

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 17, 2008

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, November 17, 2008 at 7:30 p.m. in the City Hall Council Chambers.

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

Sharon Malotky, City Deputy Clerk gave the invocation.

Mayor Worrell led the pledge of allegiance to the flag.

Presentations.

Presentation by Andrea Jones, Director of Monroe Mainstreet, of the new website.

Public Hearings.

275 This being the date set to hear public comments on an application for Obsolete Property Rehabilitation Tax Exemption Certificate pursuant to Public Act 146 of 2000, as amended, from G. Martin & Son, LLC for improvements proposed to be made at 43 South Monroe Street, 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.

Council Action.

274 It was moved by Councilman Paisley and supported by Councilman Beneteau that the Communication from the Department of Engineering and Public Services, submitting Proposed Ordinance No. 08-017, an Ordinance to amend Section 1060.15 of the Codified Ordinance "Use of DPS Dumpster", be placed on its first reading and that the public hearing be set for Monday, December 1, 2008.

Ayes: 7 Nays: 0

Motion carried.

285 It was moved by Councilman Paisley and supported by Councilman McGhee that the Communication from the Department of Engineering and Public Services, submitting a Proposed Ordinance No. 08-018, an Ordinance to amend Section 1020.04, Removal of Snow, Ice, Filth, and Dirt from Sidewalks, be placed on its first reading and that the public hearing be set for Monday, December 1, 2008.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 08-018, was then presented for the first time and laid over for its second reading and public hearing be set for Monday, December 1, 2008.

Councilman Beneteau recognized that the first reading of Proposed Ordinance 08-017 was not completed.

Tom Ready, City Attorney stated that a motion to revisit item 274 would be in order to have the first reading.

It was moved by Councilman Paisley and supported by Councilman Beneteau to reopen discussion on item 274 for its first reading.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 08-017, was then presented for the first time and laid over for its second reading and public hearing be set for Monday, December 1, 2008.

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 Work Session Minutes held on Monday, October 20, 2008 Minutes of the Regular Meeting held on Monday October 20, 2008, and the Minutes of the Special Meeting held on October 27, 2008.
- B. Approval of payments to vendors in the amount of \$1,260,974.13.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

275 Obsolete Property Rehabilitation Certificate Application – 43 S. Monroe Street.

- 1. Communication from the Interim Director of Planning and Recreation, submitting an Application for Obsolete Property rehabilitation Tax Exemption from G. Martin & Son, LLC for improvements proposed to be made at 43 South Monroe Street and recommending that Council approve the request in accordance with the recommendation of the EDRC, in the form of the attached resolution and authorize staff to forward the application to the State Tax Commission for their review and action, following a public hearing, at its November 17, 2008 meeting.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

276 Health Savings account Service Agreement.

- 1. Communication from the Finance Director, submitting a service agreement with Fifth Third Bank as the provider for a health savings account (HSA) in conjunction with a high deductible health plan (HDHP) as one of the options that may be selected as the health insurance benefit provided beginning January 1, 2009 to Fire union and non-union employees and recommending that council approve the HSA services agreement with Fifth Third Bank and authorize the Finance Director to sign it on behalf of the City of Monroe.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

277 Appointments.

- 1. Communication from the Mayor's Office submitting a proposed resolution for appointments to various City Boards and Commissions, and recommending the proposed Resolution be adopted.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the resolution be adopted.

278 City of Monroe contribution to the Fitness Initiative Grant for the Fire Department.

- 1. Communication from the Fire Chief, reporting back on a grant received for the Firefighter Fitness Initiative in FY 2008, that the City of Monroe's contribution was 10%, \$4,894.00 as matching funds, and recommended that Council approve the transfer of \$4,894 budgeted in the 2008 Fire Department budget to the 2009 budget to cover the cost of the match on the Fitness Initiative Program grant.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

- 279 Replacement of the breathing air fill station and compressor at the Fire Department.
1. Communication from the Fire Chief, reporting back on bids received for the replacement of the breathing air fill station and compressor and recommending that the bid be awarded to BAS of Jackson, Michigan, for the amount of \$32,324.00 as they provided the only bid that met the specifications requested.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 280 First Presbyterian Church Banner Request.
1. Communication from the City Manager Office, reporting back on a request from the First Presbyterian Church to display a banner across Monroe Street from September 7 – October 3, 2009 announcing the church's charity bed race to aid children on October 18, 2009, and recommending approval of the request.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 281 Wastewater Sewer System Improvements.
1. Communication from Director of Water and Wastewater Utilities, reporting back on data collected from the URS Corporation to complete the Flow Monitoring Study and Sewer System Evaluation Survey to meet the approved MDEQ work plans and schedule and recommending that a purchase order be awarded to the URS Corporation for Engineering Services in the amount of \$194,000.00 for the SSES and Flow Monitoring Study on the Wastewater System Improvements project as outlined in the attached proposal.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 282 2008 Concrete Paving Program Change Order.
1. Communication from Director of Engineering and Public Services, submitting a Change Order to Dominic Gaglio Construction, Inc., for the reconstruction of the above four (4) projects in the amount of \$44,500, which includes 10% in Engineering and Contingencies and recommending that Council award a Change Order to the 2007/2008 Concrete Paving Program to Dominic Gaglio Construction, Inc. and further recommending that the City Engineer be authorized to sign the change order on behalf of the City of Monroe.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 283 2008 Water Main Rehabilitation Program.
1. Communication from Director of Engineering and Public Services, submitting a request for an extension of the original contract award to Arcadis U.S. Inc., to finish the construction season and recommending that an additional purchase order in the amount of \$20,000 be awarded to Arcadis U.S., Inc., for inspection on the 2008 Water Main Rehabilitation Program and further recommending that the Director of Engineering and Public Services be authorized to issue the purchase order on behalf of the City of Monroe.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.

284 Sale of Surplus Vehicles.

1. Communication from Director of Engineering and Public Services, reporting back on bids received for surplus vehicles not being used and recommending that Council dispose of the property delineated on the attached bid tabulation sheet to the bidders listed therein, in the amounts shown, and further recommending that the Director of Engineering and Public Services and/or his designee be authorized to perform any transactions necessary to complete these sales..
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

It was moved by Councilman Paisley and supported by Councilman McGhee that item's 276, 277, 279, 280, 281, 282, and 283 be approved as indicated and that items 275, 278 and 284 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

275 The communication from the Interim Director of Planning and Recreation was presented, submitting an Application for Obsolete Property rehabilitation Tax Exemption from G. Martin & Son, LLC for improvements proposed to be made at 43 South Monroe Street and recommending that Council approve the request in accordance with the recommendation of the EDRC, in the form of the attached resolution and authorize staff to forward the application to the State Tax Commission for their review and action, following a public hearing, at its November 17, 2008 meeting.

Councilman Clark stated that he pulled this item because there were two locations in the Resolution with errors and asked the errors be changed.

Adam Yeager, 1833 S. Custer Road stated he is against tax exemption except when it would apply to everyone.

Gabe Martin, 43 S. Monroe Street stated that without the tax incentive he would not be able to finance a project of this magnitude and listed what the project entailed. He further explained that they will pay taxes but not on the rehab amount for the 12 year exemption period.

It was moved by Councilman Clark and supported by Councilman Beneteau that item 275 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

278 The communication from the Fire Chief was presented, reporting back on a grant received for the Firefighter Fitness Initiative in FY 2008, that the City of Monroe's contribution was 10%, \$4,894.00 as matching funds, and recommended that Council approve the transfer of \$4,894 budgeted in the 2008 Fire Department budget to the 2009 budget to cover the cost of the match on the Fitness Initiative Program grant.

Councilman Clark asked for clarification of why the matching funds were not spent and how they can be carried over.

Joe Mominee, Fire Chief explained that the grant was approved in February and due to the Fire Chief leaving in June, the program had been started but did not go into completion and we are still in the middle of utilizing the grant currently. He continued that the fireman have been through an immunization program, put some fitness training programs together and had five of our fireman certified as fitness trainers, and still did not have the grant depleted before the end of the fiscal year. He further stated that is why he is asking for the balance to be brought over to fiscal year 2009.

Councilman Clark asked if the grant was for equipment.

Joe Mominee, Fire Chief stated that it is a fitness Initiative grant which included fitness machines and equipment but a portion of the grant could also be used for training to teach the firefighters how to use the machines and equipment in a safe way, and also a percentage of the grant was set aside for physicals.

Councilman Clark inquired about the foundation of the grant, and did the grant need to be rewritten between the time it was approved on February 4 to this request now.

Joe Mominee, Fire Chief said that to the best of his knowledge the grant was not rewritten.

Mayor Worrell asked if the grant money would come from this fiscal budget or last years and does the grant cover only the Fire Department or does it cover the Police Department also.

Joe Mominee, Fire Chief state the grant was to cover only the Fire Department but nothing prevents the Police Department from using the facility currently in place.

Ed Sell, Director of Finance stated that the request from the Fire Department was to transfer \$4,894 of funds that were budgeted in the 2008 budget to the 2009 budget. These funds were identified to be used towards the grant and because the federal funds were spent first, normal practice would be to transfer the budgeted funds from one fiscal year to the next. The grant is through FEMA and is specific for firefighters.

It was moved by Councilman Clark and supported by Councilman Paisley that item 278 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

284 The communication from Director of Engineering and Public Services, reporting back on bids received for surplus vehicles not being used and recommending that Council dispose of the property delineated on the attached bid tabulation sheet to the bidders listed therein, in the amounts shown, and further recommending that the Director of Engineering and Public Services and/or his designee be authorized to perform any transactions necessary to complete these sales.

Councilman Clark asked for clarification on policies or procedures or Ordinances that may be in place to address his concern of personnel or families of employees being allowed to be involved in the purchase of certain city property.

George Brown, City Manager stated that he is not aware of any language but referred the issue to the City Attorney.

Tom Ready, City Attorney stated that the Ethics Ordinance has wording to the affect that a public servant shall not use his position to gain financial gain for himself or his family and the other portion indicates that a public servant or immediate family member or any other person shall not benefit financially or enjoy private gain from confidential information acquired in the course of holding an elected office or employment with the City. He continued that he did not find any city policy, procedure or Ordinance that prohibited an employee or family member of an employee from bidding on auction property.

Councilman Clark explained that he has an issue with the sale of one of the vehicles because of the way the city became in possession of the vehicle and at this time he can not be in support of the passing of the sale of the surplus vehicles because of an item on the list.

Mayor Worrell asked if Councilman Clark was suggesting that council not allow city employees to purchase any of the vehicles for now and in the future.

Councilman Clark stated that he thinks we should be looking at policies in the future regarding disposition of items and looking at how the items are obtained and disposed of and how they are made available to the general public to

purchase. He reiterated that he can not support this item in its entirety unless item 18 would be removed and reconsidered.

Councilman Beneteau stated that he doesn't think a three day notice in the paper gives enough exposure to vehicles for sale and he thinks that a policy should be put into place that the auctions are no longer done in-house or the possibility of being done on-line.

Mayor Worrell stated that council now has two issues, the first being immediate, what are we going to do with this recommendation and secondly, it looks like we are looking at a change in policy as well.

Councilman McGhee asked Councilman Clark if he is asking for an amendment of the item to remove item number 18.

Councilman Clark stated that after complete discussion from the remaining council members and the public, he intends to take that route.

Councilman Paisley said he does not have any issues with the bid method and does not see any impropriety but would like to have seen a more prominent notification here in City Hall so more employees could have seen these items were available because it may have gotten more and higher bids on the vehicles. He stated that maybe he would have bid on one of them.

Pat McElligott, 513 Reisig Street stated that he had a problem with the process of the bid. He stated that the 20 pieces of city property was also his property as a taxpayer and he does not think the items were not advertised the way it should have been. He further stated that instead of amending the process he thinks the city should go back to the drawing board.

Patrick Lewis, Director of Engineering and Public Services said that he thinks everyone is being overly generous with the condition of some of the vehicles, that he has no problem reconsidering other alternatives as to how we secure the bids. He continued that some of the vehicles had been sitting there for over a year and some were falling apart. We tried the bid method rather than an auction to save staff time but we can explore other options in the future.

John Timko, 1034 Bentley Drive stated that he just heard about the bid today and said he did not think advertisement of the bid was very good.

Councilman Molenda stated that there are three elements to this issue, one is the value of the asset, two is how we came in possession of the asset, and three is the name of the bidder. He further stated that he thinks the name of the bidder is what is catching us. He also said that he would support stricter guidelines in the future but that this time he doesn't take issue with this item.

Councilwoman Conner stated that she thinks that because there are so many clouds on this topic, the item should be rejected and re-bid.

A motion was by Councilman Clark to amend item 284 to exclude bid number 18 and be accepted, place on file and the recommendation be carried out. Mayor Worrell asked for support. No support. Motion died for lack of support.

It was moved by Councilman Paisley and supported by Councilman Molenda that item 284 be accepted, placed on file and the recommendation be carried out.

Ayes: 4 Nays: 3 (Council members Conner, Clark and McGhee)
Motion carried.

Mayor Comments.

Mayor Worrell stated that he went to a Community Foundation dinner and commented on the presentation given by Margie McIntyre regarding the women in Monroe and what they have given to the community. He further informed

those in attendance that ACE Paper will be closing and that it seems to be reflective of what's happening in our region. He continued that there are many residents in our city that are hurting a lot more than our city employees, who are fortunate to have jobs, but that we are making reductions because we have to for survival. He continued that there are serious conditions in our economy with the closing of many businesses and that last year the city made many cuts and we will have to come to an understanding that the city will make substantial job cuts again. He further stated that council is playing with numbers but they are not firm yet because we do not know what is going to happen in Lansing with revenue sharing, but he says it is safe to say that we may be looking at \$800,000 – 1 million dollars in cuts next year again. He stressed that there are going to be changes and we all have to live with them.

Chief Michrina updated council on the progress of the Curfew Ordinance and issues that will be included in the Ordinance.

Council Comments.

Councilwoman Conner spoke of the meeting she attended for the National League of Cities where most of those in attendance are having the same problems as our City and that discussion of going to a four day work week was frequently mentioned as a cost saving plan, building relationships with surrounding townships and counties and forming groups and activities for the youth of the community to defer crime. She further stated that she has a list of Social Security phone numbers she would like to see on our website.

Councilman Beneteau said he received an email regarding foreclosures within the City and that there is not a specified area, that they are all over the City and that there are a larger number of homeless people downtown, and the concern about the crime rate increases as people loose their jobs and homes. He continued that the First Baptist Church celebrated their 175th Anniversary and he represented the City by presenting them with a Proclamation from the Mayor and City Council.

Councilman Clark commented on the visit from the Mayor of Hofu, Japan and that he had received a card and some pictures from the Mayor. He also announced the Holiday Parade will be on Sunday, November 23rd at 3:00 p.m.

Councilman Paisley invited everyone downtown to the Christmas tree lighting, carriage rides and other activities on Friday, November 21st at 6:30 p.m. and stated the event will run through 9:00 p.m. He said the tree lighting will be about 8:30 p.m.

Councilman McGhee commented on the Energy Assistance Grant provided through the Downriver Community Conference Weatherization and stated that applications will be accepted beginning December 1, 2008 and continue until funds are depleted and the contact number is 734-362-3473 or 734-362-3475 to schedule an appointment. He continued with comments on the National League of Cities Conference and stated that change is crucial in our neighborhoods and communities, and cuts need to be made and will be made.

Councilman Molenda commented on the NLC and on the economic conditions of our region and his commitment to looking for ways to work with his fellow council members. He continued by expressing his desire to define a firm strategic vision and moving forward with well defined economic strategies.

George Brown, City Manager informed everyone that we have exhausted our supply of leaf bags for the season and that pick up of leaf bags will continue until the second week of December.

Citizen's Comments.

Pat McElligott, 813 Reisig Street asked how contract negotiations are going and the status of the Ice Arena.

Mayor Worrell stated that Council is looking at short term and long term goals and those problems have to be addressed to be successful in the long term. He further commented on past revenue sharing and that we have lost a large majority of it, but he said he would not get into details of the contract negotiations.

Jean Hummel, speaking for Lucille Hummel, 628 Winchester Street addressed Council regarding a high water bill that was calculated after a meter change and stated that she has been trying to get the bill resolved by working with the Water Department. She requested that Mayor and Council provide relief of the charge and explained the circumstances surrounding the high bill.

After a lengthy discussion regarding the condition of the water meter's and the water usage, and the charges, it was determined that there would be some financial relief and it will be worked out between the City Manager and the Director of Water and Wastewater Utilities.

Andrea Jones, DDA Director announced that the DDA will be reviewing holiday promotion proposals and that they are highly promoting their website in an effort to get downtown Monroe information out to visitors, customers and potential investors. She said the holiday decoration is are being hung in preparation of the tree lighting holiday festivities on Friday, November 21st and the holiday parade is on Sunday, November 23

Adam Yeager, 1833 S. Custer gave advice on how to check for water leaks in a toilet and complained about the County snow plows throwing snow back on the sidewalks after they have already been shoveled.

Adjournment.

It was moved by Councilman Molenda and seconded by Councilman Paisley that the meeting adjourn at 9:48 p.m. until the Regular Meeting on Monday, December 1, 2008 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Sharon C. Malotky
Deputy Clerk, City Clerk's Office

Mark G. Worrell
Mayor