 years since 1968, recently legislation was signed that commission seats will be every 4 years beginning 2024. Explained that every 10 years, after the census, its possible that the number of counties may go up or down. Currently there are 83, up from 81. She also mentioned that Marci Hamilton from SWMPC and Friends of Berrien County Trails gave a presentation to the County Commission on January 13 regarding trails, shared use paths, bike laws, water kayaking, canoes, parks. There is money that can be used for such things.

CITIZENS COMMENTS

Emma Kinnard inquired on whether the city is still paying the bank for the water plant and if everything has been fixed at the water plant. After the lead lines are fixed at homes, she asked if the water from the plant to the homes will be safe.

Marvin Haywood expressed the need for transparency. He asked if the water bills have been taken care of because residents are still getting bills for a service they can't used. He inquired if there was an update on the Covid grant relief money and the balance. He stated the need for a Finance Director to attend the meetings.

Mayor Muhammad stated that he has been talking with the Manager about sending out a letter regarding the credit on water bills.

CONSENT CALENDAR

The following Consent Calendar items were moved by Commissioner Adams and supported by Commissioner Henderson. Motion carried unanimously on the roll call vote.

RESOLUTION APPROVING ALTERNATE STARTING DATES FOR THE MARCH 2022 BOARD OF REVIEW MEETINGS

RESOLUTION APPROVING THE ACCEPTANCE OF LETTERS OF PROTEST FOR THE 2022 BOARD OF REVIEW

RESOLUTION ADOPTING THE INCOME LIMITS AND ASSET LEVEL TEST FOR PROPERTY TAX EXEMPTION GUIDELINES FOR TAX YEAR 2022

AUTHORIZATION OF THE CITY MANAGER TO EXECUTE A CONTRACT WITH L.E. BARBER FOR SMITH COURT WATER MAIN IMPROVEMENTS PROJECT

COMMUNICATIONS

City Clerk thanked the Commissioners for attending the Study Session, which seemed to be helpful, and would like to try again next month.

COMMISSION COMMENTS

Commissioner Edwards thanked everyone for coming out and gave a reminder to look after the seniors and disabled.

Commissioner Isom thanked everyone for coming out and for Commissioner Yarbrough's updates. Gave a reminder to keep aware of what's happening regarding voting and for everyone to stay up on it.

Commission Adams would like citizens to get their answers in 2022. She thanked Isom for bringing up the voting rights. She would like to see the technology working and hopes we can take care of getting a Finance Director.

Mayor Pro-Tem Seats appreciates the opportunity to serve another term and appreciates the study session. Wants to see stand for the air purifiers by the next meeting. He stated the only thing anyone has from the city is a cell phone, and the city has been in the black for 5-6 years, so nobody is taking money.

Mayor Muhammad thanked the council and staff for making the functioning of government effective. Despite the differences that may exist, we are working together to move the city forward. He stated there are 39 bills that are trolling the halls of the state government that would make Michigan worse for voting as a state. He also stated that ARPA has approximately \$9.5 million left and city plans to spend all the money to improve the city and would like to have input through some informational meetings, but keep in mind there are restrictions. He said the city does need a Finance Director but doesn't need to settle. Encouraged everyone to get their water tested.

CLOSED SESSION

A motion was made by Commissioner Adams and supported by Mayor Pro-Tem Seats to go into Closed Session to DISCUSS PENDING LITIGATION; WMP PROPERTIES, V. CITY OF BENTON HARBOR, ET AL, BERRIEN COUNT CIRCUIT COURT FILE NO. 20-00999-AW-H. Motion carried on the following roll call vote: Yeas: Commissioners Henry, Isom, Adams, Clark-Griffin, Edwards, Henderson, Mayor Pro-Tem Seats, Mayor Muhammad. Nays: None. Abstain: None. Absent: Commissioner Singleton.

The regular meeting recessed to go into Closed Session at 7:37p.m. and reconvened at 8:08 p.m. No action was taken as a result of the Closed Session.

Attorney Callahan stated he received strong impressions from the Commissioners and he will discuss those with WMP's Attorney.

MOTION TO ADJOURN

A motion made by Commissioner Adams and supported by Commissioner Isom to adjourn the meeting and was carried on the following roll call vote: Yeas: Commissioners Adams, Clark-Griffin, Edwards, Henderson, Henry, Isom, Mayor Pro-Tem Seats, Mayor Muhammad. Nays: None. Abstain: None. Absent: Commissioner Singleton

There being no further business to discuss, the meeting adjourned at 8:11 p.m.

Tiffany Moore, City Clerk

Marcus Muhammad, Mayor

**SPECIAL MINUTES OF THE BENTON HARBOR CITY COMMISSION MEETING
LULA LEE COMMISSION CHAMBERS
JANUARY 24, 2022**

The special meeting of the Benton Harbor City Commission was called to order by the Mayor Muhammad at 7:00 p.m. Invocation was given by Mayor Pro-Tem Seats, followed by the Pledge of Allegiance let by Commissioner Isom. Roll call showed the following members present: Commissioners Adams, Clark-Griffin, Edwards, Henderson, Henry, Isom, Singleton, Mayor Pro-Tem Seats and Mayor Muhammad. Members Absent: None. Also present: City Manager Mitchell, Community and Economic Development Director Little, and Clerk Moore.

CITIZENS COMMENTS

Michael Hoyt shared that the Benton Harbor Historical Preservation Society had a huge donation given to them of aerial photos from the 60's, 70's, 80's. They are going to be digitized and given to the Morton House, Heritage Museum, Berrien County Historical Preservation Society and the Bentley Museum.

AUTHORIZATION OF THE CITY MANAGER TO EXECUTE CONTRACTS FOR THE CITY-WIDE WATER SERVICE REPLACEMENT PROJECT FOR HOFFMAN BROS, INC, FIVE STAR ENERGY SERVICE, LLC, SWT EXCAVATING, INC B AND Z COMPANY, INC AND SELGE CONTRUCTION CO, INC.

A motion was made by Commissioner Singleton and supported by Commissioner Henderson to AUTHORIZE THE CITY MANAGER TO EXECUTE CONTRACTS FOR THE CITY-WIDE WATER SERVICE REPLACEMENT PROJECT FOR HOFFMAN BROS, INC, FIVE STAR ENGERGY SERVICE, LLC, SWT EXCAVATING, INC, B AND Z COMPANY, INC AND SELGE CONTRUCTION CO, INC

Discussion:

Mayor Pro-Tem Seats asked when the bids were received.
Abonmarche Consultant, Jason Marquardt, responded that the bids were received on 12/17/21, they were checked for accuracy through the holidays and after the first of the year, calls were made to the Contractors. They also worked with the State of Michigan on the timing for funding. It took time to review each zone, contractor and capacity. The summary presented was drafted within the last 10 days.
Seats asked if the contractors were ready to dig now
Marquardt responded that all the contractors are inquiring about what the next step is, they are ready to begin. A ¼ of the services have to be completed by 5/31/22.
Commissioner Adams asked any of the contractors worked in Flint. Answer provided was that its believed that SWT worked in Flint but they are not currently working in Flint.
Commissioner Clark-Griffin asked if the Commission will be able to provide input and if updates will be given throughout the process.
Manager Mitchell responded that the Commission can always provide input and will receive updates.
Commissioner Singleton asked what are the consequences of falling short of their milestones.

Marquardt replied that they will be assessed liquidated damages. They will have to have enough right of entries to complete the work.

Commissioner Henderson asked for an explanation of how the contractors were selected for each zones.

Marquardt stated that the bids were analyzed by 1st, 2nd, 3rd low bids and what capacity the contractors had, as far as how many zones they could complete. A cost analysis was also completed to show which zones provided the highest savings.

Commissioner Edwards asked who pays if there are breaks.

Marquardt responded that there is a 1 year warranty period. The contractor will be required to give a completion form to the resident.

Seats asked how many local residents are being hired out of the 12 zones.

Mayor Muhammad reminded everyone that no bids have been awarded as of yet, so those contractors haven't done any hiring.

Marquardt stated that it is required as part of the award process that it's recommended that they hire local residents that are qualified to do the work.

Director Little stated that the staff has been working with Abonmarche to fill jobs that residents are qualified for. There is a job description that outlines guidelines and a pay scale. Minor criminal backgrounds will be accepted and there will be parameters for drug tests.

Adams asked if it was important where they start.

Marquardt explained that with 200-300 limes per zone, the contractors will begin in all 12 zones at the same time to finish as quickly as possible.

Little stated there will be many coordinated activities with police, dial a ride, etc for streets where work will take place. And it's anticipated that by the end of the week there will be info for the potential jobs for locals.

Commissioner Henry asked what happened with the discussion of training and apprenticeships.

Little state that those union contractors may offer apprenticeships, but for those that are not union this will just be a job.

After discussion, motion **carried** unanimously on the roll call vote.

COMMUNICATIONS

Director Little stated that he's been working with Manager Mitchell to carry out the Commissions wishes while working with Abonmarche and is pleased with the progress and cooperation they've given.

COMMISSION COMMENTS

Commissioner Edwards reminded everyone to remember those who cannot help themselves.

Commissioner Singleton applauded the Commission, Staff and Abonmarche for working on this large project, it was well put together.

Mayor Pro-Tem Seats stated appreciation for staff and Abonmarche for a job well done to bring drinking water to the people. Commended the Commission for their hard work. Thanked the Mayor, Director Little, and Manager Mitchell for their leadership. Reminded everyone to let their water drip a bit when it's cold outside to keep pipes from freezing.

Commissioner Henderson thanked everyone who worked on the project.

Mayor Muhammad thanked all the City Council members and Staff for bringing the qualified group that will help change the trajectory, help the health status of the community to ensure future generation won't have any contaminants in their water.

MOTION TO ADJOURN

A motion made by Commissioner Adams and supported by Commissioner Edwards to adjourn the meeting carried unanimously on the roll call vote.

There being no further business to discuss, the meeting was adjourned by Mayor Muhammad at 7:49pm

Tiffany Moore, City Clerk

Marcus Muhammad, Mayor



BENTON HARBOR
Port of Opportunities

CITY OF BENTON HARBOR WARRANTS AND REQUISITIONS

TO: Honorable Mayor Muhammad and Members of the City Commission
FROM: Ellis Mitchell, City Manager
SUBJECT: February 7, 2022 Commission Meeting - Accounts Payable/Checks
Written with detail of Checks Released Prior to City Commission
Meeting

As part of the City's Internal Control standards, attached for your review please find the Accounts Payable listing for the period January 18, 2022 through February 4, 2022, as follows:

Checks released prior to meeting	\$ 5,251.61
Checks pending approval	\$ 378,603.13
Total Checks Written/Pending Approval	\$ 383,854.74

I have reviewed the attached listing of checks issued and respectfully request your approval.


Ellis Mitchell, City Manager

02/04/2022

INVOICES FOR APPROVAL FOR CITY OF BENTON HARBOR

Early
Release

SI127163	PREMIER TRUCK SALES & RENTAL, INC	RENT FOR GARBAGE TRUCK 12/20/21-1/11/22 CREDIT	5,251.61
		Total	5,251.61

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
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VENDOR NAME: ABONMARCHÉ CONSULTANTS, INC.

138572	ABONMARCHÉ CONSULTANTS, INC.	19-0900 CLAY STREET WATER MAIN REPLACEMENT SE	2,032.50
138573	ABONMARCHÉ CONSULTANTS, INC.	20-0045 PIPESTONE AREA CWSRF/DWSRF PROJECT SE	2,287.20
138732	ABONMARCHÉ CONSULTANTS, INC.	20-2029 BH DWAM GRANT SERVICE THROUGH 12/31	8,651.50
138703	ABONMARCHÉ CONSULTANTS, INC.	18-1272 FDCVT GRANT- WATER METER REPLACEMENT	232.50
138717	ABONMARCHÉ CONSULTANTS, INC.	21-1832 2021 BRIDGE INSPECTIONS 10 BRIDGES OWN	7,367.50
138805	ABONMARCHÉ CONSULTANTS, INC.	20-0968 BH HYDRANT MASTER PLAN #20-0968 FOR :	316.75
138762	ABONMARCHÉ CONSULTANTS, INC.	21-2059 BH EGLE WATER SERVICE REPLACEMENTSERV	26,842.05
138760	ABONMARCHÉ CONSULTANTS, INC.	20-1896 EPA LSL REPLACEMENT PROJECT SERVICE THF	45,752.70
138294	ABONMARCHÉ CONSULTANTS, INC.	21-2059 BH EGLE WATER SERVICE REPLACEMENT SER	37,482.00
	TOTAL VENDOR ABONMARCHÉ CONSULTANTS, INC.		130,964.70

VENDOR NAME: ANDREW HARTMAN

2013	PRO SAFETY INNOVATIONS LLC	FIRE EXTINGUISHER CHEMICAL REFILL	29.99
	TOTAL VENDOR ANDREW HARTMAN		29.99

VENDOR NAME: ANGELA STORY

PR- JAN 2022	ANGELA STORY	ASSESSING SERVICES: JAN 2022	5,833.33
	TOTAL VENDOR ANGELA STORY		5,833.33

VENDOR NAME: AT & T MOBILITY

X01142022	AT & T MOBILITY	287287700269 CELL PHONES JAN 2022	3,443.80
	TOTAL VENDOR AT & T MOBILITY		3,443.80

VENDOR NAME: AUNALYTICS, INC

29957102	AUNALYTICS, INC	SSL CERTIFICATES 3/1/22-3/31/22	15.00
29957101	AUNALYTICS, INC	COMPUTER ASSISTANCE 3/1/22-3/31/22	8,983.15
	TOTAL VENDOR AUNALYTICS, INC		8,998.15

VENDOR NAME: AUTO WARES, INC.

03760125865	AUTO WARES, INC.	PW SHOP SUPPLIES	58.36
03760125370	AUTO WARES, INC.	PW SHOP SUPPLIES METAL CAST	21.88
03760125340	AUTO WARES, INC.	PW SHOP SUPPLIES	41.16
03760123164	AUTO WARES, INC.	PW SHOP SUPPLIES	43.08
03760123827	AUTO WARES, INC.	PW SHOP SUPPLIES BATTERY	132.33
	TOTAL VENDOR AUTO WARES, INC.		296.81

VENDOR NAME: AXON ENTERPRISE, INC

SI-1697250	AXON ENTERPRISE, INC	FLEET BASIC PACKAGE YEAR 4 PAYMENT FLEET EVIDEN	2,565.00
INUS016528	AXON ENTERPRISE, INC	LICENSE FOR CAMERA STORAGE CAMARA KIT VEHICLE	11,781.00
INUS028660	AXON ENTERPRISE, INC	FLEET BASIC PACKAGE YEAR 5 FLEET EVIDENCE.COM	2,565.00
INUS028661	AXON ENTERPRISE, INC	RENEWAL FOR FLEET EVIDENCE.COM LICENSE	20,886.00
	TOTAL VENDOR AXON ENTERPRISE, INC		37,797.00

VENDOR NAME: BEAUDOIN ELECTRICAL CONSTRU INC

59411	BEAUDOIN ELECTRICAL CONSTRU INC	POLICE STATION LIGHTING REPAIRS	256.89
	TOTAL VENDOR BEAUDOIN ELECTRICAL CONSTRU INC		256.89

VENDOR NAME: BERRIEN COUNTY DRAIN COMM 2021 DRAIN TAX BERRIEN COUNTY DRAIN COMM TOTAL VENDOR BERRIEN COUNTY DRAIN COMM	2021 DRAIN ASSESSMENT, 832 WOODRIGE 354 NAM 5,997.38 5,997.38
VENDOR NAME: BERRIEN COUNTY TREASURER - PRINT 11661 BERRIEN COUNTY TREASURER TOTAL VENDOR BERRIEN COUNTY TREASURER - PRINT	PAPER CHARGES, COPIER CHARGES & BINDERY CHARG 14.95 14.95
VENDOR NAME: BLUE BEACON TRUCK WASH 3665421 BLUE BEACON TRUCK WASH TOTAL VENDOR BLUE BEACON TRUCK WASH	TRUCK WASH FOR GARBAGE TRUCK 117.82 117.82
VENDOR NAME: BRIAN KAZMIERZAK 1/26/22 BRIAN KAZMIERZAK TOTAL VENDOR BRIAN KAZMIERZAK	REIMBURSEMENT CERTIFICATE HOLDERS RECRUIT LO 557.70 557.70
VENDOR NAME: BS & A SOFTWARE 138571 BS & A SOFTWARE TOTAL VENDOR BS & A SOFTWARE	SVC SUPPORT: 2/1/22-2/1/23- CD,HR,OL,UB,CR,AP,GL 10,374.00 10,374.00
VENDOR NAME: C. MANAGEMENT 1/18/22 C. MANAGEMENT TOTAL VENDOR C. MANAGEMENT	2 BURIALS FOR CRYSTAL SPRINGS CEMETERY 4,190.00 4,190.00
VENDOR NAME: CDW GOVERNMENT P935031 CDW GOVERNMENT P936255 CDW GOVERNMENT Q370659 CDW GOVERNMENT Q535259 CDW GOVERNMENT Q352105 CDW GOVERNMENT Q357122 CDW GOVERNMENT TOTAL VENDOR CDW GOVERNMENT	ADOBE LICENSE FOR MULTIPLE DEPARTMENTS 1 YEAF 1,056.55 ADOBE LICENSE FOR MULTIPLE DEPARTMENTS 1 YEAF 1,440.32 DOJ GRANT COVID SANDISK SD CARD 221.67 FEMA FIRE PREVENTION & SAFETY GRANT APPLE IPAC 2,467.60 DOJ GRANT COVID LENOVO THINK BOOK 912.55 FEMA FIRE GRANT APPLE PENCILS 216.04 6,314.73
VENDOR NAME: CIVITAS LLC BH.1.10.22 CIVITAS LLC TOTAL VENDOR CIVITAS LLC	SERVICES RENDERED FROM 11/25/21-12/30/21 2,111.40 2,111.40
VENDOR NAME: CULLIGAN BAR WATER 1/31/21 CULLIGAN BAR WATER TOTAL VENDOR CULLIGAN BAR WATER	DRINKING WATER FOR CDBG 40.25 40.25
VENDOR NAME: CURTIS SHULL 135972334 CURTIS SHULL TOTAL VENDOR CURTIS SHULL	HEALTH INSURANCE REIMBURSEMENT THROUGH 2/2 200.00 200.00
VENDOR NAME: D & B BILLING SERVICES, INC. BH011822 D & B BILLING SERVICES, INC. TOTAL VENDOR D & B BILLING SERVICES, INC.	UTILITY BILLING FEES FOR JAN 2022 4,929.00 4,929.00
VENDOR NAME: DELTA DENTAL RIS0003931341 DELTA DENTAL TOTAL VENDOR DELTA DENTAL	BELL- 2/1/22-2/28/22 117.15 117.15
VENDOR NAME: EDWIN CONSTABLE FEB 2022 EDWIN CONSTABLE TOTAL VENDOR EDWIN CONSTABLE	ELECTRICAL INSPECTOR FEES 780.80 780.80

VENDOR NAME: ENVIRONMENTAL ENGINEERING &TECH INC			
11876	ENVIRONMENTAL ENGINEERING &TECH I	016100 BH CORROSION OPTIMIZATION CONTROL STU	12,020.72
TOTAL VENDOR ENVIRONMENTAL ENGINEERING &TECH INC			12,020.72
VENDOR NAME: ENVISAGE TECHNOLOGIES			
SI-001975 REVISED	ENVISAGE TECHNOLOGIES	ANNUAL SUBS 1/11/22-1/10/23 ADDED 12 MORE LIC	671.04
TOTAL VENDOR ENVISAGE TECHNOLOGIES			671.04
VENDOR NAME: EUROFINS EATON ANALYTICAL, INC			
8100002543	EUROFINS EATON ANALYTICAL, INC	LEAD AND COPPER TESTING SAMPLES	120.00
TOTAL VENDOR EUROFINS EATON ANALYTICAL, INC			120.00
VENDOR NAME: EVC, LLC			
1240	EVC, LLC	REPLACE AND INSTALL CONSOLE PRINTER OF WATER I	380.00
1238	EVC, LLC	REPAIRS TO MODEM CONNECTION	150.00
1337	EVC, LLC	REPAIRS TO MODEM CONNECTION	390.00
TOTAL VENDOR EVC, LLC			920.00
VENDOR NAME: FAMILY FARM & HOME			
9644/3	FAMILY FARM & HOME	WORKSPACE HEATER	172.96
TOTAL VENDOR FAMILY FARM & HOME			172.96
VENDOR NAME: FLOORS N' MORE			
01312022	FLOORS N' MORE	PROFESSIONAL SERVICES REQUESTED BY MANAGEME	175.00
02012022	FLOORS N' MORE	PROFESSIONAL SERVICES REQUESTED BY MANAGEME	480.00
TOTAL VENDOR FLOORS N' MORE			655.00
VENDOR NAME: FRESH DECOR			
P0200284	FRESH DECOR	PW SHOVEL STEEL SNOW PUSHER SNOW BROOM	104.84
P0200322	FRESH DECOR	PW ENAMEL SPRAY GLOSS	12.78
TOTAL VENDOR FRESH DECOR			117.62
VENDOR NAME: GALLS LLC			
020151404	GALLS, LLC	DOJ COVID GRANT SLING BAG VERTEX COMUTER SLIN	522.60
020122086	GALLS, LLC	DOJ COVID GRANT TJ260 NAV 44 OB CROSS FX CLASS	56.74
020135702	GALLS, LLC	REPLACEMENT BOOTS RICHCREEK	148.00
TOTAL VENDOR GALLS LLC			727.34
VENDOR NAME: HEI WIRELESS			
102625	HEI WIRELESS	WIRELESS MONTHLY SERVICE AGREEMENT BILLED AN	1,788.00
TOTAL VENDOR HEI WIRELESS			1,788.00
VENDOR NAME: INDIANA MICHIGAN POWER			
049-466-971-0-1 01	INDIANA MICHIGAN POWER	GRAHAM AVE 12/8/21-1/10/22	35.97
047-985-302-4-4 JAN	INDIANA MICHIGAN POWER	CONSOLIDATED BILL 1/20/22	15,109.09
042-096-129-0-4 JAN	INDIANA MICHIGAN POWER	RIVERVIEW DR 12/15/21-1/17/22	10.68
049-834-420-3-1 JAN	INDIANA MICHIGAN POWER	CONSOLIDATED BILL 1/19/22	2,838.98
TOTAL VENDOR INDIANA MICHIGAN POWER			17,994.72
VENDOR NAME: INTERNATIONAL ASSOCIATION OF CHEIFS			
0210435	INTERNATIONAL ASSOCIATION OF CHEIFS	ACTIVE DUES 1/1/22-12/31/22 RENEWAL DAN MCGIN	190.00
0210436	INTERNATIONAL ASSOCIATION OF CHEIFS	ACTIVE DUES 1/1/22-12/31/22 RENEWAL MIKE CLARK	190.00
0217933	INTERNATIONAL ASSOCIATION OF CHEIFS	IACP NET SUBSCRIBER 3/1/22-2/28/23	1,025.00
TOTAL VENDOR INTERNATIONAL ASSOCIATION OF CHEIFS			1,405.00
VENDOR NAME: JBM TECHNOLOGY			
109838	JBM TECHNOLOGY	KVCC POLICE ACADEMY FOR JAKOB CLARK	186.00
TOTAL VENDOR JBM TECHNOLOGY			186.00

VENDOR NAME: KALIN CONSTRUCTION PR-1/25/22 KALIN CONSTRUCTION TOTAL VENDOR KALIN CONSTRUCTION	HYDRANT REPLACEMENT PROJECT ACI PROJECT# 20-0	15,150.00
		15,150.00
VENDOR NAME: KONE, INC 962100450 KONE, INC TOTAL VENDOR KONE, INC	ELEVATOR MAINTENANCE REPAIR BH CITY HALL 1/1/2	229.44
		229.44
VENDOR NAME: LEXISNEXIS -1679160 1679160-20220131 LEXISNEXIS RISK DATA MANAGEMENT INC TOTAL VENDOR LEXISNEXIS -1679160	AVCC ANNUAL SUB FEE - 1/1/22-1/31/22	819.98
		819.98
VENDOR NAME: LOYALTY CONSTRUCTION COMPANY 0468 LOYALTY CONSTRUCTION COMPANY TOTAL VENDOR LOYALTY CONSTRUCTION COMPANY	REMOVED DAMAGED SHED FROM WATER TOWER AR	1,800.00
		1,800.00
VENDOR NAME: MASTER METER, INC. 242907 MASTER METER, INC. TOTAL VENDOR MASTER METER, INC.	ANNUAL SUPPORT & MAINTENANCE METER READER I	1,500.00
		1,500.00
VENDOR NAME: MEEKS CONTRACTING SERVICES LLC #4 MEEKS CONTRACTING SERVICES LLC #5 MEEKS CONTRACTING SERVICES LLC TOTAL VENDOR MEEKS CONTRACTING SERVICES LLC	EGLE DWAM GRANT: WATER SERVICE INSPECTIONS P WATER SERVICE REPLACEMENT PROJECT 20-1896 - EP	13,930.00 46,170.00
		60,100.00
VENDOR NAME: MICHIGAN ASSOCIATION OF MAYORS 2/1/21 MICHIGAN ASSOCIATION OF MAYORS TOTAL VENDOR MICHIGAN ASSOCIATION OF MAYORS	2022 MEMBERSHIP DUES - MAYOR MUHAMMAD	85.00
		85.00
VENDOR NAME: MICHIGAN MUNICIPAL LEAGUE -MBC-LEO 2/1/22 MICHIGAN MUNICIPAL LEAGUE -MBC-LEC TOTAL VENDOR MICHIGAN MUNICIPAL LEAGUE -MBC-LEO	MEMBERSHIP RENEWAL 1/1/22-12/31/22 MICHIGAN	35.00
		35.00
VENDOR NAME: MID-STATE ENGINEERING LLC 5725 MID-STATE ENGINEERING LLC 5718 MID-STATE ENGINEERING LLC 5668 MID-STATE ENGINEERING LLC TOTAL VENDOR MID-STATE ENGINEERING LLC	CONTROLS AND AUTOMATION SUPPORT WORKED OI CONTROLS AND AUTOMATION SUPPORT WORKED OI CONTROLS AND AUTOMATION SUPPORT	1,666.73 250.00 1,981.07
		3,897.80
VENDOR NAME: OFFICE DEPOT, INC 221870086001 OFFICE DEPOT, INC 221840811001 OFFICE DEPOT, INC 221870083001 OFFICE DEPOT, INC 219117197001 OFFICE DEPOT, INC 219279790001 OFFICE DEPOT, INC 221834996001 OFFICE DEPOT, INC 220628075001 OFFICE DEPOT, INC 221818595001 OFFICE DEPOT, INC 221831176001 OFFICE DEPOT, INC TOTAL VENDOR OFFICE DEPOT, INC	OFFICE SUPPLIES FOR CITY INCOME TAX OFFICE SUPPLIES FOR CITY INCOME TAX OFFICE SUPPLIES FOR CITY INCOME TAX CLERK OFFICE SUPPLIES CLERK OFFICE SUPPLIES XEROX TONER COPY PAPER FOR CITY HALL KEURIG PER MR MITCHELL OFFICE SUPPLIES FOR CITY HALL OFFICE SUPPLIES FOR CITY HALL	35.28 126.36 20.00 73.56 339.98 407.88 180.80 165.11 18.57
		1,367.54
VENDOR NAME: ORCHARD HILL LANDFILL 1000046028 ORCHARD HILL LANDFILL TOTAL VENDOR ORCHARD HILL LANDFILL	TRASH PICKUP - OMCMT/COMPACTED MSW FOR SAN	12,905.26
		12,905.26
VENDOR NAME: PALMETTO STATE ARMORY LLC INV9669481 PALMETTO STATE ARMORY LLC INV966482 PALMETTO STATE ARMORY LLC TOTAL VENDOR PALMETTO STATE ARMORY LLC	COMPLETE MOE EPT PISTOL LOWER WITH SBPDW BR, PHOSPHATE 6" LIGHT WEIGHT M-LOK UPPER WITH BC	1,200.00 1,300.00
		2,500.00

VENDOR NAME: PEERLESS-MIDWEST, INC. 63468 PEERLESS-MIDWEST, INC. TOTAL VENDOR PEERLESS-MIDWEST, INC.	RENTAL FOR HIGH SERVICE FREQUENCY DRIVE ----- 4,650.00 4,650.00
VENDOR NAME: PHOENIX SAFETY OUTFITTERS, LLC SI-121192 PHOENIX SAFETY OUTFITTERS TOTAL VENDOR PHOENIX SAFETY OUTFITTERS, LLC	FULL SET OF POLICE ACADEMY UNIFORMS JAKOB CLA ----- 307.92 307.92
VENDOR NAME: REPUBLIC SERVICES #646 0646-001721362 REPUBLIC SERVICES #646 TOTAL VENDOR REPUBLIC SERVICES #646	ACCT # 3-0646-0010815 WASTE CONTAINER PICK UP ----- 116.39 116.39
VENDOR NAME: RHONDA HILDEBRAND 1/21/22 RHONDA HILDEBRAND TOTAL VENDOR RHONDA HILDEBRAND	REIMBURSEMENT FOR PURCHASE OF 1099 AND W2 ----- 154.72 154.72
VENDOR NAME: RICOH USA, INC. 5063660232 RICOH USA, INC. TOTAL VENDOR RICOH USA, INC.	PS SQUAD ROOM PRINTING 12/16/21-1/15/22 ----- 8.34 8.34
VENDOR NAME: RYAN MOYLE 2/1/22 RYAN MOYLE TOTAL VENDOR RYAN MOYLE	REIMBURSEMENT FOR MICH COMMISSION ON LAW E ----- 75.00 75.00
VENDOR NAME: SBF ENTERPRISES 1584600-22 SBF ENTERPRISES TOTAL VENDOR SBF ENTERPRISES	PREPAY FOR ASSESSMENT MAILING POSTAGE ----- 1,803.20 1,803.20
VENDOR NAME: SPICER GROUP, INC 205253 SPICER GROUP, INC 206577 SPICER GROUP, INC 208082 SPICER GROUP, INC TOTAL VENDOR SPICER GROUP, INC	NPDES PERMIT COMPLIANCE THROUGH 12/31/20 1,128.80 NPDES PERMIT COMPLIANCE THROUGH 3/27/21 1,128.80 NPDES PERMIT COMPLIANCE THROUGH 6/28/21 1,128.80 ----- 3,386.40
VENDOR NAME: STATE OF MICHIGAN - EGLE 761-10676992 STATE OF MICHIGAN - EGLE TOTAL VENDOR STATE OF MICHIGAN - EGLE	STORM WATER ANNUAL PERMIT FEE 2022 ----- 3,000.00 3,000.00
VENDOR NAME: THAYER, INC. 494027 THAYER, INC. 493873 THAYER, INC. 494160 THAYER, INC. TOTAL VENDOR THAYER, INC.	BAG CALCIUM CHLORIDE 895.40 42 GALLON TRASH CAN 213.05 CLEANING SUPPLIES FOR MAINT 261.78 ----- 1,370.23
VENDOR NAME: UNIFIRST CORP. 099 0315750 UNIFIRST CORP. 099 0316460 UNIFIRST CORP. 099 0318860 UNIFIRST CORP. 099 0318858 UNIFIRST CORP. 099 0318060 UNIFIRST CORP. 099 0319629 UNIFIRST CORP. 099 0318859 UNIFIRST CORP. 099 0317284 UNIFIRST CORP. 099 0320432 UNIFIRST CORP. TOTAL VENDOR UNIFIRST CORP.	PW UNIFORMS, SHIRTS AND CARGO PANTS, COVERAL 109.99 PW UNIFORMS, SHIRTS AND CARGO PANTS, COVERAL 263.68 WP UNIFORMS, SHIRTS AND CARGO PANTS, COVERAL 121.06 INSPECTIONS UNIFORMS, SHIRTS AND CARGO PANTS, 13.20 PW UNIFORMS, SHIRTS AND CARGO PANTS, COVERAL 199.68 WP UNIFORMS, SHIRTS AND CARGO PANTS, COVERAL 155.86 PW UNIFORMS, SHIRTS AND CARGO PANTS, COVERAL 244.88 PW UNIFORMS, SHIRTS AND CARGO PANTS, COVERAL 203.31 INSPECTIONS UNIFORMS, SHIRTS AND CARGO PANTS, 18.10 ----- 1,329.76

VENDOR NAME: VALLEY TRUCK PARTS INC.
 4-1233047 VALLEY TRUCK PARTS INC.
 TOTAL VENDOR VALLEY TRUCK PARTS INC.

PW CHROME LAMP 124.80

 124.80

VENDOR NAME: VITAL RECORDS CONTROL
 2410299 VITAL RECORDS CONTROL
 TOTAL VENDOR VITAL RECORDS CONTROL

MONTHLY SERVICED CHARGE FOR SHREDDING 75.00

 75.00

VENDOR NAME: WELLS FARGO VENDOR FIN SERVICES LLC
 105787572 WELLS FARGO FIN LEASING INC
 TOTAL VENDOR WELLS FARGO VENDOR FIN SERVICES LLC

RENT FOR COPIER EQUIPMENT 12/29/21-1/28/22 279.14

 279.14

VENDOR NAME: WEST MICHIGAN CRIMINAL JUSTICE
 4552 WEST MICHIGAN CRIMINAL JUSTICE
 4587 WEST MICHIGAN CRIMINAL JUSTICE
 TOTAL VENDOR WEST MICHIGAN CRIMINAL JUSTICE

TASER INSTRUCTOR NEW AND RECERT 100.00
 FALL 2021 DISTRIBUTION 35% OF PA 9302 LAW ENFOI 437.35

 537.35

VENDOR NAME: YOUNG DEBORAH
 220040051359 DEBORAH YOUNG
 TOTAL VENDOR YOUNG DEBORAH

HEALTH INS REIMBURSEMENT 2022 2/1/22-2/28/22 200.00

 200.00

VENDOR NAME: ZOLMAN TIRE, INC
 7000151755 ZOLMAN TIRE, INC
 700151497 ZOLMAN TIRE, INC
 TOTAL VENDOR ZOLMAN TIRE, INC

REPAIRS TO PUBLIC WORKS LOADER 295.61
 PUBLIC WORKS OTR SECTION REPAIR TO TRUCK 355.00

 650.61

 378,603.13

Grand Total: 383,854.74
Released Early: 5,251.61
Total Remaining To Be Released: 378,603.13

 City Manager Ellis Mitchell

 Mayor Marcus Muhammad

City of Benton Harbor

Bid Request for Technological Upgrade of Commission Chambers

Purpose:

The Commission Chambers is in need of minor updating to maintain the technological ability of presenting information to the Commission as well as broadcasting to City Residents.

Current State:

The current set up in the chambers is two projectors linked via serial cable to the desk. The projectors are currently inoperable. There is a microphone system that is linked via amplifier and can be recorded. There is currently a 180-degree camera, blue snowball microphone, and laptop that currently are used to stream the meeting to YouTube.

Request for Proposal:

The following is requested.

Upgrade and link the A/V system in chambers to allow the microphones to be recorded into the broadcast.

Upgrade the camera (s) in the chambers to allow closer views of both the audience and commission during the broadcast.

Enable the system to either record the meetings in person or remotely for the City Clerk.

Stream and maintain the database of meetings.

Upgrade the projector system to a large screen-based monitor system in the chambers.

Conclusion:

Please detail the costs and labor required to resolve the requests, first year cost and three-year operational costs as well.

All equipment purchased and installed will be property of the City of Benton Harbor. The master login passwords and access will be retained in the city manager's office.

Please respond to the City of Benton Harbor C/O Communications Proposal to the City Clerk's office by 12:00 Noon on 02/22/22.

**AN ORDINANCE AMENDING CITY OF BENTON HARBOR CODE OF ORDINANCES CHAPTER 44 UTILITIES;
ARTICLE II BY ADDING DIVISION 3. "MANDATORY REPLACEMENT OF LEAD SERVICE LINE".**

ORDINANCE NO. _____

Adopted: _____

Effective: _____

WHEREAS, the City of Benton Harbor water system is supplied by the waters of Lake Michigan; and

WHEREAS, Lake Michigan is and continues to be a clean source of water;

WHEREAS, the City of Benton Harbor operates the City's water distribution system, to service its residents.

WHEREAS, there exists approximately 2400 privately owned properties services by obsolete lead service lines within the City of Benton Harbor; and

WHEREAS, the lead service lines connect to the City's water distribution system, but are owned by the property owner; and

WHEREAS, the City and State prohibited the use of lead service lines and plumbing in new construction; in 1986 Federal law banned the use of lead solder on pipes in the construction of new homes; and;

WHEREAS, the United States Environmental Protection Agency (USEPA) adopted regulations to control lead and copper in drinking water and the Michigan Department of Environment, Great Lakes, and Energy has directed the City to replace lead service lines in accordance with the USEPA's lead and copper rule within the next 18 months; and

WHEREAS, the City believed and believes that the provision of clean, lead-free drinking water to its residents is a public purpose beneficial to the City as a whole and any benefit to any private land owner in accompanying this purpose is incidental and subordinate to this primary public and governmental purpose; and

WHEREAS, for the health safety and welfare of its residents and the Benton Harbor City Commission desires to require all property owners serviced by a lead service line, to replace that service line through the program established by the City at no cost to the property owners or replace the line at their own expense and due to the hazard that that lead in the drinking water poses to the health and safety of residents, that permission from the owner of the property to replace the lead service line is NOT required.

BE IT ORDAINED by the City Commission of the City of Benton Harbor, Berrien County Michigan, that:

Chapter 44 Article II of the Code of Ordinances is amended by adding DIVISION 3 - **"MANDATORY REPLACEMENT OF LEAD SERVICE LINE"**:

ARTICLE II. WATER SUPPLY – DIVISION 3. MANDATORY REPLACEMENT OF LEAD SERVICE LINE

44.41. Lead Service Line Replacement.

(a) Purpose. The Benton Harbor City Commission finds that it is in the public interest for the City to Maintain a comprehensive program for the removal and replacement of lead service lines in use or may be used in the City of Benton Harbor and connected to the City’s public water distribution system. This Division sets forth the program requirements and declares the purpose of this ordinance to be as follows:

- (1) to ensure that the water quality at every tap meets the water quality standards specified under the Federal and Michigan Safe Drinking Water Act (Act 399 of 1976, as amended from time to time).
- (2) to reduce the lead in drinking water to meet U.S. Environmental Protection Agency (EPA) standards and ideally to lead contaminant level of zero, as possible; and
- (3) to meet the Michigan Department of Environment, Great Lakes, and Energy requirements for local compliance with the federal and State Lead and Copper Rule; and
- (4) to Affect the replacement of lead and galvanized service lines.

(b) Definitions. For the purposes of this Article,

- (1) Contractor shall mean a licensed vendor that contracts with the City of Benton Harbor to replace lead service lines.
- (2) Dwelling shall mean a building or structure or part thereof containing one or more dwelling units. This Article shall also apply to buildings and structures that are not used for residential purposes.
- (3) Dwelling unit shall mean a building or structure or part thereof containing one (1) or more dwelling units.
- (4) Effective Date shall mean the date in which this Amendment becomes effective – the date of publication.
- (5) Lead Service Line shall mean the water line on private property that leads to the Dwelling, structure or building that is connected to the Main City of Benton Harbor water line.
- (6) Occupant shall mean a person or persons in actual possession of and living in the building or dwelling unit.
- (7) Owner shall mean any person or entity who has legal title to any dwelling, with or without accompanying actual possession thereof; or, who has equitable title and is either in actual possession or collects rents therefrom; or, who is the executor, trustee,

guardian, or receiver of the estate or Trust of the Owner, or as mortgagee or as vendee in possession by virtue of a Court Order, executory contract or by agreement or voluntary surrender of the premises by the person holding legal title, or as collector of rents has charge, care or control of any dwelling or rooming house.

44-42. Lead Service Lines. It is hereby established that the existence of lead service lines is prohibited in the City of Benton Harbor.

- (a) A property owner may be excluded from the Mandatory Replacement of its lead service line by providing the Benton Harbor Department of Public Works within one-hundred and eighty (180) days of the Effective Date of this Ordinance, with written proof from a licensed and certified plumber that it does not have a lead service line on its property and/or that the lead service line was previously removed and replaced.

44-43. Mandatory Replacement of Lead Service Line.

- (a) The owner of any dwelling, building or structure serviced by a lead service line is required to replace the lead service line on their property. The replacement of the lead service line must be complete within one-hundred and eighty (180) days of the Effective Date of this Ordinance. An extension of time may be granted where the owner can demonstrate to the City that a good faith effort has been made to comply with the ordinance.
- (b) The Owner of any dwelling, building or structure shall replace their lead service line by any of the following methods:
 - (1) Signing up for the Lead Service Line Replacement Program offered by the City of Benton Harbor and allowing contractors to access on their property to conduct the replacement. The contractor will provide the owner with a Right of Entry Form for completion. The Right of Entry Form will provide the Contractor with access to the property to verify the existence of a lead service line; or
 - (2) Replacing the lead service line on their own and at their own expense. If an owner selects this option, then replacement must be completed within one-hundred and eighty (180) days of the Effective Date of this Ordinance. An extension of time may be granted where the owner can demonstrate to the City that a good faith effort has been made to comply with the ordinance. An owner is required to provide to the City with proof that the lead service line has been replaced. Proof must include at a minimum: a permit issued by the City to a licensed plumber to do the work; an invoice from the contractor who completed the work; a copy of the estimate along with any report of the work completed, and an inspection report verifying the removal of the lead service line.

44-44. Authorization to Access Property.

1. Notwithstanding Section 44- 43, if an owner of the dwelling, building or structure does not sign up for the Lead Service Line Replacement Program or does not replace its lead service line within one-hundred and eighty (180) days of the Effective Date of this Ordinance or is inaccessible or otherwise denies access to the property to enable the replacement of the line, then the following procedure shall be followed:
 - a. The City shall secure entrances to the property from the owner or current occupant of the dwelling, building or structure, and the City shall incur no liability from the owner. The contractor will provide the owner or occupant with a Right of Entry form for completion. The Right of Entry form will provide the Contractor with access to the property to verify the existence of a lead service line. The City shall restore the property to its original condition, or as close as possible to its original condition;
 - b. If access is granted by the occupant of the dwelling, building or structure, then the occupant shall be held harmless and no liability shall incur to the City or the occupant due to the replacement of the lead service line by the City of Benton Harbor; and
 - c. If access is denied by the current occupant or owner, then the City shall commence procedures, including filing a Court action, to conduct the replacement of the lead service line.

44-45. Proof of Lead Service Line Replacement Required for Certificate of Occupancy, Certificate of Code Compliance.

1. Upon the sale or transfer of ownership of any dwelling, building or structure, the owner must provide proof that the lead service line has been replaced in order to secure a Certificate of Occupancy and/or a Certificate of Code Compliance.
2. Upon the sale of any City-owned property, within ninety (90) days of the closing, the buyer is responsible for replacing the lead service line, whether by enrolling in the Lead Service Line Replacement Program or in accordance with Section 44-43(b)(2) above.

44-46. Penalty.

Violations of this ordinance by any person or entity shall be punishable any and or all of the following: a fine of a minimum of \$300.00 but not exceeding \$500.00; and/or by imprisonment for a term not exceeding ninety (90) days; and/or by a period of community service of at least 80 hours but not to exceed 250 hours.

The motion carried on the following roll call vote:

Yeas:

Nays:

Abstain:

Absent:

CITY COMMISSION, BENTON HARBOR

BERRIEN COUNTY, MICHIGAN

Ordinance # _____

ATTEST: _____

Its Clerk

By: _____

Its Mayor

CERTIFICATE

We, the Mayor (Marcus Muhammad) and City Clerk (Tiffany Moore) of the City of Benton Harbor, do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the City Commission held on February 7, 2022