

City of Marquette, MI



Meeting Agenda City Commission

**Monday, August 28, 2023
6:00 PM
Commission Chambers**

300 West Baraga Ave
Marquette, Michigan 49855

Call to Order, Pledge of Allegiance and Roll Call

Approval of the Agenda

Announcements

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Presentation(s)

1. Board of Zoning Appeals, by Chair Heather Dombrowski
2. **Consent Agenda**
 - 2.a. Approve the minutes of the August 22, 2023 special Commission meeting
 - 2.b. Approve the total bills payable in the amount of \$1,199,460.38
 - 2.c. Grant of License for American Legion Parking
 - 2.d. KBIC Funding for the YMCA
 - 2.e. Sault Ste. Marie Tribe of Chippewa Indians Funding for the YMCA

New Business

3. Purchase of Used Fire Truck

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Comments from the Commission

Comments from the City Manager

Adjournment

Kyle Whitney, City Clerk

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at

906-225-8978 or via email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/28/2023

Consent Agenda

Approve the minutes of the August 22, 2023 special Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 08-22-23 special meeting minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes City Commission

SPECIAL MEETING MINUTES

Tuesday, August 22, 2023

Special Meeting

Call to Order, Pledge of Allegiance and Roll Call

Present: Ayes: Davis, Hanley, Larson, Mayer, Ottaway, Smith
Absent: Stonehouse

Approval of the Agenda

Commissioner Smith moved to excuse the absence of Commissioner Stonehouse for personal reasons, seconded by Mayor Pro Tem Davis, and Carried Unanimously.

Commissioner Hanley moved to Approve the agenda as presented, seconded by Commissioner Ottaway, and Carried Unanimously.

Announcements

There were no announcements.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

There was no public comment.

1. Consent Agenda

Commissioner Hanley moved to approve the Consent Agenda, seconded by Commissioner Larson and Carried Unanimously.

1.a. Approve the minutes of the August 14, 2023 regular Commission meeting

New Business

2. Budget Overview

City Manager Karen Kovacs, City Chief Financial Officer Mary Schlicht and Assistant City Manager Sean Hobbins opened the budget discussion with a brief overview of today's agenda. The City Manager explained the morning session will include, General Fund, Debt Service, Internal Service Funds, and will highlight specific topics within those areas. She stated the day will include a lunch break.

The City Manager provided a reminder of what the General Fund includes and lead the discussion throughout the morning. She highlighted specific components within the General Fund, such as an increased election budget due to changes made at the state level. During the presentation Commissioners asked clarifying questions and staff provided feedback.

At 9:55 Commissioner Smith moved to recess for 10 minutes, seconded by Commissioner Hanley and Carried Unanimously.

Following the recess staff provided a comparison of the FY 23 long term budget outlook and FY 24 long term budget outlook.

Commissioners brought forth questions regarding the possibility of consolidating the City's two fire stations as a way to reduce expenditures and increase efficiencies.

At 11:00 Commissioner Ottaway moved to recess for lunch, seconded by Commissioner Smith and Carried Unanimously.

At 12:30, the Mayor called the meeting to order. The afternoon session included presentations from the executive directors of the Downtown Development Authority and the Peter White Public Library. Assistant City Manager Sean Hobbins led a discussion about the Marquette Brownfield Redevelopment Authority. The presentation continued with conversations surrounding the Special Revenue Funds, which includes 13 specific funds. Questions were clarified by staff regarding the specific road maintenance revenue fund related to bond payoffs and College Avenue reconstruction. The Commission and staff dove deeper into discussion about the Lakeview Arena Special Revenue Fund. There was a general agreement that future conversations and action surrounding Lakeview Arena are needed in order to best serve the community while reducing the need for a subsidy from the General Fund to sustain the facility.

The Enterprise Funds and Capital Outlay were the final topic areas presented.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

There was no public comment.

Comments from the Commission

Commissioner Ottaway thanked staff for the work that went into the budget and emphasized the importance of the community having the opportunity to see and understand the City's budget.

Mayor Pro Tem Davis showed her appreciation to staff for providing the FY 24 long term budget outlook and recognized improvements from previous year budgets.

Commissioner Smith thanked staff for presenting a balanced budget and taking so much into consideration. She reflected on previously budget years and highlighted specific future conversation topics- Lakeview Area/recreational millage, public safety millage/fire stations, income tax, and Third Street TIF.

Commissioner Hanley showed appreciation toward staff.

Commissioner Larson stated the work staff put into the budget shows the deep commitment the City has to the community.

Mayor Mayer echoed the sentiment of commissioners and also thanked department heads for their efforts. He highlighted the optimism that is felt regarding this year's budget and the future.

Comments from the City Manager

City Manager Kovacs spoke on the effort put forth by department heads and staff to collaborate and get through the budget with creative ideas and acknowledged the pride staff have in their budget and work.

Adjournment

The meeting was adjourned at 2:36.

Cody O. Mayer, Mayor

Rachel Quayle, Deputy City Clerk

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City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/28/2023

Consent Agenda

Grant of License for American Legion Parking

BACKGROUND:

For decades, Richard M. Jopling American Legion Post #44 has utilized a driveway and two parking areas situated on city property to the north and east of the American Legion building located at 700 West Bluff Street.

Through various licensing and permitting processes over the years, the City has facilitated the use of these spaces. Recent conversations between City staff and representatives from Richard M. Jopling American Legion Post #44 have resulted in the attached license agreement, which would enshrine the historic use of the driveway and parking areas in a single, consolidated and updated license.

The easternmost parking lot was established in 1987 under an agreement that called for the spaces to be available to visitors of Harlow Park, as well as to the American Legion's members and guests. As such, the license agreement currently being proposed for that parcel includes a similar provision.

The City's established fee schedule includes a \$425 fee for the processing of a license application. Representatives from the American Legion have requested a waiver of this fee, citing their stewardship of Harlow Park, in addition to decades of service in the community.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Approve the attached license, waiving the standard fee, and authorize the Mayor and City Clerk to sign. Also, terminate the existing City license with the Richard M. Jopling American Legion Post #44, dated November 28, 1975.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ City-Legion License for parking area

- 1975 License for termination

GRANT OF LICENSE

THE CITY OF MARQUETTE, a municipal corporation, of 300 W. Baraga Avenue, Marquette, MI 49855, the "City", and RICHARD M. JOPLING POST #44, AMERICAN LEGION, of 700 West Bluff Street, Marquette, MI 49855, "American Legion", licensee, enter into this agreement on _____, 2023, subject to the following conditions:

1. Background. The City owns a parcel of land in Nester's Addition #1 to the City of Marquette, the Morgan Street right of way, and Harlow's Addition #1, all located in the City of Marquette and State of Michigan.
American Legion desires to use an area located within the parcel as a driveway and parking area ("Parking Area") to real property located at 700 West Bluff Street on the real estate and to the specifications set forth in Exhibit A.
2. Grant of the license. The City grants to American Legion the right to use of a portion of the city parcel for the Parking Area as set forth in Exhibit A.
3. Construction and Maintenance. American Legion shall be responsible for all fees and expenses related to the construction, maintenance and repair of the Parking Area and all snow removal from the Parking Area and real estate described in Exhibit A.
4. Use. The right to use the real estate described in Exhibit A is not exclusive, and it is the agreement of the parties that the public may park in the easternmost Parking Area for the use of Harlow Park. However, as long as this License is in effect, the City shall not permit any use contrary to the Parking Area except as may be necessary to repair, remove or replace utilities. In the event the City repairs, removes or replaces utilities, American Legion shall be responsible for any removal of, repair to or replacement of the Parking Area in connection with utility work. American Legion shall not use the real estate for any purpose except as specifically allowed within this agreement, and shall not alter, injure or damage the City's parcel.
5. Reimbursement for damages. American Legion shall reimburse the City for any physical damages to the City's parcel caused by American Legion's, or its successors', assigns', invitees', tenants' and guests' use on the real estate. American Legion, and any successor or assign shall indemnify, defend and hold harmless the City from and against any demand, claim, action or cause of action, assessment, loss, damage, liability (whether absolute, accrued, contingent or otherwise), cost and/or expense, including but not limited to, interest, penalties, consultants fees and expenses, and attorneys' fees and expenses, asserted against, imposed upon or incurred by the City, directly or indirectly, by reason of or resulting from or relating to the Parking Area.
6. Revocation. This License may be revoked by either party at any time by providing at least 90 days written notice of termination to the other party. On the termination date, all rights and obligations of the parties shall cease and on or before the termination date, American Legion shall remove the Parking Area from the real estate, at its own expense.
7. Entire Agreement. This Grant of License constitutes the entire agreement between the parties.

The said parties have caused this document to be executed the day and year first written above.

CITY OF MARQUETTE

By: Cody O. Mayer
Its: Mayor

By: Kyle Whitney
Its: Clerk

STATE OF MICHIGAN)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on _____, 2023, by
Cody O. Mayer, Mayor, and Kyle Whitney, Clerk, of the City of Marquette, a Michigan municipal
corporation.

Notary Public
State of Michigan, County of Marquette
My Commission Expires: _____

RICHARD M. JOPLING POST #44,
AMERICAN LEGION

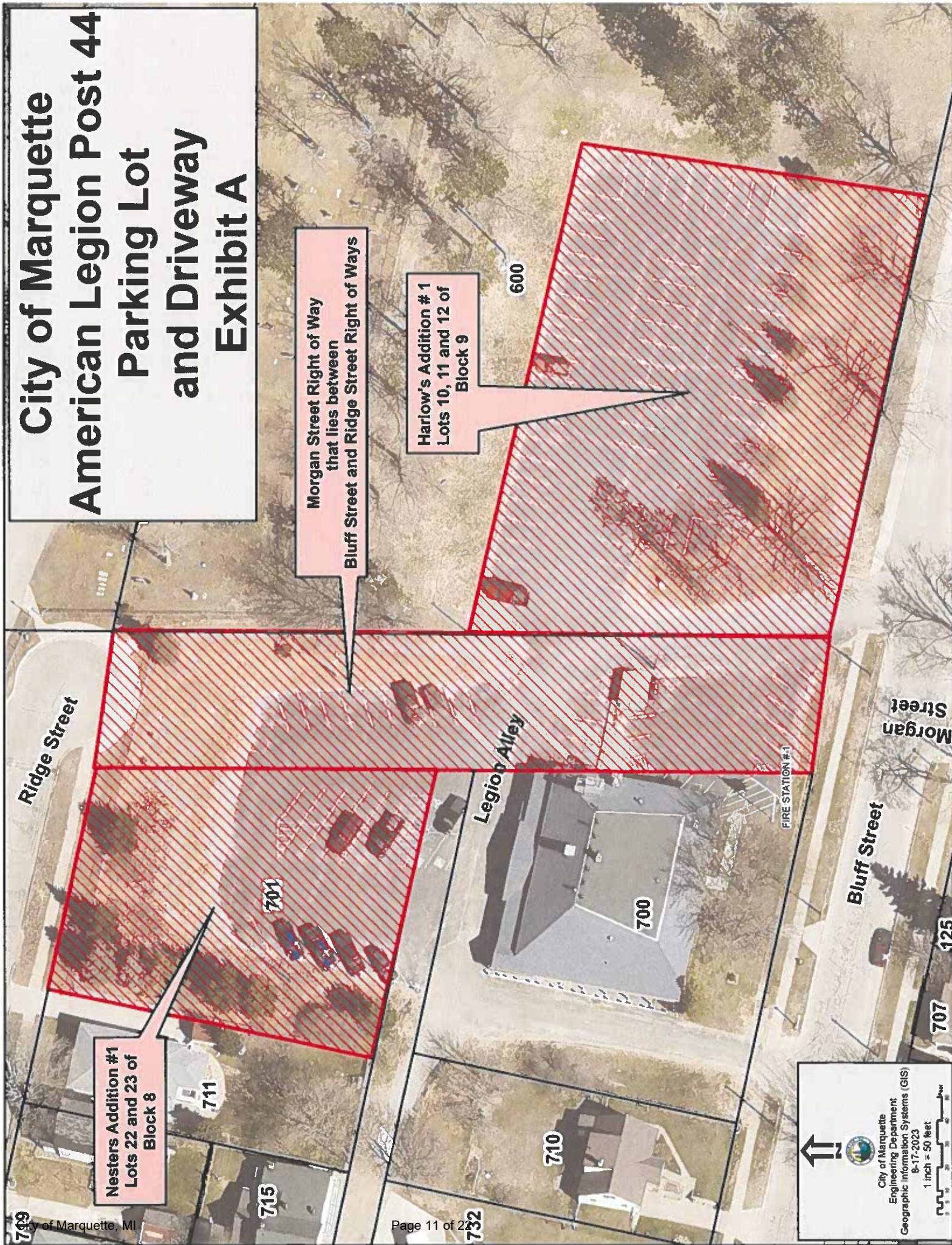
By: LEO Smith
Its: Pos Commander

STATE OF MICHIGAN)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on August 24, 2023, by
Leo, Smith of Richard M. Jopling Post #44, American
Legion.

Lisa M McGuire
Notary Public
State of Michigan, County of Marquette
My Commission Expires: August 14 2029

City of Marquette American Legion Post 44 Parking Lot and Driveway Exhibit A



Morgan Street Right of Way
that lies between
Bluff Street and Ridge Street Right of Ways

Harlow's Addition #1
Lots 10, 11 and 12 of
Block 9

Nesters Addition #1
Lots 22 and 23 of
Block 8

City of Marquette
Engineering Department
Geographic Information Systems (GIS)
9-17-2023
1 inch = 50 feet

LICENSE AGREEMENT

THIS AGREEMENT made this 28th day of November, 1975, by and between the CITY OF MARQUETTE, MICHIGAN, a Municipal Corporation, of Baraga Avenue, Marquette, Michigan, hereinafter called Licensor and the RICHARD M. JOPLING POST NO. 44, AMERICAN LEGION, of 700 West Bluff Street, Marquette, Michigan, hereinafter called Licensee,

WITNESSETH:

IN CONSIDERATION of the mutual promises and covenants herein stated, the parties agree as follows:

1. Licensor hereby grants to the Licensee a license to occupy and use, subject to the terms and conditions hereinafter stated, a parcel of land situated in the City of Marquette, County of Marquette, State of Michigan, more particularly described as follows, to-wit:

A triangular parcel of land in the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty-three (23), T 48 N, R 25 W. Said parcel being in the Southeast corner of the Park Cemetery at Bluff Street and Park Avenue in the City of Marquette, described as follows: Commencing at the intersection of the North line of Bluff Street and the East line of Park Avenue, thence East 60 feet, thence Northwesterly to a point on the east right-of-way line of Park Avenue, said point being 130 feet North of the Point of Beginning, thence Southeasterly along the east right-of-way line of Park Avenue to the Point of Beginning.

2. The premises may be occupied and used by Licensee for driveway purposes to their parking lot and the Licensee is hereby authorized and permitted to blacktop said drive.

3. Licensee shall pay to the Licensor for this license at the rate of One (\$1.00) Dollar per year.

4. The premises may be occupied and used commencing this date and continuing until this agreement is terminated by either party giving thirty (30) days written notice to the other party.

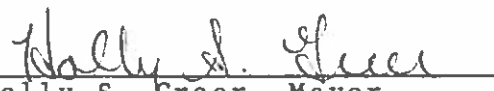
5. The Licensee agrees to abide by all the rules and regulations, ordinances, statutes applicable to the property and further agrees to indemnify and hold harmless the Licensor from any and all liabilities for claims, demands, causes of actions, injuries or damages arising out of the use of the licensed premises.

IN WITNESS, we have set our hands on the day first above written.

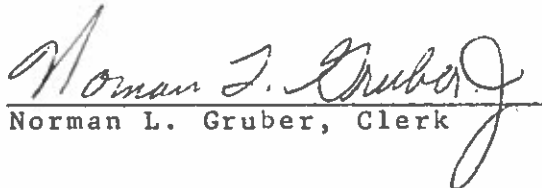
WITNESSES:

CITY OF MARQUETTE, MICHIGAN


James D. MacDonald

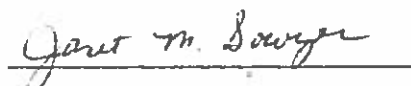
BY: 
Holly S. Greer, Mayor


Gerald Miron

BY: 
Norman L. Gruber, Clerk


Donald R. Small

RICHARD M. JOPLING POST NO. 44
AMERICAN LEGION


Janet M. Sawyer

BY: 
James Stevens, Jr., Commander

BY: 
Michael J. Whittaker, Finance Officer

Prepared by:
ROBERT M. BORDEAU
City Attorney
301 Savings Bank Building
Marquette, Michigan 49855

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/28/2023

Consent Agenda **KBIC Funding for the YMCA**

BACKGROUND:

Recently staff from the David and Thu Brule' YMCA of Marquette County (YMCA) asked the City to serve as the fiscal pass-through agent for funding from the Keweenaw Bay Indian Community (KBIC). They plan to ask the Tribe for \$6,000 to assist the YMCA's youth programs for low-to-moderate income families throughout Marquette County. In consideration of the City agreeing to act as a pass-through, the YMCA agrees to dedicate any funds received from the KBIC Tribe to the purposes set forth in the attached agreement prepared by the City Attorney.

Proceeds from the Tribe's 2% gaming revenue would be used to fund the request; gaming regulations require that a local municipality serve as the fiscal agent for such awards. This payment is not allocated to the City of Marquette, but is a contribution to the YMCA.

FISCAL EFFECT:

No direct cost to the City.

RECOMMENDATION:

Approve the request to act as the fiscal intermediary for KBIC funding of \$6,000 to assist the YMCA's youth programs for low-to-moderate income families and individuals throughout Marquette County.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ YMCA KBIC Request
- ▣ YMCA KBIC Agreement



David and Thu Brule'
YMCA OF MARQUETTE COUNTY
The Y. Forever Grateful. For a Better us!

2023
BOARD OF
DIRECTORS

July 31, 2023

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Brett Beranek

Michele Butler

Kara Damm

Valerie Davis

David
Hendrickson

Travis Hongisto

Dr. Greg Jones

Carolyn McDonald

Rick Potes

Dr. Chelsea Ray

Amanda Specker

Mrs. Karen K. Kovacs
City of Marquette
300 West Baraga Ave
Marquette, MI 49855

Dear Mrs. Kovacs and City Commission Members,

On behalf of the David and Thu Brule' YMCA of Marquette County, we sincerely appreciate your past support in serving as fiscal agents for previous projects and programming. I am writing to ask that the City of Marquette once again serve as a fiscal agent for our grant request to the Keweenaw Bay Indian Community (KBIC). Our grant proposal is for financial assistant support toward program costs for low to moderate income youth.

We are requesting \$6,000 in funding from KBIC to support our Healthy Out of School and youth programs in Marquette County. Each of these YMCA programs is vital in supporting youth development throughout our county.

We appreciate your consideration of this request and look forward to your approval. Should you have any questions, please feel free to contact me at (906) 227-9622 or email at jzdunek@ymcamqt.org

Sincerely,

Jenna Zdunek
Chief Executive Officer
jzdunek@ymcamqt.org

AGREEMENT

This Agreement is entered into this _____ day of _____, 2023, between the CITY OF MARQUETTE, a municipal corporation, with offices located at 300 W. Baraga Avenue, Marquette, MI 49855 (hereinafter referred to as the "City"), and the DAVID AND THU BRULE' YMCA of MARQUETTE COUNTY, a Michigan nonprofit corporation, with offices located at 1420 Pine Street, Marquette, MI 49855 (hereinafter referred to as "YMCA");

WHEREAS, the YMCA provides financial assistance to low-to-moderate income youth for before and after school and pre-school programs, which is vital in supporting youth development in our community,

WHEREAS, Marquette City Charter Section 2-14 states: "The city commission shall provide for a public recreation program for the residents of the city;" and

WHEREAS, the Marquette City Commission having determined that the activities of the YMCA are a valid purpose under the Charter and is willing to enter into this Agreement with YMCA for the support of its program, upon certain terms and conditions.

NOW, THEREFORE, the parties agree:

1. That for and in consideration of the payment by the City to the YMCA of the sum of \$6,000 from the Keweenaw Bay Indian Community, the YMCA will accept said money from the City to assist the City in carrying out its obligation to provide a public recreation program for its residents.
2. That the parties further understand and agree that the payment of the sum of \$6,000 by the City to the YMCA as above-described is contingent upon the prior receipt by the City of the amount from the Keweenaw Bay Indian Community, and that if said payment is not received by the City, the City shall have no obligation to make the payment herein described to the YMCA.

The signatories hereto certify that they are authorized to execute this document on behalf of the respective parties.

Dated: _____

By: Karen M. Kovacs
Marquette City Manager

Dated: 8/9/23

By: Jenna Zdunek
Chief Executive Officer
DAVID AND THU BRULE' YMCA
of MARQUETTE COUNTY

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/28/2023

Consent Agenda

Sault Ste. Marie Tribe of Chippewa Indians Funding for the YMCA

BACKGROUND:

Recently staff from the David and Thu Brule' YMCA of Marquette County (YMCA) asked the City to serve as the fiscal pass-through agent for funding from the Sault Ste. Marie Tribe of Chippewa Indians. They plan to ask the Tribe for \$6,000 to assist the YMCA's youth programs for low-to-moderate income families throughout Marquette County. In consideration of the City agreeing to act as a pass-through, the YMCA agrees to dedicate any funds received from the Sault Ste. Marie Tribe to the purposes set forth in the attached agreement prepared by the City Attorney.

Proceeds from the Tribe's 2% gaming revenue would be used to fund the request; gaming regulations require that a local municipality serve as the fiscal agent for such awards. This payment is not allocated to the City of Marquette, but is a contribution to the YMCA.

FISCAL EFFECT:

No direct cost to the City.

RECOMMENDATION:

Approve the request to act as the fiscal intermediary for Sault Ste. Marie Tribe funding of \$6,000 to assist the YMCA's youth programs for low-to-moderate income families throughout Marquette County.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ YMCA Sault Tribe Request
- ▣ YMCA Sault Tribe Agreement



FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

David and Thu Brule'
YMCA OF MARQUETTE COUNTY
The Y. Forever Grateful. For a Better us!

2023
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July 31, 2023

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Mrs. Karen K. Kovacs
City of Marquette
300 West Baraga Ave
Marquette, MI 49855

Dear Mrs. Kovacs and City Commission Members,

On behalf of the David and Thu Brule' YMCA of Marquette County, we sincerely appreciate your past support in serving as fiscal agents for previous projects and programming. I am writing to ask that the City of Marquette once again serve as a fiscal agent for our grant request to the Sault Ste. Marie Tribe of Chippewa Indians. Our grant proposal is for financial assistance support toward program costs for low to moderate income youth and their families.

We are requesting \$6,000 in funding from the Sault Ste. Marie Tribe of Chippewa Indians to support our Youth and Healthy Out of School time programs in Marquette. Each of these YMCA programs is vital in supporting youth development throughout our county.

We appreciate your consideration of this request and look forward to your approval. Should you have any questions, please feel free to contact me at (906) 227-9622 or email at jzdunek@ymcamqt.org

Sincerely,

Jenna Zdunek
Chief Executive Officer
jzdunek@ymcamqt.org

1420 Pine Street, Marquette MI 49855
P 906 227 9622 F 906 227 9248
WWW.YMCAMQT.ORG

AGREEMENT

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WHEREAS, the YMCA provides financial assistance to low-to-moderate income youth for before and after school and pre-school programs, which is vital in supporting youth development in our community,

WHEREAS, Marquette City Charter Section 2-14 states: "The city commission shall provide for a public recreation program for the residents of the city;" and

WHEREAS, the Marquette City Commission having determined that the activities of the YMCA are a valid purpose under the Charter and is willing to enter into this Agreement with YMCA for the support of its program, upon certain terms and conditions.

NOW, THEREFORE, the parties agree:

1. That for and in consideration of the payment by the City to the YMCA of the sum of \$6,000 from the Sault Ste. Marie Tribe of Chippewa Indians, the YMCA will accept said money from the City to assist the City in carrying out its obligation to provide a public recreation program for its residents.
2. That the parties further understand and agree that the payment of the sum of \$6,000 by the City to the YMCA as above-described is contingent upon the prior receipt by the City of the amount from the Sault Ste. Marie Tribe of Chippewa Indians, and that if said payment is not received by the City, the City shall have no obligation to make the payment herein described to the YMCA.

The signatories hereto certify that they are authorized to execute this document on behalf of the respective parties.

Dated: _____

By: Karen M. Kovacs
Marquette City Manager

Dated: 8/9/23

By: Jenna Zdunek
Chief Executive Officer
DAVID AND THU BRULE' YMCA
of MARQUETTE COUNTY

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/28/2023

New Business **Purchase of Used Fire Truck**

BACKGROUND:

Due to catastrophic deterioration, over the past two years the City of Marquette has permanently decommissioned the two 2004 Pierce Arrow XT pumper fire trucks that comprised the majority of the daily Fire Department operations. A new Pierce Velocity pumper was ordered for \$829,080.61 in April 2022 but delivery of this truck is still not anticipated until late 2024.

In order to maintain public safety, a 1999 Pierce Saber pumper was purchased in 2022 to assist with operations but the lack of a second pumper truck has led to high usage of the 1996 Pierce Dash Quint ladder truck, a vital truck that is significantly more expensive and difficult to replace. A replacement pumper candidate was identified in Miami, FL for \$48,000 and the purchase was approved by the City Commission at the November 28, 2022 regular meeting. However, upon in-person inspection, the vehicle was found to be below standards and the purchase was canceled.

City Staff have continued to research used fire trucks to fill the need for a second pumper in service and reduce wear on the ladder truck. Recently, Motor Pool and Fire Department personnel identified a 2001 Pierce Enforcer for auction in Mukwonago, WI that would suit this purpose and an in-person inspection confirmed the ready to serve condition of the vehicle. Given the timely nature of the auction purchase and the nearly \$10,000 savings from the purchase authorized in November 2022, the City Manager authorized the emergency purchase of the 2001 Pierce Enforcer in compliance with Section 2-504 of the City Code.

FISCAL EFFECT:

The FY 2021-22 Fire Department operating budget contains sufficient funds for this purchase.

RECOMMENDATION:

Approve the emergency purchase of a 2001 Pierce Enforcer pumper truck from the Mukwonago Fire Department through the Wisconsin Surplus Online Auction in the amount not to exceed \$38,695.00.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

▣ 2001 Pierce Enforcer



2001 Pierce Enforcer

Location – Mukwonago, Wisconsin

36,767 Miles

Needs medical cabinets/storage

Price \$35,500 + auction fees