

CITY OF MONROE  
REGULAR COUNCIL MEETING  
TUESDAY, FEBRUARY 19, 2008

Regular meeting of the City Council of the City of Monroe, Michigan held on Tuesday, February 19, 2008 at 7:30 p.m. in the City Hall Council Chambers.

Present: Council Members Beneteau, Clark, Conner, McGhee, Molenda, and Mayor Pro Tem Paisley.

Excused: Mayor Worrell.

Rosalind Boswell, Secretary, City Clerk's Office.

Mayor Pro Tem Paisley led the pledge of allegiance to the flag.

Public Hearings.

16 This being the date set for the purpose of reviewing and hearing comments on the 2008-2009 Capital Improvements Program budget, which identifies capital projects that are to receive funding in the upcoming fiscal year as well as identifying a six year project plan for proposed funding, there being no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing open.

Pat McElligott, 813 Reisig, expressed concerns regarding several issues: \$141,500 to replace the gym floor at the ALCC when it could be done for \$6,000-\$8,000 and landscaping of a terrace area; city hall improvements including the terrace area; \$20,000 snow pit coil replacement at the ice arena and Sawyer House improvements.

Mayor Pro Tem Paisley stated that they are looking at alternatives in regard to "greenscaping" of an area at the ALCC.

George Brown, City Manager, responded to Mr. McElligott's concerns stating that the CIP budget presented for consideration tonight did reduce the gym floor request to \$10,000; they are leaving \$85,000 in the budget for the front terrace until estimates are received on an alternative landscape plan; county participation in the common entry access areas at city hall was discussed but the county had already set their budget and they had limited funds to participate; he is recommending that we pursue this through an installment purchase and he does intend to approach the county; staff has not had a chance to write up a cost alternative yet in regard to the ice arena snow pit.

Pat McElligott, 813 Reisig Street, stated that he is concerned with the obvious lack of lines of communication between the city and the county in regard to asking them to participate in the terrace program.

There being three persons present commenting and no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

Council Action.

5 This item was postponed from the February 4, 2008 meeting.

It was moved by Councilman Beneteau and seconded by Councilwoman Conner that the communication from the Director of Engineering and Planning, submitting the West Side Grade Separation Feasibility Study – Preliminary Engineering Agreement with CSX Transportation, and recommending that Council approve the agreement and authorize a deposit of \$15,000 to be paid to CSX Transportation, Inc., and that the Director of Engineering and Planning be authorized to sign the agreement on behalf of the City of Monroe, be placed on the floor for discussion.

Ayes: 6 Nays: 0

Motion carried.

Mayor Pro Tem Paisley stated that Council would like to hold a work session regarding this item.

It was moved by Councilman Beneteau and seconded by Councilman Molenda that this item be tabled.

Ayes: 6 Nays: 0

Motion carried.

24 It was moved by Councilman Beneteau and seconded by Councilman McGhee that the communication from the City Attorney, submitting Proposed Ordinance No. 08-001, an ordinance to adopt the 2006 International Fire Code, be placed on its first reading and that the public hearing be set for Monday, March 3, 2008.

Ayes: 6 Nays: 0

Motion carried.

Proposed Ordinance No. 08-001 was then presented for the first time and laid over for its second reading and public hearing.

Consent Agenda. (All items listed under the Consent Agenda are considered to be routine by Mayor and Council and may be approved by one motion. Any item may be removed for separate discussion by a Councilperson or citizen.)

A. Approval of the Minutes of the Regular Meeting held on Monday, February 4, 2008.

B. Approval of payments to vendors in the amount of \$980,930.78.

Action: Bills be allowed and warrants drawn on the various accounts for their payment.

25 2008 Goals & Objectives.

1. Communication from the City Manager's Office, submitting the City of Monroe 2008 City Council Goals, and recommending that Council adopt the 2008 Goals & Objectives and direct that City Manager and staff undertake the development of proposed action strategies and timelines for implementation.

2. Supporting documents.

3. Action: Accept, place on file and the recommendation be carried out.

- 26 2008 Water System Upgrades – Consultant Design Award Recommendation.
1. Communication from the Director of Engineering and Planning, submitting proposed consultant design service agreements for the 2008 Water System Upgrades, and recommending that the City Council award design contracts to the following: Mannik and Smith Groups, Inc. for the West Fourth, East Fourth project in the amount of \$24,000; Dietrich, Bailey, & Assoc., P.C. for the LaPlaisance, East Sixth project in the amount of \$6,000; Intech Engineering, Inc. for the East Seventh, Scott project in the amount of \$5,220 and Poggemeyer Design Group for the Smith project in the amount of \$1,910, and further recommending that the City Engineer be authorized to sign the contracts on behalf of the City of Monroe.
  2. Supporting documents.
  3. Action: Accept, place on file and the recommendation be carried out.
- 27 Water Project Financing Notice of Intent Resolution.
1. Communication from the Finance Director, submitting a proposed Water Project Financing Notice of Intent Resolution, and recommending that the Mayor and City Council approve the attached Notice of Intent Resolution related to the 2008 Capital Improvement Bonds.
  2. Supporting documents.
  3. Action: Accept, place on file and the resolution be adopted.
- 28 Electrical Service Capacity Upgrade Program Bid.
1. Communication from the City Manager's Office, reporting back on a request from Riverfront Ventures LLC to transfer ownership of a 2007 SDD and SDM licensed business located at 1560 East Elm, Monroe, MI from Nautical Necessities, Inc., and recommending that Council approve the request contingent upon all items being met as outlined by the administration, without dressing rooms, and that the City Manager be authorized to approve the request after a final inspection by the Fire and Building Departments has occurred..
  2. Supporting documents.
  3. Action: Accept, place on file and the recommendation be carried out.
- 29 South County Water Interconnections Bid.
1. Communication from the Director of Engineering and Planning, reporting back on bids received for the South County Water Interconnections project, and recommending that the City Council award the above contract to Anderzack-Pitzen Construction in the amount of \$301,968, and that a total of \$350,000 be encumbered to include approximately a 15% contingency for the project, conditioned on submittal of required labor harmony documentation by the Contractor, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contract on behalf of the City of Monroe.
  2. Supporting documents.
  3. Action: Accept, place on file and the recommendation be carried out.

30 United Way Easter Egg Hunt.

1. Communication from the City Manager's Office, reporting back on a request from the United Way of Monroe County to hold an Easter Egg hunt on March 22, 2008, to use the bandshell and shelter at St. Mary's Park from 10:00 a.m. to 1:00 p.m. for the Easter Egg hunt and that the fees be waived, and recommending that the request be approved contingent upon items being met as outlined by the administration, that all necessary park deposits are paid, and that the City Manager be granted the authority to alter/amend the event due to health and/or safety reasons.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

31 Wastewater Treatment Plant Improvements Financing.

1. Communication from the Finance Director, submitting a proposed resolution approving Act 342 Contract for the Wastewater Treatment Plant Improvements Financing, and recommending that the Mayor and City Council approve the resolutions and contract referenced for the financing of the improvements at the Wastewater Treatment Plant.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

32 Adoption of Proposed FY 2008/2009 Capital Improvements Program Budget.

1. Communication from the Director of Engineering and Planning, submitting the Proposed FY 2008/2009 Capital Improvements Program Budget, and recommending that Proposed FY 2008/2009 Capital Improvements Program Budget be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

33 Land Division Request – Parcels #49-00244-000 and 49-00247-000 – CPC Case #S08-001.

1. Communication from the Director of Engineering and Planning, submitting a Land Division Request for Parcels #49-00244-000 and 49-00247-000 (1603 and 1615 Bayview Drive), CPC Case #S08-001, and recommending that the City Council approve the land division and reconfiguration request found under CPC Case #S08-001.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

34 2008 Board of Review Appointments.

1. Communication from the City Assessor, submitting a proposed resolution making appointments to the 2008 City of Monroe Board of Review, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

It was moved by Councilman Beneteau and seconded by Councilman Clark that items 27, 28, 29, 30, 31, 32 and 34 be approved as indicated and that items 25, 26 and 33 be removed and considered separately.

Ayes: 6 Nays: 0.

Motion carried.

25 The communication from the City Manager's Office was presented, submitting the City of Monroe 2008 City Council Goals, and recommending that Council adopt the 2008 Goals & Objectives and direct that City Manager and staff undertake the development of proposed action strategies and timelines for implementation.

Councilman Molenda stated that the language was tweaked a bit at the work session prior to this meeting and the adopted Goals and Objectives will be published in the newspaper.

Pat McElligott, 813 Reisig, asked for a definition of what goals and objectives Council has presented for approval.

Mayor Pro Tem Paisley explained that Council met for a two day work session and came up with some general goals and directions for the management of the city. He reported what the five goals are and stated that there are three to five objectives within each goal.

George Brown, City Manager, stated that the goals are a message to all of us in regard to priorities of the City Council. He stated they are somewhat broad but do focus on higher priorities. He stated that many of these priorities are being addressed through the operations assessment and other initiatives but there is a lot more to do.

It was moved by Councilman Molenda and seconded by Councilman Beneteau that item 25 be accepted, placed on file and the recommendation be carried out.

Ayes: 6 Nays: 0

Motion passed.

26 The communication from the Director of Engineering and Planning was presented, submitting proposed consultant design service agreements for the 2008 Water System Upgrades, and recommending that the City Council award design contracts to the following: Mannik and Smith Groups, Inc. for the West Fourth, East Fourth project in the amount of \$24,000; Dietrich, Bailey, & Assoc., P.C. for the LaPlaisance, East Sixth project in the amount of \$6,000; Intech Engineering, Inc. for the East Seventh, Scott project in the amount of \$5,220 and Poggemeyer Design Group for the Smith project in the amount of \$1,910, and further recommending that the City Engineer be authorized to sign the contracts on behalf of the City of Monroe.

Councilwoman Conner asked why this work is being contracted out when it would be cheaper to do it in-house.

Patrick Lewis, Director of Engineering and Planning, explained that the biggest problem is the sheer body of work that they have. He stated that they took the projects as far as they could take them and were striving to do all of the work in-house right up to the final design. He stated in this particular case they used consultants simply because it looked like they would be able to finish all of the design work without kicking some of this year's projects into next year. He feels strongly that it is more important to have city staff do

the inspection and the project management in the field this summer to make sure they get all of their work done by May or June and in order to do that it was necessary to bring some consultants on board.

Councilwoman Conner asked if this is a result of downsizing in the city.

Patrick Lewis, Director of Engineering and Planning, stated that this problem existed before any moves took place and his department is not down any more staff than they were a year ago. He explained that they are not equipped to handle this level of project involvement without some massive overtime and he is running out of time.

George Brown, City Manager, explained they have an unusual amount of work on the table right now. He stated that strategy on whether it is done public or private is that you do not staff for your peak needs and he feels at this point they are well staffed for their regular load of work.

It was moved by Councilwoman Conner and seconded by Councilman Beneteau that item 26 be accepted, placed on file and the recommendation be carried out.

Ayes: 5 Nays: 1 (Councilwoman Conner)

Motion carried.

33 The communication from the Director of Engineering and Planning was presented, submitting a Land Division Request for Parcels #49-00244-000 and 49-00247-000 (1603 and 1615 Bayview Drive), CPC Case #S08-001, and recommending that the City Council approve the land division and reconfiguration request found under CPC Case #S08-001.

Councilman Clark stated there are some issues that need to be addressed and asked if there were any comments from Planning regarding the updates.

Patrick Lewis, Director of Engineering and Planning, stated that the main issue when dealing with the lot split itself, is making sure that the lot is wide enough to meet the normal setback. He stated with the splits that are being proposed, the narrowest lot shows a four foot setback on either side and all three of the lots would meet the zoning requirements as they are proposed to be configured.

Councilman Clark stated that the Planning Commission did approve this with the understanding that the issues be addressed; it is not just dividing the property and saying go forward; there are some conditions that are recognized by Planning. He also feels that as houses are built, they should be aesthetically in line with other neighborhood houses. He asked if the Orchard East Awareness Group or the CDC Group are consulted on any of this.

Patrick Lewis, Director of Engineering and Planning, stated that while the city is not the initial owner of the lot, we can basically only force them to the code standard required of any other house. He further stated that the Orchard East Awareness Group or the CDC are not consulted but he thinks that it is an excellent idea.

George Brown, City Manager, stated that he recently met with representatives from Habitat for Humanity in regard to another potential lot and they expressed a willingness to discuss neighborhood compatibility.

Councilman McGhee asked that Habitat for Humanity consult with the CDC and the Orchard East Awareness Group because those are the people it affects.

Councilwoman Conner stated that she is concerned about the configuration of the rear yards and asked if they will be fenced in.

Patrick Lewis, Director of Engineering and Planning, stated that we cannot require them to fence the yards but we can control the Zoning Ordinance requirement of the 35 foot rear yard setback. He stated that this is not the ideal layout, but it meets all of the requirements of the code.

Councilman Molenda asked that even though this is a stand alone issue, is it appropriate to wait for or ask for some sort of commitment from Habitat.

Tom Ready, City Attorney, stated that because it is a stand alone issue, it would be improper to solicit a formal commitment to build anything in particular on the lots in exchange for approving the split. He further explained that "if and when" an application is made for a building permit and "if and when" the lot coverage or setback standards might not be met by what is proposed, at that point, the owner (Habitat) could apply for a variance and conditions could be placed on a potential variance.

Pat McElligott, 813 Reisig, stated DPS recommended that two similar size parcels which would front on Bayview Drive be created rather than three and he agrees that it would be a more realistic solution. He also expressed concern that this would bring an additional amount of stress on our Police, Fire and Water Departments. He stated that Habitat always ends up building in Precinct Three and feels that they need to take a better viewpoint of the County.

Adam Yeager, 1833 South Custer Road, asked why Habitat for Humanity was not mentioned on the agenda item and also asked if these lot sales are open to anyone or if Habitat for Humanity is given a priority.

Patrick Lewis, Director of Engineering and Planning, clarified that these were not parcels that were at anytime held by the city and stated that Habitat is not given any inside information. He stated that if Habitat does buy a lot from the city, the city can impose certain conditions as to what we would want on the lot at the time of sale.

Tom Ready, City Attorney, responded to Mr. Yeager's question in regard to the agenda item stating that in this particular instance the application was made by Habitat for Humanity and is public record. He stated that it would be harmless to put it on the agenda if Council or the Clerk chose to do so.

Councilman Molenda stated that there doesn't seem to be any shortage of housing in the city right now and asked why Habitat would prefer a three way split rather than a two way split.

Debra Wykes, Executive Director of Habitat for Humanity, 840 LaPlaisance, stated that they had a very narrow (buildable) lot and one very large lot. They chose to put all three lots together and then divide them into three complying lots so they could have more room for three houses.

Councilman McGhee asked if the aesthetics of the neighborhood were taken into consideration.

Debra Wykes, Executive Director, Habitat for Humanity, stated that they did take that into consideration but their first responsibility is to the lot split.

Councilman Beneteau asked if Habitat has ever considered rehabbing an existing house.

Debra Wykes, Habitat for Humanity, stated that they are not opposed to rehab but they have to keep it affordable. She stated that the houses they have been offered up to this day would cost more to rehab because of the type of house they are.

Pat McElligott, 813 Reisig, again stressed his concern regarding the infrastructure in the area.

Patrick Lewis, Director of Engineering and Planning stated that a brand new eight inch water main would service the houses that would front on Bayview and the house on Fernwood would be tied to a six inch water main. He explained that the only infrastructure deficiency in the area is that none of the lots had storm sewers which didn't change whether the lots were configured or not.

It was moved by Councilman Clark and seconded by Councilman Beneteau that item 33 be accepted, placed on file and the recommendation be carried out.

Ayes: 4 Nays: 2 (Councilman McGhee and Councilwoman Conner)

Motion carried.

#### Mayor's Comments.

Mayor Pro Tem Paisley stated that Mayor Worrell is recovering fine from his surgery; SEMCOG is looking at plans for the future and one of their main plans is looking for transportation for the year 2035; and a work session will be scheduled in regard to tabled item #5.

#### City Manager Comments.

George Brown, City Manager, expressed appreciation to Bill Lavoy and MPACT for their help in covering tonight's telecast and stated that they will be helping us in the future.

#### Council Comments.

Councilman McGhee extended his appreciation to the Fire Department for their help with a situation at Hellenberg Field.

Councilman Molenda spoke in regard to the Goals adopted at tonight's meeting stating that there are attendance issues on some of the boards and that needs to be addressed.

Councilwoman Conner stated that hopefully the Charter Revision language can be ready in time for the August election. She also asked for an update on her request to look at Council's policy on fee waiving. George Brown, City Manager, stated that he is gathering information on fee waivers and Council should discuss a policy for this issue.

Citizen's Comments.

John Timko, 1034 Bentley Drive, asked if there has been any interest from anyone to purchase the ice arena.

George Brown, City Manager, stated there is not a market to put the facility on the market right now and see any reasonable cost recovery. He stated that the arena's current operator is working hard in this market to attract more paying users.

Adam Yeager, 1833 South Custer Road, agreed with Mr. Timko stating that it's time to stop draining public funds to support the ice arena.

Richard Micka, 47 East Elm, spoke in regard to the West Side Grade Separation, requesting that Council consider public input on the study.

Mayor Pro Tem Paisley thanked the City Manager, Council, and the Attorney for their assistance in helping him run the meetings.

Adjournment.

It was moved by Councilwoman Conner and seconded by Councilman Beneteau that the meeting adjourn at 8:50 p.m. until the Regular Meeting on Monday, March 3, 2008 at 7:30 p.m.

Ayes: 6 Nays: 0

Motion carried.

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Rosalind Boswell  
Secretary, City Clerk's Office

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Edward Paisley  
Mayor Pro Tem