

CITY OF MONROE  
REGULAR COUNCIL MEETING  
MONDAY, DECEMBER 1, 2008

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, December 1, 2008 at 7:30 p.m. in the City Hall Council Chambers.

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

Charles D. Evans, City Clerk-Treasurer gave the invocation.

Mayor Worrell led the pledge of allegiance to the flag.

Presentations.

Presentation by Plante Moran of the 2008 Comprehensive Annual Financial Report and audit.

Presentation by Mannick and Smith of the condition of the bridges in the City.

Public Hearings.

- 274 This being the date set to hear public comments on Proposed Ordinance No. 08-017, an Ordinance to amend Section 1060.15 of the Codified Ordinance "Use of DPS Dumpster", there being no comments on file in writing in the Clerk-Treasurer's Office and no persons present commenting, the Mayor declared the hearing closed.
- 285 This being the date set to hear public comments on Proposed Ordinance No. 08-018, an Ordinance to amend Section 1020.04, Removal of Snow, Ice, Filth, and Dirt from Sidewalks, there being no comments on file in writing in the Clerk-Treasurer's Office and no persons present commenting, the Mayor declared the hearing closed.
- 292 This being the date set for the purpose of reviewing and hearing public comments on "Martin's Shoe House", SITE NO. 18, G. MARTIN & SONS, LLC, located at 43 S. Monroe Street, and the Brownfield plan that is being prepared to document the eligible activities and enable the developer to apply for an Act 36 Michigan Brownfield tax credit, there being no comments on file in writing in the Clerk-Treasurer's Office and no persons present commenting, the Mayor declared the hearing closed.
- 293 This being the date set for the purpose of reviewing and hearing public comments on the "Baroque Violin Shop", SITE NO. 19, BAROQUE VIOLIN SHOP, located at 317 S. Monroe Street, and the Brownfield plan that is being prepared to document the eligible activities and enable the developer to apply for an Act 36 Michigan Brownfield tax credit, there being no comments on file in writing in the Clerk-Treasurer's Office and no persons present commenting, the Mayor declared the hearing closed.

Council Action.

274 It was moved by Councilman Paisley and seconded by Councilman McGhee that Proposed Ordinance No. 08-017, an Ordinance to amend Section 1060.15 of the Codified Ordinance "Use of DPS Dumpster", be placed on its final reading.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 08-017 was then presented for the second time, after which the Mayor asked, "Shall this ordinance pass?"

Ayes: 7 Nays: 0

Ordinance passed.

285 It was moved by Councilman Paisley and seconded by Councilman Clark that 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 final reading.

Ayes: 7 Nays: 0

Motion carried.

Adam Yeager, 1833 South Custer Road, asked if anything was being done to alleviate snow from being thrown on the sidewalk from the south side from the city limits to Telegraph Road.

Mayor Worrell stated that he believes that is a County Road Commission issue and suggested that they may be able to put up some type of snow fence which could alleviate the problem.

Proposed Ordinance No. 08-018 was then presented for the second time, after which the Mayor asked, "Shall this ordinance pass?"

Ayes: 7 Nays: 0

Ordinance passed.

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)

Charles D. Evans, Clerk-Treasurer stated that the agenda was renumbered and item number 298, COMEA I – Implementation of Terms, had been added to the Consent Agenda.

- A. Approval of the Amended Minutes of the Special Meeting held on November 17, 2008 and the Minutes of the Regular Meeting held on Monday, November 17, 2008.
- B. Approval of payments to vendors in the amount of \$665,717.33.  
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

Mayor Worrell stated that he wanted to make sure that everyone understood what Item 298 is and asked George Brown, City Manager to elaborate on the item.

George Brown, City Manager, stated that the City's bargaining team and COMEA I, have been meeting to negotiate a replacement agreement for the agreement that would have expired on June 30, 2008. The negotiations reached an impasse last week and with that determination he proceeded to implement the city's final best offer. He stated that it was an action he took last week and he is asking council to confirm his action.

286 FY 2008 Assistance to Firefighters Grant.

1. Communication from the Fire Chief, reporting back on a FEMA grant program in the amount of \$56,700, the Federal share is 90% or \$51,030., and the City of Monroe's share is 10% or \$5,670 and recommending that Council accept this grant allowing the Fire Department to purchase 6 new SCBA's and to have the older equipment brought up to current standards for Firefighter safety, and further recommending that the Finance Director be approved to amend the budget as needed.

2. Supporting documents.
  3. Action: Accept, place on file and the recommendation be carried out.
- 287 Demolition Bid - 307 Winchester Street.
1. Communication from the Building Official, reporting back on bids received for demolition of a property located at 307 Winchester Street, and recommending that the bid be awarded to Erie Demolition & Salvage, Inc., in the amount of \$5,800.00 and further recommending 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.
- 288 Emergency Repair of Hydraulic Lift.
1. Communication from the Director of Engineering and Public Services, reporting back on emergency repairs needed for the hydraulic lift, and a proposal for replacement of the rear cylinder along with all associated work from Allied, and recommending that Council confirm the administrative decision to contract for repair of the hydraulic lift in the amount of \$11,900., and that the repair activities be allowed to proceed as scheduled.
  2. Supporting documents.
  3. Action: Accept, place on file and the recommendation be carried out.
- 289 Accu-Tab Chlorination System Purchase.
1. Communication from the Director of Water and Wastewater Utilities, submitting a request to purchase a PPG Industries Accu-tab Tablet Chlorination System, and recommending that a purchase order in the amount of \$19,690.00 be issued to Applied Specialties, Inc. for providing a PPG Industries Accu-tab Tablet Chlorination System in accordance with their quote.
  2. Supporting documents.
  3. Action: Accept, place on file and the recommendation be carried out.
- 290 Neptune Water Meter and Radio Reading Device Purchase.
1. Communication from the Director of Water and Wastewater Utilities, submitting a request to replenish inventory supplies for the current fiscal year and recommending that a purchase order in the amount of \$82,498.50 for providing the Water Department Neptune 5/8"x3/4" T-10 E-Coder inside water meter & radio reading devices be issued to SLC Meter Services, Inc.
  2. Supporting documents.
  3. Action: Accept, place on file and the recommendation be carried out.
- 291 Change Order for Dorsch Memorial Library, Phase III.
1. Communication from the Interim Director of Planning and Recreation, submitting a Change Order to T.H. Marsh Construction, Inc., for Phase III of the Dorsch Memorial Library project to cover additional items totaling \$24,681 and recognizing that this is a retroactive request, is seeking an additional \$8,931 budget amendment, which will come from Community Development Block Grant funds and will be covered by the budget already established by this Council and recommending that Council approve the proposed transfer of funds and authorize the payment of the outstanding invoice for changes included with this fact sheet.
  2. Supporting documents.

3. Action: Accept, place on file and the recommendation be carried out.
- 292 Brownfield Site No. 18.
1. Communication from the Interim Director of Planning and Recreation, reporting back on the facility known as "Martin's Shoe House", SITE NO. 18, and the Brownfield plan that is being prepared to document the eligible activities and enable the developer to apply for an Act 36 Michigan Brownfield tax credit and recommending that Council approve this work plan and the attached resolution following a public hearing at its December 1<sup>st</sup> meeting.
  2. Supporting documents.
  3. Action: Accept, place on file and the resolution be adopted.
- 293 Brownfield Site No. 19.
1. Communication from Interim Director of Planning and Recreation, reporting back on the facility known as the "Baroque Violin Shop", SITE NO. 19, and the Brownfield plan that is being prepared to document the eligible activities and enable the developer to apply for an Act 36 Michigan Brownfield tax credit and recommending that Council approve this work plan and the attached resolution following a public hearing at its December 1<sup>st</sup> meeting.
  2. Supporting documents.
  3. Action: Accept, place on file and the resolution be adopted.
- 294 Consultant Services for Inspection of Michigan Avenue Bridge Replacement.
1. Communication from the Director of Engineering and Public Services, reporting back on project inspection services needed on the Michigan Avenue Bridge Replacement and recommending that Council award a contract for Engineering Services for the reconstruction of the Michigan Avenue Bridge over Mason Run Drain to The Mannik and Smith Group in the amount of \$15,000., and that the Director of Engineering and Public Services be authorized to execute any relevant contracts or agreements on behalf of the City.
  2. Supporting documents.
  3. Action: Accept, place on file and the recommendation be carried out.
- 295 Refuse Collection Contract Award.
1. Communication from the Director of Engineering and Public Services, reporting back on bids received for curbside residential and commercial trash, recyclable and yard waste collection and recommending that Waste Management, the low bidder at \$917,997.99 initial annual cost, be awarded the contract for curbside residential and commercial trash, recyclable and yard waste collection for a five (5) year period commencing March 1, 2009 and that the Mayor and City Clerk-Treasurer are authorized to sign the appropriate contract documents.
  2. Supporting documents.
  3. Action: Accept, place on file and the recommendation be carried out.
- 296 Bridge Inspections Consultant Award for Further Load Rating Analysis.
1. Communication from the Director of Engineering and Public Services, reporting back on the 2008 bridge inspections by The Mannik and Smith Group having unveiled deficiencies that seem to be accelerating in recent years resulting in a request for a proposal for further analysis and recommending that the City award a contract for load rating analysis of the Macomb Street,

Roessler Street, and Winchester Street bridges to the Mannik and Smith Group in an amount no to exceed \$13,500., and that the Director of Engineering and Public services be authorized to execute the agreement on behalf of the City

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

297 Council Policy for the Purchase of City Property.

1. Communication from the City Managers Office, submitting a request to adopt policies pertinent to the purchase of surplus City property and recommending that Mayor and Council consider adopting the attached policy resolution that would refine restrictions regarding the purchase of City Property by City elected and appointed officials and employees.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

298 COMEA I – Implementation of Terms. (This item was added at the beginning of the meeting)

1. Communication from the City Manager's Office, submitting a proposed resolution confirming the City Manager's action to implement terms of the city's last best offer to COMEA Unit I, except for a 2% base wage adjustment that would have taken effect on July 1, 2009, 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 Paisley and supported by Councilman Clark that item's 286, 288, 290, 292, 293, 294, 295, and 296 be approved as indicated and that items 287, 289, 291, 297, and 298 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

287 The communication from the Building Official was presented, reporting back on bids received for demolition of a property located at 307 Winchester Street, and recommending that the bid be awarded to Erie Demolition & Salvage, Inc., in the amount of \$5,800.00 and further recommending the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.

Charles D. Evans, City Clerk-Treasurer read a letter into the record from Sandra Cote, asking that the house not be demolished.

Councilman Clark asked if the house was occupied at the time of auction and if there had been any repair work done on the house.

Joe Lehmann, Building Official stated that he does not know if it was occupied at the time of purchase. He stated that there was a permit pulled for the roof prior to the letter being sent from the building department but the work was never finalized.

Councilman McGhee stated that he can sympathize with Ms. Cote but it is an eyesore to the community and he is in favor of the demolition.

Councilman Molenda asked if Ms. Cote ever occupied the building and if she had responded to any of the communications sent to her prior to the letter that was read into the record tonight.

Joe Lehmann, Building Official stated he assumed that she had lived there at one time but he could not be sure. He stated that the correspondence read at the meeting tonight was the only response received from Ms. Cote after three letters had been sent to her from the building department.

Councilwoman Conner asked if he had a receipt showing that Ms. Cote had received the letters from him. She also stated that someone should let Ms. Cote know she can get help by calling 211.

Joe Lehmann, Building Official stated that the letters were sent out first class mail.

George Brown, City Manager, stated there is a process in the ordinance that has to be followed with the orders and one of the steps is to notify the property owner that they have the right to appeal the decision of the inspectors, but an appeal of the order was not filed.

Adam Yeager, 1833 South Custer Road, stated that he does not know the owner or the condition of the house, but he does not believe the city should give tax abatements to businesses and then tear down an individual's home.

It was moved by Councilman Clark and seconded by Councilman Paisley that item 287 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

289 The communication from the Director of Water and Wastewater Utilities was presented, submitting a request to purchase a PPG Industries Accu-tab Tablet Chlorination System, and recommending that a purchase order in the amount of \$19,690.00 be issued to Applied Specialties, Inc. for providing a PPG Industries Accu-tab Tablet Chlorination System in accordance with their quote.

Councilman Molenda asked if any homeland security funding was available for this.

Barry LaRoy, Director of Water and Wastewater Utilities, stated that this is a low cost replacement system and unfortunately there is no grant money available that he is aware of.

It was moved by Councilman Molenda and seconded by Councilman Beneteau that item 289 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

291 The communication from the Interim Director of Planning and Recreation was presented, submitting a Change Order to T.H. Marsh Construction, Inc., for Phase III of the Dorsch Memorial Library project to cover additional items totaling \$24,681 and recognizing that this is a retroactive request, is seeking an additional \$8,931 budget amendment, which will come from Community Development Block Grant funds and will be covered by the budget already established by this Council and recommending that Council approve the proposed transfer of funds and authorize the payment of the outstanding invoice for changes included with this fact sheet.

Councilman Clark asked if this is a retroactive request.

George Brown, City Manager, explained this was a misunderstanding that because they had identified \$140,000 in the capital improvement plan, that the project had the authority to go up to that amount. He further stated that

when this came to him recently, under that assumption, he corrected it because council had actually approved a bid and then contingencies of \$122,000, but this obviously went over that amount. He stated this should have come to council earlier.

Councilman Clark asked if any other projects are affected by putting these CDBG funds into this project to cover the costs.

George Brown, City Manager stated that \$140,000 was identified in all of the documentation as they were planning for this project, so this does not displace work on any other projects.

It was moved by Councilman Clark and seconded by Council Paisley that item 291 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

297 The communication from the City Managers Office was presented, submitting a request to adopt policies pertinent to the purchase of surplus City property and recommending that Mayor and Council consider adopting the attached policy resolution that would refine restrictions regarding the purchase of City Property by City elected and appointed officials and employees.

Councilman Clark referred to the section regarding "public servant of the city and the purchase of property" and asked if this would apply to all property.

Tom Ready, Attorney stated that his intent in drafting this was to cover all city property whether acquired before or after the date of passage of the resolution. He further stated that it is his opinion that "acquisition" is to be broadly interpreted to mean acquiring property in any way.

Pat McElligott, 813 Reisig, felt that although this addresses the ethics of the whole process but it does not address the bid process and he expressed concerns that it excludes people from the process which he does not think should be excluded.

It was moved by Councilman Clark and seconded by Councilman Molenda that item 297 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

298 The communication from the City Manager's Office was presented, submitting a proposed resolution confirming the City Manager's action to implement terms of the city's last best offer to COMEA Unit I, except for a 2% base wage adjustment that would have taken effect on July 1, 2009, and recommending that the resolution be adopted.

Paula Smith, 4150 Allegheny Drive, COMEA I President, stated she is confident that negotiations are not at an impasse and COMEA I fully intends to go back to the bargaining table and hammer out an agreement that will be fair to both the City of Monroe and COMEA Unit I members in the best interest of the residents of the City of Monroe.

Mayor Worrell stated he believes the city's negotiation team will be willing to sit and talk with the union.

Sheri Hudson, 2128 Doty Road, COMEA I Negotiator, also felt that they are not at an impasse, stating that they are here to negotiate and urged the city to get back to the bargaining table and hammer out a fair contract for COMEA I members.

It was moved by Councilman Paisley and seconded by Councilman Clark that item 298 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

#### Mayor Comments.

Mayor Worrell asked John Michrina, Police Chief if the load limits are still being enforced in the city and if they are still using the scale from years ago.

John Michrina, Police Chief, stated that position was eliminated in an effort to save money, so he does not have anyone specifically assigned to that position at this time.

#### Council Comments.

Councilman Beneteau stated he would like to see the load limit restrictions put in place at the next traffic committee meeting and also commented on the pre-Thanksgiving dinner put on by the Police and Fire for the needy at St. Joseph's Church.

Councilman Clark commented on the downtown tree lighting ceremony, thanked the Fire and Police Departments and Sgt. McCormick for their attentiveness regarding traffic issues on First Street and stated that the downtown holiday decorations look good.

Councilman Paisley commented on the downtown tree lighting ceremony, the audit report and budget and the condition of city bridges. He also thanked city employees for maintaining a level of service to the community in these times of cost saving measures and also commented on a recent SEMCOG meeting he attended.

Councilman McGhee thanked the Police and Fire for the pre-Thanksgiving meal they served to the needy, commented on the downtown tree lighting event and suggested that some type of memorial be considered for former Councilwoman Dorothy Edwards.

Councilman Molenda promoted the Historic District Commission's Historic Church Tour to be held on Sunday, December 7<sup>th</sup> stating that more information could be obtained by calling the Planning Department.

Councilwoman Conner stated that there are 158 foreclosures in the city, stated that maybe staff could look into an employee suggestion program for cost savings and asked when the lights would be back on at the Martin Luther King bridge.

Patrick Lewis, Director of Engineering and Public Services, explained that this is an expense we cannot keep up with at this time but they are investigating some potential alternatives.

George Brown, City Manager announced that the last day of leaf pickup in the city will be Thursday, December 11<sup>th</sup>.

Citizen's Comments.

Pat McElligott, 813 Reisig, expressed concerns regarding a wood feasibility study for the DPS building stating he is opposed to spending time on a study like this.

Adjournment.

It was moved by Councilman Paisley and seconded by Councilman McGhee that the meeting adjourn at 9:55 p.m. until the Regular Meeting on Monday, December 15, 2008 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

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Charles D. Evans  
City Clerk Treasurer

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Mark G. Worrell  
Mayor