

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, JUNE 2, 2008

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, June 2, 2008 at 7:30 p.m. in the City Hall Council Chambers.

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

Rosalind Boswell, Secretary, City Clerk's Office, gave the invocation.

Mayor Worrell led the pledge of allegiance to the flag.

Presentations.

Presentation by E. James Stengle, City Insurance Consultant, regarding employee health insurance benefits.

Communications. (Communications are referred to city administration for action and report back unless otherwise noted).

124 Communication from Terri L. Hamad, Director, Monroe County Commission on Aging, requesting special consideration from the City to allow senior homeowners the ability to pull their own permits for installation of temporary ramps and a waiver on permit fees charged for installation.

Public Hearings.

105 This being the date set to hear public comments on Ordinance No. 08-005, an Ordinance to amend Section 656.03, Trespass, as it concerns the trespassing upon the lands or premises of another, of the Codified Ordinances of Monroe, Michigan, and there being no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing open.

Daryl Tamsen, 646 Lavender Street, questioned the intent of the ordinance asking if he would have to warn someone who came into his fenced in yard and was swimming in his pool, before they could be arrested.

Tom Ready, City Attorney, responded stating that the general rule with trespass ordinances is that in order to be enforceable there must be a warning; not just a fence, but a fence with a sign on it stating "no trespassing".

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

106 This being the date set to hear public comments on Proposed Ordinance No. 08-006, an Ordinance to amend Section 658.01, Disorderly Conduct, of the Codified Ordinances of Monroe, Michigan, and there being no persons present commenting and no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

107 This being the date set to hear public comments on Proposed Ordinance No. 08-007, an Ordinance to amend Chapter 628, False Reporting of Violations, with the addition of a new chapter title and the creation of a new section concerning false identification, of the Codified Ordinances of Monroe, Michigan, and there being no persons present commenting and no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

120 This being the date set to hear public comments to consider an offer to purchase city-owned properties located at 30 and 32 East Elm Avenue, more specifically identified as Parcels #69-01305-001 and #69-01516-000. The offer to purchase is related to the proposed redevelopment of the former Masonic Lodge located at 8 North Monroe Street, and there being four letters on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing open.

Jim Jacobs, owner, Jacobs Architects, 25 Washington Street, stated that his client has decided to respectfully withdraw their proposal to purchase the property due to public opinion and controversy.

Mayor Worrell then stated that Council Action item #126, City Owned Parking Lot Purchase, would be removed from the agenda.

Viola Switlik, 38 East Elm, who lives next door to the parking lot, stated that it is best to leave it as a parking lot because it is in constant use.

Richard Micka, 47 East Elm, stated that there is a comprehensive plan that includes use of the riverfront property. He stated that there might be a higher and best use of the river property that would redefine the central business district, but only parking issues were addressed. He felt that this proposal was an extremely narrow minded approach and thought with tunnel vision.

Pete Carlton, 1522 Hollywood, appreciated the fact that the item was pulled because they were not in favor of the proposal at all.

Linda Compora, 411 Bentley, was also glad that this was pulled, stating that the fact sheet does not indicate Councilman Beneteau could gain financially from this deal and she felt that it should never have come before Council.

There being five persons present commenting, and four comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

Council Action

105 It was moved by Councilman Beneteau and seconded by Councilman Paisley that Proposed Ordinance No. 08-005, an Ordinance to amend Section 656.03, Trespass, as it concerns the trespassing upon the lands or premises of another, of the Codified Ordinances of Monroe, MI be placed on its final reading.

Ayes: 7 Nays: 0
Motion Carried.

Proposed Ordinance No. 08-005, was then presented for the second time, after which the Mayor asked, "Shall this ordinance pass?"

Ayes: 7 Nays: 0
Ordinance Passed.

106 It was moved by Councilman Beneteau and seconded by Councilman McGhee that Proposed Ordinance No. 08-006, an Ordinance to amend section 658.01, Disorderly Conduct, of the Codified Ordinances of Monroe, MI, be placed on its final reading.

Ayes: 7 Nays: 0
Motion carried.

Proposed Ordinance No. 08-006, was then presented for the second time, after which the Mayor asked, "Shall this ordinance pass?"

Ayes: 7 Nays: 0

Ordinance Passed.

107 It was moved by Councilman Clark and seconded by Councilman Paisley that Proposed Ordinance No. 08-007, an Ordinance to amend Chapter 628, False Reporting of Violations, with the addition of a new chapter title and the creation of a new section concerning false identification, of the Codified Ordinances of Monroe, MI, be placed on its final reading.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 08-007, was then presented for the second time, after which the Mayor asked, "Shall this ordinance pass?"

Ayes: 7 Nays: 0

Ordinance Passed.

125 The communication from the Director of Engineering and Planning, was presented, submitting a request from Liqui-Force Services, Inc., the low bidder for the 2008 Water Main Rehabilitation Program, for exemption from Labor Harmony requirements.

Patrick Lewis, Director of Engineering and Planning, explained that bid documents contain a provision (passed by resolution of Council in December 2004) for "Labor Harmony", which requires contractors to enter into a project labor agreement with the applicable trade unions or, if they are already a signatory, a letter of release from the unions. He stated that Liqui-Force, which was awarded the contract by Council on May 5th, has indicated that they were unable to reach agreement with the trade unions, but Insituform Technologies, the second bidder, has indicated that they can reach an agreement with the trade unions. He further explained that Council has the option to either 1) accept their request and allow them to be exempted from the provisions of the labor harmony agreement, or 2) deny the waiver and instead award the contract to Insituform Technologies, for a difference of \$32,000. He also stated that if the waiver is denied, the labor harmony agreement does provide that it constitutes grounds for sacrificing the bid security (bid bond), which is 5% of the bid amount.

Councilman Molenda stated that he is not in favor of waiving the labor harmony provisions and felt that the bid bond money could be used to make up the difference in the bid price.

Councilman Beneteau agreed with Councilman Molenda.

Councilman Clark also did not support waiving the labor harmony provisions.

Donald Connell, Operating Engineers, stated that Insituform Technologies is a signatory contractor with the operating engineers and stated that they appreciate Council's commitment to unionized construction in the city.

Pat McElligott, 813 Reisig, wanted to clarify that the city would spend \$32,000 with a budget that is in trouble to begin with in order to comply with union harmony because it is traditional.

Patrick Lewis, Director of Engineering and Planning, stated that Liqui-force, having recognized they could not meet the requirements, could have not submitted a bid. He stated that in theory, the city would be entitled to the bid bond (\$125,000) based on what the provisions say. He felt that we should at least be entitled to the difference in the bids from the bid bond because that is the actual loss to the city.

Matt Lawson, Insituform Technologies, stated that the difference between the two bids is 1.3%. He further stated that they will provide the city with all the documentation and will do a good job, if selected.

Tom Ready, Attorney, suggested that Council take action to reject the initial low bid, accept the second bid from Insituform, and refer the matter of the potential bond forfeiture to the city attorney.

It was moved by Councilman Beneteau and seconded by Councilman Paisley that Council deny the request for exemption from Labor Harmony Requirements from Liqui-Force and to award the contract to Insituform Technologies as their bid was submitted, and that the matter of the bond be referred to the City Attorney.

Ayes: 7 Nays: 0

Motion carried.

125 City Owned Parking Lot Purchase. (This item was pulled from the agenda)

140 It was moved by Councilman Paisley and seconded by Councilman Clark that the communication from the Director of Public Services, submitting proposed Ordinance No. 08-008, an Ordinance to amend Section 692.07 of Chapter 692, Weeds, Trees and Refuse, be placed on it's first reading and that the public hearing be set for Monday, June 16, 2008.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 08-008 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, May 19, 2008, the Minutes of the Work Session held on Thursday, May 22, 2008 and the Minutes of the Special Meeting held on Wednesday, May 22, 2008.
- B. Approval of payments to vendors in the amount of \$484,471.79.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

127 Monroe County Solid Waste Management Plan Amendment.

- 1. Communication from the Director of Public Services, submitting a proposed resolution approving an amendment to the Monroe County Solid Waste Management Plan, and recommending that the resolution be adopted.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the resolution be adopted.

128 Airport Layout Plan Contract for Professional Services.

- 1. Communication from the Director of Public Services, submitting a contract for professional services for the update of the Airport Layout Plan for Monroe Custer Airport, and recommending that Council approve the agreement with Reynolds Smith and Hill and authorize the City Manager to sign the contract document.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

129 Employment Agreement.

1. Communication from the Director of Human Resources, submitting an employment agreement with J. Lindsey Coyne, to re-employ Mr. Coyne as a Water Treatment Plant operator on a temporary basis until a permanent replacement can be hired, and recommending that the agreement be approved.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 130 750 KVA Transformer Replacement Project Bids.
1. Communication from the Director of Water and Wastewater Utilities, reporting back on bids received to remove and replace an existing ITE 750 KVA transformer at the Wastewater Treatment Plant, and recommending that Council award a purchase order in accordance with the bid specifications to Transformer Inspection Retrofill in the amount of \$22,972.00.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 131 Wastewater Treatment Plant Improvements Financing Revision.
1. Communication from the Director of Finance, submitting a proposed resolution approving an amended and restated Contract and Notice and an amended and restated Act 342 Financing Contract for improvements to the Monroe Metropolitan Area Wastewater Treatment Plant, and recommending that Council approve the resolution 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 resolution be adopted.
- 132 Information Technology Intergovernmental Agreement.
1. Communication from the Director of Finance, submitting an Information Technology Intergovernmental Agreement between the City of Monroe and the County of Monroe, and recommending that Council approve the contract with the County of Monroe for the provision of Information Technology (IT) Services to the City Monroe.
 2. Supporting documents.
 3. Action: Accept, place on file and that the recommendation be carried out.
- 133 Employment Agreement.
1. Communication from the Director of Finance, submitting an employment agreement with Cory J. Solomon to allow for a smoother transition to the county IT contract, and recommending that Council approve the City Manager to sign an employment agreement with Cory J. Solomon of the nature recently approved for returning retirees with the contract to include the terms and conditions described in this fact sheet.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 134 Proposed Resolution Adjusting Sidewalk Repair.
1. Communication from the City Manager's Office, submitting a proposed resolution adjusting the expenses of sidewalk repair on the 2008 summer tax roll, and recommending that the resolution authorizing the City Manager to make corrections to the tax roll and directing the City Assessor to remove such expense by the Board of Review at the July meeting, be adopted.

2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.
- 135 Proposed Resolution Adjusting Demolition Expenses.
1. Communication from the City Manager's Office, submitting a proposed resolution adjusting the expenses of demolition expenses on the 2008 summer tax roll, and recommending that the resolution authorizing the City Manager to make corrections to the tax roll and directing the City Assessor to remove such expense by the Board of Review at the July meeting, be adopted.
 2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.
- 136 River Raisin International Muster Concert.
1. Communication from the City Manager's Office, reporting back on a request from the River Raisin International Fife and Drum Muster for permission to close the streets at Loranger Square on June 20, 2008 between 6:30 p.m. and 9:00 p.m. for a Tattoo (concert), and recommending that Council approve the request contingent upon items being met as outlined by the administration 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.
- 137 City of Monroe Firefighters Local 326 "Bike Night".
1. Communication from the City Manager's Office, reporting back on a request from Firefighter Mike DeSloover on behalf of the Firefighters Local 326 for permission to close Washington Street between East First and East Front Street and East Front Street from South Macomb to South Monroe Street on September 11, 2008, from 5:00 p.m. to 9:00 p.m. for the purpose of parking motorcycles for display (rain date 9/12/08) and to use the Loranger Square pavilion for music, and recommending that the request be approved contingent upon items being met as outlined by the administration 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.
- 138 Traffic Committee Meeting.
1. Communication from the Director of Engineering and Planning, submitting the minutes of the Traffic Committee meeting held on May 28, 2008, and recommending that the minutes be accepted and placed on file and that Traffic Control Orders 064-002, 102-005 and 111-004 be approved.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 139 Non-Bargained for Employees.
1. Communication from the Director of Human Resources, submitting wage and benefit changes for the non-bargained for employee group, and recommending that Council approve the attached changes.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.

It was moved by Councilman Paisley and seconded by Councilman Beneteau that items 127, 128, 130, 131, 136, 137, and 138 be approved as indicated and that items 129, 132, 133, 134, 135, and 139 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

129 The communication from the Director of Human Resources was presented, submitting an employment agreement with J. Lindsey Coyne, to re-employ Mr. Coyne as a Water Treatment Plant operator on a temporary basis until a permanent replacement can be hired, and recommending that the agreement be approved.

Pat McElligott, 813 Reisig Street, questioned the rehiring of retired employees at premium hourly wages and asked if there was a time frame for the contract.

George Brown, City Manager, explained that in this particular case the employee has a special license and there were no internal candidates when this job went up for bid. He further explained that the city is trying to avoid hiring new employees from outside the organization while collective bargaining is underway because they are looking at programs for new hires. He stated that this position was not recommended for cutback; it is meant to be refilled and there is a budget for it.

It was moved by Councilman Beneteau and seconded by Councilman Clark that item 129 be accepted, placed on file, and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

132 The communication from the Director of Finance was presented, submitting an Information Technology Intergovernmental Agreement between the City of Monroe and the County of Monroe, and recommending that Council approve the contract with the County of Monroe for the provision of Information Technology (IT) Services to the City of Monroe.

Councilwoman Conner questioned where the figures for the County contracting cost came from.

Ed Sell, Director of Finance, indicated that the fact sheet presented, lists the projected savings to the city along with the contract costs and that those numbers are primarily estimates. He stated that on January 1 those figures will increase by up to 8%. The figures on the fact sheet include contracting costs, consulting fees, two full time city employees and one intern in the 2009 budget.

Councilwoman Conner asked if the equipment belonging to the city (IT) will be utilized or if it will be moved.

Ed Sell, Director of Finance, stated that initially every thing would remain here.

Cory Solomon, 782 Windsor Court, passed out pamphlets and stated he is not against outsourcing the IT department but he does not believe the correct process is being followed.

Pat McElligott, 813 Reisig Street, spoke in favor of outsourcing.

It was moved by Councilwoman Conner and seconded by Councilman McGhee that item 132 be accepted, placed on file, and the recommendation be carried out.

Ayes: 6 Nays: 1 (Councilwoman Conner)

Motion carried.

133 The communication from the Director of Finance was presented, submitting an employment agreement with Cory J. Solomon to allow for a smoother transition to the county IT contract, and recommending that Council approve the City Manager to sign an employment agreement with Cory J. Solomon of the nature recently approved for returning retirees with the contract to include the terms and conditions described in this fact sheet.

Councilwoman Conner feels we let the employee down with this agreement.

Linda Compora, 411 Bentley Drive, spoke against the part time agreement with the IT department employee.

It was moved by Councilwoman Conner and seconded by Councilman Molenda that item 133 be accepted, placed on file, and the recommendation be carried out.

Ayes: 6 Nays: 1 (Councilwoman Conner)

Motion carried.

134 The communication from the City Manager's Office was presented, submitting a proposed resolution adjusting the expenses of sidewalk repair on the 2008 summer tax roll, and recommending that the resolution authorizing the City Manager to make corrections to the tax roll and directing the City Assessor to remove such expense by the Board of Review at the July meeting, be adopted.

Pat McElligott, 813 Reisig Street, spoke in reference to items 134 &135, specifically about adjusting of sidewalk expenses and demolition expenses on the 2008 summer tax roll.

George Brown, City Manager, stated that occasionally this is the process for unpaid special assessments, demolitions, mowing, etc. He explained that item 134 adjusts the sidewalk damage that was determined to have been caused by a city contractor and should not have been placed on the special assessment roll. He also stated that item 135 was in regard to an unpaid demolition bill that had been placed on the property taxes, but that the county had already taken possession of the property for unpaid taxes, therefore the demolition would need to be removed because we can not place a lien on property the county owns.

It was moved by Councilman Paisley and seconded by Councilman Clark that item 134 be accepted, placed on file, and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

135 The communication from the City Manager's Office was presented, submitting a proposed resolution adjusting the expenses of demolition expenses on the 2008 summer tax roll, and recommending that the resolution authorizing the City Manager to make corrections to the tax roll and directing the City Assessor to remove such expense by the Board of Review at the July meeting, be adopted.

It was moved by Councilman Clark and seconded by Councilman Paisley that item 135 be accepted, placed on file, and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

139 The communication from the Director of Human Resources was presented, submitting wage and benefit changes for the non-bargained for employee group, and recommending that Council approve the attached changes.

Councilwoman Conner asked for clarification of this item.

E. James Stengle, City Insurance Consultant, explained the different insurance plans offered to the employee group.

It was moved by Councilwoman Conner and seconded by Councilman Beneteau that item 139 be accepted, placed on file, and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

Mayor Comments.

Mayor Worrell commented on the issues council has faced since taking office in January 2008, the operational assessment and the budget.

Council Comments.

Councilman Beneteau commented on the importance of getting negotiations underway with the police department.

Councilman Clark spoke about the budget, contract negotiations, health care plans, blight, and communication between townships and the city regarding road construction projects.

Councilman Paisley commented on the budget, parking lots, and SEMCOG.

Councilman McGhee commented on the budget, contract negotiations, and the safety concerns of a dimly lit area near the original DPS lot on Railroad Street.

Councilman Molenda encouraged the police unions to get together with staff for collective bargaining.

Councilwoman Conner spoke of foreclosures, blight, and the building department response time for inspections.

Joe Lehmann Building Official, explained the procedure for responding to inspection requests.

Mayor Worrell asked about the building on Monroe Street and if we are still on target with the deadline of June 5.

Joe Lehmann, Building Official, stated that the application for permit is being reviewed.

Councilwoman Conner asked if some of the garden clubs in Monroe would be interested in volunteering to spruce up the gateway's to the city.

City Manager Comments.

George Brown, City Manager, commented on Masonic Temple, the IT department cooperation between the City & County and the Library work session scheduled for Monday June 9 at 7:00 pm.

Mayor Worrell asked if we have plans to spray for mosquitoes with the hot humid weather approaching.

Scott Davidson, Director of Public Services, stated larva sighting has been done, the sprayer has been calibrated, and they are ready to spray.

Citizen's Comments.

June Coyne, 226 Scott Street, read a letter regarding the United Way building and the library and how they could expand on an Authentic downtown.

Dave Lamontaine, 700 Block of Macomb Street, President of the Sheriff's Department Association, commented on police officer negotiations, budget issues and cutting positions from the police department. He spoke against outsourcing the IT department to the county.

Andrea Jones, Executive Director of Mainstreet Monroe DDA, commented on the new seasonal employees, grants that have been awarded, and upcoming events downtown including River Days Carnival, June 12 & 13 and River Raisin International Muster, June 20 & 21.

Bill Sisk, Chairman of County Commissioners, encouraged council to keep police and fire at status quo for public safety.

Charlie Abel, President of the Command Officers Association, advised council that the officers have fired the old association and the POLC, and they are now represented by the Command Officers Association of Michigan (COAM). Negotiations are scheduled to begin on June 25th.

Brian Gee, President of the Monroe Patrolmen's Association, commented on statements that have been made regarding why the police negotiations have not begun.

Otis Henderson, 431 Clark Street, informed council that he had called 911 last evening three times before an officer responded and at that time he was threatened with arrest because he called too many times.

Adjournment.

It was moved by Councilwoman Conner and seconded by Councilman Paisley that the meeting adjourn at 10:22 p.m. until the Regular Meeting on Monday, June 16, 2008 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Rosalind Boswell
Secretary, Clerk's Office

Mark G. Worrell
Mayor