



May 12, 2020

Council Meeting of May 19, 2020  
Subject: Construction Agreement with Frontier Communications

The Honorable Mayor  
and  
Members of the City Council

Ladies and Gentlemen:

As part of the FY2021-2022 Seminole Road Reconstruction and Place Plan Project, Frontier Communications will remove their over-head utilities and place them underground along the south side of Seminole Road between Henry Street and Seaway Drive.

An Agreement between the City and Frontier Communication is required for the relocation of such utilities with an upfront payment of \$147,000.

A budget revision of \$147,000 will have to be made in the FY-2021 budget if the Council approves this work.

Adoption of the attached resolution will allow the City to enter into an agreement with Frontier Communications and approve a budget revision from the Local Improvement Fund.

Respectfully submitted,

Mark C. Meyers  
City Administrator

JRM  
Attachment

Administration/City Clerk (231) 798-4391	Assessing Division (231) 799-6806	Building Division (231) 799-6801	Finance/Treasurer (231) 799-6805	Fire Prevention (231) 799-6809	Fire Department (231) 798-2255
Parks/Recreation (231) 799-6802	Planning/Zoning (231) 799-6800	Police Department (231) 733-2691	Public Works (231) 799-6803	Streets Division (231) 798-2156	Water/Sewer (231) 799-6804

RESOLUTION

WHEREAS, an agreement is required for the relocation of Frontier Communications utilities along Seminole Road between Henry Street and Seaway Drive as part of the 2021 and 2022 Seminole Road Reconstruction and Place Plan, and

WHEREAS, authorization is required for the City to enter into such an agreement, and

WHEREAS, a payment of \$147,000 is required at the time of the agreement,

NOW, THEREFORE, BE IT RESOLVED that the City enter an agreement with Frontier Communications to do the construction and relocation work as part of the 2021-2022 Seminole Road Reconstruction and Place Plan Project and a revision to the FY2021 budget of \$147,000 from the Local Improvement Fund is approved.

At a regular meeting of the City Council of the City of Norton Shores, held remotely on the 19<sup>th</sup> day of May 2020, the foregoing resolution was moved for adoption by Council Member. The motion was supported by Council Member.

Ayes:

Nays:

Abstain:

Resolution declared adopted/denied

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Shelly Stibitz, City Clerk



## Internal Memo

May 12, 2020

TO: Gerald Bartoszek, Director of Public Works

FROM: Jim Murphy, City Engineer 

SUBJECT: Relocation of Fiber and Copper Cables on Seminole Road between Henry Street and Seaway Drive, FY2021-2020 Seminole Road Reconstruction and Place Plan Project

As you are aware, part of the FY2021-2022 Seminole Road Reconstruction and Place Plan Project includes sidewalk and street illumination along Seminole Road.

In order to install a sidewalk along the south side of the roadway and clear the clutter of existing wooden utility poles to allow for decorative lighting, an agreement must be entered into between the City and Frontier Communications (owner of the poles along the south side of the road) prior to work being done to relocate the overhead utilities underground. The estimated cost for this work is \$147,000. Payment for this work needs to be paid upfront with the agreement. Attached is a copy of the cover letter and agreement dated April 13, 2020.

In addition, Comcast will relocate their overhead utilities located on the same poles at no cost to the City. There will still be costs for affected Consumers Energy utilities and some power poles remaining on the south side of the road.

The project and budget revision will need to be added in the FY-2021 budget and is proposed to be paid from the Local Improvement Funds. If approved, the work would be done in the summer and fall of 2020.

Originally staff did not consider the removal of the overhead utilities thinking it would be too costly. However, after receiving their price from Frontier as well as considering that Comcast will bury their lines at no cost, staff believes there is great value to the project by the removal of these above-ground utilities.

I would appreciate it if this matter was presented to City Council at their May 19<sup>th</sup> meeting with the request to gain their consent to enter an agreement with Frontier Communications.

JRM



**FRONTIER ENGINEERING**  
**860 Terrace St.**  
**Muskegon, MI 49440**

April 13, 2020

City of Norton Shores  
Attn: Jim Murphy  
4814 Henry St.  
Muskegon, MI 49441

Dear City:

Re: Relocate Fiber and Copper cables on Seminole Rd from Henry to Mona Kai – EST 27196

This is in response to your request for Frontier Communications to relocate facilities from aerial to buried for road project located on Seminole Rd from Henry St to Mona Kai. This quote is with the understanding that Comcast will be removing all their contacts so that poles can be removed and that Frontier Communications can find a pathway on the south side acceptable to the City of Norton Shores.

We have estimated the cost to relocate this section of cable would be \$147,000.00. This signed agreement, along with the full advance payment, must be returned before work will be scheduled.

If you agree to these terms, please sign on page 2 and forward this signed letter of agreement and check for \$147,000.00 made payable to Frontier Communications to the attention of Neil Orłowski at the address listed below. In addition please email a copy of signed letter to me at [david.b.flermoen@ftr.com](mailto:david.b.flermoen@ftr.com).

**Frontier Communications**  
**Attn: Neil Orłowski**  
**14450 Burnhaven Drive**  
**Burnsville, MN 55306**

If you are signing for a company or other entity, then by signing below, you warrant that you are authorized to bind the company or entity to the terms of this letter agreement. Upon receipt of your signed agreement and advance payment, your work order will be released to our Construction Department for scheduling.

Frontier shall not be responsible to the extent its performance is delayed or prevented due to causes beyond its control, including but not limited to acts of God or the public enemy, terrorism, civil commotion, embargo, acts of government, any law order, ordinance, regulation, or requirement of any government, fires, explosions, weather, quarantine, strikes, labor disputes, lockouts, and other causes beyond the reasonable control of Frontier Communications.

Please be advised that the price estimate quoted above is only valid for sixty (60) days from the date of this letter. If this work request is cancelled after you have signed the agreement, you will be billed for any engineering and construction cost incurred after the date of signature that may include the cost to place and/or remove facilities.

If this signed agreement and the advance payment is not received within this sixty (60) day period, we will assume you do not want the work to be undertaken and the project will be cancelled.

Should you have any questions or concerns regarding these terms, please contact me at 231-727-1319.

Sincerely,

***Dave Flermoen***

Dave Flermoen  
Specialist – OSP Engineer  
Frontier Communications  
860 Terrace St.  
Muskegon, MI 49440  
231-727-1319 (o)

***Robin Williams***

Robin Williams  
Manager, Network Operations  
Frontier Communications  
3249 Forest Rd  
Gaylord, MI 49735  
989-732-8503 (o)  
517-230-1226 (c)

**I agree to the terms of this agreement:**

**Accepted (Signature):** \_\_\_\_\_

**Name & Title (Print):** \_\_\_\_\_

**Company:** \_\_\_\_\_

**Billing Address:** \_\_\_\_\_

**Telephone #:** \_\_\_\_\_

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