

Minutes of March 3, 2009
Mayor and Board of Aldermen

Be it remembered that a regular meeting of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, was begun and held at the Long Beach School District Central Office, 19148 Commission Road, in said City at 6:00 p.m. it being the first Tuesday in March, 2009, and the same being the time, date and place fixed by Laws of Mississippi and Ordinance of the City of Long Beach for holding said meeting.

There were present and in attendance on said Board and at the meeting the following named persons: Mayor William Skellie, Jr., Aldermen Allen D. Holder, Jr., Charles Boggs, Richard Notter, Richard Burton, Joseph McNary, Carolyn Anderson, City Clerk Rebecca E. Schruuff and City Attorney James C. Simpson, Jr.

Alderman Mark Lishen was absent the meeting.

There being a quorum present sufficient to transact the business of the City, the following proceedings were had and done.

The meeting was called to order and there came on for consideration a report from the Selection Committee, Request for Proposals, Professional Management - Operation and Maintenance of the City's Public Works Department and Water and Sewer Utility Billing.

On behalf of the selection committee, Alderman Boggs reported that the committee met Friday, February 27, 2009, at 4:00 p.m. in City Hall as authorized by the Mayor and Board of Aldermen at a regular meeting duly held and convened on January 20, 2009. Due to a court order in the Bill of Exceptions entitled Utility Partners, LLC, versus the City of Long Beach, the court has ordered additional briefing on this issue of the settlement agreement. The court also extended the deadline for consideration of a new contract until April 6, 2009. Three (3) sealed proposals were timely filed by Utility Partners, LLC; Artesian Utilities Management, Inc.; and Southwest Water Company a/k/a Operations Technologies, Inc., and were committed to the Clerk of the City for safekeeping in a sealed condition to be opened on April 6, 2009, unless otherwise instructed by the court.

No official action was required or taken at this time.

There came on for consideration a letter with attachment from City Engineer David Ball, as follows:

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A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS

520 33RD STREET, GULFPORT, MS 39507
P.O. BOX 1677, GULFPORT, MS 39502

TEL (228) 863-0667
FAX (228) 863-5232



February 27, 2009

City of Long Beach
P.O. Box 929
Long Beach, MS 39560

**RE: Award of Contract
Paving Repairs
Long Beach Smallcraft Harbor – Phase VI**

Gentlemen:

The City received and opened bids for this project on Tuesday, February 3, 2009, and a Certified Tabulation of Bids is enclosed. The low bidder was Bond Paving Company with a price of \$268,857.81. Bond Paving is a local paving firm with a good reputation, so we see no issue with their bid and expect no problem with their performance of the work.

MEMA personnel have reviewed the Bid and have found no issues with it presently. We are therefore pleased to recommend that the City award the referenced contract to Bond Paving in the amount of \$268,857.81, with work to begin as soon as contracts are signed and bonds and insurance are in place.

Sincerely,

David Ball, P.E.

DB:1775-VI
Enclosure

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TABULATION OF BIDS CITY OF LONG BEACH LONG BEACH SMALLCRAFT HARBOR PAVING REPAIRS		February 3, 2009									
CONTRACTORS BIDDING:											
Certificate of Responsibility No.?											
Acknowledgement of Addendum No. 1?											
Acknowledgement of Addendum No. 2?											
Debarment/Non-Collusion Certification?											
Bid Bond?											
		Bond Paving Co., Inc.		Land Shaper, Inc.		Superior Asphalt, Inc.		SCI, Inc. (GeoPave)		Huey Stockstill, Inc.	
		01621-MC		05188		08457		04939		02764	
		Yes		Yes		Yes		Yes		Yes	
		Yes		Yes		Yes		Yes		Yes	
		Cashiers Check		Yes		Yes		Yes		Yes	
		Yes		Yes		Yes		Yes		Yes	
ITEM	PLAN QUANTITY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
400-A REMOVAL OF PAVEMENT	6,045 S.Y.	\$8.00	\$48,360.00	\$8.25	\$37,761.25	\$8.00	\$39,270.00	\$8.00	\$48,360.00	\$8.00	\$48,360.00
401-A SELECT SANDY BACKFILL	510 C.Y.	\$14.00	\$7,140.00	\$15.00	\$7,650.00	\$19.50	\$9,945.00	\$20.00	\$10,200.00	\$50.00	\$25,500.00
401-B CLAY GRAVEL BACKFILL	128 C.Y.	\$14.00	\$1,792.00	\$22.00	\$2,816.00	\$31.00	\$3,968.00	\$30.00	\$3,840.00	\$58.00	\$7,464.00
401-C 6" LIMESTONE ROAD BASE RESTORATION	6,045 S.Y.	\$8.50	\$51,382.50	\$12.00	\$72,540.00	\$13.75	\$83,118.75	\$15.00	\$90,675.00	\$13.00	\$78,585.00
401-D 4" HOT BITUMINOUS SURFACE COURSE (12.5 MM MIX)	6,045 S.Y.	\$19.75	\$119,388.75	\$16.50	\$99,742.50	\$24.00	\$144,580.00	\$20.50	\$123,922.50	\$23.00	\$139,035.00
401-E PARKING BUMPER	145 EA.	\$40.00	\$5,800.00	\$40.00	\$5,800.00	\$48.00	\$6,960.00	\$55.00	\$7,972.50	\$130.00	\$18,855.00
402-A TRAFFIC STRIPING	3,036 L.F.	\$1.00	\$3,036.00	\$1.00	\$3,036.00	\$0.75	\$2,277.00	\$1.20	\$3,643.20	\$0.90	\$2,732.40
403-A CHAIN LINK FENCE	1 L.S.	\$10,000.00	\$10,000.00	\$7,955.00	\$7,955.00	\$8,700.00	\$8,700.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
403-B GUARD RAIL	1 L.S.	\$10,000.00	\$10,000.00	\$12,500.00	\$12,500.00	\$7,800.00	\$7,800.00	\$12,500.00	\$12,500.00	\$6,500.00	\$6,500.00
500-A MAINTENANCE OF TRAFFIC	1 L.S.	\$11,958.58	\$11,958.58	\$19,337.25	\$19,337.25	\$4,000.00	\$4,000.00	\$19,000.00	\$19,000.00	\$48,250.00	\$48,250.00
TOTAL BID			\$268,857.81		\$269,158.00		\$308,118.75		\$330,115.70		\$385,980.40



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT TABULATION OF BIDS.

M. Scott Burge
M. Scott Burge, P.E.
Cert. No. 9550
February 4, 2009

Based upon the recommendation of Mr. Ball, Alderman Notter made motion seconded by Alderman Anderson and unanimously carried to award the contract, Paving Repairs, Long Beach Smallcraft Harbor – Phase IV, to the lowest and best bidder, Bond Paving Company, Inc., all as set forth above.

Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to suspend the rules and amend the Municipal Docket to include the following:

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Item IX.1.b. APPROVE DOCKET OF CLAIMS NUMBER(S); 030309; Approve Payment of Invoice as Submitted by Utility Partners, LLC.

The Mayor opened the floor for public comments, as follows:

PUBLIC COMMENTS PERTAINING TO MATTERS ON THE AGENDA ONLY			
NOTE: All comments <u>shall</u> be directed to the Chairman (Mayor).			
Comments of a personnel nature regarding individual members of the Governing Authority (Mayor and Board of Aldermen), City Staff and/or Personnel, disruptive comments or improper actions <u>will not</u> be permitted.			
Public Comments will be limited to a total of ten (10) minutes and limited to a maximum of two (2) minutes per person.			
Except as otherwise directed by the Chairman (Mayor), Public Comments will not be permitted before or after the allotted time. Disruption of the regular business meeting will be cause for removal from the public meeting.			
	NAME / ADDRESS / TELEPHONE	AGENDA ITEM NO.	AGENDA ITEM SUBJECT MATTER
1	Dave Reel 985-8788-0536 125 Marathon	IX.1.b	MEMA Resolution
2			
3			
4			
5			
6			
7			
8			
9			
10			

City of Long Beach, Mississippi
Mayor and Board of Aldermen Meeting
Date: _____

Alderman Notter made motion seconded by Alderman Anderson and unanimously carried to approve the regular meeting minutes of the Mayor and Board of Aldermen dated February 17, 2009, as submitted.

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Alderman Holder made motion seconded by Alderman Anderson and unanimously carried to approve the February 26, 2009, Planning Commission minutes, as submitted.

Upon clarification regarding boat trailer parking and vehicle/non-boat trailer parking, Alderman Notter made motion seconded by Alderman Anderson and unanimously carried to approve the regular meeting minutes of the Port Commission dated February 19, 2009, as submitted.

* * * * *

Upon clarification of insurance requirements for boat owners in the Long Beach Harbor, Alderman Holder made motion seconded by Alderman Notter and unanimously carried to approve the special meeting minutes of the Port Commission dated March 2, 2009, as submitted.

Alderman McNary made motion seconded by Alderman Notter and unanimously carried to approve the January 19, 2009, Recreation Board minutes, as submitted.

* * * * *

After considerable discussion, Alderman Holder made motion seconded by Alderman McNary and unanimously carried to approve the February 2, 2009, Recreation Board minutes, as submitted.

It was noted for the record that the elementary dance to raise funds for the Cheerleading Association appears to be a league activity and requested that more specific information be provided when differentiating between league and non-league activities in the future.

Alderman McNary made motion seconded by Alderman Holder and unanimously carried to approve payment of invoices as listed in Docket of Claims number 030309 inclusive of Application for Payment Number 011 as submitted by Flagstar Construction Company, Inc., Senior Citizen and Recreation Facility, in the amount of \$380,044.80; and invoice number 030109 as submitted by Utility Partners, LLC, in the amount of \$63,921.26.

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The Mayor reported that Peoria, Arizona, would like to donate a mobile command unit to the Police Department.

Upon discussion, Alderman McNary made motion seconded by Alderman Notter and unanimously carried to accept said donation, expressing appreciation to the City of Peoria for their generosity.

Alderman Boggs made motion seconded by Alderman McNary and unanimously carried to extend the Proclamation of Civil Emergency – Hurricane Katrina and Hurricane Gustav, to protect and preserve the public health and safety of the community.

There came on for consideration the Fire Station #2 Improved Project and a letter with attachments from David Vicknair, Project Manager, Broaddus and Associates, as follows:

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Mayor and Board of Aldermen



February 25, 2009

Honorable William Skellie
Board of Aldermen

RE: **Resolution to approve Fire Station #2 as an "Improved Project" to satisfy FEMA requirements**

Mayor and Board of Aldermen,

Per local FEMA requirements, The City Aldermen is required to approve the Fire Station #2 Project as an "Improved Project". This approval by the Aldermen recognizes the New Fire Station #2 project as an "Improvement" from the Pre-Katrina facility.

As you are aware, the proposed Improved 11,500 SF facility will be built on East First Street. The new two story, two bay Facility will consist of reinforced concrete masonry unit (CMU) walls with the western portion of the building (living quarters, kitchen, etc.) hardened to meet FEMA 361 standards for Community Safe Rooms and the eastern portion of the building (apparatus bays) being upgraded under a "wind retro-fit" FEMA 404 project. Additionally, a CDBG Grant has been awarded to the City of Long Beach to improve and enlarge the facility. Both the east and west portions of the new facility will utilize FEMA 404 funds for the 361 Community Safe Room and Wind Retro-Fit.

The foundation system for the entire building will be a slab on grade with reinforced concrete grade beams and footings. The exterior walls will be brick veneer with CMU backup. A metal low-slope roof will be provided above the Apparatus Bays and a concrete roof will be provided above the hardened Safe Room. The interior partitions will consist of gypsum board assemblies and CMU walls; typical wall and ceiling finishes will be provided throughout. The floor of the apparatus bays will be sealed concrete and the remaining interior areas will be finished with tile and carpeting. The new facility's ground floor will have a lobby, front office, dayroom, kitchen, dining room, weight room, single restroom, miscellaneous storage, and two apparatus bays. The ground floor will also house the emergency backup systems for the building in a protected enclosure. The second floor will consist of a lieutenant's office and sleeping quarters, 8 individual sleeping quarters, a community restroom, a laundry room, a training room, and storage space. The facility will meet and exceed IBC 2003 standards and the Finished Floor Elevation will be at approximately 26'-0" above MSL, well above the 500 year elevation requirement for critical facilities. Construction documents, when available, will be submitted for your further reference.

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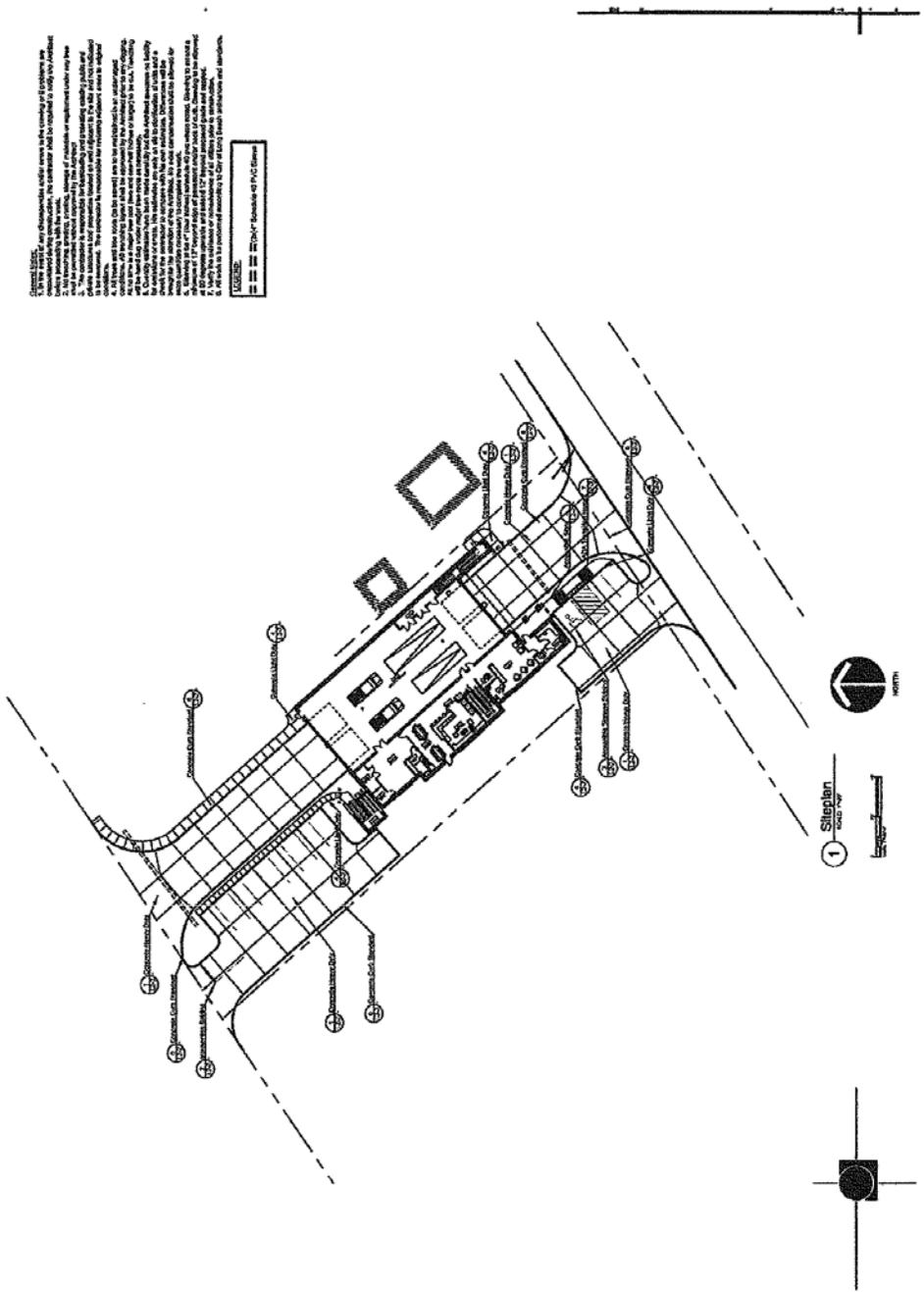
Please refer to included documents; a rendering, site plan, and floor plans. We respectfully request passing this resolution in order to complete the FEMA process.

Best Regards,

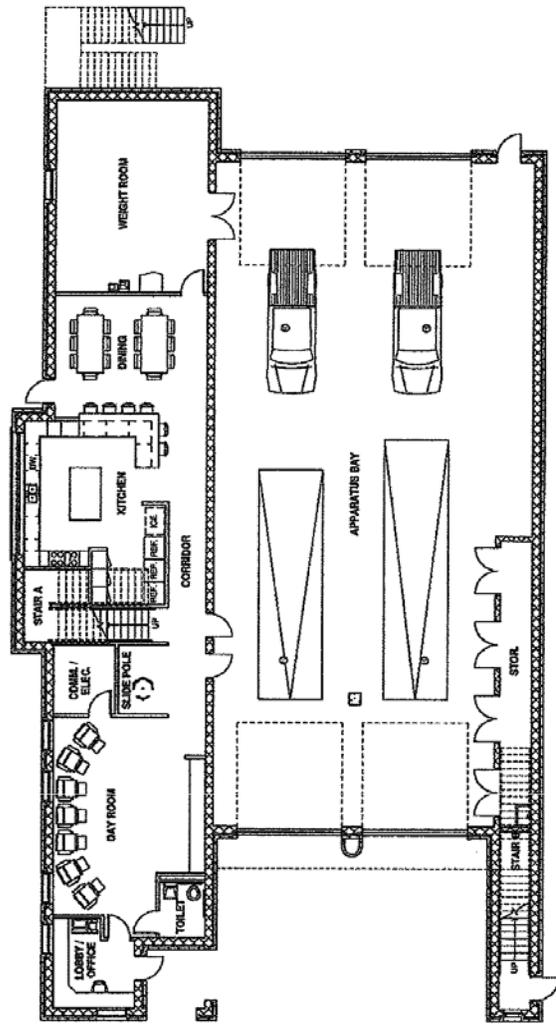


**David A Vicknair
Broaddus and Associates**

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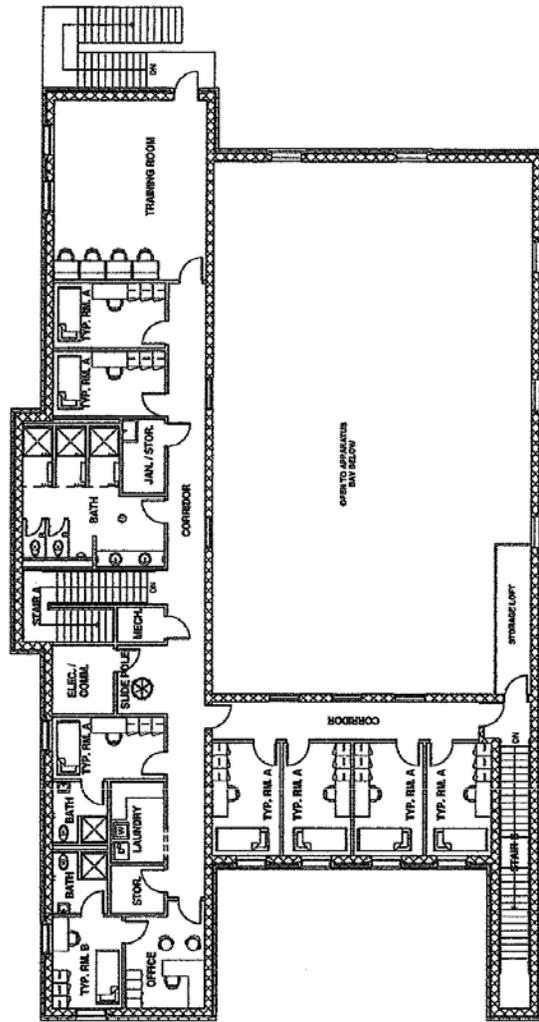


LONG BEACH NEW FIRE STATION NO. 2

GROUND FLOOR PLAN



**Minutes of March 3, 2009
Mayor and Board of Aldermen**



**LONG BEACH NEW FIRE STATION NO. 2
SECOND FLOOR PLAN**

0' 4' 8' 16' 32'



Upon discussion, Alderman Holder made motion seconded by Alderman Notter to adopt by order, approval of the above and foregoing documents, establishing for the record that the New Fire Station #2 Project is an "Improvement" from the Pre-Katrina facilities of Fire Station #2.

The question being put to a roll call vote by the Mayor, the result was as follows:

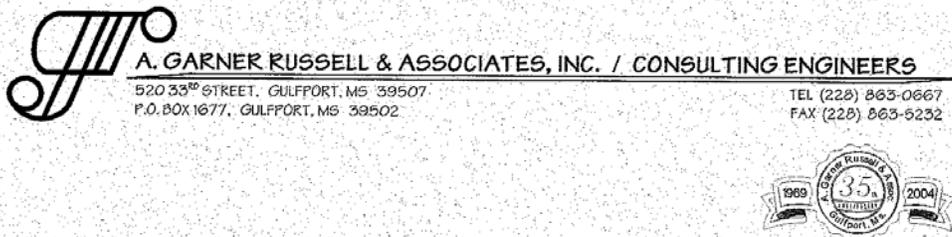
Alderman Richard Notter	voted	Aye
Alderman Richard Burton	voted	Aye
Alderman Charles Boggs	voted	Aye

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Alderman Carolyn Anderson	voted	Aye
Alderman Allen D. Holder, Jr.	voted	Aye
Alderman Mark Lishen	voted	Absent, Not Voting
Alderman Joseph McNary	voted	Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried.

There came on for consideration a letter with attachments from City Engineer David Ball, as follows:



February 26, 2009

City of Long Beach
P.O. Box 929
Long Beach, MS 39560

**RE: Bulkhead Tie-Back Repairs Long Beach Harbor
Final Acceptance – Parnell Construction of Jackson Co., MS., LLC**

Ladies and Gentlemen:

This is to advise and certify that the above referenced contract has been satisfactorily completed in substantial conformance with the contract requirements. We therefore now recommend final settlement with the contractor, in accordance with the following documents:

1. Change Order Number 1 (Final), adjusting the contract quantities to conform to the completed work, for a net contract amount increase of \$29,010.00. The final amount of the contract is \$136,110.00.
2. Application for Payment Number 4 (Final), in the amount of \$6,805.50, bringing the total of all payments to the full contract amount. This should be submitted for payment on the next docket of claims.
3. Consent of Surety to Final Payment.
4. Contractor's Affidavit of Payment of Debts and Claims and Release of Liens.
5. Certificate of Substantial Completion.

Sincerely,

David Ball, P.E.

DB: 1814-I
Enclosures

**Minutes of March 3, 2009
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CHANGE ORDER

No. 1 (Final and Summary)

Dated 11/18/2008

Owner's Project No. _____ Engineer's Project No. 1814-I

Project Bulkhead Tie-back Repairs Long Beach Small Craft Harbor

Owner City of Long Beach

Contractor Parnell Construction of Jackson County Contract Date 7/30/2008

Contract For Entire Project

To: Parnell Construction of Jackson County Contractor:

You are directed to make the changes noted below in the subject contract:

Owner City of Long Beach

By *William Kelbe*

Date 1-20-09

Nature of the Change

1. Adjust Contract Price for limestone road base restoration because of increased quantity.
2. Adjust Contract Quantities to conform with completed construction.

Enclosures:

The changes result in the following adjustment of Contract Price and Contract Time:

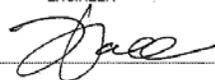
Original Contract Price	<u>\$ 107,100.00</u>
Contract Price Prior to This Change Order	<u>\$ 107,100.00</u>
Net (Increase) (Decrease) Resulting from this Change Order	<u>\$ 29,010.00</u>
Current Contract Price Including This Change Order	<u>\$ 136,110.00</u>

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Contract Time Prior to This Change Order _____ 0 _____ Calendar Days.
Net (Increase) (Decrease) Resulting From This Change Order _____ 0 _____ Calendar Days.
Current Contract Time Including This Change Order _____ 90 _____ Calendar Days.

The Above Changes Are Approved:

A. Garner Russell & Associates, Inc.
ENGINEER

by _____ 

Date _____ 12/2/08 _____

The Above Changes Are Accepted:

Parnell Construction of Jackson County
CONTRACTOR

by _____ 

Date _____ 12-16-08 _____

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ATTACHMENT TO CHANGE ORDER NO. 1

ITEM NO	DESCRIPTION	CURRENT CONTRACT QUANTITY	UNIT PRICE	CURRENT CONTRACT EXTENSION	QUANTITY THIS C.O.	EXTENSION THIS C.O.	QUANTITY TO DATE	EXTENSION TO DATE
402-A	STEEL REINFORCING BAR	500 L.F.	\$ 25.00	\$ 12,500.00	160	\$ 3,750.00	660	\$ 16,250.00
402-B	BUJ KHEAD CONNECTION REPAIR	35 EA	\$ 360.00	\$ 12,250.00	-4	\$ (1,400.00)	31	\$ 10,850.00
402-C	EXISTING BAR REPAIR	35 EA	\$ 625.00	\$ 18,375.00	13	\$ 6,825.00	48	\$ 25,200.00
402-D	TIEBACK ANCHOR REPAIR - TYPE A	15 EA	\$ 375.00	\$ 5,625.00	-7	\$ (2,625.00)	8	\$ 3,000.00
402-E	TIEBACK ANCHOR REPAIR - TYPE B	15 EA	\$ 850.00	\$ 12,750.00	-1	\$ (850.00)	14	\$ 11,900.00
402-F	SELECT SANDY BACKFILL	300 CY	\$ 15.00	\$ 4,500.00	-100	\$ (1,500.00)	200	\$ 3,000.00
402-G	LIMESTONE ROAD BASE RESTORATION	300 SY	\$ 33.00	\$ 9,900.00	-300	\$ (9,900.00)	0	\$ -
402-H	CONCRETE SIDEWALK	300 SY	\$ 84.00	\$ 25,200.00		\$ -	300	\$ 25,200.00
402-I	MOBILIZATION	1 LS	\$ 5,000.00	\$ 5,000.00		\$ -	1	\$ 5,000.00
402-J	TESTING	1 LS	\$ 1,000.00	\$ 1,000.00		\$ -	1	\$ 1,000.00
CO1-1	LIMESTONE ROAD BASE RESTORATION	0 CY	\$ 30.00	\$ -	1157	\$ 34,710.00	1157	\$ 34,710.00
	PROJECT TOTALS			\$ 107,100.00		\$ 29,010.00		\$ 136,110.00

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APPLICATION FOR PAYMENT NO. 4 FINAL

To: City of Long Beach (OWNER)
 Contract for Bulkhead Tieback Repairs Long Beach Harbor Dated: 07/30/08

OWNER'S Project No. _____ ENGINEER'S Project No. 1814-I
 For Work accomplished through the date of: 1/20/2009

ITEM	CONTRACTOR'S Schedule of Values			Work Completed	
	Unit Price	Quantity	Amount	Quantity	Amount
COMPLETED WORK					\$ 136,110.00
STORED MATERIALS					\$0.00
TOTAL					\$136,110.00
(Orig. Contract)	\$107,100.00				
C. O. No. 1	\$29,010.00				

Accompanying Documentation:	GROSS AMOUNT DUE.....	\$ 136,110.00
_____	LESS 0% RETAINAGE.....	\$ _____
_____	AMOUNT DUE TO DATE.....	\$ 136,110.00
_____	LESS PREVIOUS PAYMENTS.....	\$ 129,304.50
_____	AMOUNT DUE THIS APPLICATION.....	\$ 6,805.50

CONTRACTOR'S Certification:
 The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment numbered 1 thru 3 inclusive; and (2) title to all materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interests and encumbrances (except such as

Dated _____, 20____ PARNELL CONSTRUCTION OF JACKSON CO, MS, LLC
 CONTRACTOR
 By: 

ENGINEER'S Recommendation:
 This Application (with accompanying documentation) meets the requirements of the Contract Documents and payment of the above AMOUNT DUE THIS APPLICATION is recommended.
 Dated 1/20, 2009 A. GARNER RUSSELL & ASSOCIATES, INC.
 ENGINEER
 By: 

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PAY ESTIMATE NO. 4 Final

ITEM	PLAN QUANTITY	UNIT PRICE	EXTENSION	PREVIOUS QUANTITY	PREVIOUS EXTENSION	CURRENT QUANTITY	CURRENT EXTENSION	QUANTITY TO DATE	EXTENSION TO DATE
402-A STEEL REINFORCING BAR	650 L.F.	\$25.00	\$16,250.00	650	\$16,250.00	0	\$0	650	\$16,250.00
402-B BULKHEAD CONNECTION REPAIR	31 EA	\$350.00	\$10,850.00	31	\$10,850.00	0	\$0	31	\$10,850.00
402-C EXISTING BAR REPAIR	48 EA	\$525.00	\$25,200.00	48	\$25,200.00	0	\$0	48	\$25,200.00
402-D TIEBACK ANCHOR REPAIR - TYPE A	8 EA	\$375.00	\$3,000.00	8	\$3,000.00	0	\$0	8	\$3,000.00
402-E TIEBACK ANCHOR REPAIR - TYPE B	14 EA	\$850.00	\$11,900.00	14	\$11,900.00	0	\$0	14	\$11,900.00
402-F SELECT SANDY BACKFILL	200 C.Y.	\$15.00	\$3,000.00	200	\$3,000.00	0	\$0	200	\$3,000.00
402-G LIMESTONE ROAD BASE RESTORATION	0 S.Y.	\$33.00	\$0.00	0	\$0.00	0	\$0	0	\$0.00
402-H CONCRETE SIDEWALK	300 S.Y.	\$84.00	\$25,200.00	300	\$25,200.00	0	\$0	300	\$25,200.00
402-I MOBILIZATION	1 L.S.	\$5,000.00	\$5,000.00	100%	\$5,000.00	0%	\$0	100%	\$5,000.00
402-J TESTING	1 L.S.	\$1,000.00	\$1,000.00	1	\$1,000.00	0	\$0	1	\$1,000.00
CO-1-1 LIMESTONE ROAD BASE RESTORATION	1,157 CY	\$30.00	\$34,710.00	1,157	\$34,710.00	0	\$0	1,157	\$34,710.00
TOTAL			\$136,110.00		\$136,110.00		\$0		\$136,110.00

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**Consent of Surety
to Final Payment**

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

AIA DOCUMENT G707

Bond No. 70547446

TO OWNER:
(Name and address)

City of Long Beach
645 Klondyke Rd., Long Beach, MS 39560

ARCHITECT'S PROJECT NO.:

CONTRACT FOR:
Bulkhead Tieback Repairs Long Beach
Smallcraft Harbor

PROJECT:
(Name and address)

Long Beach Smallcraft Harbor

CONTRACT DATED:

In accordance with the provisions of the Contract between the Owner and the Contractor as included above, the
Western Surety Company, 101 South Phillips Avenue, Sioux Falls, SD 57104-6703
(Insert name and address of Surety)

SURETY, on bond of Parnell Construction Co. of Jackson County, MS, LLC
(Insert name and address of Contractor)

19200 Hwy. 57, Vancleave, MS 39565, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the

Surety of any of its obligations to City of Long Beach
(Insert name and address of Owner)

645 Klondyke Rd., Long Beach, MS 39560, OWNER,
as set forth in the said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: December 8, 2008
(Insert in writing the month followed by the numeric date and year.)

Attest:
(Seal):

By *Alina B. Miller*
Appointed Agent of Surety

Western Surety Company

(Surety)
J. Cavanaugh
(Signature of authorized representative)

J. Cavanaugh, Ass't. Sec.

(Printed name and title) Attorney-in-Fact

M. Feiock M. Feiock, Ass't. Sec.

Printed in cooperation with the American Institute of Architects (AIA) by the CNA Insurance Companies.
The language in this document conforms exactly to the language used in AIA Document G707 - Consent of Surety Company to Final Payment - 1994 Edition.

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ACKNOWLEDGMENT OF SURETY
(Corporate Officer)

STATE OF SOUTH DAKOTA }
County of Minnehaha } ss

On this 8th day of December, 2008, before me, a Notary Public in

and for said County, personally appeared _____
personally known to me, who being by me duly sworn, did say that he is the aforesaid officer of WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that the said instrument was signed, sealed and executed on behalf of said corporation by authority of its Board of Directors, and further acknowledge that the said instrument and the execution thereof to be the voluntary act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

My commission expires
C. ANKENY
My Commission Expires 4-10-2011

C Ankeny
Notary Public

Form 103-12-98

Western Surety Company

POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 70547446

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint J. Cavanaugh

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: Parnell Construction Co. of Jackson County, MS, LLC

Obligee: City of Long Beach

Amount: \$500,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Senior Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

All authority hereby conferred shall expire and terminate, without notice, unless used before midnight of January 8, 2008, but until such time shall be irrevocable and in full force and effect.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its Senior Vice President, Paul T. Bruflat, and its corporate seal to be affixed this 8th day of December, 2008

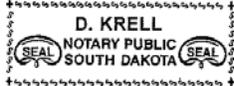


WESTERN SURETY COMPANY

Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 8th day of December, in the year 2008, before me, a notary public, personally appeared Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



D. Krell
Notary Public - South Dakota

My Commission Expires November 30, 2012

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 8th day of December, 2008

WESTERN SURETY COMPANY

Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

Form F5306-9-2006

**Minutes of March 3, 2009
Mayor and Board of Aldermen**

CONTRACTOR'S AFFIDAVIT OF
PAYMENT OF DEBTS AND CLAIMS
AND WAIVER OF LIENS

=====

TO: (Owner)		ENGINEER'S PROJECT NO. 1814-1
<u>City of Long Beach</u>		
<u>P.O. Box 929</u>	CONTRACT FOR:	<u>Entire Project</u>
<u>Long Beach, MS 39560</u>	CONTRACT DATE:	<u>7/30/2008</u>

PROJECT: Bulkhead Tie-back Repairs Long Beach Small Craft Harbor

=====

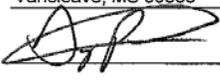
State of: Mississippi
County of: Harrison

The undersigned, pursuant to Article 14 of the General Conditions, hereby certifies that, except as listed below, he has paid in full or has otherwise satisfied all obligations for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or his property might be held responsible.

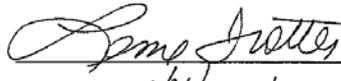
EXCEPTIONS: (If none, write "None". If required by Owner, the Contractor shall furnish bond satisfactory to Owner for each exception.)

=====

CONTRACTOR: Parnell Construction of Jackson County
(Address) 19200 Hwy 57
Vancleave, MS 39565

BY: 

Subscribed and sworn to before me this 17th day of February, 2009.

Notary Public: 
My Commission Expires: 1/21/2011

**Minutes of March 3, 2009
Mayor and Board of Aldermen**

CERTIFICATE OF SUBSTANTIAL COMPLETION

City of Long Beach
PROJECT Long Beach Smallcraft Harbor - Bulkhead Tieback Repairs

DATE OF ISSUANCE October 31, 2008

OWNER City of Long Beach

OWNER'S Contract No. _____

CONTRACTOR Parnell Construction Co. of Jackson County ENGINEER A. Garner Russell & Associates, Inc.

This Certificate of Substantial Completion applies to all Work under the Contract Documents or to the following specified parts thereof:

Entire Project

TO City of Long Beach
OWNER

And To Parnell Construction Company of Jackson County
CONTRACTOR

The Work to which this Certificate applies has been inspected by authorized representatives of OWNER, CONTRACTOR and ENGINEER, and that Work is hereby declared to be substantially complete in accordance with the Contract Documents on

October 31, 2008
DATE OF SUBSTANTIAL COMPLETION

A tentative list of items to be completed or corrected is attached hereto. This list may not be all-inclusive, and the failure to include an item in it does not alter the responsibility of CONTRACTOR to complete all the Work in accordance with the Contract Documents. The items in the tentative list shall be completed or corrected by CONTRACTOR within 30 days of the above date of Substantial Completion.

EJDC No. 1910-8-D (1990 Edition)
Prepared by the Engineers Joint Contract Documents Committee and endorsed by the Associated General Contractors of America.

**Minutes of March 3, 2009
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From the date of Substantial Completion the responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties and guarantees shall be as follows:

RESPONSIBILITIES:

OWNER: Assume normal operation of project, subject to Contractor's one-year warranty.

CONTRACTOR: Complete Attachment "A"

The following documents are attached to and made a part of this Certificate:

Punchlist

[For items to be attached see definition of Substantial Completion as supplemented and other specifically noted conditions precedent to achieving Substantial Completion as required by Contract Documents.]

This certificate does not constitute an acceptance of Work not in accordance with the Contract Documents nor is it a release of CONTRACTOR's obligation to complete the Work in accordance with the Contract Documents.

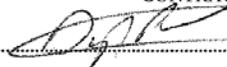
Executed by ENGINEER on 11/19, 09

A. Garner Russell & Associates, Inc.
ENGINEER

By: 
(Authorized Signature)

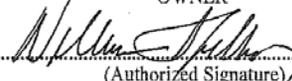
CONTRACTOR accepts this Certificate of Substantial Completion on _____

Parnell Construction Company of Jackson County
CONTRACTOR

By: 

OWNER accepts this Certificate of Substantial Completion on _____

City of Long Beach
OWNER

By: 
(Authorized Signature)

**Minutes of March 3, 2009
Mayor and Board of Aldermen**

**10-31-08
Long Beach Harbor Tie-back repairs
Punch list**

General

1. Remove all excess materials
 - Limestone
 - Sand
 - Asphalt
2. Remove all old tie-backs, wire fabric etc...
3. Adjust grade and pour concrete around meter box near pier 1.

Based upon the recommendation of Mr. Ball, Alderman McNary made motion seconded by Alderman Notter and unanimously carried to approve Bulkhead Tie-Back Repairs Final Acceptance – Parnell Construction of Jackson County, Mississippi, LLC, as set forth above.

A Local Governmental Resolution was adopted, as follows:

**Minutes of March 3, 2009
Mayor and Board of Aldermen**

LOCAL GOVERNMENTAL RESOLUTION

(To be completed and attached
to SCHEDULE D, "Agreement of
Understanding and Compliance.")

WHEREAS, the City of Long Beach Police Department herein called the "Applicant" has thoroughly considered the problem addressed in the application entitled Occupant Protection Grant and has reviewed the project described in the application; and

WHEREAS, under the terms of Public Law 89-564 as amended, the United States of America has authorized the Department of Transportation, through the Mississippi Office of Highway Safety to make federal contracts to assist local governments in the improvement of highway safety,

NOW THEREFORE BE IT RESOLVED BY THE City of Long beach - Alderman and Mayor
IN OPEN MEETING ASSEMBLED IN THE CITY OF Long Beach, MISSISSIPPI,

THIS 3RD DAY OF MARCH, 2009 AS FOLLOWS:

1. That the project above is in the best interest of the Applicant and the general public.
2. That the Long Beach Police Department be authorized to file, in behalf of the applicant an application in the form prescribed by the Office of Highway Safety for federal funding in the amount of \$10,000.00 to be made to the Applicant defraying the cost of the project described in the application.
3. That the Applicant has formally agreed to provide a cash and/or in-kind contribution of \$0.00 as required by the project.
4. That the Project Director designated in the application form shall furnish or make arrangements for appropriate persons to furnish such information data, documents and reports pertaining to the project, if approved, as may be required by the Office of Highway Safety.
5. That certified copies of this resolution be included as part of the application referenced above.
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED IN OPEN MEETING BY: William Skelton

(CHAIRMAN/MAYOR)

Commissioner/Councilman ANDERSON offered the foregoing resolution and moved its adoption, which was seconded by Commissioner/Councilman NOTTER and, was duly adopted.

Date: March 3, 2009
Attest: [Signature]
By: City Clerk

SEAL

Minutes of March 3, 2009
Mayor and Board of Aldermen

Adoption of the Harrison County Multi-Jurisdictional Hazard Mitigation Plan was taken under advisement until such time as the entire document is provided to the Mayor and Board of Aldermen for review.

Based upon information provided by Derrel Wilson, Project Manager, Utility Partners, LLC, Alderman Holder made motion seconded by Alderman Notter and unanimously carried to approve painting crosswalks on Cleveland Avenue, at the corner of East Old Pass Road, (1) north and south and (1) east and west; and (1) mid-block by the football practice field and the stadium, with one sign, at a cost of approximately \$500.00.

The zone change ordinance, 28th Street PUD – Katrina Cottage Village, was held in abeyance for further consideration at the next regular meeting, March 17, 2009.

There came on for consideration by the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi the matter of requesting the Mississippi Emergency Management Agency to extend and continue the Katrina Cottage Program within the City of Long Beach for an additional twelve months. After a discussion of the subject, Alderman Holder offered and moved the adoption of the following resolution and order:

A RESOLUTION OF THE CITY OF LONG BEACH URGING THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY TO EXTEND THE KATRINA COTTAGE PROGRAM FOR AN ADDITIONAL TWELVE MONTHS FROM MARCH 31, 2009 IN ORDER TO ALLOW ADDITIONAL TIME FOR RESIDENTS TO LOCATE AND OBTAIN ALTERNATE HOUSING, AND FOR THE CITY TO CONSIDER, DEVELOP AND ADOPT ORDINANCES REGARDING THE CONTINUED USE, OCCUPATION AND LOCATION OF SAME WITHIN THE CITY OF LONG BEACH, AND FOR OTHER PURPOSES.

WHEREAS, in the wake of Hurricane Katrina, the worst natural disaster to ever strike the United States, a housing crisis occurred in the City of Long Beach and throughout Harrison County, with many thousands of homes destroyed and residents being left without places to live; and

WHEREAS, in response to such crisis and in conjunction with the Federal Government, the Mississippi Emergency Management Agency adopted and

Minutes of March 3, 2009
Mayor and Board of Aldermen

implemented a Katrina Cottage Program by and through which residents were provided Katrina Cottages as shelter for themselves and their families during this time of crisis; and

WHEREAS, due to a variety of compelling reasons and circumstances many residents remain residents of Katrina Cottages in the City of Long Beach and have not yet been able to locate or obtain alternate housing for themselves or their families; and

WHEREAS, the City of Long Beach has not yet been able to adopt ordinances or regulations by or through which Katrina Cottages could be purchased, retained and located within designated areas of the City; and

WHEREAS, the MEMA Katrina Cottage program expires on March 31, 2009, at which time residents of Katrina Cottages remaining in Long Beach will be placed in dire and necessitous circumstances, being forced to vacate their homes without alternate available living quarters, and such residents are in need of additional time to locate and obtain such living quarters; and

WHEREAS, it is the sincere wish and desire of the Governing Authorities of the City of Long Beach that the Mississippi Emergency Management Agency consider such dire and necessitous circumstance and extend its March 31, 2009 expiration date for the Katrina Cottage program to March 31, 2010, in order to allow additional time to residents find alternative housing and to afford the City additional time to develop and adopt ordinances and regulations governing and providing for the location and retention of Katrina Cottages in designated areas within the City.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Mississippi Emergency Management Agency is urged and implored to extend its March 31, 2009 expiration deadline on the Katrina Cottage Program to and until March 31, 2010 in order to allow to residents to locate and obtain alternate housing, and to afford the City additional time to develop and adopt ordinances and regulations governing and providing for the location and retention of Katrina Cottages in designated areas within the City.

Alderman Notter seconded the motion to adopt the foregoing resolution and, the question being put to a roll call vote, the result was as follows:

Alderman Richard Notter

Voted Aye

Alderman Richard Burton

Voted Aye

**Minutes of March 3, 2009
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Alderman Charles A. Boggs	Voted <u>Aye</u>
Alderman Carolyn Anderson	Voted <u>Aye</u>
Alderman Allen D. Holder, Jr.	Voted <u>Aye</u>
Alderman Mark Lishen	Voted <u>Absent, Not Voting</u>
Alderman Joseph McNary	Voted <u>Aye</u>

The motion having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution adopted, on this the 3rd day of March, 2009.

CITY OF LONG BEACH, MISSISSIPPI

BY: _____
WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK

The ordinance prohibiting parking in bike lanes was taken under advisement for further consideration at the next regular meeting, March 17, 2009.

There were no public comments regarding matters not appearing on the agenda.

There being no further business to come before the Mayor and Board of Aldermen at this time, Alderman Notter made motion seconded by Alderman Holder and unanimously carried to adjourn until the next regular meeting in due course.

Minutes of March 3, 2009
Mayor and Board of Aldermen

APPROVED:

Alderman Allen D. Holder, Jr., At-Large

Alderman Charles A. Boggs, Ward 1

Alderman Richard Notter, Ward 2

Alderman Richard Burton, Ward 3

Alderman Joseph McNary, Ward 4

Alderman Mark Lishen, Ward 5

Alderman Carolyn Anderson, Ward 6

Date: _____

ATTEST:

Rebecca E. Schruoff, City Clerk