

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 2, 2009

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, February 2, 2009 at 7:30 p.m. in the City Hall Council Chambers.

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

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

Mayor Worrell led the pledge of allegiance to the flag.

Andrea Jones, Executive Director of Mainstreet Monroe Downtown Development Authority updated council and the public about current events, planned projects and stated that the DDA voted to contribute \$1000.00 of their flower budget to the MONROE flower sign for 2009.

Proclamation.

17 February 9, 2009 as Monroe/Lenawee County AFL-CIO Central Labor Council Day.

Council Action.

16 This item was tabled at the January 20, 2009 meeting.

Communication from the Director of Engineering and Public Services, reporting back on the purchase of flowers to be used to form the traditional block "MONROE" arrangement at Memorial Park for the 2009 season, and recommending that a purchase order be issued as detailed above to North Monroe Greenhouse for a total amount of \$5,350.32 and that the Director of Engineering and Public Services be authorized to process it on behalf of the City of Monroe.

It was moved by Councilman Clark and seconded by Council McGhee that item 16 be placed on the floor for discussion.

Ayes: 7 Nays: 0
Motion carried.

It was moved by Councilman Clark and seconded by Councilman Molenda that item 16 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0
Motion carried.

18 It was moved by Councilman Paisley and seconded by Councilman Beneteau that the Communication from the Director of Planning & Recreation, submitting a Proposed Ordinance No. 09-001, an Ordinance to amend the City of Monroe's Planning/Zoning Code and Official Zoning Map be placed on its first reading and that the public hearing be set for Tuesday, February 17, 2009.

Ayes: 7 Nays: 0
Motion carried.

Proposed Ordinance No. 09-001, was then presented for the first time and laid over for its second reading and public hearing.

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

- A. Approval of the Minutes of the Regular Meeting held on Tuesday, January 20, 2009.
- B. Approval of payments to vendors in the amount of \$614,172.19
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

Charles Evans, Clerk-Treasurer informed council that item 26 and item 28 have been revised and a new fact sheet has been provided for each item.

19 Proposed Land Division – 3200 E. Elm Avenue.

- 1. Communication from the Director of Planning & Recreation, submitting a Land Division Request to divide the property located at 3200 E. Elm Avenue, and recommending that the proposed land division be approved with the contingencies noted in the Citizens Planning Commission motion (minus immediate rezoning), and that the issues identified by the consultant in his review (and noted above) be addressed to the satisfaction of the City Council.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

20 FEMA Grant purchase of 6 Sperian SCBA.

- 1. Communication from the Fire Chief, reporting back on the FEMA Assistance to Firefighters Grant Program in the amount of \$56,700, with a 10% City match of \$5,670, and recommending that the City of Monroe purchase 6 Sperian SCBA's from Douglas Safety Systems, LLC, the regional distributor for Sperian, to maintain consistency, uniformity, quality and safety.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

21 Monroe County Community College Banner Request.

- 1. Communication from the City Managers Office, reporting back on a request from the Monroe County Community College for permission to display a banner across Monroe Street from April 1 – 30, 2009 announcing the Big Read, and recommend that the request be approved.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

22 Request of a New SDM License – 643 Telegraph Road, LLC.

- 1. Communication from the City Managers Office, reporting back on a request from Kelly Allen, attorney for 643 Telegraph Road, for a new SDM licensed business at 643 Telegraph Road, Monroe, Michigan and recommending that Council approve this request contingent upon all building code deficiencies being met as outlined by the administration and that the City Manager be authorized to approve the request after final inspection by the Building Department has occurred.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

23 Monroe Alano Club Resolution.

1. Communication from the City Managers Office, submitting a proposed resolution that would officially recognize The Monroe Alano Club as a non-profit organization in the Monroe Community in order to apply for a charitable gaming license from the State of Michigan Lottery Division and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

24 Michigan Avenue Bridge Replacement – Change Order.

1. Communication from the Director of Engineering and Public Services, submitting a Change Order to ensure sufficient funding for the Michigan Avenue Bridge Replacement project, and recommending that Council award a change order 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 \$7,500, 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.

25 Employee Dental Insurance – Change of Carriers.

1. Communication from the Director of Human Resources, recommending the change of Dental Insurance Carriers from the Blue Cross-Blue Shield Dental Program to Delta Dental, and that council authorize the Human Resources Department to implement that change.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

26. Elimination of Retirement Sick Leave Bonus for Non-Bargained Employees.

1. Communication from the City Managers Office, reporting back cost-containment programs for the non-bargained employee group in a continued effort to help lower costs, and recommending that Council approve the elimination of the retirement sick leave bonus payment effective December 31, 2008, for the non-bargained for employee group, and further recommending the Council approve the attached Resolution to eliminate the Retirement Sick Leave Bonus Payment.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

27. Patrol Officers Ratification.

1. Communication from the Human Resources Department, submitting the tentative agreement between the City of Monroe and the Police Officers Association of Michigan, and recommending that council formally approve the POAM/Patrol Officers 2008-2011 Collective Bargaining Agreement.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

28 2009 Water Main Rehabilitation Program.

1. Communication from the Director of Engineering and Public Services, reporting back on the Labor Harmony Resolution waiver and recommending that the City's Labor Harmony Requirements be waived for the 2009 Water Main Rehabilitation Program, and that the Director of Engineering and Public Services be authorized to prepare the contract documents with a requirement for Davis-Bacon Act compliance instead.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

It was moved by Councilman Paisley and seconded by Councilman Beneteau that items 20, 21, 22, 24, 26, and 27 be approved as indicated and that item 19, 23, 25 and 28 be removed and considered separately.

Ayes: 7 Nays: 0.

Motion carried.

19 Communication from the Director of Planning & Recreation was presented, submitting a Land Division Request to divide the property located at 3200 E. Elm Avenue, and recommending that the proposed land division be approved with the contingencies noted in the Citizens Planning Commission motion (minus immediate rezoning), and that the issues identified by the consultant in his review (and noted above) be addressed to the satisfaction of the City Council.

Councilman Clark asked if there would be any problem in keeping this property as a deep water port.

Jeff Green, Interim Director, Department of Planning & Recreation said that issue has not been discussed but that ACH representatives could address that question.

George Brown, City Manager stated that it would not effect the operation of the port channel.

Adam Yeager, 1833 S. Custer Road asked why this item was published in the paper on the same day it was to be voted on and stated that the information given about the item was unclear. He continued that no one would be aware that the property being discussed was the Ford Plant and that the way it was presented the citizens did not get a chance to speak out on the issue.

Della DiPietro, ACH governmental liaison stated that they have been in discussion with the City and the Planning Commission since last year and that she will not identify the recipient because the firm is still in discussions.

It was moved by Councilman Clark and seconded by Councilman Paisley that item 19 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion passed.

23 Communication from the City Managers Office was presented, submitting a proposed resolution that would officially recognize The Monroe Alano Club as a non-profit organization in the Monroe Community in order to apply for a charitable gaming license from the State of Michigan Lottery Division and recommending that the resolution be adopted.

Councilman Molenda indicated that he pulled this item in hopes that someone from the Monroe Alano Club would be available for questions, but no one representing the organization was in attendance.

It was moved by Councilman Molenda and seconded by Councilman McGhee that item 23 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion passed.

25 Communication from the Director of Human Resources was presented, recommending the change of Dental Insurance Carriers from the Blue Cross-Blue Shield Dental Program to Delta Dental, and that council authorize the Human Resources Department to implement that change.

Derek Whitaker, 9091 Newport Creek Road, Firefighters Local 326 informed council that city employees have been without dental insurance for over a month and of all the problems with the oversight of the insurance benefits.

Peggy Howard, Human Resource Director indicated that she has been working on the dental issue with Blue Cross Blue Shield on a daily basis since the beginning of the year and that because the issue has not been resolved she contacted Delta Dental who then submitted a proposal and was able to insure all employees and retro the coverage back to January 1, 2009. She further stated that she has had contact with some of the dental providers and they are willing to hold off billing the insurance until the new insurance is in place.

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

Ayes: 7 Nays: 0

Motion passed.

28 Communication from the Director of Engineering and Public Services was presented, reporting back on the Labor Harmony Resolution waiver and recommending that the City's Labor Harmony Requirements be waived for the 2009 Water Main Rehabilitation Program, and that the Director of Engineering and Public Services be authorized to prepare the contract documents with a requirement for Davis-Bacon Act compliance instead.

Charles Evans, Clerk Treasurer read a letter from Paul Padot, Representative of the U.A. Plumbers and Pipefitters Local Union No. 671.

Patrick Lewis, Director of Engineering and Public Services stated that it is not the intent to circumvent the Labor Harmony Resolution previously passed by council but that the concern is the potential to have just one bidder because out of the three bids from last year, only one of them was union, therefore omitting the other two bidders. He continued that the request is to replace the Labor Harmony Agreement only for this contract, making it contract specific, with the Davis-Bacon Act instead. He went on to explain how the Davis-Bacon Act is set up and the difference between the two.

Don O'Connell, Operating Engineers Local 324, Labor Management Division of 12,000 workers in the state, said that Insituform has an office in Michigan with Michigan union members employed. He explained the differences, benefits, and cons between the Labor Harmony Agreement and the Davis-Bacon Act and spoke in favor of the Labor Harmony Agreement.

Dan Miton, 311 Hubble Street urged Mayor and Council to reject the recommendation from Patrick Lewis, Director of Engineering and Public Services and stated that he has contractors available to bid on the contract presently.

Stan Lewinski, 6908 Summerfield Road representing the AFL-CIO Local 33 and a citizen of Monroe County asked that council keep the work within the confines of the local union and residents.

Mike Jackson, 802 Roeder Street stated that none of the unions have been contacted about this contract and that the agreement is between the labor unions and the city but no one was asked to get more bidders. He asked how this problem can be solved. He continued to explain how the Labor Harmony Agreement was founded and why.

Barry LaRoy, Director of Water & Wastewater Utilities explained that the DWRF Program requires competitive bidding and that a lot of the potential stimulus money will be funneled through the DWRF and the SRF programs. The specs call for more than one product to be used and the two picked to replace the water mains have limited approved contractors in Michigan and only one of the contractors is unionized. He continued that both the house and senate bill require the Davis-Bacon Act to be part of the plan with the stimulus package.

Jerry Hesson, 2741 S. Custer Road stated that the prevailing wage comes from the market place which is negotiated between the contractors and the workers in the geographical area that are in the union and it is negotiated to the benefit of the contractors and workers to be competitive, but it is not working. He continued that under specialty work you will have fewer bidders than that of general construction work.

It was moved by Councilwoman Conner and seconded by Councilman Paisley that item 28 be accepted, placed on file and the resolution be adopted.

Ayes: 2 Nays: 5 (Councilperson McGhee, Molenda, Conner, Clark and Mayor Worrell)

Motion failed.

Council Comments.

Councilman Paisley asked if the city ordinance would have to be amended to allow for bike racks to be installed and he commented further on the Labor Harmony Agreement issue.

Mayor Worrell stated that bikes are allowed to be ridden in the streets of the city and to be placed in the bike racks by walking them to the bike rack but that the ordinance would not need to be amended.

Councilman McGhee congratulated Monroe County Community College for acquiring a \$300,000 grant for the learning bank and thanked the two officers for helping his wife get out of a snow rut she was stuck in.

Councilman Molenda commented on the topic of "notice to the public" regarding the land division issue and stated that the information is open and available to the public.

Councilwoman Conner stated that there are 152 foreclosures in the city as of the end of January, and there were 18 sales in January and 7 new foreclosures so far this month. She further stated that free tickets to any museum in the area can be obtained at the library.

Councilman Beneteau commented on the living wage issue and the bid process for the 2009 Water Main Rehabilitation Program.

Councilman Clark commented on the stimulus package, the proposed land division, the State of the State Address by the Governor and state and local government.

City Managers Comments.

George Brown, City Manager noted that council ratified the labor agreement with the Patrol Officers Union. He expressed appreciation to the members of the Patrol Officers' and management bargaining teams for their diligent efforts to reach agreement and for addressing some of the City's financial challenges.

Citizen's Comments.

Pat McElligott, 813 Reisig Street commented on the topic at the last County Commissioners meeting on funding for maintenance of road repairs and stated his idea of giving back to the community would be not to pay employees for holiday's such as Columbus Day, Veteran's Day, President's Day and Martin Luther King Day and any other holidays that we are paying people not to work.

Don O'Connell, Operating Engineers Local 324 thanked council for the vote on the Labor Harmony Agreement and commented on the condition of state and local roads and the lack of funding.

Jeannie Micka, 44 E. Elm Avenue commented on the "Dance through Time Fundraiser" and thanked Councilwoman Conner for her participation.

Stan Lewinski, 6908 Summerfield Road thanked council for the proclamation and commented on the cuts that the Road Commission has already taken and his thoughts on how to rectify the deficit.

Mayor Worrell gave his perspective of ways to fund road structure and repairs.

John Timko, 1034 Bentley Drive complained about the manner of snow plowing downtown.

Adjournment.

It was moved by Councilman Paisley and seconded by Councilman McGhee that the meeting adjourn at 9:48 p.m. until the Regular Meeting on Tuesday, February 17, 2009 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Charles D. Evans
City Clerk-Treasurer

Mayor Worrell