

**Application for
Community Facilities Program Loan
United States Department of Agriculture
Rural Development**

Shoreline Protection and Flood Control

By the

City of Luna Pier

October , 2010

Application for Federal Assistance SF-424

Version 02

***1. Type of Submission:**

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

***2. Type of Application**

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s)

*Other (Specify) _____

3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: City Of Luna Pier

*b. Employer/Taxpayer Identification Number (EIN/TIN):
38-1718420

*c. Organizational DUNS:
097240600

d. Address:

*Street 1: 4357 Buckeye St
Street 2: _____
*City: Luna Pier
County: Monroe
*State: Michigan
Province: _____
*Country: USA
*Zip / Postal Code 48157

e. Organizational Unit:

Department Name:
City of Luna Pier

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr *First Name: Philip
Middle Name: _____
*Last Name: Loud
Suffix: PE

Title: Senior Project Manager

Organizational Affiliation:
Spaldiing DeDecker Associates

*Telephone Number: 734-455-3111

Fax Number: 734-455-3127

*Email: ploud@sda-eng.com

Application for Federal Assistance SF-424	Version 02
*9. Type of Applicant 1: Select Applicant Type: C. City or Township Government Type of Applicant 2: Select Applicant Type: Type of Applicant 3: Select Applicant Type: *Other (Specify)	
*10 Name of Federal Agency: USDA - Rural developmnt	
11. Catalog of Federal Domestic Assistance Number: _____ CFDA Title: _____	
*12 Funding Opportunity Number: 10.766 _____ *Title: Community Facilities loans _____	
13. Competition Identification Number: _____ Title: _____	
14. Areas Affected by Project (Cities, Counties, States, etc.): City of Luna Pier. Monroe County, Michigan	
*15. Descriptive Title of Applicant's Project: Shoreline and Flooding Protection Project	

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16. Congressional Districts Of:

*a. Applicant: 15

*b. Program/Project: 15

17. Proposed Project:

*a. Start Date: April 1, 2011

*b. End Date: OCT 30, 2011

18. Estimated Funding (\$):

*a. Federal	915,000.00
*b. Applicant	0
*c. State	0
*d. Local	0
*e. Other	0
*f. Program Income	0
*g. TOTAL	915,000.00

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☒ a. This application was made available to the State under the Executive Order 12372 Process for review on _____
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Ms. *First Name: Mary

Middle Name: _____

*Last Name: Liske

Suffix: _____

*Title: Mayor

*Telephone Number: 734-848-6495

Fax Number: 734-848-2714

* Email: MLiske@cityoflunapier.com

*Signature of Authorized Representative:

*Date Signed:

Application for Federal Assistance SF-424

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***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form (including the continuation sheet) required for use as a cover sheet for submission of preapplications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency (agency). Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

Item	Entry:	Item	Entry:
1.	Type of Submission: (Required): Select one type of submission in accordance with agency instructions. <ul style="list-style-type: none"> • Preapplication • Application • Changed/Corrected Application – If requested by the agency, check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this to submit changes after the closing date. 	10.	Name Of Federal Agency: (Required) Enter the name of the Federal agency from which assistance is being requested with this application.
2.	Type of Application: (Required) Select one type of application in accordance with agency instructions. <ul style="list-style-type: none"> • New – An application that is being submitted to an agency for the first time. • Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals. • Revision - Any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If "Other" is selected, please specify in text box provided. <ul style="list-style-type: none"> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration E. Other (specify) 	11.	Catalog Of Federal Domestic Assistance Number/Title: Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
3.	Date Received: Leave this field blank. This date will be assigned by the Federal agency.	12.	Funding Opportunity Number/Title: (Required) Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
4.	Applicant Identifier: Enter the entity identifier assigned by the Federal agency, if any, or applicant's control number, if applicable.	13.	Competition Identification Number/Title: Enter the Competition Identification Number and title of the competition under which assistance is requested, if applicable.
5a.	Federal Entity Identifier: Enter the number assigned to your organization by the Federal Agency, if any.	14.	Areas Affected By Project: List the areas or entities using the categories (e.g., cities, counties, states, etc.) specified in agency instructions. Use the continuation sheet to enter additional areas, if needed.
5b.	Federal Award Identifier: For new applications leave blank. For a continuation or revision to an existing award, enter the previously assigned Federal award identifier number. If a changed/corrected application, enter the Federal Identifier in accordance with agency instructions.	15.	Descriptive Title of Applicant's Project: (Required) Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For preapplications, attach a summary description of the project.
6.	Date Received by State: Leave this field blank. This date will be assigned by the State, if applicable.	16.	Congressional Districts Of: (Required) 16a. Enter the applicant's Congressional District, and 16b. Enter all District(s) affected by the program or project. Enter in the format: 2 characters State Abbreviation – 3 characters District Number, e.g., CA-005 for California 5 th district, CA-012 for California 12 th district, NC-103 for North Carolina's 103 rd district. <ul style="list-style-type: none"> • If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all congressional districts in Maryland. • If nationwide, i.e. all districts within all states are affected, enter US-all. • If the program/project is outside the US, enter 00-000.
7.	State Application Identifier: Leave this field blank. This identifier will be assigned by the State, if applicable.	17.	Proposed Project Start and End Dates: (Required) Enter the proposed start date and end date of the project.
8.	Applicant Information: Enter the following in accordance with agency instructions: <ul style="list-style-type: none"> a. Legal Name: (Required): Enter the legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website. b. Employer/Taxpayer Number (EIN/TIN): (Required): Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444. c. Organizational DUNS: (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website. d. Address: Enter the complete address as follows: Street address (Line 1 required), City (Required), County, State (Required, if country is US), Province, Country (Required), Zip/Postal Code (Required, if country is US). e. Organizational Unit: Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the 	18.	Estimated Funding: (Required) Enter the amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
		19.	Is Application Subject to Review by State Under Executive Order 12372 Process? Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the

	assistance activity, if applicable. f. Name and contact information of person to be contacted on matters involving this application: Enter the name (First and last name required), organizational affiliation (if affiliated with an organization other than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.		State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State		
		20.	Is the Applicant Delinquent on any Federal Debt? (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. If yes, include an explanation on the continuation sheet.		
9.	Type of Applicant (Required) Select up to three applicant type(s) in accordance with agency instructions.	21.	Authorized Representative: (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required) title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)		
	<table border="0"> <tr> <td style="vertical-align: top;"> A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority </td> <td style="vertical-align: top;"> M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education) N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education) O. Private Institution of Higher Education P. Individual Q. For-Profit Organization (Other than Small Business) R. Small Business S. Hispanic-serving Institution and Universities (HBCUs) T. Historically Black Colleges and Universities (HBCUs) U. Tribally Controlled Colleges and Universities (TCCUs) V. Alaska Native and Native Hawaiian Serving Institutions W. Non-domestic (non-US) Entity X. Other (specify) </td> </tr> </table>	A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority	M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education) N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education) O. Private Institution of Higher Education P. Individual Q. For-Profit Organization (Other than Small Business) R. Small Business S. Hispanic-serving Institution and Universities (HBCUs) T. Historically Black Colleges and Universities (HBCUs) U. Tribally Controlled Colleges and Universities (TCCUs) V. Alaska Native and Native Hawaiian Serving Institutions W. Non-domestic (non-US) Entity X. Other (specify)		
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Tab 12:

REQUEST FOR ENVIRONMENTAL INFORMATION

Name of Project: Luna Pier Shoreline Protection
Applicant name : City of Luna Pier
Location
Luna Pier , Michigan

Item 1a. Has a Federal, State, or Local Environmental Impact Statement or Analysis been prepared for this project?

☐ Yes ☒ No ☒ Copy attached as EXHIBIT I-A.

1b. If "No," provide the information requested in Instructions as EXHIBIT I.

Item 2. The State Historic Preservation Officer (SHPO) has been provided a detailed project description and has been requested to submit comments to the appropriate Rural Development Office. ☒ Yes ☐ No Date description submitted to SHPO March, 2010

Item 3. Are any of the following land uses or environmental resources either to be affected by the proposal or located within or adjacent to the project site(s)? (Check appropriate box for every item of the following checklist).

	Yes	No	Unknown		Yes	No	Unknown
1. Industrial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	19. Dunes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Commercial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. Estuary	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Residential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21. Wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Agricultural	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22. Floodplain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Grazing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23. Wilderness	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Mining, Quarrying	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(designated or proposed under the Wilderness Act)			
7. Forests	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	24. Wild or Scenic River	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Recreational	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(designated or proposed under the Wild and Scenic Rivers Act)			
9. Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	25. Historical, Archeological Sites (Listed on the National Register of Historical Places or which may be eligible for listing)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Parks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	26. Critical Habitats	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Hospital	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(endangered/threatened species)			
12. Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	27. Wildlife	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Open spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	28. Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Aquifer Recharge Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29. Solid Waste Management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Steep Slopes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30. Energy Supplies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Wildlife Refuge	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	31. Natural Landmark (Listed on National Registry of Natural Landmarks)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Shoreline	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32. Coastal Barrier Resources System .	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Beaches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Item 4. Are any facilities under your ownership, lease, or supervision to be utilized in the accomplishment of this project, either listed or under consideration for listing on the Environmental Protection Agency's List of Violating Facilities? ☐ Yes ☐ No

September 29, 2010

(Date)

Signed:

(Applicant)

(Title)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collections is 0575-0094. The time required to complete this information collection is estimated to average 6 to 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

EXHIBIT 1

Luna Pier – Request for Environmental Information, Form RD 1940 -20

1.Primary Beneficiaries

The primary beneficiaries are all the residents and businesses of the City of Luna Pier.

2. Area Description

a. **The City of Luna Pier**, prior to its incorporation as a City in 1963, was a small resort community that began developing during the early 1900's. This was mainly due to its access to Lake Erie and location near Toledo. The 2000 Census reports that population at 1483 and the land area of the city is 1,075 acres. The community has 4½ miles of continuous shoreline with a city pier, public beach, public and private marinas, boat launching facilities, a canal system and four recreational parks.

The areas affected by this project are those that would be impacted by either the failure of the storm water pumping system or the flood control dike, which effectively includes the entire City of Luna Pier. The impact would be flooding of all property within the City.

The existing land use in Luna Pier is largely residential in nature, which is largely because of its lakefront resort community origins. Typically, residential units are on relatively small lots, especially toward the shoreline. The commercial core of the City is along Luna Pier Road and this area extends to the south somewhat. Another large commercial use is the marina located east of Harold Drive. A modest amount of industrial and public utility land uses are found along the west side of Harold Drive. Toward the south, one of the largest single land uses in the City is Consumers Power. This property includes a large coal-fired power plant, surrounded by wetlands and woodlands. To the north, the Erie State Game Area represents a substantial amount of wetland acres.

b. Item 3, Residential: All residential properties within the City are susceptible to flooding should the dike or storm water pumps fail.

Item 8, Recreational: There are three large areas that represent public parks and public open space in Luna Pier. These places include the Erie State Game Area to the North, the Luna Pier Elementary School Park property just east of I-75 and north of Luna Pier Road, and Luna Pier Memorial Park along Luna Pier Road near Lake Erie. All these parks would suffer damage if flooded as the result of dike or flood pump failures.

Item 17, Shoreline: The shoreline features (beach sand, outer beach sills) effectively work in conjunction with the dike to dissipate the effect of wave action and flooding on the City.

Item 18, Beaches: see above

Item 22, Floodplain: The floodplain is currently protected by the dike and stormwater pumps from flooding from Lake Erie, Allen Creek and La Pointe Drain.

c. see attached Exhibit II

1. USGS topo

2. FEMA floodplain map
3. Site Photos
4. Soil survey of the area
5. Aerial Photo

13. Public Reaction

- a. There are no known objections to the project. Many people would like to see additional action by the City to enhance the shoreline on the lake side of the dike.
- b. No formal public hearing has been held but the project has been discussed at both Council meeting attended by the public and Shoreline Committee meeting also attended by the public.
- c. An article about the project has been posted on the City's web site and the Council and Shoreline Committee have had presentations on the project.

15. Mitigation Measures

No specific environmental impact is anticipated which would require mitigation as a result of this project.

16. Permits

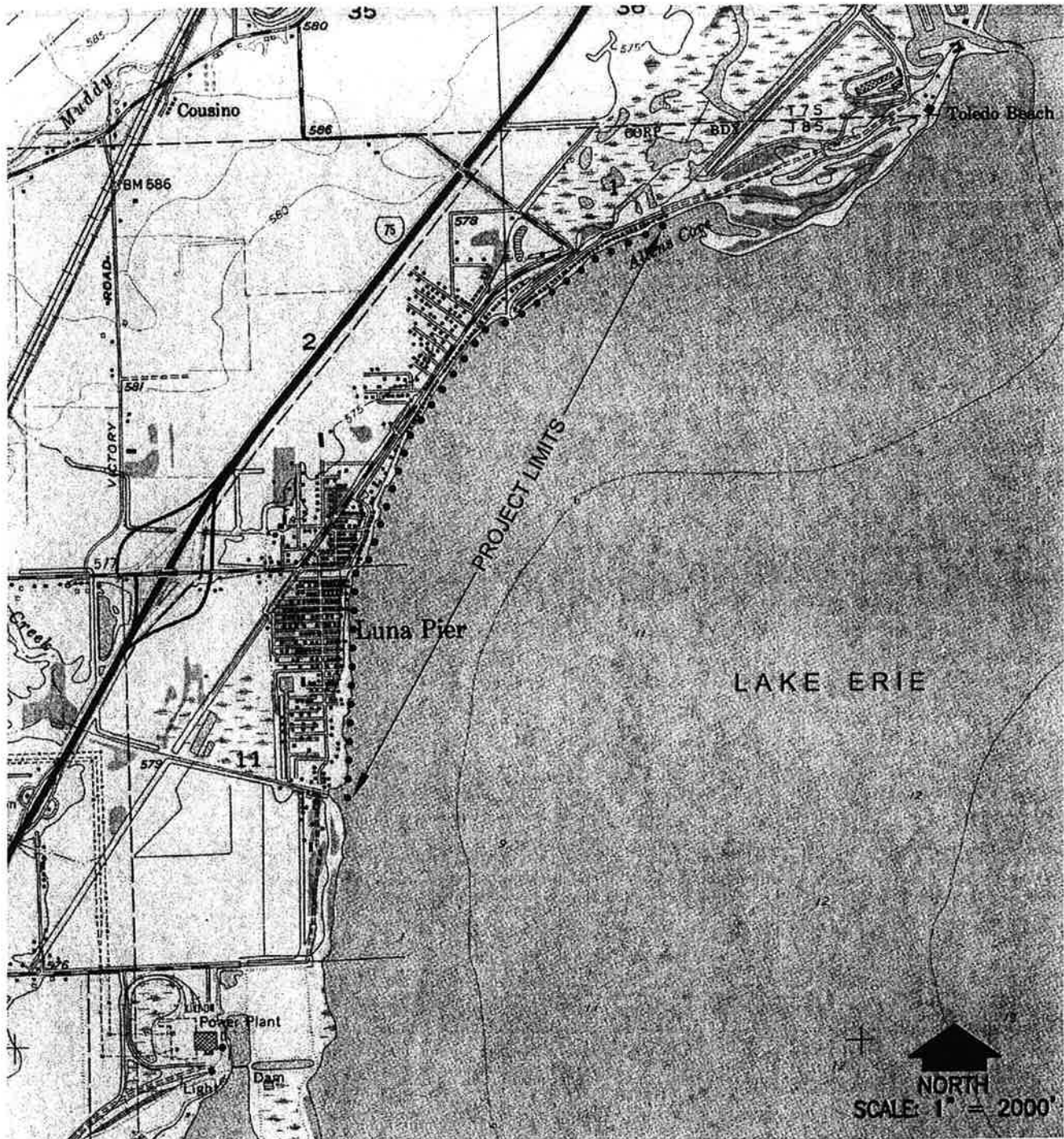
- a. A soil erosion control permit will be required from Monroe County. The Army Corps of Engineers may require a permit for this maintenance activity.

17. Other Federal Actions

None

EXHIBIT II

REQUEST FOR ENVIRONMENTAL INFORMATION



LOCATION MAP

1

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

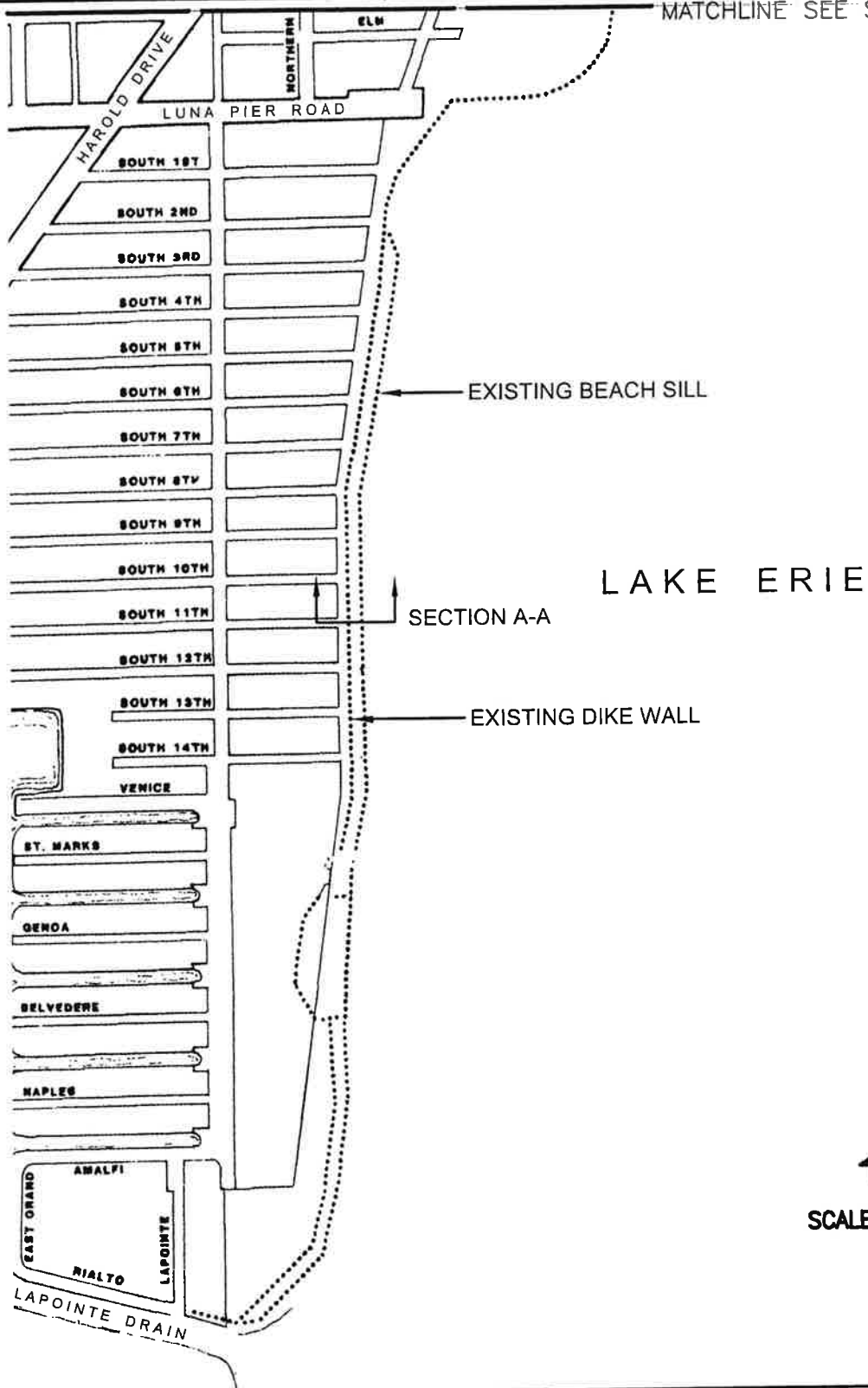
FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: AUGUST 2010

FILE 780001

MATCHLINE SEE SHEET 5



NORTH
SCALE: 1" = 400'

4

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

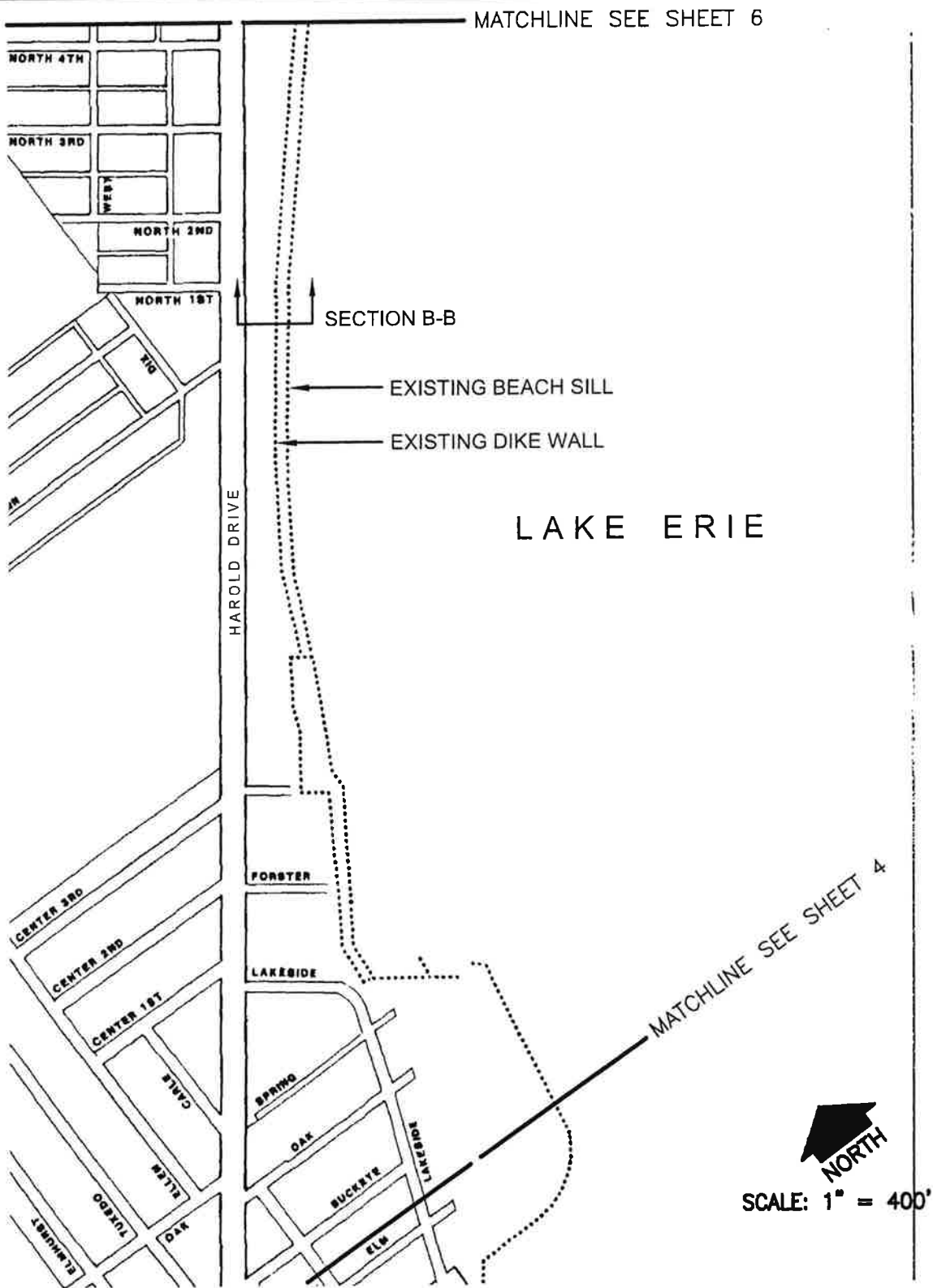
Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: SEPT 2010

FILE 780001



5

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

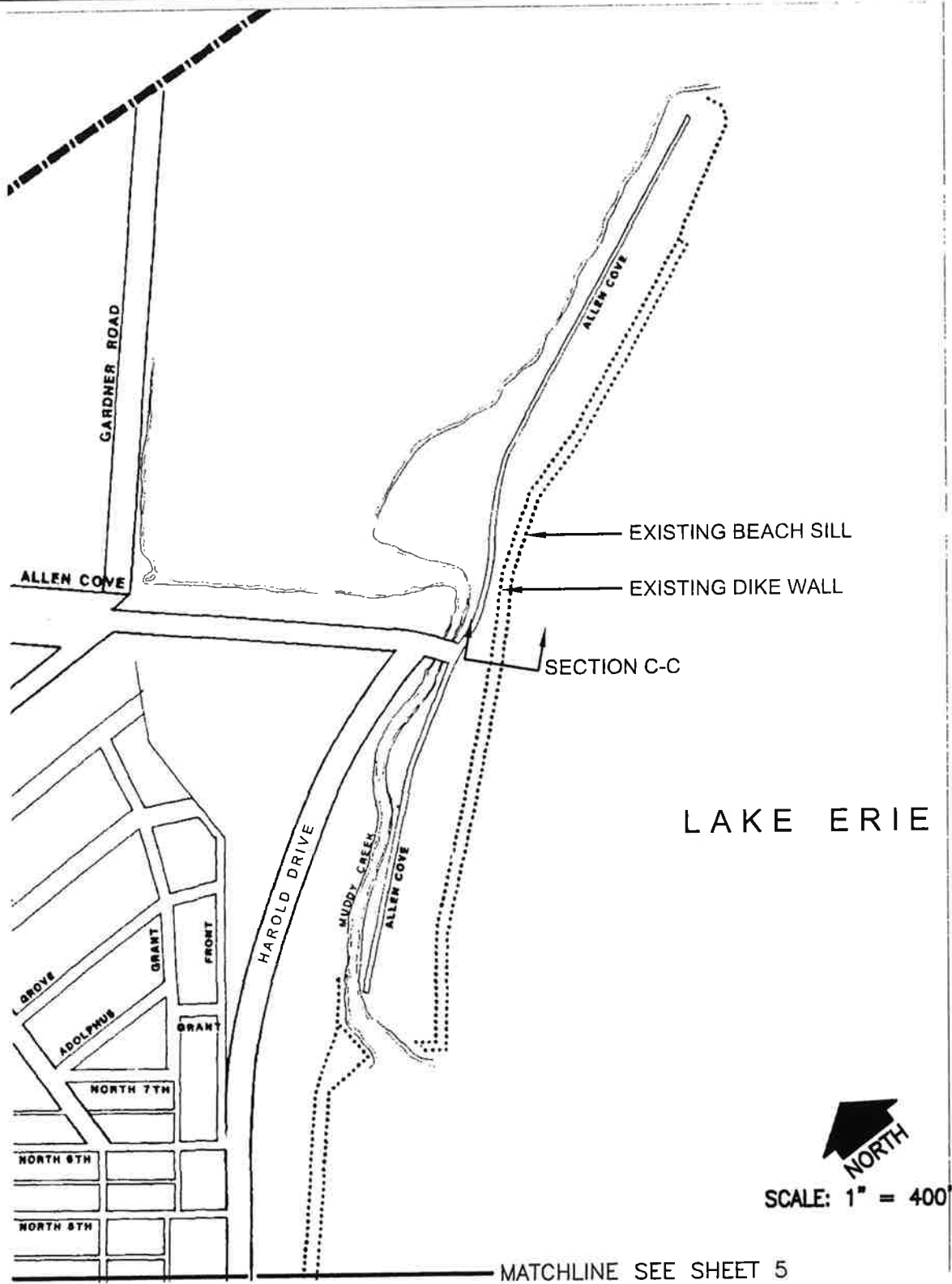
Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: SEPT 2010

FILE 780001



BY:



Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

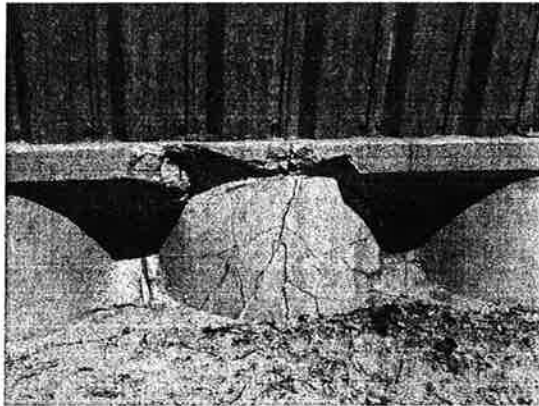
Tel 734 242-6816

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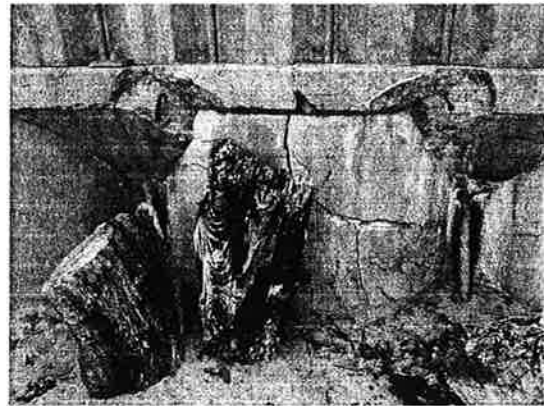
CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: SEPT 2010

FILE 780001



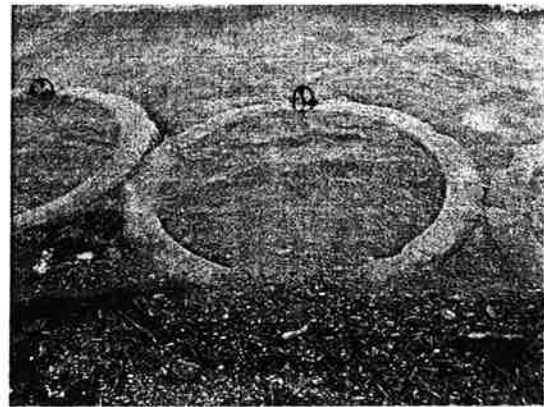
Concrete shore wall has separated joints, spalled off pieces, and cracks.



Typical shore wall with evidence of concrete deterioration.



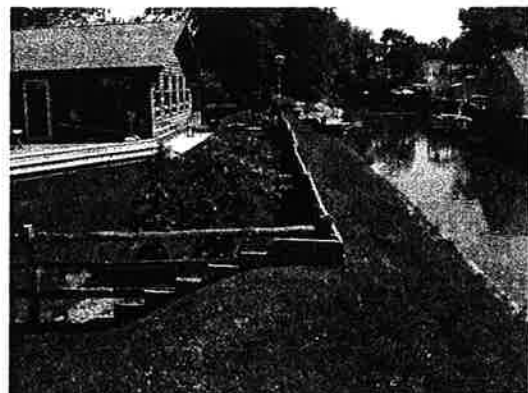
Typical shoreline section with exposed beach sills.



Beach sill steel to be cut off and sill filled with concrete.



Wooden deck penetrates through the earth dike.



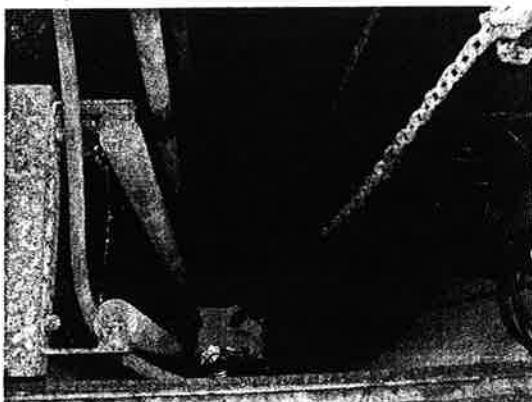
Private wooden retaining wall built into earth dike.



Vegetation and burrowed animal holes on earth dike.



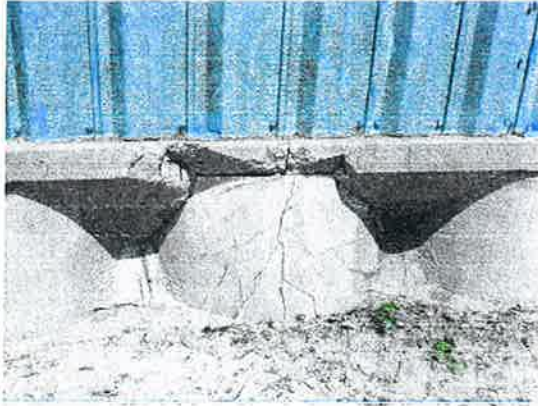
Trees are growing on earth dike.



Storm water pump station wetwell pump guides, chain and pumps to be replaced.



Shore wall section with sloping walkway and missing toe protection.



Concrete shore wall has separated joints, spalled off pieces, and cracks.



Typical shore wall with evidence of concrete deterioration.



Typical shoreline section with exposed beach sills.



Beach sill steel to be cut off and sill filled with concrete.



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Private wooden retaining wall built into earth dike.



Vegetation and burrowed animal holes on earth dike.



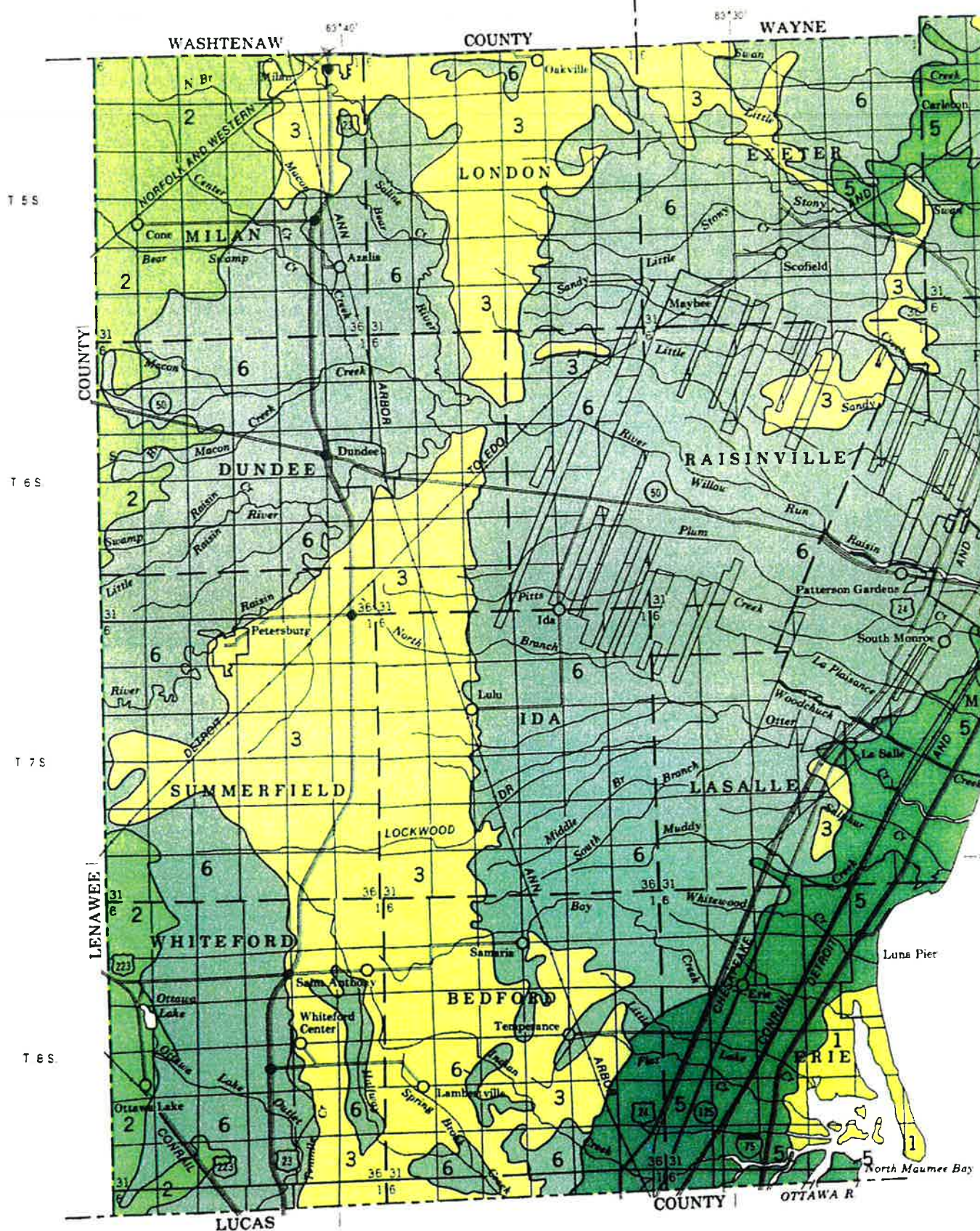
Trees are growing on earth dike.



Storm water pump station wetwell pump guides, chain and pumps to be replaced.



Shore wall section with sloping walkway and missing toe protection.



Each area outlined on this map consists of more than one kind of soil. The map is thus meant for general planning rather than a basis for decisions on the use of specific tracts.

R 6 E
R 7 E
O H I O

R 8 E

EXHIBIT II
REQUEST FOR ENVIRONMENTAL INFORMATION



AERIAL MAP

1

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: SEPT 2010

FILE 780001



copy mailed 3/4/10
SPALDING DEDECKER ASSOCIATES, INC.

107 South Main Street • Plymouth • Michigan 48170 • Tel 734 455 3111 • Fax 734 455 3127

March 2, 2010

Mr. Paul Tait
Executive Director
Southeast Michigan Council of Governments
535 Griswold St. , Suite 300
Detroit, Michigan 48226-3602

Re: City of Luna Pier
Shoreline and Flooding Protection
Job No.: D78001

Dear Mr. Tait,

We are writing to request State and Regional Clearinghouse Review of the above referenced project. We have included Standard Form 424 and appropriate narrative information for your use.

Sincerely,

SPALDING DEDECKER ASSOCIATES, INC.

Philip N Loud, PE
Senior Project Manager

pnl

Cc: SDA Job File
SDA Chrono

Engineering Consultants

Infrastructure • Land Development • Surveying

Regional Clearinghouse Code: EN 100025

March 12, 2010

Philip N. Loud, PE, Senior Project Manager
Spalding DeDecker Associates, Inc.
107 South Main Street
Plymouth, MI 48170

This is to acknowledge receipt of your complete application which you have submitted for review, according to Michigan Federal Project Review System guidelines developed in response to Presidential Executive Order 12372 - Intergovernmental Review of Federal Programs - or according to other state or federal guidelines.

Funding Agency/Program: Department of Agriculture
Community Facilities Loans

Project Title: City of Luna Pier Shoreline & Flooding Protection Project

Please direct any questions you may have concerning this review to the following SEMCOG staff person:

William Parkus, Regional Review Office, at (313) 324-3305.

A Regional Clearinghouse review will be completed by **Apr 11, 2010**, within the federal time limits.

The following agencies will be contacted for their comments during the review period:

Monroe County Planning Commission; SEMCOG/Environmental Programs

Please supply them with appropriate information, if requested, to expedite the review process.

Note: Applicant is responsible for providing all comments they receive to the funding agency.

RECEIVED

MAR 15 2010

DIETRICH, BAILEY & ASSOCIATES, P.C.
PLYMOUTH, MI

Robert Hison
Chairperson
Mayor,
City of St. Clair Shores

Robert J. Cannon
First Vice Chair
Supervisor,
Clinton Township

Gretchen Driskell
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City of Saline

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Michael Sedlak
Vice Chairperson
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Green Oak Township

Mary Blackmon
Immediate Past Chair
Secretary, Wayne County
Regional Educational
Service Agency

Paul E. Tait
Executive Director



Copy Mailed 3/4/10
SPALDING DEDECKER ASSOCIATES, INC.

107 South Main Street • Plymouth • Michigan 48170 • Tel 734 455 3111 • Fax 734 455 3127

March 2, 2010

State Historic Preservation Office
Environmental Review Office
Michigan Historical Center

702 W. Kalamazoo Street
P.O. Box 30740
Lansing, Mich 48909-8240

Re: Luna Pier Shoreline Protection Project
Job No.: 78001

Please find enclosed State Historic preservation Office Application for Section 106 Review for the above referenced project.

Sincerely,

SPALDING DEDECKER ASSOCIATES, INC.

Philip N Loud, PE
Senior Project Manager

pnl

Cc: SDA Job File
SDA Chrono

Engineering Consultants

Infrastructure • Land Development • Surveying

**STATE HISTORIC PRESERVATION OFFICE
Application for Section 106 Review**

SHPO Use Only			
<input type="checkbox"/> IN	Received Date ____ / ____ / ____		Log In Date ____ / ____ / ____
<input type="checkbox"/> OUT	Response Date ____ / ____ / ____		Log Out Date ____ / ____ / ____
	Sent Date ____ / ____ / ____		

Submit one copy for each project for which review is requested. This application is required. Please type. Applications must be complete for review to begin. Incomplete applications will be sent back to the applicant without comment. Send only the information and attachments requested on this application. Materials submitted for review cannot be returned. Due to limited resources we are unable to accept this application electronically.

I. GENERAL INFORMATION

☒ THIS IS A NEW SUBMITTAL ☐ THIS IS MORE INFORMATION RELATING TO ER#

- a. Project Name: Shoreline and Flood Protection Project
- b. Project Address (if available): Luna Pier, Michigan
- c. Municipal Unit: City of Luna Pier County: Monroe
- d. Federal Agency, Contact Name and Mailing Address (*If you do not know the federal agency involved in your project please contact the party requiring you to apply for Section 106 review, not the SHPO, for this information.*): U.S. Department of Agriculture, Rural Development, B.J.Haire, Area Specialist, PO Box 703180 Plymouth, Mi 48823
- e. State Agency (if applicable), Contact Name and Mailing Address:
- f. Consultant or Applicant Contact Information (if applicable) *including mailing address*: Philip Loud, PE
Spalding DeDecker Associates, 107 S Main St, Plymouth Michigan 48170, 734-455-3111,
ploud@sda-eng.com

II. GROUND DISTURBING ACTIVITY (INCLUDING EXCAVATION, GRADING, TREE REMOVALS, UTILITY INSTALLATION, ETC.)

DOES THIS PROJECT INVOLVE GROUND-DISTURBING ACTIVITY? ☒ YES ☐ NO (If no, proceed to section III.)

Exact project location must be submitted on a USGS Quad map (portions, photocopies of portions, and electronic USGS maps are acceptable as long as the location is clearly marked).

- a. USGS Quad Map Name: Erie
- b. Township: 8 Range: 8 Section:
- c. Description of width, length and depth of proposed ground disturbing activity: Individual tree removals will vary, some embankment filling where top of embankments have been cut into.
- d. Previous land use and disturbances: Land use has been for the intended purpose of shoreline and flood protection for many years
- e. Current land use and conditions: same
- f. Does the landowner know of any archaeological resources found on the property? ☐ YES ☒ NO
Please describe:

III. PROJECT WORK DESCRIPTION AND AREA OF POTENTIAL EFFECTS (APE)

Note: Every project has an APE.

- a. Provide a detailed written description of the project (plans, specifications, Environmental Impact Statements (EIS), Environmental Assessments (EA), etc. **cannot** be substituted for the written description): Project to include filling existing beach sills with concrete, selective shore protection sill concrete repairs, selective riprap placement at existing dike, tree removal from dike and stormwater pump replacement
- b. Provide a localized map indicating the location of the project; road names must be included and legible.
- c. On the above-mentioned map, identify the APE.

- d. Provide a written description of the APE (physical, visual, auditory, and sociocultural), the steps taken to identify the APE, and the justification for the boundaries chosen. The area of potential effects includes the locations of the existing flood control dike and associated beach areas along with the individual locations of the pump stations being upgraded with new pumps.

IV. IDENTIFICATION OF HISTORIC PROPERTIES

- a. List and date all properties 50 years of age or older located in the APE. If the property is located within a National Register eligible, listed or local district it is only necessary to identify the district: None, see III d
 - b. Describe the steps taken to identify whether or not any historic properties exist in the APE and include the level of effort made to carry out such steps: There are no properties or structures within the APE.
 - c. Based on the information contained in "b", please choose one:
☐ Historic Properties Present in the APE
☒ No Historic Properties Present in the APE
 - d. Describe the condition, previous disturbance to, and history of any historic properties located in the APE: The APE does not include any property other than the dike, beaches and pump stations.
-

V. PHOTOGRAPHS

Note: All photographs must be keyed to a localized map.

- a. Provide photographs of the site itself.
 - b. Provide photographs of all properties 50 years of age or older located in the APE (faxed or photocopied photographs are not acceptable).
-

VI. DETERMINATION OF EFFECT

- ☒ No historic properties affected based on [36 CFR § 800.4(d)(1)], please provide the basis for this determination.
- ☐ No Adverse Effect [36 CFR § 800.5(b)] on historic properties, explain why the criteria of adverse effect, 36 CFR Part 800.5(a)(1), were found not applicable.
- ☐ Adverse Effect [36 CFR § 800.5(d)(2)] on historic properties, explain why the criteria of adverse effect, [36 CFR Part 800.5(a)(1)], were found applicable.

Please print and mail completed form and required information to:

*State Historic Preservation Office, Environmental Review Office, Michigan Historical Center, 702
W. Kalamazoo Street, P.O. Box 30740, Lansing, MI 48909-8240*

Shoreline Protection for Luna Pier, Michigan

A Collaborative Community Plan

Background

Luna Pier Michigan is located along the western basin of Lake Erie. This area is the shallowest and warmest area in all of the great lakes. These features create an excellent incubator for life; small fish thrive in this environment, as does algae. It also creates many challenges to the environment and the safety of the residents along its shores.

The Maumee River from Toledo and the Detroit River both empty into the shallow water just off shore. Luna Pier has faced flooding and endured unique problems from the now receding levels.

The city erected a dike system in the 1980's designed to withstand the extremes that it has endured the past twenty five years.

Sand migration has become a major problem along the entire expanse of the shoreline. Storms have opened marsh areas and traditional flows of streams have been diverted.

Luna Pier was formed by consolidating groups of summer cottages that have evolved into a year round community. The city has public docks and its signature pier. We are a water front community with problems that need to be solved, some of them immediately, some of them very costly but imperative to the health and well being of our environment.

Finding a Solution

The residents of Luna Pier had voted in a millage for lakeshore protection. In an effort to leverage those dollars the city began to set aside monies for future match of grants that would be sought. The council also moved forward to remove the deteriorating cement and rebar caps sitting in the shallows of the lake.

Luna Pier City Council then initiated town hall meetings to listen to the concerns and priorities of the residents; it became obvious that each area had different problems that related to the protection and preservation of the lake shore.

The City Council formed an independent committee and sought representation from six areas of the city. The areas include:

Allen Cove, a one time peninsula, now an island with major problems with its retaining wall. Allen Cove also has issues with sand migration and changes in water flow.

Venice Canal, one time this area was a vibrant and unique canal system connecting the residents with Lake Erie. Possible contamination and issues with pumps and gates have left this waterway in disrepair. The seawalls have also deteriorated.

Lakewood The shoreline community just east of the canals and south of our main street has concerns with the cylinder system that was installed in the eighties and has since exposed rebar and crumbling concrete in the waterway.

Pier-Harbor The shoreline inside of the pier, designed as a safe harbor, has become a catchall for sand and algae. The riprap protecting the dike is sinking and exposing the base of the wall.

Harold Drive The dike system is badly in need of repair. Cracking and tilting of the wall, combined with the exposure at the base is creating a dangerous situation in the event of high winds and water.

Inland The residents away from the shoreline are mainly concerned with the integrity of the dike system and issues related to public access to the lake.

The committee was in charge to bring council a prioritized project list. The committee was to build consensus on how to best move forward, to look at what could be done by the city and what would need funding partners to accomplish our goals. They were supplied with a vision and mission statement to guide their actions.

The committee utilized a problem solving process to organize and build a collaborative effort. Questionnaires were used and the committee was supplied with a 2001 erosion study commissioned by Luna Pier to evaluate the dike system. The city also provided history regarding the construction and legal issues that arose.

A matrix was developed to identify priorities based on urgency and cost. The groups then brought their findings together to present and discuss a unified approach to present their recommendations to the city council. It was also important to the committee that this paper be written so that it can be a tool to communicate to elected officials the seriousness of the situation and to present their findings in such a way that actions can be taken based on this report.

Recommendations and Justifications

The first category of actions have been characterized as urgent. These include:

- Repair cracked concrete cylinders of dike wall.
- Remove trees growing in earthen dike sections.
- Install heavy Riprap protection for dike wall where exposed.
- Finish cylinder sill project and clean up
- Replace Storm water pump station pumps, guide rails and chains.

Actions that are nearly as urgent but will be considered in a subsequent project phase include:

- Re-nourish the shore with sand.
- Harbor entrance cleared and the sand put on the lake side.
- Dredging Muddy Creek using sand as nourishment for surrounding beach areas.
- Venice Canal remediation.
- Flood gate replacement in Venice Canal.

The Need for the Project

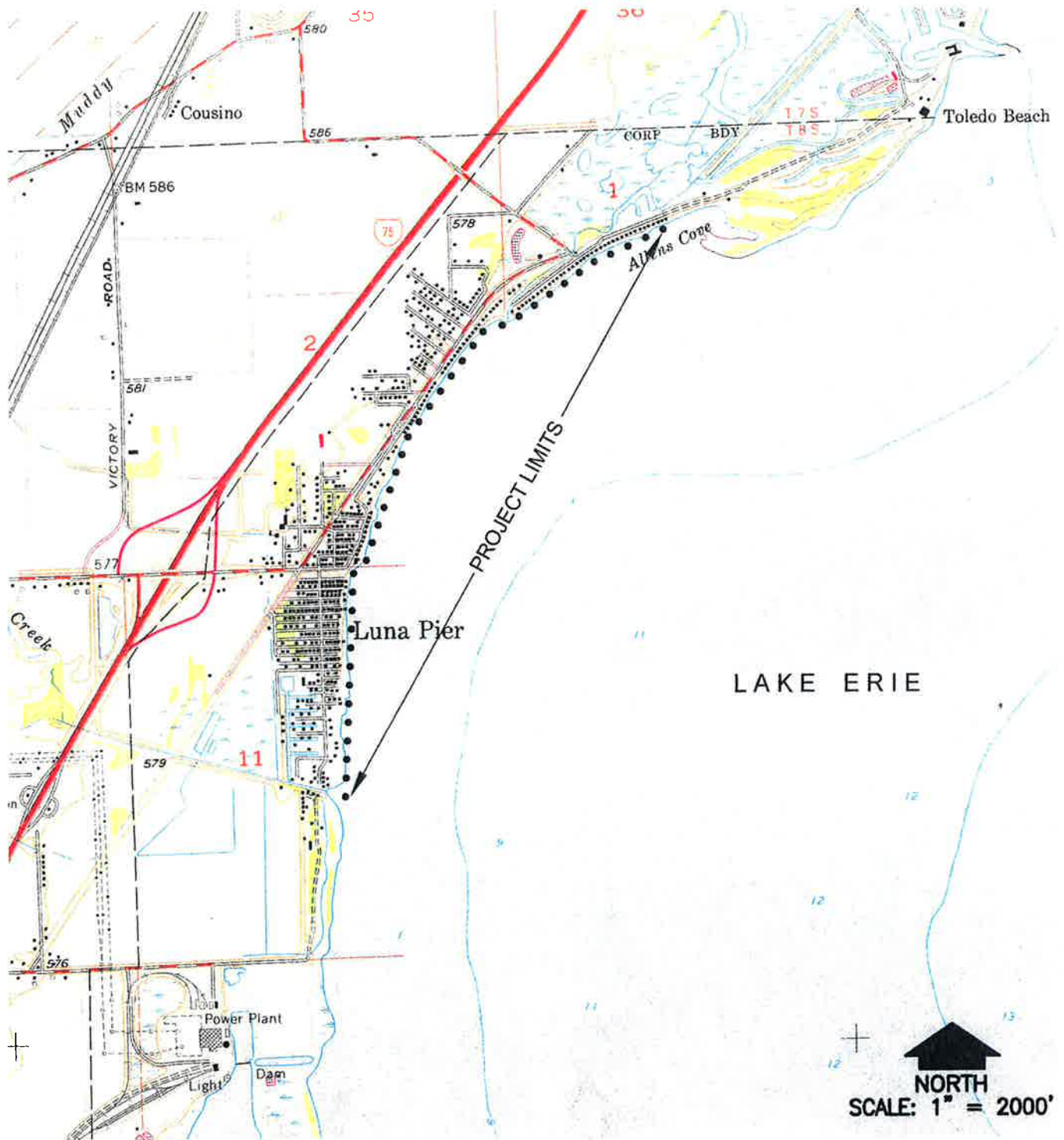
The Most recent study and report, from Coastal Dynamics, Inc. dated May of 2001 stresses the need to take action. Recent inspections by the USCOE have reinforced the need for the items of maintenance and repair identified above.

Without action the following could result:

- During the next period of high lake levels portions of the dike system could fail
- No action will impact homes and property presently protected by the dike.
- Scour will continue to occur along the base of the dike

EXHIBIT A

BEACH SILL REPAIRS



LOCATION MAP

1

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

FOR:

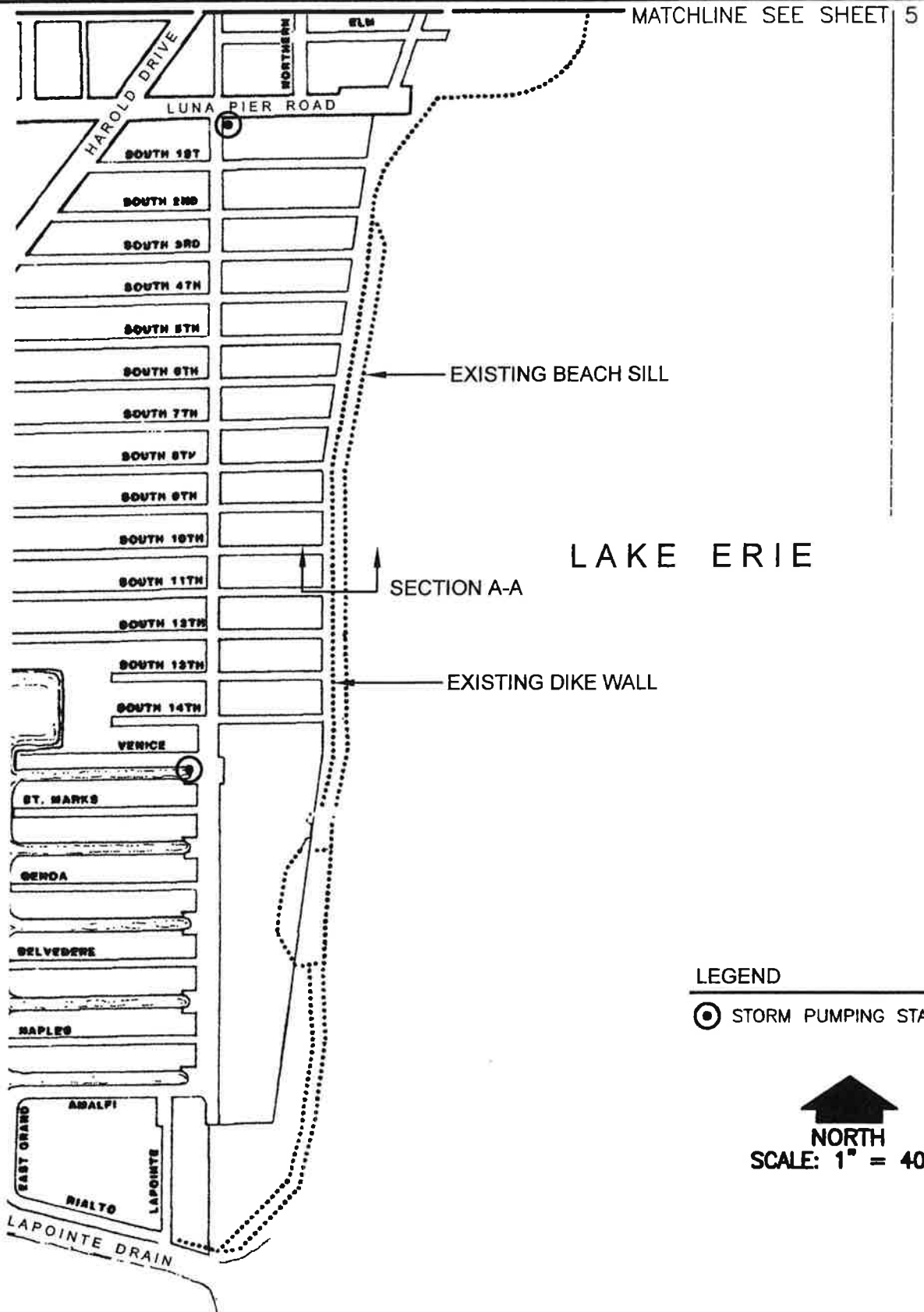
CITY OF LUNA PIER

4357 BUCKEYE

MONROE, MICHIGAN 48157

DATE: JAN 19, 2010

FILE 780001



BY:

DBA

Dietrich, Bailey and Associates, P.C.

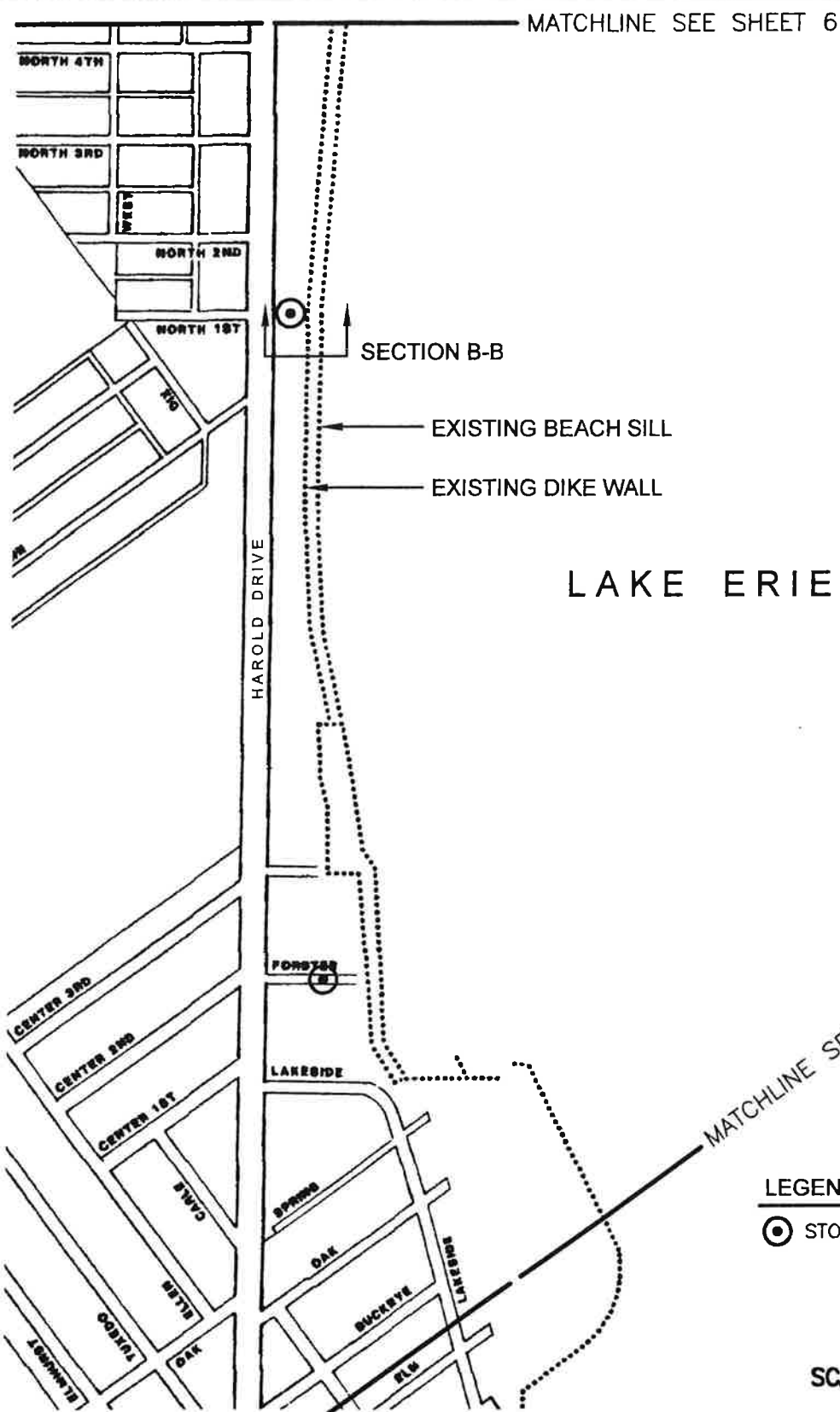
25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: JAN 19, 2010 FILE 780001



LEGEND

⊙ STORM PUMPING STATIONS



SCALE: 1" = 400'

BY:

DBA

Dietrich, Bailey and Associates, P.C.

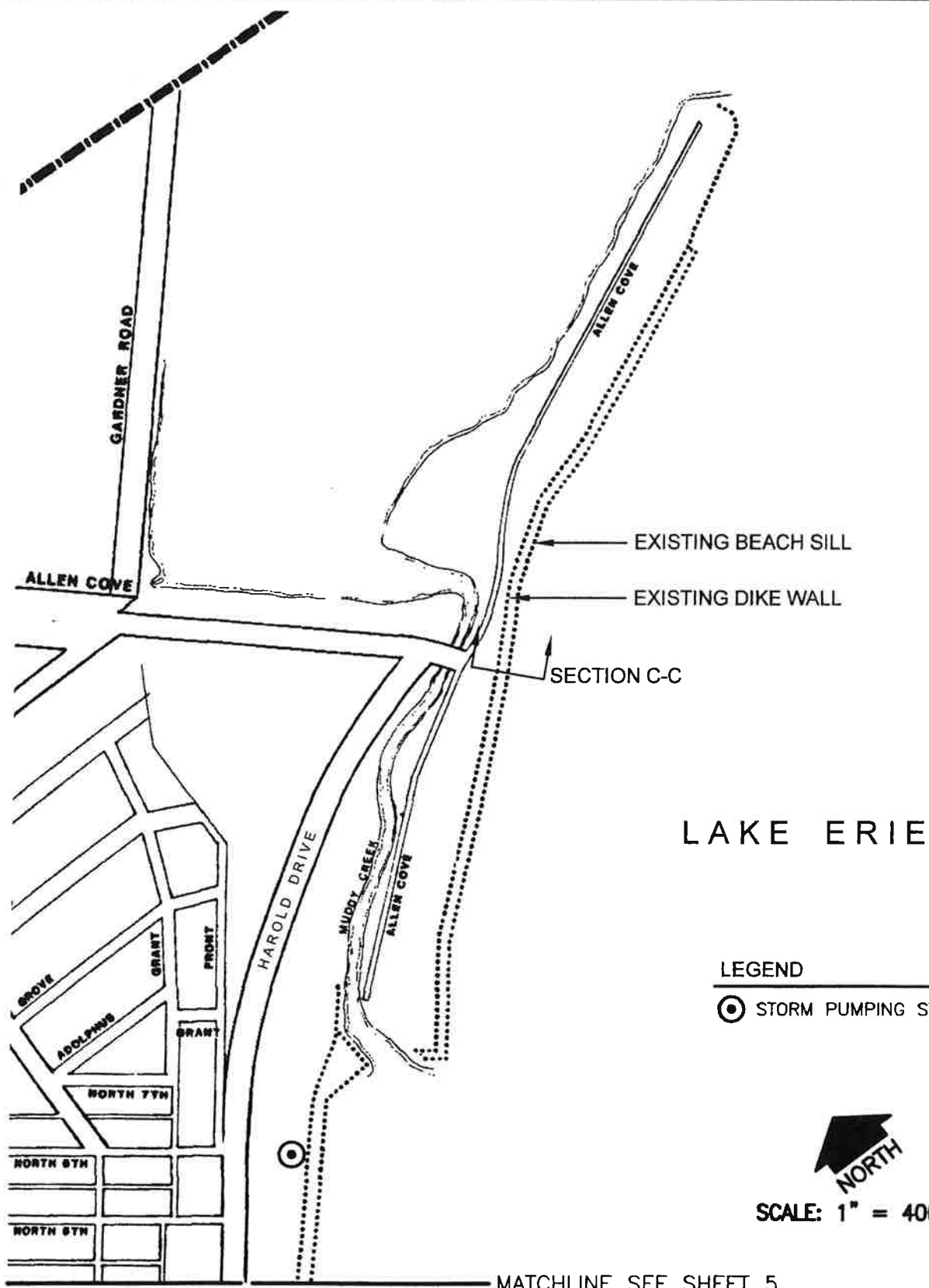
25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: JAN 19, 2010 FILE 780001



LEGEND

⊙ STORM PUMPING STATIONS



SCALE: 1" = 400'

MATCHLINE SEE SHEET 5

4

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

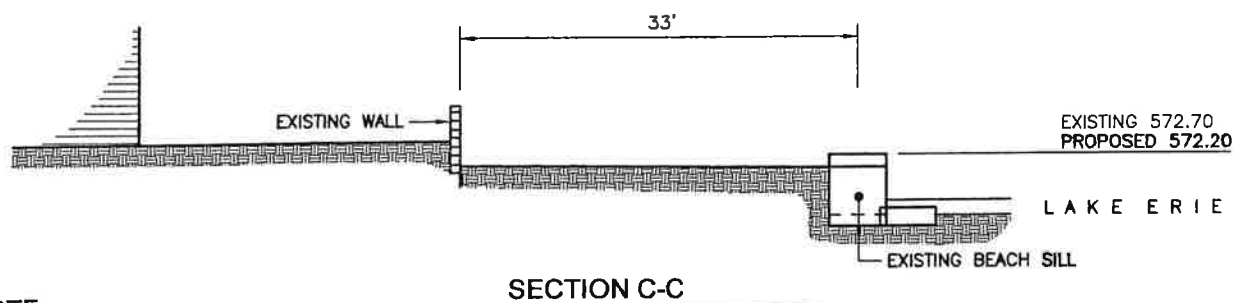
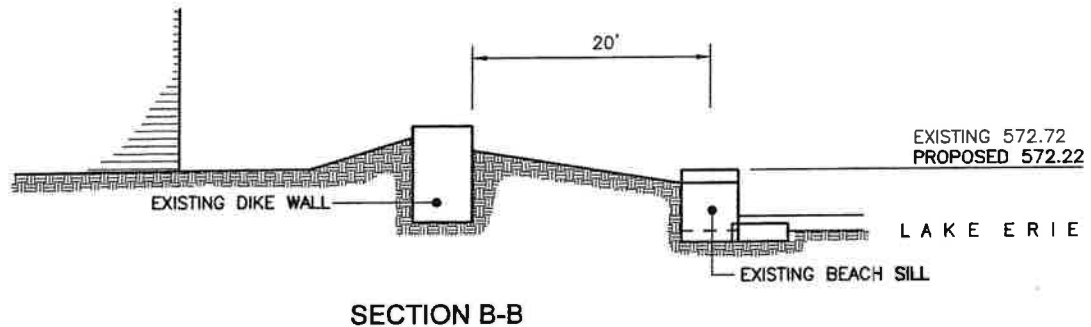
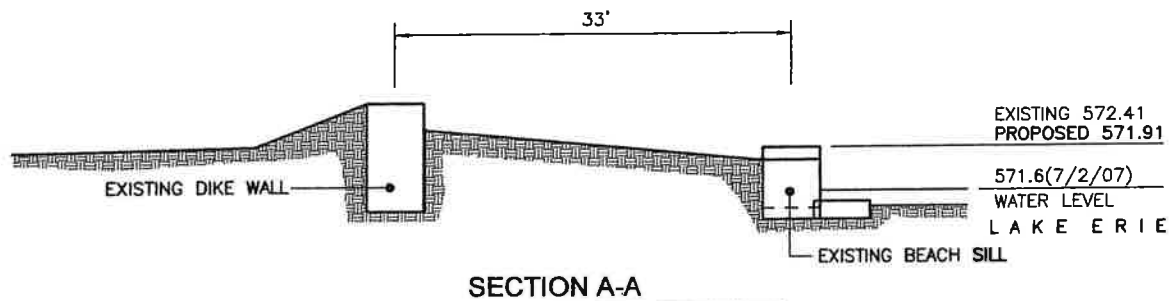
Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: JAN 19, 2010 FILE 780001

CROSS SECTIONS



NOTE:
ALL ELEVATIONS BASED
IN I.G.L.D. 85 DATUM

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

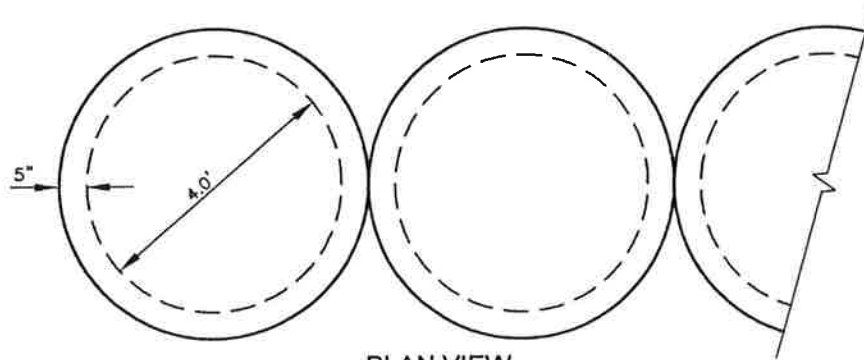
FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

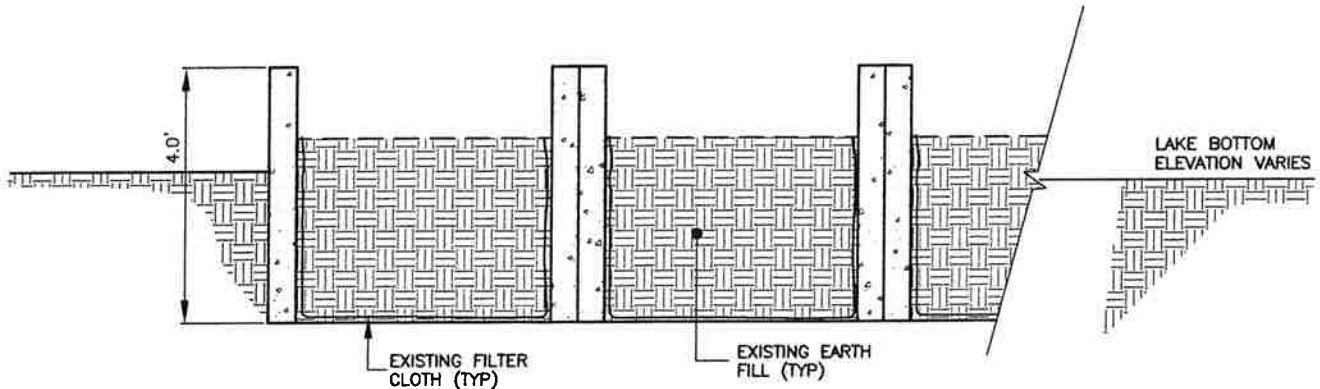
DATE: JAN 19, 2010 FILE 780001

BEACH SILL DETAIL

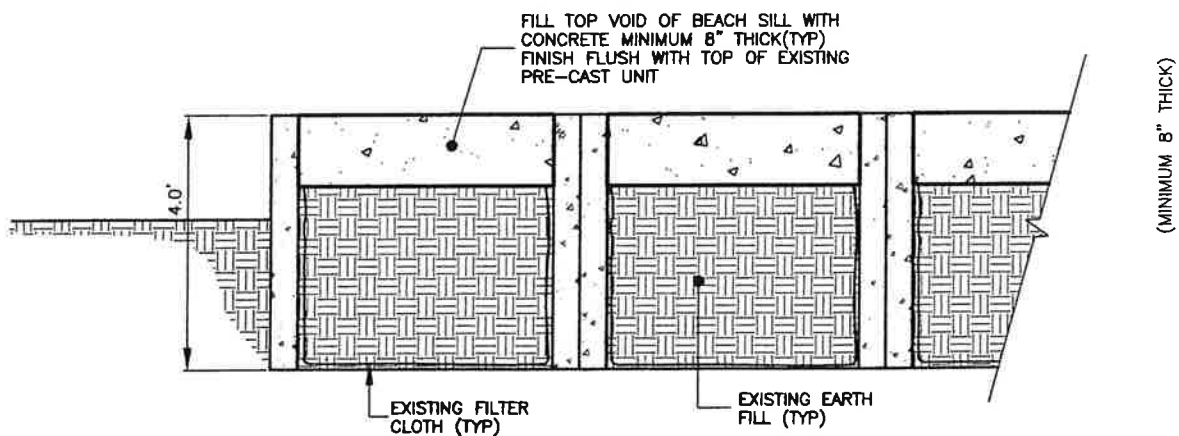
EXISTING PRE-CAST CYLINDRICAL CONCRETE
BEACH SILL UNITS



PLAN VIEW



EXISTING BEACH SILL SECTION



PROPOSED BEACH SILL SECTION

6

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

FOR:

CITY OF LUNA PIER

4357 BUCKEYE

MONROE, MICHIGAN 48157

DATE: JAN 19, 2010

FILE 780001

ESTIMATED QUANTITIES

1680± EXISTING BEACH SILL UNITS

CONCRETE FILL TO FORM NEW LID

— 782 CUBIC YARDS

METHOD OF CONSTRUCTION

GENERAL

THE WORK SHALL BE CARRIED OUT DURING PERIODS OF LOW LAKE LEVELS TO ENABLE THE USE OF COMMON RUBBER TIRED CONSTRUCTION EQUIPMENT OR HAND LABOR. CONCRETE MUST BE PLACED DURING PERIODS OF LOW WATER LEVELS AND LIGHT WAVE ACTION TO AVOID LOSS OF MATERIAL FOLLOWING PLACEMENT. FOR SHALLOW LAKE BOTTOM LOCATIONS, TEMPORARY SAND BAGS MAY BE USED TO BLOCK WATER FROM LIGHT WAVE ACTION. ALL EXISTING LIDS AND REINFORCED STEEL IS TO BE REMOVED AND DISPOSED OF LAND SIDE OF THE DIKE CONSISTENT WITH CITY ORDINANCES.

SEQUENCE OF WORK

1. REMOVE ANY REMAINING ASSOCIATE REINFORCED STEEL OR RETAINING CABLES. REMOVE ALL DEBRIS FROM LAKE SIDE OF DIKE EACH DAY.
2. FILL VOID WITH CONCRETE FLUSH WITH TOP OF BEACH SILL UNIT.
3. FLOAT CONCRETE SURFACE SMOOTH AND APPLY LIGHT BROOM FINISH WHEN CURING CONDITIONS PERMIT.
4. SELECTIVE CONCRETE CRACK REPAIR TO CYLINDRICAL SECTIONS OF SHORE WALL UNITS.

7

BY:

DBA

Dietrich, Bailey and Associates, P.C.

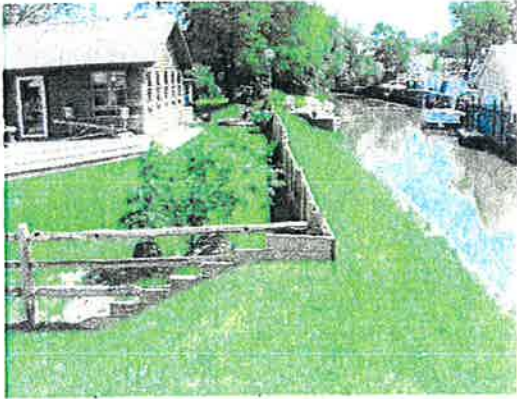
25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: JAN 19, 2010 FILE 780001



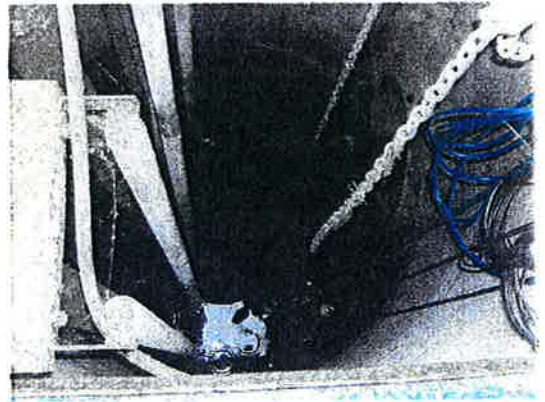
Private wooden retaining wall built into levee.



Vegetation and burrowed animal holes on levee.



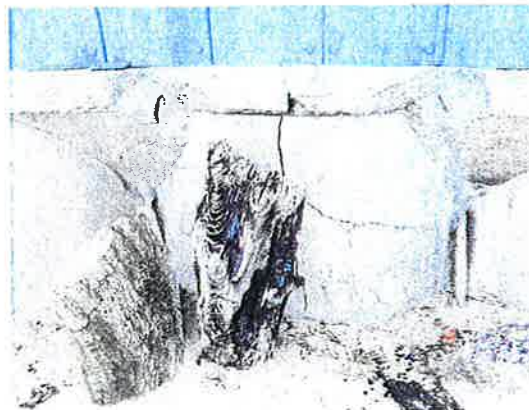
Trees are growing on levee.



Storm water pump station wetwell pump
Guides, chain and pumps to be replaced.



Concrete floodwall (dikesill) has separated joints, spalled off pieces, and cracks.



Typical dike sill with evidence of concrete deterioration.



Typical shoreline section with exposed beach sills.



Beach sill-steel to be cut off and sill filled with concrete.



Wooden deck penetrates through the dike.



JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
LANSING

KEITH MOLIN
EXECUTIVE DIRECTOR

March 29, 2010

ANDREW GRANSKOG
ENVIRONMENTAL COORDINATOR
USDA RURAL DEVELOPMENT OFFICE
3001 COOLIDGE ROAD SUITE 200
EAST LANSING MI 48823

FILE COPY

RE: ER10-379 Luna Pier Shoreline & Flood Protection Program, Sections 1, 2 & 11, T8S, R8E,
Luna Pier, Monroe County (USDA)

Dear Mr. Granskog:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that **no historic properties are affected** within the area of potential effects of this undertaking.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. **In all cases**, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c-f).

This letter evidences the USDA's compliance with 36 CFR § 800.4 "Identification of historic properties", and the fulfillment of the USDA's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.4(d)(1) "No historic properties affected".

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Brian Grennell, Cultural Resource Protection Specialist, at (517) 335-2721 or by email at ER@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Martha MacFarlane Faes
Cultural Resources Protection Manager

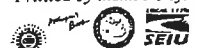
for Brian D. Conway
State Historic Preservation Officer

MMF:JRH:BGG



STATE HISTORIC PRESERVATION OFFICE
702 WEST KALAMAZOO STREET • P.O. BOX 30740 • LANSING, MICHIGAN 48909-8240
www.michigan.gov/shpo (517) 373-1630 FAX (517) 335 0348

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Southeast Michigan Council of Governments • 535 Griswold Street, Suite 300 • Detroit, Michigan 48226-3602 • 313-961-4266 • Fax 313-961-4869
www.semco.org

April 22, 2010

Philip N. Loud, PE, Senior Project Manager
Spalding DeDecker Associates, Inc.
107 South Main Street
Plymouth, MI 48170

RE: Application for federal assistance from Department of Agriculture
for a project entitled 'City of Luna Pier Shoreline & Flooding Protection Project'.

Regional Clearinghouse File No: EN 100025

SEMCOG, the Southeast Michigan Council of Governments, has processed a review for the above application according to intergovernmental review procedures established in Presidential Executive Order 12372 and assumed in the Michigan Federal Project Review System.

As the designated regional planning agency for Southeast Michigan, we notified the following local government agencies of your project:

Monroe County Planning Commission; SEMCOG/Environmental Programs

As of this date, Monroe County Planning Commission have submitted written comments, which are attached.

We will forward additional comments, if any, for your information and attention.

SEMCOG's staff has reviewed the application materials which you submitted and finds that your project does not conflict with areawide plans.

Sincerely,



William Parkus
Regional Review Office

cc: Monroe County Planning Commission

RECEIVED

APR 26 2010

DIETRICH, BAILEY & ASSOCIATES, P.C.
PLYMOUTH, MI

Robert Hlson Chairperson Mayor City of St. Clair Shores	Robert J. Cannon First Vice Chair Supervisor Clinton Township	Gretchen Driskell Vice Chairperson Mayor City of Saline	Joan Gebhardt Vice Chairperson Trustee Schoolcraft College	John A. Scott Vice Chairperson Commissioner Oakland County	Michael Sedlak Vice Chairperson Clerk Green Oak Township	Mary Blackmon Immediate Past Chair Secretary Wayne County RESA	Paul E. Taft Executive Director
--	--	--	---	---	---	---	------------------------------------



**Monroe County
Planning Department & Commission**

125 East Second Street • Monroe, Michigan 48161-2197

Telephone: 734.240.7375 • Fax: 734.240.7385 • Toll Free: 1.888.354.5500 ext. 7375

Visit the Monroe County Website: www.co.monroe.mi.us

Mary K. Webb
Commission Chairperson
Royce R. Manlko, AICP
Director

April 15, 2010

Mr. William Parkus
Regional Review Office
Southeast Michigan Council of Governments
535 Griswold St., Suite 300
Detroit, MI 48226-3602

✓ **SUBJECT:** **Applicant:** **Spalding DeDecker Associates, Inc. (for City of Luna Pier)**
 Project: **City of Luna Pier Shoreline & Flooding Protection Project**
 Our File No.: **200.2-4-10-11**

SUBJECT: **Applicant:** **David Arthur Consultants, Inc. (for Whiteford Township)**
 Project: **Rehabilitation of Unincorporated Downtown District of**
 Ottawa Lake
 Our File No.: **200.2-4-10-12**

SUBJECT: **Applicant:** **Eastern Michigan University**
 Project: **Cooperative Civic Education Exchange Program**
 Our File No.: **200.2-4-11-13**

SUBJECT: **Applicant:** **Michigan Department of Natural Resources & Environment**
 Project: **Beach Program Development Grant**
 Our File No.: **200.2-4-11-14**

SUBJECT: **Applicant:** **The Children's Hospital of Michigan**
 Project: **Poison Control and Enhancement**
 Our File No.: **200.2-4-11-15**

SUBJECT: **Applicant:** **City of Luna Pier**
 Project: **Luna Pier Lighthouse/Pier Reconstruction and Beach Access**
 Our File No.: **200.2-4-11-16**

SUBJECT: **Applicant:** **Michigan Department of Natural Resources and**
 Environment
 Project: **Southeast Michigan Regional Lump Sum Acquisitions**
 Our File No.: **200.2-4-11-17**

SUBJECT: **Applicant:** **Michigan Department of Natural Resources**
 Project: **State Park Infrastructure**
 Our File No.: **200.2-4-11-18**

SUBJECT: **Applicant:** **Bedford Public Schools**
 Project: **RSVP of Monroe County Augmentation**
 Our File No.: **200.2-4-11-19**

SUBJECT: **Applicant:** **Jumpstart, Inc.**
 Project: **Creating Sustainable Entrepreneurial Ecosystems**
 Our File No.: **200.2-4-11-20**

SUBJECT: **Applicant:** **Whiteford Township**
 Project: **Sanitary Sewer Project**
 Our File No.: **200.2-4-11-21**

Dear Mr. Parkus:

We have completed our review of the above prefaced subject matter and advise as follows:

“Motion by Commissioner Sperling, supported by Commissioner Smith, that the Monroe County Planning Commission approve staff recommendations on these applications.”

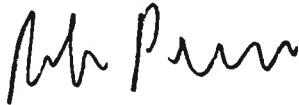
MOTION CARRIED

The staff recommendation for all but one of the above applications was for **endorsement**. Regarding the application numbered 200.2-11-20 for Jumpstart, Inc., staff recommend that it be **accepted and place on file**.

We further enclose copies of the applicable staff reports to indicate the consideration that went into the resolution of these issues.

Thank you for allowing us this opportunity to respond to the subject matter as it affects areawide plans adopted by our Planning Commission.

Sincerely,



Robert Peven, AICP
Planning Director

Attachment

2010

FEDERAL PROGRAM REVIEW

Monroe County, Michigan

Presidential Executive Order #12372

Intergovernmental Review of Federal Programs

MEMORANDUM

APPLICANT: Spalding DeDecker
Associates, Inc.

DATE: April 14, 2010

TO: Monroe County Planning Commission

PROJECT: City of Luna Pier

FROM: Staff

SUBJECT: Case #200.2-4-10-11

DESCRIPTION

Spalding DeDecker Associates, Inc. of Plymouth has applied to the U.S. Department of Agriculture/Community Facilities Loans for a grant in the amount of \$915,000 for its project entitled City of Luna Pier Shoreline & Flooding Protection Project. This civil engineering project would repair and shore up the existing lakeshore protection system of dikes with the following measures:

- Repair cracked concrete cylinders of dike wall
- Remove trees growing in earthen dike sections
- Install heavy riprap protection for dike wall where exposed
- Finish cylinder sill project and clean up
- Replace storm water pump station pumps; guiderails and chains

ANALYSIS

The quaint, picturesque community of Luna Pier has a long history of flooding problems, which can be exacerbated by northeasterly winds pushing water and ice onto the shore and causing great destruction. The city and the U.S. Army Corps of Engineers have taken measures over the years to protect the community from these threats, but nature takes an ongoing toll on these structures, requiring periodic maintenance of this sort. Failure to maintain the flood protection system would result in their complete failure during the next high water period, extensive damage to homes and property, and further shoreline erosion.

RECOMMENDATION

Staff recommends that the Monroe County Planning Commission endorse this application by Spalding DeDecker Associates, Inc.

LM

PRELIMINARY ARCHITECTURAL FEASIBILITY REPORT

1. GENERAL

A. Need for the Facility

The proposed project will repair and stabilize the existing shoreline protection and dike system as well as replace the failing and outdated storm water pumping systems. Without these actions the shoreline systems and pumps are in jeopardy of failure during a flood event and the City will be inundated.

B. Existing Facilities

Shoreline Protection System:

This 26 year old system consists of a continuous line of cylindrical "beach sills", which generally sit approximately 30-35 feet east of the dike "shorewall" across the entire length of the City from LaPointe Drain in the south to the northern tip of Allen's Cove, near the outlet of Muddy creek. These five (5) ft. diameter and four (4) ft. tall cylinders act to dissipate wave action and retain sand towards the dike. These sills work in conjunction with a similar continuous line of cylindrical "shore wall" cylinders which form the backbone of the existing dike.

The shore wall cylinders are also five (5) ft in diameter, and are generally seven (7) ft tall, except for the last 500 ft of shorewall leading up to Muddy Creek where the cylinders are 12 ft tall.

In addition to the beach sills and the shorewall, individual groins were installed roughly every 200-300 ft, perpendicular to and connecting the line of sills and shore wall. These groins were made up of five (5) ft diameter cylinders equipped with caps similar to the beach sills.

The beach sills were originally equipped with precast cylindrical caps that over a period of time began to fail (presumably due to wave action and the force of ice) and have since been removed. They still function to dissipate wave action and retain sand but are vulnerable to increased degradation with their lids gone and pose a safety threat to the residents using the beaches and entering the lake due to exposed rebar and the empty cavity left by the lid removal.

Many of the shorewall cylinders are exhibiting significant signs of potential structural failure due to serious vertical and horizontal cracking which can be seen on their exposed lake sides. These sills not only provide the foundation and support for the earthen embankment dike but they were equipped with a 9 inch thick precast walkway on top which also exhibits signs of deterioration in many locations and is the point of access to the beach for the residents. The precast walkway also supports the USCOE sponsored project which involved the installation of 2.5 ft. high concrete and steel wave deflectors across the top of the entire length of shore sills (except in the Allen's Cove section). The lack of structural integrity and in some locations the loss of adequate scour protection for the lake side base of the shorewall cylinders is of great concern.

In some areas of the earthen dike, trees, shrubs and animal holes threaten the integrity of the dike and must be removed.

See excerpt from 2006 USCOE, Detroit, Inspection of the Flood Control Project, Luna Pier, below:

1. *The Corps of Engineers constructed the Luna Pier flood protection walls, levees, pump station and stop log gate. The flood protection wall extends from the north shore on Allen Cove, where Muddy Creek empties into Lake Erie, south to Lakewood Street in the City of Luna Pier, where Venice Canal empties into Lake Erie, from the point the flood protection extends up the Venice Canal to the I-94 highway.*

The flood protection structures vary from earth levees to concrete retaining walls. A steel wave deflector is on top of the retaining wall, extending from the north end of the project to the Luna Pier harbor. South of Luna Pier harbor the wave deflector is made of concrete, and extends from the harbor to Venice Canal.

Recently, a new floodwall has encapsulated the existing deteriorated floodwall in the Venice Canal. The new floodwall was built of galvanized sheet piling, anchored through the existing wall, and capped with a layer of concrete.

The stop log gate, pump station and levees were inspected on the Venice Canal as part of the flood protection project.

2. **OBSERVATIONS:**

a.) *Floodwall foundation between Luna Pier harbor and Venice Canal:*

- i. *Numerous cracks were discovered in concrete foundation.*
- ii. *Anchor rods through concrete foundation are buckled in compression, indicating wall forces are now acting to push the wall toward the water.*

b.) *Floodwall between Luna Pier harbor and the north end of the project:*

- i. *Many of the concrete cells are cracked and spalled.*
- ii. *Some stone fill is lost through the holes in concrete cells.*
- iii. *Two flap gates have broken hinges.*

c.) *Floodwall along Venice Canal:*

- i. *The existing concrete floodwall is in good condition.*
- ii. *The new concrete floodwall is also in good condition.*

d.) *Levee Section:*

- i. *Some areas had trees growing through the levee.*
 - ii. *Some areas had animal burrows in the levee.*
 - iii. *Patios, fences, and wooden decks on levees compromise the flood protection.*
- e.) *People were walking on top of an unsafe off shore concrete structure.*
The off shore structure was not incorporated into the Corps of Engineers Flood Control Project.

C. **Proposed Facility**

Proposed repairs to the dike and storm water pumping systems include the following:

Beach Sills - Remove exposed rebar, and fill the interior cavity with concrete to a level even with the cylinder sides and provide a textured top surface to assist in pedestrian access across sills to lake.

Shorewall - Grout or stone fill the interior spaces, repair cracks and broken concrete and replace stone rip rap (or utilize alternative protection) at base of exposed cylinders to protect toe from scour. Repair cracked and broken walkway slabs.

Earth Dike Embankment - Trees, shrubs and anything else natural or manmade that intrudes upon the cross section of the dike will be removed and the dike material replaced and compacted.

Storm Water Pumping Systems - The project involves the replacement of all original storm water pumps and associated guide rails and lifting chains. In a few select cases the controls will be replaced that fail to operate automatically.

D. **Building Sites**

1. Amount of land required.

The land area involved essentially includes the entire dike system which extends from the Muddy Creek outlet at the north end of Allen's Cove, the entire shoreline along Lake Erie and extends back up behind the Venice Canals and onto an interconnection with the embankment of I-75.

2. Location - Alternate locations.

There are no alternate locations

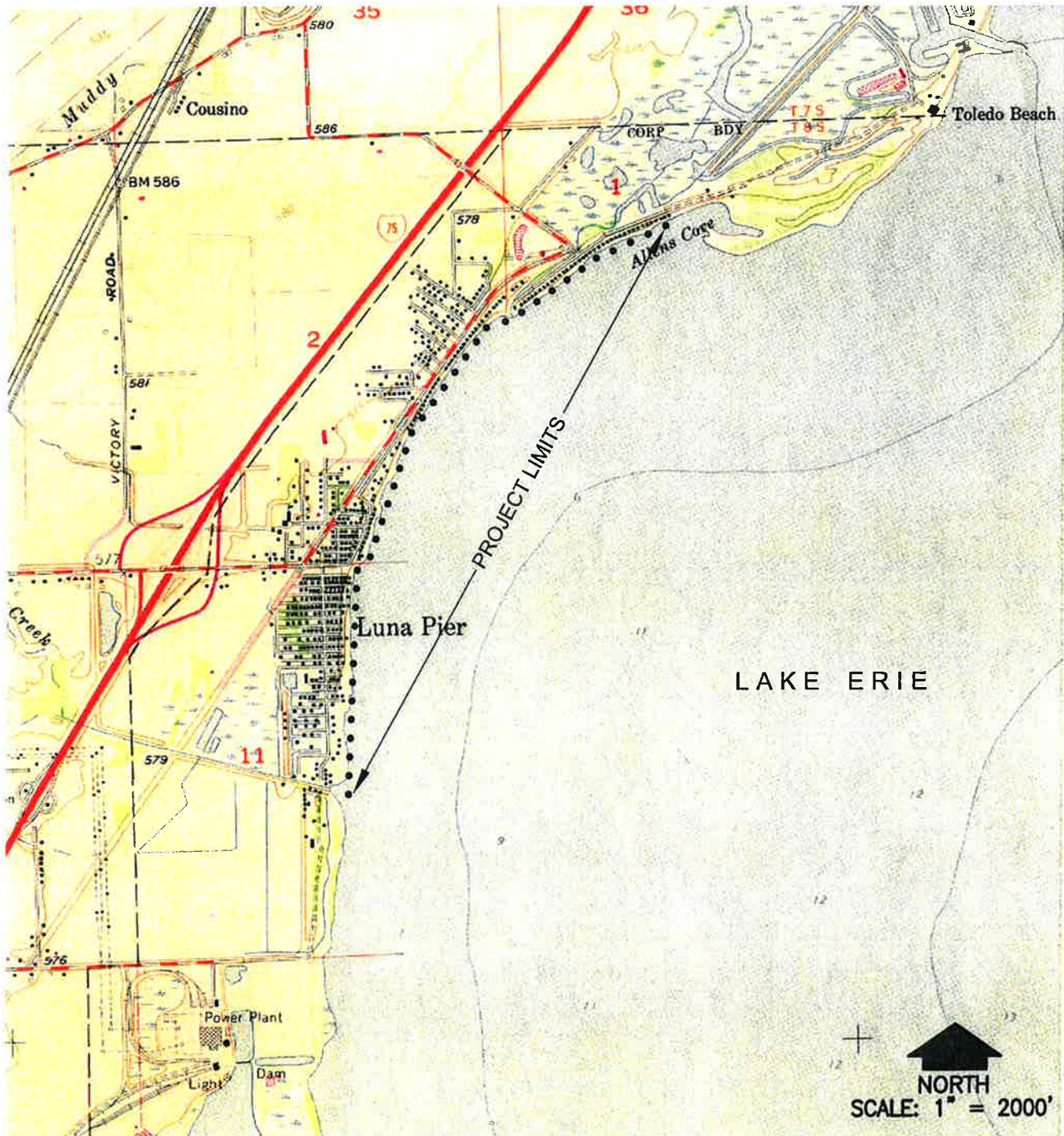
3. Site plan.

See attached Exhibit II

4. Site suitability

EXHIBIT II

REQUEST FOR ENVIRONMENTAL INFORMATION



LOCATION MAP

1

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: AUGUST 2010

FILE 780001

There are no issues related to site suitability given that the work involves repairs to existing systems.

E. Cost Estimate

See attached Form 424C, Budget Information

F. Annual Operating Budget

1. Income - .

The City of Luna Pier has an established millage (\$0.5/\$1000) for collection of funds to support the general category of Flood Control Facilities and would plan to draw from this fund for expenses related to loan repayment and operation and maintenance of the dike systems.

2. Operation and Maintenance Costs -

The City of Luna Pier currently budgets up to \$150,000/year for Dike Maintenance, out of its Flood Control Facilities Fund but has historically spent an average of approximately \$45,000/year (past 3 years).

G. Maps, Drawings, Sketches, and Photographs

See attached Exhibit A.

H. Construction Problems

We do not anticipate any significant construction problems in completing this project.

I. Conclusions and Recommendations

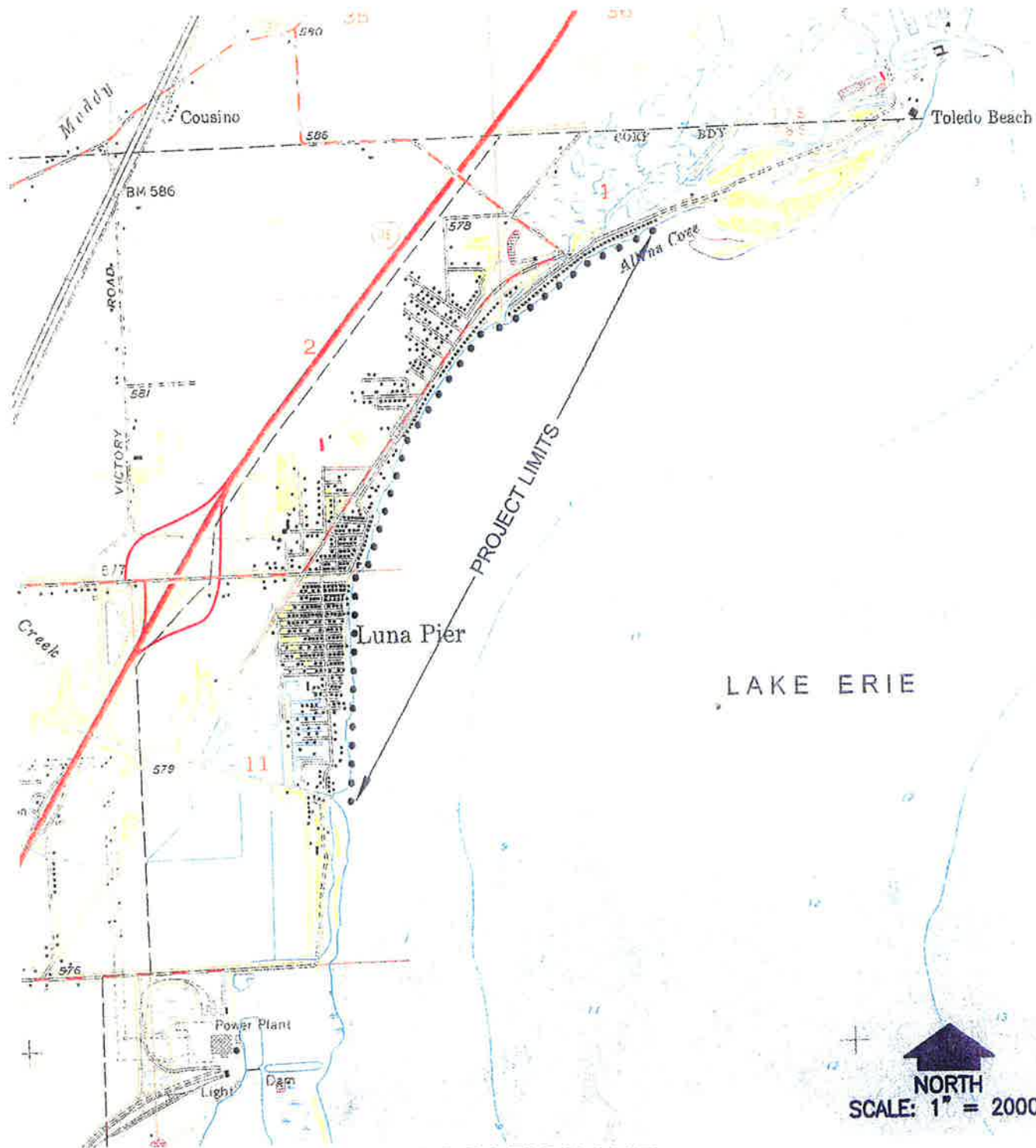
The project as outlined is straight forward in that it is principally repair of exiting structures and facilities.

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Column A - B)
1. Administrative and legal expenses	\$35,000.00		
2. Land, structures, rights-of-way, appraisals, etc.			
3. Relocation expenses and payments			
4. Architectural and engineering fees	\$106,000.00		
5. Other architectural and engineering fees			
6. Project inspection fees			
7. Site work			
8. Demolition and removal			
9. Construction	\$402,000.00		
10. Equipment	\$301,000.00		
11. Miscellaneous			
12. SUBTOTAL (sum of lines 1-11)			
13. Contingencies	\$71,000.00		
14. SUBTOTAL	\$915,000.00		
15. Project (program) income			
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$915,000.00		
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: Enter eligible costs from line 16c _____ and multiply by _____ % (Consult ARC State office for percentage share.) Enter the resulting Federal share.			

EXHIBIT A BEACH SILL REPAIRS



LOCATION MAP

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

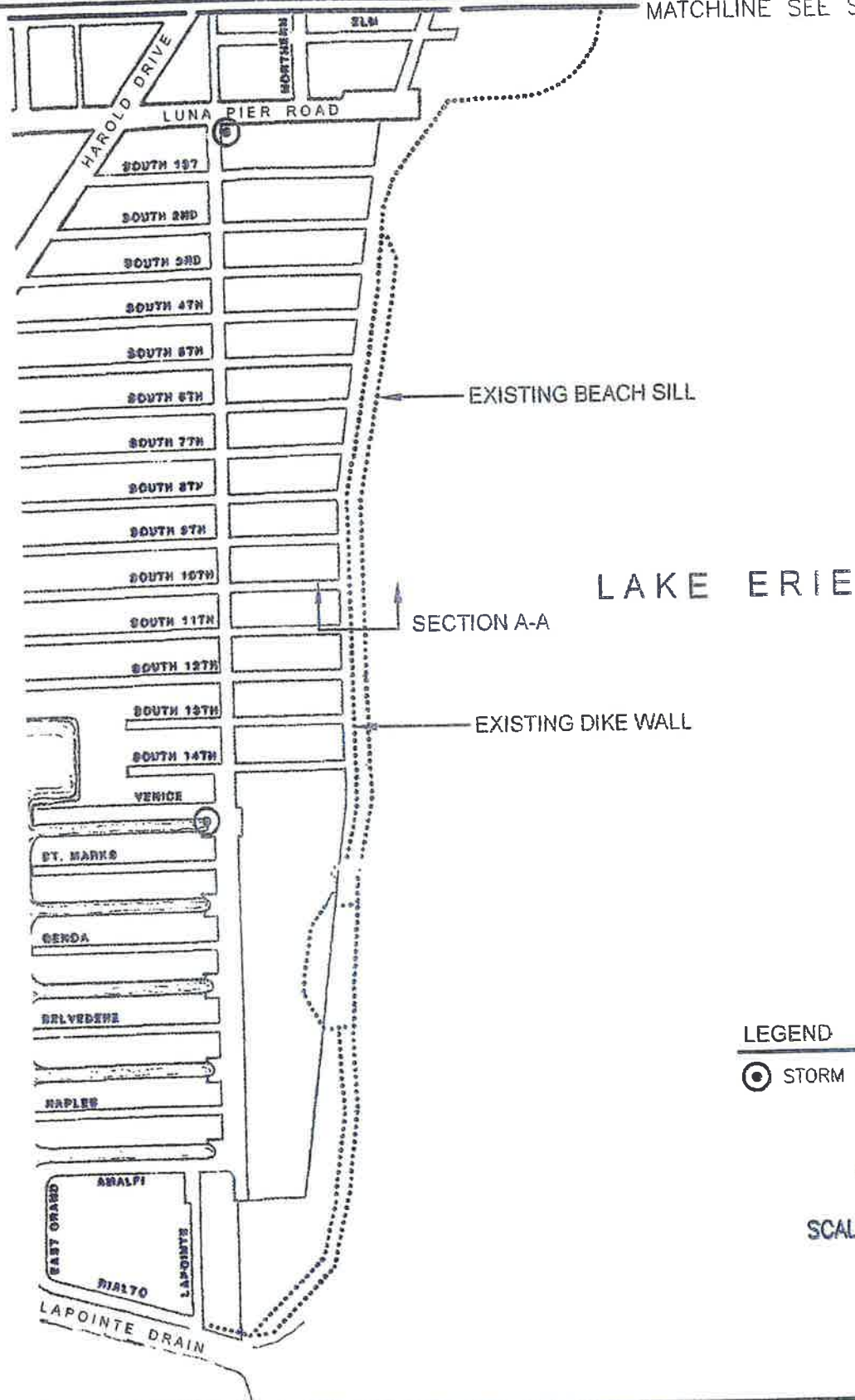
Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: JAN 19, 2010 FILE 780001

MATCHLINE SEE SHEET 5



LEGEND

● STORM PUMPING STATIONS

NORTH
SCALE: 1" = 400'

2

BY:

DBA

Dietrich, Bailey and Associates, P.C.

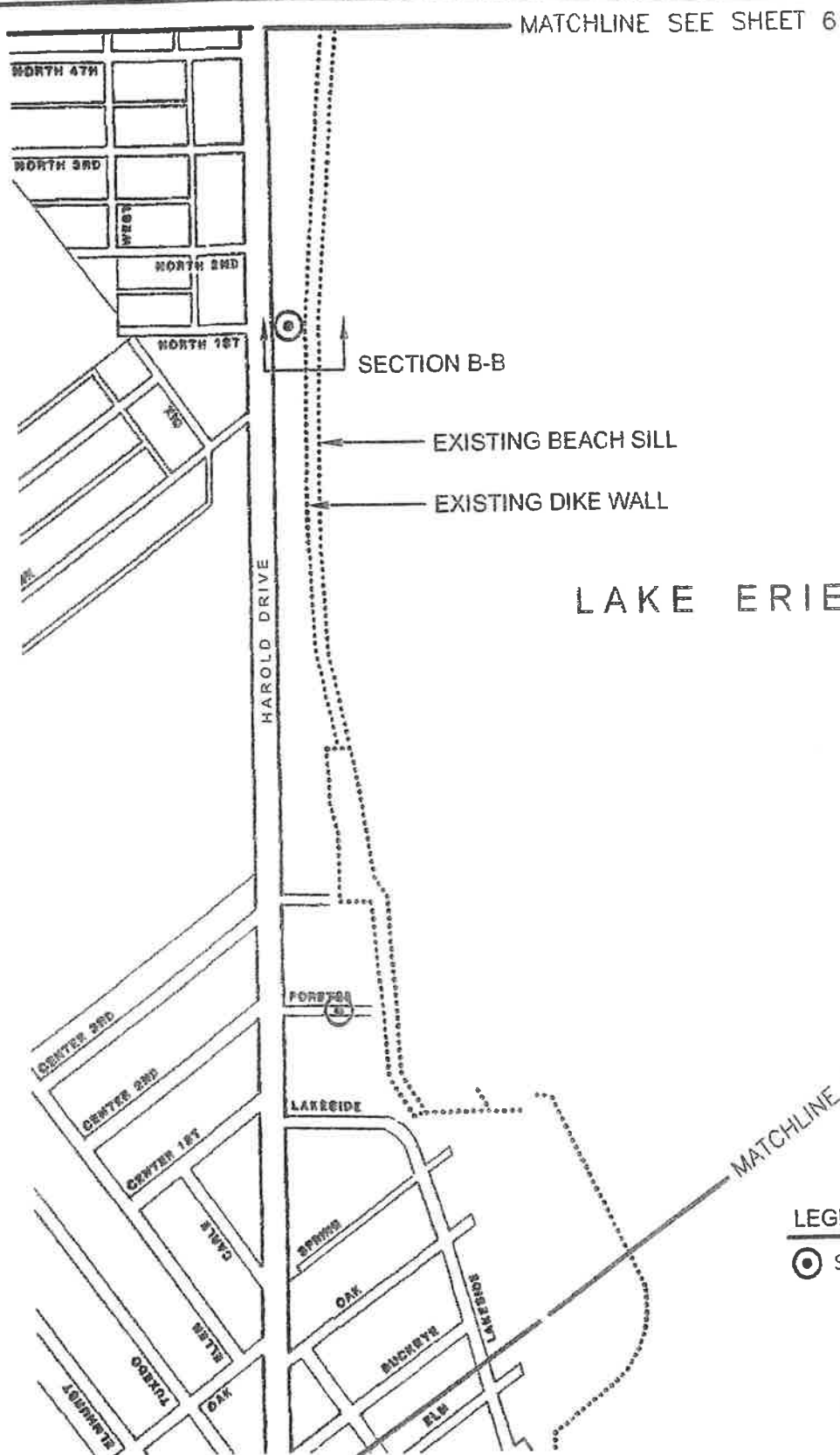
25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: JAN 19, 2010 FILE 780001



BY:



Dietrich, Bailey and Associates, P.C.

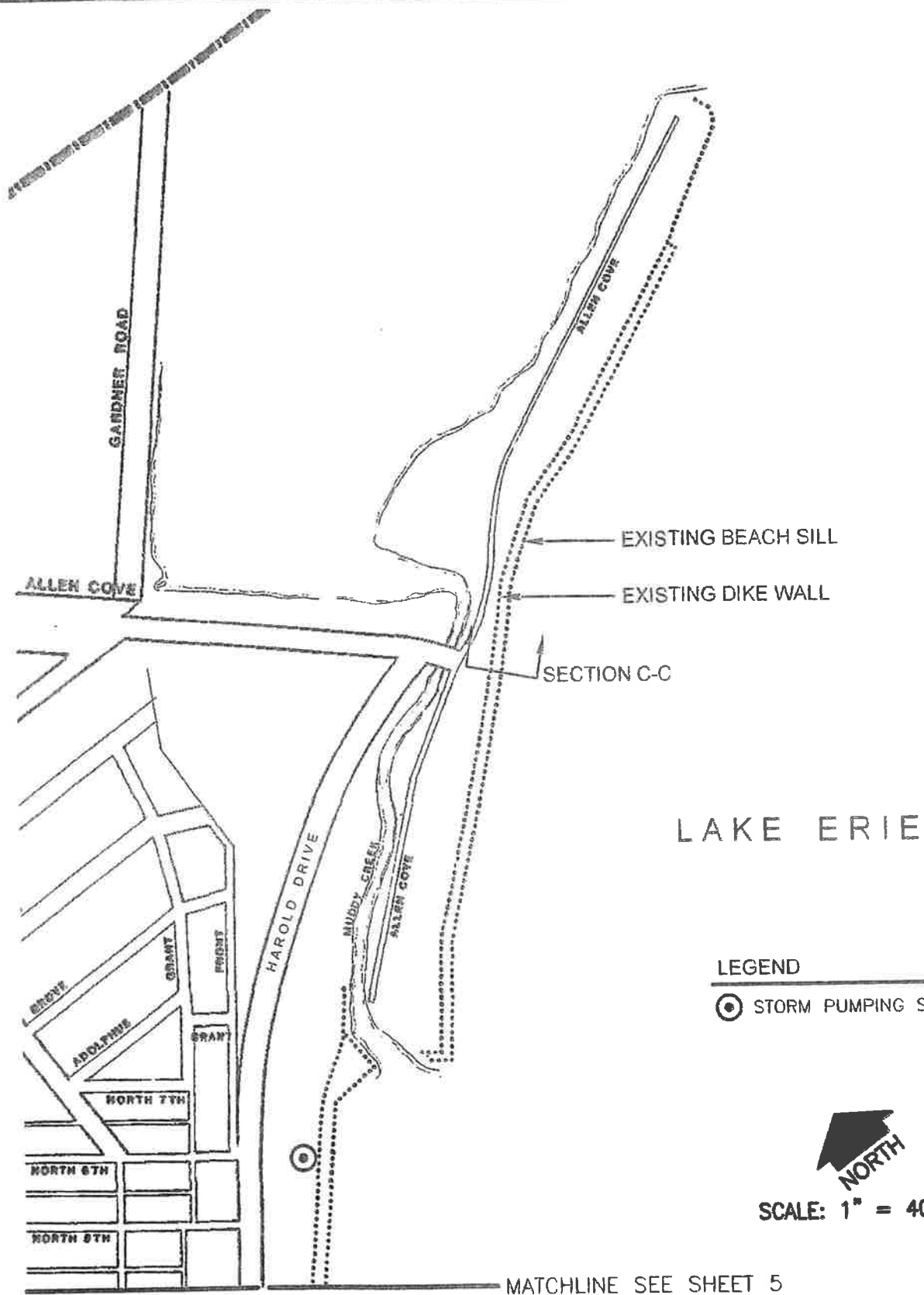
25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: JAN 19, 2010 FILE 780001



LEGEND

⊙ STORM PUMPING STATIONS



SCALE: 1" = 400'

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

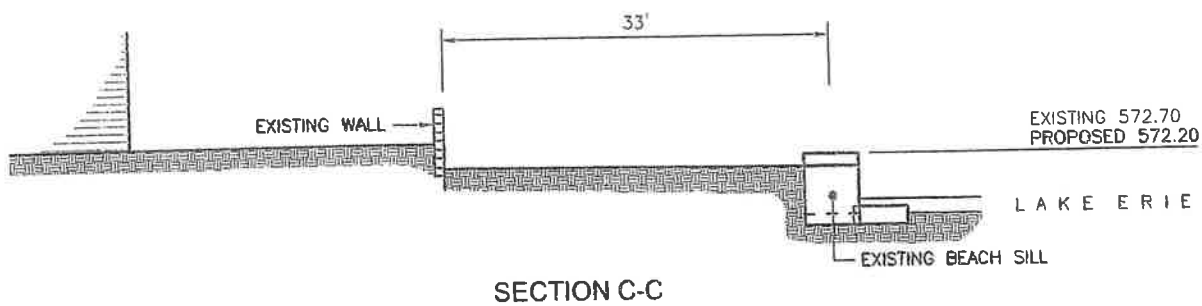
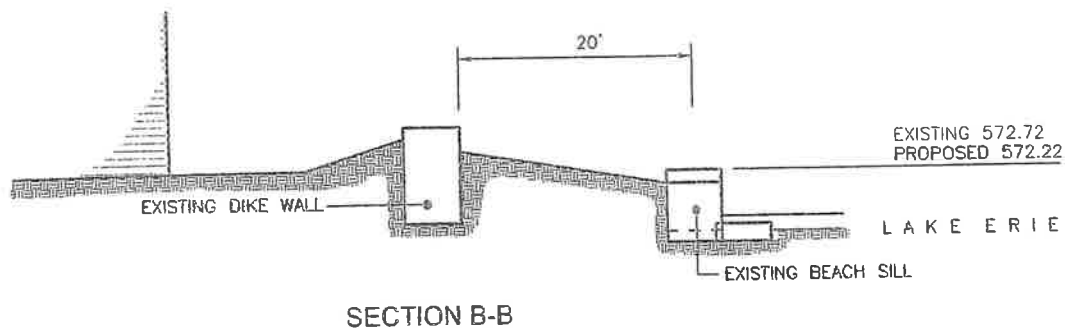
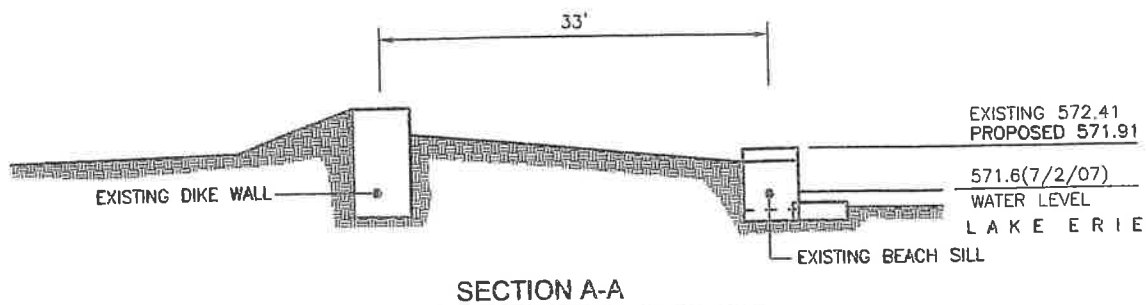
FOR:

CITY OF LUNA PIER
4357 BUCKEYE

MONROE, MICHIGAN 48157

DATE: JAN 19, 2010 FILE 780001

CROSS SECTIONS



NOTE:
ALL ELEVATIONS BASED
IN I.G.L.D. 85 DATUM

BY:

DBA

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25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

FOR:

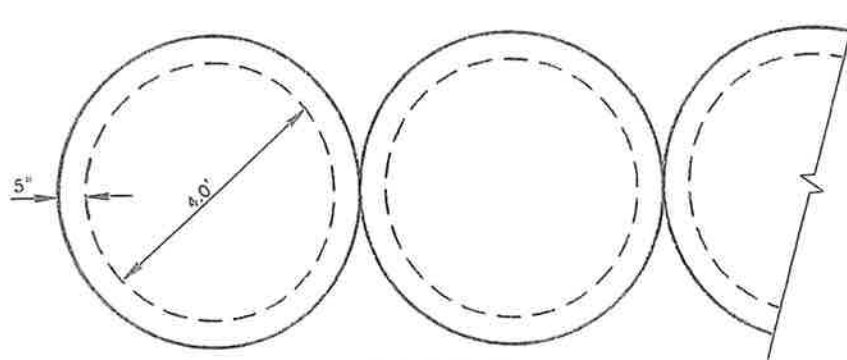
CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: JAN 19, 2010

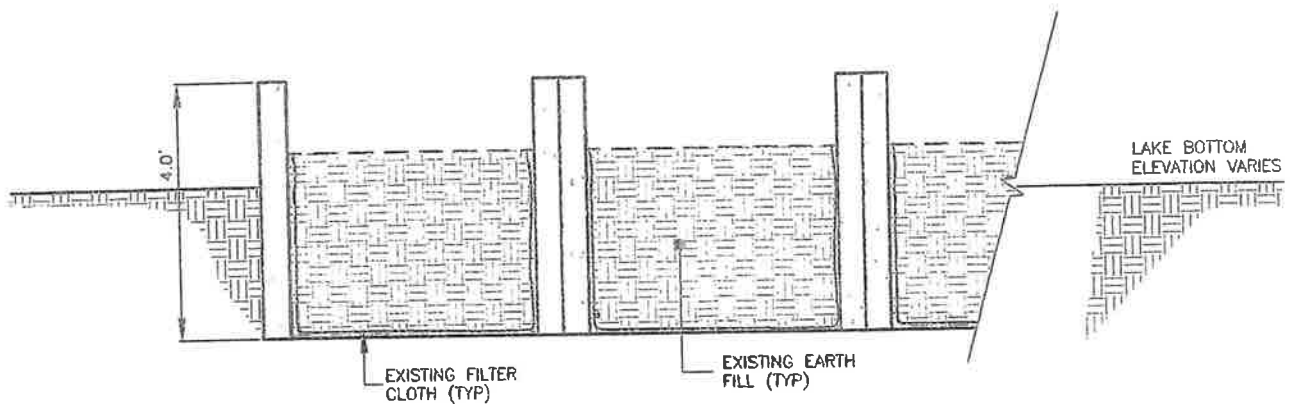
FILE 780001

BEACH SILL DETAIL

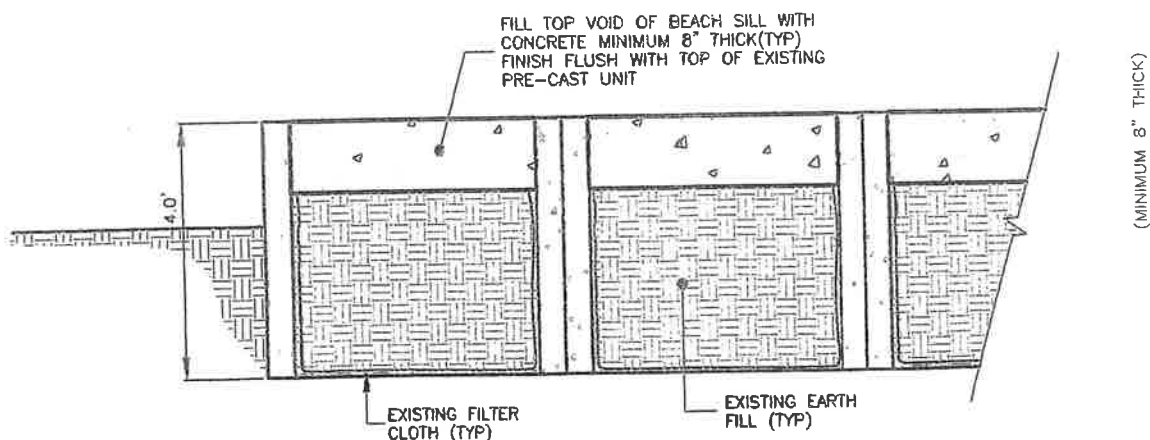
EXISTING PRE-CAST CYLINDRICAL CONCRETE
BEACH SILL UNITS



PLAN VIEW



EXISTING BEACH SILL SECTION



PROPOSED BEACH SILL SECTION

6

BY:

DBA

Dietrich, Bailey and Associates, P.C.

25 South Monroe Street, Suite 305
Monroe, MI 48161

Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

DATE: JAN 19, 2010 FILE 780001

ESTIMATED QUANTITIES

1680± EXISTING BEACH SILL UNITS

CONCRETE FILL TO FORM NEW LID

- 782 CUBIC YARDS

METHOD OF CONSTRUCTION

GENERAL

THE WORK SHALL BE CARRIED OUT DURING PERIODS OF LOW LAKE LEVELS TO ENABLE THE USE OF COMMON RUBBER TIRED CONSTRUCTION EQUIPMENT OR HAND LABOR. CONCRETE MUST BE PLACED DURING PERIODS OF LOW WATER LEVELS AND LIGHT WAVE ACTION TO AVOID LOSS OF MATERIAL FOLLOWING PLACEMENT. FOR SHALLOW LAKE BOTTOM LOCATIONS, TEMPORARY SAND BAGS MAY BE USED TO BLOCK WATER FROM LIGHT WAVE ACTION. ALL EXISTING LIDS AND REINFORCED STEEL IS TO BE REMOVED AND DISPOSED OF LAND SIDE OF THE DIKE CONSISTENT WITH CITY ORDINANCES.

SEQUENCE OF WORK

1. REMOVE ANY REMAINING ASSOCIATE REINFORCED STEEL OR RETAINING CABLES. REMOVE ALL DEBRIS FROM LAKE SIDE OF DIKE EACH DAY.
2. FILL VOID WITH CONCRETE FLUSH WITH TOP OF BEACH SILL UNIT.
3. FLOAT CONCRETE SURFACE SMOOTH AND APPLY LIGHT BROOM FINISH WHEN CURING CONDITIONS PERMIT.
4. SELECTIVE CONCRETE CRACK REPAIR TO CYLINDRICAL SECTIONS OF SHORE WALL UNITS.

BY:

DBA

Dietrich, Bailey and Associates, P.C.

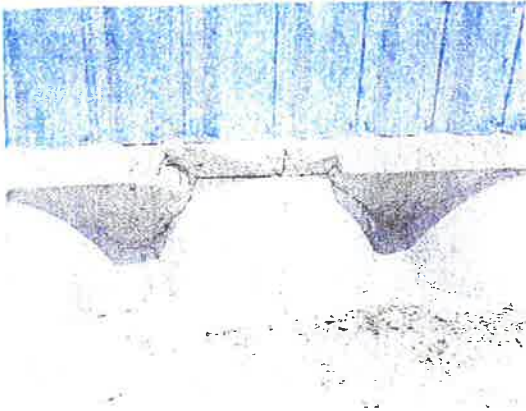
25 South Monroe Street, Suite 305
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Tel 734 242-6816

FOR:

CITY OF LUNA PIER
4357 BUCKEYE
MONROE, MICHIGAN 48157

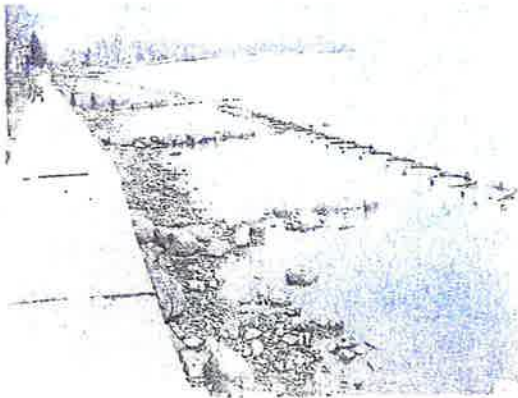
DATE: JAN 19, 2010 FILE 780001



Concrete floodwall (dikesill) has separated joints, spalled off pieces, and cracks.



Typical dike sill with evidence of concrete deterioration.



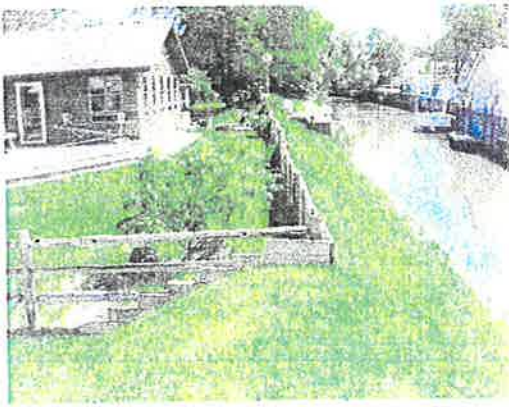
Typical shoreline section with exposed beach sills.



Beach sill-steel to be cut off and sill filled with concrete.



Wooden deck penetrates through the dike.



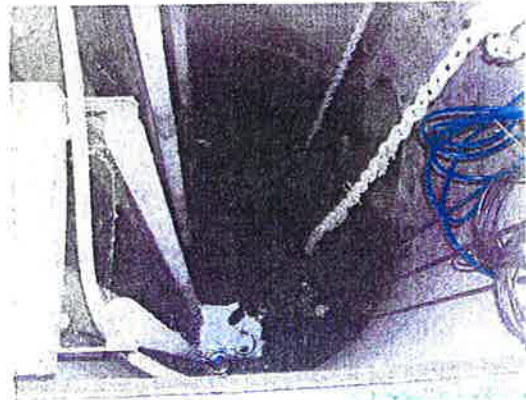
Private wooden retaining wall built into levee.



Vegetation and burrowed animal holes on levee.



Trees are growing on levee.



Storm water pump station wetwell pump
Guides, chain and pumps to be replaced.

**UNIFORM FEDERAL ACCESSIBILITY STANDARDS (UFAS)
ACKNOWLEDGEMENT**

The Owner, The City of Luna Pier and the Architect/Engineer, Dietrich, Bailey and Associates, P.C. received a copy of the Uniform Federal Accessibility Standards (UFAS) from the USDA Rural Development. As a Federally Funded project, it is understood that Design and Construction of The Shoreline Protection Project in The City of Luna Pier, Michigan MUST conform to the Uniform Federal Accessibility Standards (UFAS) FED-ST-795 April 1, 1988. Also since this project is being constructed within the State of Michigan it shall conform to all applicable codes within the State.

Note if there is a contradiction between said codes above the most restrictive shall govern.

Please note this acknowledgement does not relinquish any responsibility from the Design Professional and Owner to comply with all applicable Federal, State and Local Codes. The Owner and or Contractor shall submit and receive approved drawings from all appropriate state and local agencies i.e. Building, Fire, Health Department....etc.

UFAS is available for viewing or download in its entirety on-line at:
<http://www.access-board.gov/ufas/ufas-html/ufas.htm>

,Owner

Date



,Architect/Engineer



Date

Position 3

FORM APPROVED
OMB No. 0575-0015

Form RD 442-3 (Rev. 3-97)		Name City of Luna Pier	
BALANCE SHEET		Address 4357 Buckeye Street P.O. Box 375 Luna Pier, Mi. 48157	
ASSETS		8 31 10	6 30 10
CURRENT ASSETS		Month Day Year Current Year	Month Day Year Prior Year
1. Cash on hand in Banks		200553.33	184339.67
2. Time deposits and short-term investments			
3. Accounts receivable		88 883.17	88 883.17
4. Less: Allowance for doubtful accounts		()	()
5. Inventories			
6. Prepayments <u>Prepaid Ins.</u>		4843.25	4843.25
7. <u>Service main (line)</u>		1057207.50	1057207.50
8. <u>Service Connections</u>		(399459.07)	(399459.07)
9. Total Current Assets (Add 1 through 8)		946028.18 \$0.00	929813.85 \$0.00
FIXED ASSETS			
10. Land		6500.00	6500.00
11. Buildings		1936574.93	1936574.93
12. Furniture and equipment		677270.47	677270.47
13.			
14. Less: Accumulated depreciation		(1524377.91)	(1524377.91)
15. Net Total Fixed Assets (Add 10 through 14)		\$0.00	\$0.00
OTHER ASSETS			
16.			
17.			
18. Total Assets (Add 9, 15, 16 and 17)		2035995.67 \$0.00	2019782.61 \$0.00
LIABILITIES AND EQUITIES			
CURRENT LIABILITIES			
19. Accounts payable			
20. Notes payable			
21. Current portion of USDA note			
22. Customer deposits			
23. Taxes payable			
24. Interest payable			
25. <u>Due to General Fund</u>		76959.55	71742.17
26. <u>Employee Pension</u>		1094.90	
27. Total Current Liabilities (Add 19 through 26)		78053.95 \$0.00	71742.17 \$0.00
LONG-TERM LIABILITIES			
28. Notes payable USDA			
29.			
30.			
31. Total Long-Term Liabilities (Add 28 through 30)		\$0.00	\$0.00
32. Total Liabilities (Add 27 and 31)		\$0.00	\$0.00
EQUITY			
33. Retained earnings		1957941.67	1948039.84
34. Memberships			
35. Total Equity (Add lines 33 and 34)		1957941.67 \$0.00	1948039.84 \$0.00
36. Total Liabilities and Equity (Add lines 32 and 35)		2035995.67 \$0.00	2019782.61 \$0.00
CERTIFIED CORRECT		Date 9-2-10	Appropriate Official (Signature) <u>Parron</u>

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0015. The time required to complete this information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

RD 442-3 (Rev. 3-97)

CM

09/02/2010

BALANCE SHEET FOR CITY OF LUNA PIER
PERIOD ENDED 06/30/2010
FUND 590 - WASTE WATER TREATMENT PLANT

PAGE 1

*** ASSETS ***

590-000.000-001.100	Cash - Checking - MIF	184,339.67
590-000.000-001.500	Cash - Escrow Account - MIF	0.00
590-000.000-002.000	Savings	0.00
590-000.000-002.100	Savings - Escrow Account	0.00
590-000.000-003.000	Certificate of deposits	0.00
590-000.000-003.300	Cert. of Deposits - Escrow	0.00
590-000.000-040.300	Acct. Receivable - Sewage	88,883.17
590-000.000-040.400	Acct. Receivable - Accrued Int	0.00
590-000.000-084.000	Due from Gen. Fund	0.00
590-000.000-123.000	Prepaid insurance	4,843.25
590-000.000-130.000	Land & Right-of-way	6,500.00
590-000.000-136.000	Sewage Disposal Plant	1,930,574.93
590-000.000-137.000	Depreciation Allowance	(930,200.72)
590-000.000-138.100	Sewer Mains (Lines)	1,051,207.50
590-000.000-138.200	Service Connections	(399,459.07)
590-000.000-140.000	Machinery & Equipment	677,270.47
590-000.000-141.000	Depreciation Allowance Machine	(594,177.19)
590-000.000-142.000	SEWAGE PLANT - C-1-P	0.00

TOTAL ASSETS

2,019,782.01

*** LIABILITIES ***

590-000.000-202.000	Accounts Payable	0.00
590-000.000-214.100	Due to General Fund	71,742.17
590-000.000-228.100	FICA (Social Security)	0.00
590-000.000-228.200	Michigan State Tax	0.00
590-000.000-228.300	Medicare	0.00
590-000.000-229.000	Due Fed. Gov't. - W.H.T.	0.00
590-000.000-231.100	Employees Pension	0.00
590-000.000-231.200	Employees Credit Union	0.00
590-000.000-231.300	Employees Deferred	0.00
590-000.000-237.000	Other Deductions	0.00
590-000.000-275.000	OVERPAYMENTS	0.00

TOTAL LIABILITIES

71,742.17

*** CAPITAL ***

590-000.000-368.000	Contr. from State Govt.	195,940.00
590-000.000-369.000	Contr. from Fed. Govt.	1,217,352.00
590-000.000-370.000	Contr. from Township - LaSalle	684,049.00
590-000.000-372.000	Contr. from Gen. Fund	1,161,659.31
590-000.000-390.000	Fund Balance	(1,333,742.22)

BEG. FUND BALANCE

1,925,258.09

NET OF REVENUES VS. EXPENDITURES

22,781.75

TOTAL CAPITAL

1,948,039.84

TOTAL LIABILITIES AND CAPITAL

2,019,782.01

08/31/2010

BALANCE SHEET FOR CITY OF LUNA PIER
 PERIOD ENDED 08/31/2010
 FUND 590 - WASTE WATER TREATMENT PLANT

PAGE 1

*** ASSETS ***

590-000.000-001.100	Cash - checking - MIF	200,553.33
590-000.000-001.500	Cash - Escrow Account - MIF	0.00
590-000.000-002.000	Savings	0.00
590-000.000-002.100	Savings - Escrow Account	0.00
590-000.000-003.000	Certificate of deposits	0.00
590-000.000-003.300	Cert. of Deposits - Escrow	0.00
590-000.000-040.300	Acct. Receivable - Sewage	88,883.17
590-000.000-040.400	Acct. Receivable - Accrued Int	0.00
590-000.000-084.000	Due from Gen. Fund	0.00
590-000.000-123.000	Prepaid insurance	4,843.25
590-000.000-130.000	Land & Right-of-way	6,500.00
590-000.000-136.000	Sewage Disposal Plant	1,930,574.93
590-000.000-137.000	Depreciation Allowance	(930,200.72)
590-000.000-138.100	Sewer Mains (Lines)	1,051,207.50
590-000.000-138.200	Service Connections	(399,459.07)
590-000.000-140.000	Machinery & Equipment	677,270.47
590-000.000-141.000	Depreciation Allowance Machine	(594,177.19)
590-000.000-142.000	SEWAGE PLANT - C-1-P	0.00

TOTAL ASSETS

2,035,995.67 ✓

*** LIABILITIES ***

590-000.000-202.000	Accounts Payable	0.00
590-000.000-214.100	Due to General Fund	76,959.55
590-000.000-228.100	FICA (Social Security)	0.00
590-000.000-228.200	Michigan State Tax	0.00
590-000.000-228.300	Medicare	0.00
590-000.000-229.000	Due Fed. Gov't. - W.H.T.	0.00
590-000.000-231.100	Employees Pension	1,094.40
590-000.000-231.200	Employees Credit Union	0.00
590-000.000-231.300	Employees Deferred	0.00
590-000.000-237.000	Other Deductions	0.00
590-000.000-275.000	OVERPAYMENTS	0.00

TOTAL LIABILITIES

78,053.95 ✓

*** CAPITAL ***

590-000.000-368.000	Contr. from State Govt.	195,940.00
590-000.000-369.000	Contr. from Fed. Govt.	1,217,352.00
590-000.000-370.000	Contr. from Township - LaSalle	684,049.00
590-000.000-372.000	Contr. from Gen. Fund	1,161,659.31
590-000.000-390.000	Fund Balance	(1,333,742.22)

BEG. FUND BALANCE - 2009-2010

1,925,258.09

NET OF REVENUES VS. EXPENDITURES - 2009-2010

22,781.75

NET OF REVENUES VS. EXPENDITURES - CURRENT YEAR

9,901.88

TOTAL CAPITAL

1,957,941.72

TOTAL LIABILITIES AND CAPITAL

2,035,995.67

BRAUNLICH, RUSSOW & BRAUNLICH

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELLORS

111 S. MACOMB STREET, MONROE, MICHIGAN 48161-2138
TELEPHONE: (734) 241-8300
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Of Counsel:
PHILIP A. COSTELLO
E-mail: pacostello@brblaw.net

September 8, 2010


Greg Stewart
City of Luna Pier
4357 Buckeye Street
PO Box 375
Luna Pier MI 48157

RE: Grant For Dike and Storm Water System Repairs

Dear Mr. Stewart:

We have enclosed the Legal Services Agreement regarding the grant application for the dike and storm water system repairs.

Sincerely,


Philip A. Costello

jab
Enclosure
cc: Philip N. Loud

LEGAL SERVICES AGREEMENT

This Agreement made this _____ day of _____, ~~19~~ 2010
between the City of Luna Pier

hereinafter referred to as "Owners," and Philip A. Costello
attorney at law, of Branlich, Russow & Branlich, hereinafter referred to
as "Attorney":

WHEREAS, the Attorney agrees to perform all legal services
necessary to the organization, financing, construction, and initial
operation of X dike and storm water system repairs system:

WITNESSETH:

That for and in consideration of the mutual covenants and promises
between the parties hereto, it is hereby agreed:

SECTION A - LEGAL SERVICES

That the attorney will perform such services as are necessary to
accomplish the above recited objectives including, but not limited
to, the following:

1. Preparation and filing of petition for incorporation and
supervision and assistance in the taking of such other actions
as may be necessary or incidental to cause the Owners to become
duly organized and incorporated and to be authorized to under-
take the proposed system. (N/A)
2. Furnish advice and assistance to the governing body of the duly
incorporated association in connection with (a) the notice for
and conduct of meetings; (b) the preparation of minutes of
meetings; (c) the preparation and enactment of such resolutions
as may be necessary in connection with the authorization,
financing, construction and initial operation of the system;
(d) the preparation of such affidavits, publication notices,
ballots, reports, certifications, and other instruments and
advice as may be needed in the conduct of such bond elections
as may be necessary; (e) the preparation and completion of
such bonds or other obligations as may be necessary to finance
the system; (f) the completion and execution of documents for
obtaining a loan made or insured or a grant made by the United
States of America, U. S. Department of Agriculture (USDA), (g)
entering into construction contracts; (h) preparation and
adoption of by-laws, rules and regulations, and the rate
schedules; (i) such other corporate action as may be necessary
in connection with the financing, construction, and initial
operation of the system.
3. Review of construction contracts, bid-letting procedure, and
surety and contractual bonds in connection therewith.

4. Preparation, negotiation, or review of contract with a city or other source of water supply, when necessary.
5. Preparation, where necessary, and review of deeds, easements and other rights-of-way documents, and other instruments for sites for source of water supply pumping stations, treatment plants, and other facilities necessary to the system and to provide continuous rights-of-way therefor; rendering title opinions with reference thereto; and providing for the recording thereof.
6. Obtain necessary permits and certificates from county and municipal bodies, from state regulatory agencies, and from other public or private sources with respect to the approval of the system, the construction and operation thereof, pipeline crossings, and the like.
7. Cooperate with the engineer employed by Owners in connection with preparation of tract sheets, easements, and other necessary title documents, construction contracts, water supply contracts, health permits, crossing permits, and other instruments.
8. Preparation and approval of those documents pertaining to the issuance of the Owner's obligations. Preparation of opinions of counsel as required by Owners or the USDA. When applicable, secure assistance of and cooperate with recognized bond counsel in the preparation of the documents necessary for the financing aspects of the system. Where bond counsel is retained, the Attorney will not be responsible for the preparation and approval of those documents pertaining to the issuance of the Owner's obligations.

(Please refer to Michigan Guide 4, Attachment 1 "Legal Requirements Guide" when preparing the required legal documents)

SECTION B - COMPENSATION

1. Owners will pay to the Attorney for professional services rendered in accordance herewith, fees as follows:
 - (a) Hourly rate of \$ 160.00 plus expenses; not to exceed \$ 7,500.00 ;
 - or
 - (b) Lump sum fee of \$ N/A .
2. Additional compensation, in excess of the maximum agreed on above, may be increased by amendment to this agreement only when there is sufficient documentation for the increase and approved by USDA Rural Development.

Said fees to be payable in the following manner and at the following times: monthly


SECTION C - OTHER PROVISIONS

1. That upon organization and incorporation the association shall by appropriate resolution adopt and ratify this Agreement, that the association shall be substituted for the individual Owners as a party to this Agreement, and that the Owners as individuals shall thereupon be relieved of all personal liability existing or arising from this Agreement. (N/A)

2. That upon organization and incorporation should the association fail or refuse to adopt and ratify this Agreement by appropriate resolution within N/A days from the date of the commencement of its legal existence, this Agreement shall terminate and

Owners shall be liable to the Attorney for Payment of \$ N/A, which sum represents payment in full for the organization and incorporation of the association for all other legal services rendered to Owners under the terms of this Agreement to the date of said termination.

Attorney:


Philip A. Costello
Phone No: 734-241-8300
Address: 111 S. Macomb Street
Monroe, MI 48161

Owners:

City of Luna Pier
4357 Buckeye Street
Luna Pier MI 48157

USDA RURAL DEVELOPMENT: