

CITY OF MONROE
REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 2, 2008
AMENDED

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

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

Presentations.

Presentation by Police Chief, John Michrina, of recognition to Officers, Fireman and members of the public for their special services to the public during three lifesaving emergencies.

Presentation by Drain Commissioner, Dan Stefanski, with an update on FRED and the success of the clean up of River Raisin and announcement of another clean-up on September 13, 2008.

Presentation by Doug Wemple, General Manager, and Ken Male, Vice President of Eastern Operations for Canlan Ice Sports, highlighting the Monroe Multi Sports complex and the programs offered.

Public Hearing.

223 This being the date set to hear public comments on the special assessment roll for SAD #128, on the necessity of installing a new water main on East Eighth Street between Washington and Custer and there being no comments on file in writing in the Clerk-Treasurer's Office the Mayor declared the hearing open.

Pat Lewis, Director of Engineering and Public Services, gave a brief overview of the assessment and the changes in the costs to the residents and the city.

Peter Beauvias, 116 E. Eighth Street, stated he has concern with his sidewalk being eliminated as a result of the special assessment.

Harris Sacks, 1240 Riverview Avenue, spoke on behalf of the Temple B'Nai Israel, 141 E. Eighth Street, and asked if council would consider deferring the special assessment charge to the Temple until they sell the property.

Pat Lewis, Director of Engineering and Public Services, stated that council can defer the assessment until such time that the property would tap into the system.

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.

227 This item was postponed from the August 25, 2008 meeting.

Communication from the Director of Engineering, Public Services and Planning, reporting back on the Labor Harmony Resolution waiver and recommending that council approve a waiver in the Labor Harmony standards for the temporary bypass piping and other related work for the 2008 Water Main Rehabilitation Program.

It was moved by Councilwoman Conner and seconded by Councilman Beneteau to remove this item from the table for discussion.

Ayes: 7 Nays: 0

Motion Carried.

George Brown, City Manager, informed council that since the August 25, 2008 meeting from which this item was postponed, the general contractor has made a formal request to withdraw their request for waiver, and that is also the recommendation of the Engineering Department and the city would like to withdraw this item from further consideration.

It was moved by Councilwoman Conner and seconded by Councilman Beneteau that Council receive and accept the recommendation from the City Manager and the Director of Engineering, place on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion Carried.

Consent Agenda. (All items listed under the Consent Agenda are considered to be routine by Mayor and Council and will be approved by one motion, unless a Council member or citizen requests that an item be removed and acted on as a separate agenda item)

A. Approval of the Minutes of the Regular Meeting held on Monday, August 25, 2008, the Minutes of the Regular Meeting.

B. Approval of payments to vendors in the amount of \$ 829,629.96.

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

229 Water Treatment Plant Sodium Hypochlorite Chemical Bid.

1. Communication from the Director of Water & Wastewater Utilities, reporting back on bids received for the Sodium Hypochlorite chemical needs for a 10 month period (September 2, 2008 through June 30, 2009) as a result of a price increase effective August 1, 2008, and recommending that a purchase order be awarded to JCI Jones Chemicals, Inc to supply Sodium Hypochlorite for the remaining fiscal year based on the awarded bid unit price of \$0.937 / gallon.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

230 Wastewater Department Lift Station.

1. Communication from the Director of Water & Wastewater Utilities, reporting back on bids received for the replacement of the Wastewater Department Lift Station Truck and recommending that a purchase order be issued to Jorgenson Ford Sales in the amount of \$80,385.00 for the purchase of the Wastewater Department Lift Station truck in accordance with the bid specifications.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

231 Mini Hydraulic Compact Excavator.

1. Communication from the Director of Water & Wastewater Utilities, reporting back on bids to replace an existing Water department Backhoe Excavator with a Mini Hydraulic Compact Excavator and recommending that a purchase order be issued to Michigan Cat in the amount

of \$58,872.00 for the purchase of a Mini Hydraulic Compact Excavator in accordance with the bid specifications.

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

232 Appointments.

1. Communication from the Mayor's Office, submitting a proposed resolution for appointments to various City Boards and Commissions whose terms have expired and/or where there is a vacancy, and recommending the proposed resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

233 Transfer Ownership of Escrowed 2007 C-SDM Licensed Business.

1. Communication from the City Manager's Office, reporting back on a request from Martin Brothers, Inc. to transfer ownership of an escrowed 2007 C-SDM licensed business, with Sunday sales and dance permit from Aker's Sportsman's Bar, Inc. located at 1838 N. Telegraph Road to 546 S. Telegraph Road, Monroe, MI, and recommending that council approve this request contingent upon all items being met as outlined by 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.

234 1128 East Second Street.

1. Communication from the Building Official, reporting back on the approved recommendations for required repairs at 1128 East Second Street by council on July 21, 2008, and recommending that council award Erie Demolition & Salvage, Inc. the demolition project for a total cost of \$8,000.00 and further recommending that the Mayor and Clerk-Treasurer 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.

235 Installation of New Public Water Main – East Eighth Street.

1. Communication from the Director of Engineering, Public Services and Planning, submitting Resolution #5, confirming the special assessment roll for the Installation of a new water main on East Eighth Street Between Washington and Custer a public necessity and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

236 Leaf Bag Purchase.

1. Communication from the Coordinator of Public Services, reporting back on bids received, for biodegradable paper compost bags for fall leaf collection and recommending that the award for 72,000 bags be awarded to the DANO Corporation, and that the Director of Engineering,

Public Services and Planning be authorized to execute a purchase order in the amount of \$22,680.00.

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

237 Traffic Committee Minutes and Traffic Control Orders.

1. Communication from the Director of Engineering, Public Services and Planning, submitting Traffic Committee meeting minutes and reporting back on five Traffic Control Orders and recommending that council accept and place on file the minutes from the August 27, 2008 Mayor's Traffic Committee meeting, and approve Traffic Control Orders 047-003, 056-011, 165-004, 195-006, and 216-002.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

238 Sidewalk Replacement.

1. Communication from the Director of Engineering, Public Services and Planning, submitting a Change Order to the 2007/2008 Concrete Paving Program due to the substantial cost savings that was realized by using stamped concrete instead of brick pavers, and recommending that a Change Order in the amount of \$15,524.61 be issued to Dominic Gaglio Construction of Southgate, Michigan, and that the Director of Engineering and Public Services be authorized to execute a Change Order to the 2007/2008 Concrete Paving Program to this effect. It is further recommended that a total of \$18,000 be encumbered, to include project contingencies, and that the Finance Director be authorized to make the necessary budget transfer from the Engineering to Contractual line items with this project account.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

239 Monroe County Convention & Tourism Bureau Banner Request.

1. Communication from the City Manager's Office, reporting back on a request from the Monroe County Convention & Tourism Bureau for permission to display a banner across W. First Street from September 15 - 30, 2008 announcing Custer Week and recommending approval of the request.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

It was moved by Councilman McGhee and seconded by Councilman Paisley that item's 229, 230, 231, 233, 237 and 239, be approved as indicated and that items 232, 234, 235, 236 and 238 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

232 The communication from the Mayor's Office was presented, submitting a proposed resolution for appointments to various City Boards and Commissions whose terms have expired and/or where there is a vacancy, and recommending the proposed resolution be adopted.

Councilwoman Conner thanked Kenyon Calender for volunteering to serve on the Monroe Port Commission.

It was moved by Councilwoman Conner and seconded by Councilman Clark that item 232 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

234 The communication from the Building Official was presented, reporting back on the approved recommendations for required repairs at 1128 East Second Street by council on July 21, 2008, and recommending that council award Erie Demolition & Salvage, Inc. the demolition project for a total cost of \$8,000.00 and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.

Richard Sieb, 630 East Second Street, stated that he was given 30 days to do something with the building at 1128 East Second Street but did not receive any communication from the Building Department until three weeks later. He further stated he has deeded the building over to Pastor Elam, City of Faith Christian Center. He asked that the Pastor be given ninety days to work on the building stating that he knows the building can be a tax base for the city.

Joe Lehmann, Building Official, stated that the time lines were based on the inspection date and that he was very lenient with the time lines. He explained that the recommendations from council were followed ~~except for the inspection time line.~~

Councilman Beneteau asked if Mr. Sieb would be responsible to follow the recommendations made by Council since he has given up ownership of the property.

Tom Ready, City Attorney, stated that he believes any successor would inherit both the burdens and the benefits of the agreement that was reached in July.

Councilman Molenda asked who would be responsible for the demolition costs of the property.

Tom Ready, City Attorney stated that the property maintenance code sets out that the cost of demolition is charged against the property.

Councilman Clark asked Pastor Elam when the property was deeded over to him and if he was aware of the obligations set by Council at that time.

Pastor Elam, City of Faith Christian Center, stated that the quit claim deed was dated August 2nd and that he was aware of the conditions set by Council.

Tom Ready, City Attorney, explained that the requisite notices were proper and in conformance with the property maintenance code; it came up for hearing and review by council on July 21 and the request was for authorization to award a bid to demolish the property for \$8,000. He further stated that Mr. Lehmann also submitted a report outlining an alternate potential resolution which included the inspection, the follow up by taking out permits, making substantial progress and completing the work within a 90 day period following the pulling of the permits. He stated that it also included a \$10,000 bond.

Joe Lehmann, Building Official, stated that the timeline established by Council ended last Monday and he has been in contact with Pastor Elam.

Pastor Elam, City of Faith, stated he understands that all of the timelines were not met as should, but he is making a request for a reasonable amount of additional time in order for him to seek the necessary financing to rehab the property.

It was moved by Councilwoman McGhee and seconded by Councilman Clark that item 234 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

235 Communication from the Director of Engineering, Public Services and Planning was presented, submitting Resolution #5, confirming the special assessment roll for the Installation of a new water main on East Eighth Street Between Washington and Custer a public necessity and recommending that the resolution be adopted.

Councilman Molenda questioned if the parking lot property, parcel 39-97, is rolled into the other parcels associated with the temple and also asked what would happen to that assessment if the assessment were to be deferred until there was a transfer of ownership.

Patrick Lewis, Director of Engineering and Public Services, explained that parcel 39-97 shares the same owner as parcel 39-41, which is the temple property. He further explained that typically when they set up the districts, they bring in parcels that do not have frontage on another public water main. He also stated that the temple would be taking its water service off of Custer Street and you could not build another structure which would have a separate water service. He stated that if the assessment were to be deferred until there was a transfer of ownership, the assessment would never be recouped by the city and would be held in the water fund indefinitely.

Mayor Worrell asked if this were to be deferred indefinitely would the assessment for the other property owners have to increase or would the water fund simply swallow this.

Patrick Lewis, Director of Engineering and Public Services, stated that in the past when this has been done, the assessments did not change for the other properties; they treated it as a potential user in the future. He also stated that procedurally it would be very difficult for the city to stop someone if the temple wanted to sell that property to another owner. He explained they could by right apply for a building permit and build a structure and the city couldn't say anything about it as opposed to if it was joined as a parcel. He stated the lot split would then have to go through some type of approval and it would be caught that it was part of the special assessment district at that time. He recommended if that parcel is deferred that we not make the adjustment because it does remain as long as it is a separate parcel, (a buildable lot).

Councilman Beneteau asked if the temple were to join the properties together at this time would they have to go before the Planning Commission or could it be done administratively.

Patrick Lewis, Director of Engineering and Public Services, stated he felt that it could be done administratively.

George Brown, City Manager, asked rather than doing a deferment, if there is a way to record or seek commitment that if the parcel is ever sold, that there would be a water line charge at the time of sale.

Tom Ready, City Attorney suggested that the assessment be confirmed as is or the assessment be confirmed but with a deferral granted to the temple with reference to its property. He stated that they do this tracking all the time for deferrals and does not feel it would be burdensome. He explained if somewhere down the line the temple chooses to sell the parking lot, then the city would collect the assessment and if the temple combines the parking lot with the other property then the assessment goes away.

It was moved by Councilman Molenda and seconded by Councilman McGhee that item 235 be accepted, placed on file and the resolution be adopted as amended to defer the temple's assessment.

Ayes: 5 Nays: 2 (Councilman Clark and Councilman Paisley)

Motion carried.

236 The communication from the Coordinator of Public Services was presented, reporting back on bids received, for biodegradable paper compost bags for fall leaf collection and recommending that the award for 72,000 bags be awarded to the DANO Corporation, and that the Director of Engineering, Public Services and Planning be authorized to execute a purchase order in the amount of \$22,680.00.

Adam Yeager, 1833 South Custer Road, stated that he does not use leaf bags and asked why everyone should have to pay for the leaf bags when others are too lazy to mulch or just don't care.

It was moved by Councilman Beneteau and seconded by Councilman Paisley that item 236 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

238 The communication from the Director of Engineering, Public Services and Planning was presented, submitting a Change Order to the 2007/2008 Concrete Paving Program due to the substantial cost savings that was realized by using stamped concrete instead of brick pavers, and recommending that a Change Order in the amount of \$15,524.61 be issued to Dominic Gaglio Construction of Southgate, Michigan, and that the Director of Engineering and Public Services be authorized to execute a Change Order to the 2007/2008 Concrete Paving Program to this effect. It is further recommended that a total of \$18,000 be encumbered, to include project contingencies, and that the Finance Director be authorized to make the necessary budget transfer from the Engineering to Contractual line items with this project account.

Adam Yeager, 1833 South Custer Road, asked where the stamped concrete and the pavers are going to be placed.

Mayor Worrell stated that this is on Monroe Street near the river; the Downtown Development Authority is contributing \$15,000 and the water fund is contributing \$5,000.

It was moved by Councilwoman Conner and seconded by Councilman Beneteau that item 238 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

Tom Morris, 759 Washington Street, asked to comment on item #235, stating that the Mayor did not ask for public comment when the item was discussed earlier. He stated that he is very concerned about East Eighth Street and would like to comment about it. He also stated that the Mayor said there would be an opportunity for the public to comment about the dimensions of the street and he didn't understand if that would be tonight or at a different meeting.

George Brown, City Manager, stated that item 237 addresses the traffic control orders which includes some of the dimensional issues and the parking issues on East Eighth Street, and this item was passed on the consent agenda.

Mayor Worrell stated that tonight they dealt with the water main issue and the assessment (item 235) and also the fact that parking will be eliminated on the south side of the street (item 237) and there will be further discussion on that at a later time, but he cannot say when that will be.

It was moved by Councilman Clark and seconded by Councilman McGhee that item #237, the communication from the Director of Engineering, Public Services and Planning, submitting Traffic Committee meeting minutes and reporting back on five Traffic Control Orders and recommending that council accept and place on file the minutes from the August 27, 2008 Mayor's Traffic Committee meeting, and approve Traffic Control Orders 047-003, 056-011, 165-004, 195-006, and 216-002 be removed from the consent agenda for reconsideration and discussion.

Ayes: 7 Nays: 0

Motion carried.

Councilman Clark then read the item from the fact sheet relating to East Eighth Street.

Stephen Hande, 801 Washington Street, stated that his property is bordered by the hedges and he would like to keep the hedges.

Tom Morris, 759 Washington Street, asked if this can be revisited to discuss including a proposal to put the street back exactly the way it is right now.

Mayor Worrell stated that, as was discussed at the traffic committee meeting, it was agreed to eliminate parking on the south side of the street, such that the street would be narrowed by six inches on both sides in order to include the curb to address the ADA requirements.

Peter Beauvais, 116 East Eighth Street, stated that when their sidewalks were replaced within the last ten years they did not have to tear any of their hedges out; a footer was put down on the sidewalks as a curb. He asked if that is now illegal.

Mayor Worrell stated that the city has to be ADA compliant.

Patrick Beauvais, 749 Washington Street, asked council to refer this back to the engineering department to use their acumen to come up with a feasible solution where the integrity is maintained, to work within the parameters, and follow the guidelines from all the way back.

Patrick Lewis, Director of Engineering and Public Services stated that the bottom line here is that it is very difficult, if not impossible, to put the street back the way it is because primarily the hedgerow and fence lines that form the edges on both (at least toward Washington Street) are within an inch of the edge of that sidewalk. He stated that in his professional opinion it is just not feasible to do a good job to go in and meet all of the standards in keeping the roadway the same way as it is even if we don't put a curb in.

Stephen Hande, 801 Washington Street, stated that he disagrees with Mr. Lewis on the width of the sidewalk; he measured them and they are 48 inches wide. He would like to see the street remain as it is dimension wise and can't see where the issue is with that.

It was moved by Councilman Clark and seconded by Councilman McGhee that item 237 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

Mayor Comments.

Mayor Worrell commented on Senator Obama's visit to Monroe, the downtown hoedown, council evaluations, gateways, and the upcoming SIDS Walk at Munson Park.

Council Comments.

Councilman McGhee commented on Senator Obama's visit. He also commented on abandoned buildings, buildings that are not kept up to code and irresponsible landlords stating that Council is on target with resolving those issues in the city and it will be a focus of this council. He also apologized to citizens that he has not been able to get back to as of yet; but he has not forgotten them.

Councilman Molenda stated that he is looking forward to the evaluation of council members and announced that the Monroe County Community Foundation will be holding a steak roast and silent auction at the Monroe Boat Club on Wednesday, September 17th from 5-9 p.m.

Councilwoman Conner also commented on Senator Obama's reception stating that it was well policed by city and county police departments. She complimented Toby Worrell, Building Department for keeping on top of the former Brown's Hobby Shop issue, asked if anyone had any information regard Valupak coupons advertising cage wrestling on Front Street in Monroe and stated that anyone who has a problem with the United Furniture Building should talk to the Port.

Councilman Clark thanked all those who participated in the eradication of the flowering rush. He stated that he would like to have a session to sit down and discuss council evaluations/goals and objectives prior to the holiday season.

Councilman Paisley stated that he has noticed an increase in volunteerism and thanked everyone who is participating. He also commented on the barbeque festival/downtown hoedown and stated that the next major event will be the Custer Week Festivities.

George Brown, City Manager, announced that SMCC Class of 1948 will sponsor the Johnny Knorr Orchestra on September 20th at 7:00 p.m. at St. Mary's Park.

Councilman Beneteau stated that the Monroe Fire Department will hold their Bike Night on September 11th.

Citizen's Comments.

Nora Young, 414 Conant Avenue, updated everyone on former Councilwoman Dorothy Edwards stating that she is doing better and enjoys having visitors and also stated that the citizens in precinct 3 appreciate council's decision to consider their concerns for the intersection of Winchester/Third.

Adjournment.

It was moved by Councilman Paisley and seconded by Councilman Clark that the meeting adjourn at 10:10 p.m.
Ayes: 7 Nays: 0
Motion carried.

Charles D. Evans
Clerk, City Clerk's Office

Mark G. Worrell
Mayor