

CITY OF MONROE
REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 8, 2009

Regular meeting of the City Council of the City of Monroe, Michigan held on Tuesday, September 8, 2009 at 7:30 p.m. in the City Hall Council Chambers.

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

Charles D. Evans, City Clerk gave the invocation.

The Mayor led the pledge of allegiance to the flag.

Charles D. Evans, Clerk-Treasurer informed Council that Item 201 has been pulled from the Consent Agenda and that proclamation, numbered 194, should be changed to number 211 because at the last meeting item 194 was added at the end of the meeting.

Proclamations.

211 September 2009 – Life Insurance Awareness Month.

Public Hearings.

182 This being the date set to review and hear comments on the Proposed Ordinance No. 09-011, an Ordinance to Establish public safety, fire and public utility emergency response cost recovery within the City of Monroe and there being no comments on file in writing in the Clerk's Office, the Mayor declared the hearing open.

Councilman Clark reminded council that he had requested at the last meeting that both fee proposals be presented at the same time as opposed to passing the ordinance and the fee schedule separately.

There being one person commenting and no comments on file in writing in the Clerk's Office, the Mayor declared the hearing closed.

Council Action

182 It was moved by Councilman Paisley and seconded by Councilman Beneteau that Ordinance 09-011, an Ordinance to establish public safety, fire and public utility emergency response cost recovery within the City of Monroe, be placed on its final reading.

Mayor Worrell expressed concern about cost recovery fees for accidents because the cost can be substantial with police recovery fees and response from the fire department as well.

Ayes: 5 Nays: 2 (Councilman Clark and Mayor Worrell)

Motion Carried.

Proposed Ordinance No. 09-011 was then presented for the second time after which the Mayor asked, "Shall this ordinance pass?"

Ayes: 5 Nays: 2 (Councilman Clark and Mayor Worrell)

Motion Carried.

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 Special Meeting held on, Monday, August 17, 2009, and the Minutes of the Regular Meeting held on, Monday, August 17, 2009.
- B. Approval of payments to vendors in the amount of \$ 784,055.69.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

195 Public Utility and Emergency Response Cost Recovery Fee Schedule.

- 1. Communication from the Fire Chief submitting a proposed resolution to set the fee schedule for Public Utility and Emergency Response Cost Recovery, and recommending that Council approve the resolution as presented to facilitate cost recovery in accordance with Ordinance No. 09-011.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the resolution be adopted.

196 Traffic Committee Minutes and Traffic Control Orders.

- 1. Communication from the Director of Engineering & Public Services, submitting the minutes of the Traffic Committee meeting held on August 19, 2009, and recommending that council accept and place on file the minutes from the August 19, 2009 Mayor's Traffic Committee meeting, and approve Traffic Control Orders 050-003 and 154-004.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

197 Home Builders Association Banner Request.

- 1. Communication from the City Manager's Office, reporting back on a request from the Home Builders Association for permission to display two banners: First banner across Monroe Street from February 1-21, 2010, and the second banner across East Front Street from February 1 – March 1, 2010 announcing the Home Tour and Builders Show, and recommending approval of the request.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

198 Annual Holiday Parade.

- 1. Communication from the City Manager's Office, reporting back on a request from the Monroe County Chamber of Commerce for permission to hold the annual Holiday Parade on November 22, 2009 at 3:00 p.m., and to close the affected streets, and recommending that Council approve the request contingent upon items being met as outlined by the administration and that the City manager be granted 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.

199 Women Empowering Women, Inc., Resolution.

- 1. Communication from the City Manager's Office, submitting a proposed resolution that would officially recognize Women Empowering Women, Inc., as a non-profit organization in the Monroe

community in order to apply for a 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.

200 Monroe Cooperative Nursery, Inc., Resolution.

1. Communication from the City Manager's Office, submitting a proposed resolution that would officially recognize Monroe Cooperative Nursery, Inc., as a non-profit organization in the Monroe community in order to apply for a 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.

201 This item was pulled at the meeting – Huron Erie Alliance for Real-Time Monitoring (HEART-MI).

202 City Policies and Procedures.

1. Communication from the Director of Human Resources, submitting three (3) new policies addressing Political Activity, Compensation, and Accident/Injury Reporting, and recommending that Council approve the attached Policies and direct City administration to proceed with implementation.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

203 Clarifier No. 1 Launder Replacement Project Bids.

1. Communication from the Director of Water & Wastewater Utilities, reporting back on bids received for the Clarifier No. 1 Launder Replacement project as part of a budgeted fiscal year 2009-2010 Capital Improvement Program project, and recommending that a purchase order in the amount of \$33,200.00 be awarded to Midwestern Fabricators, LLC out of Salt Lake City, UT for the Clarifier No. 1 Launder Replacement project as part of a budgeted fiscal year 2009-2010 Capital Improvement Program project in accordance with the bid specifications.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be adopted.

204 Augusta Drive and Riviera Drive Resurfacing–Change Order to 2009 Curb Replacement and Resurfacing Program.

1. Communication from the Director of Engineering & Public Services, submitting a request for a change order to the 2009 Curb Replacement and Resurfacing Program, and recommending that Council award a change Order to the 2009 Curb Replacement and Resurfacing Program to C&D Hughes, Inc., for the resurfacing of Augusta Drive (South Custer to Riviera) and Riviera Drive (west and to concrete section near Grace) in the amount of \$92,234.42, and that a total of \$102,000 be encumbered to include a 10% project contingency, 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.

- 205 Port of Monroe – Approval to sell property at 14 E. First Street.
1. Communication from the City Manager’s Office, submitting a proposed resolution that would grant approval to the Port of Monroe to sell or convey property that it owns, and recommending that Council approve the attached resolution which will formally grant the Port of Monroe permission to sell the property that it owns at 14 E. First Street.
 2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.
- 206 Parking Ticket Administration.
1. Communication from the Clerk-Treasurer, submitting a three (3) year parking ticket program agreement with Complus Data Innovations, Inc., and recommending that Council approve the attached contract and that the Clerk-Treasurer be authorized to sign the agreement on behalf of the City of Monroe.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 207 2009 Water Main Projects – Consultant Inspection Contract Extension.
1. Communication from the Director of Engineering & Public Services, reporting back on the consultant inspection contracts for inspection services on 2009 construction projects, and recommending that Council award an additional contract to Dietrich, Bailey, and Associates for “as needed” services up to \$40,000, and award an additional contract to David Arthur Consultants, Inc., for “as needed” services up to \$30,000.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 208 Waterloo Dam Sluice Gate Emergency Repairs.
1. Communication from the Director of Engineering & Public Services, reporting back on quotes received to replace two lift bar mechanisms for the Waterloo Dam Sluice Gates, and recommending that Council formally authorize the above expenditure in the amount of \$6,115.46 for the replacement of the lift bar mechanisms.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 209 Final Paving of Mason Run II Streets – Paving Special Assessment District No. 331 – Resolution 1.
1. Communication from the Director of Engineering & Public Services, submitting Resolution No. 1 in the special assessment process, declaring the paving work to service properties fronting Baptiste Avenue between East Noble Avenue and East Lorain Street, Lapointe Avenue between East Noble Avenue and Elliot Street, McDougal Street between Baptiste Avenue and Mason Run Boulevard, Elliot Street between Baptiste Avenue and Mason Run Boulevard, Mason Run Boulevard between East Noble Avenue and future East Lorain Street, and East Lorain Street between the Mason Run drain and Baptiste Avenue, and recommending that the attached Resolution 1 be adopted, which directs the Engineering Department to prepare plans, specification, and cost estimates for this project.
 2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.

210 Final Paving of Mason Run II Streets – Paving Special Assessment District No. 331 – Resolution 2.

1. Communication from the Director of Engineering & Public Services, submitting Resolution No. 2 confirming the special assessment process for the paving work to service properties fronting Baptiste Avenue between East Noble Avenue and East Lorain Street, Lapointe Avenue between East Noble Avenue and Elliot Street, McDougal Street between Baptiste Avenue and Mason Run Boulevard, Elliot Street between Baptiste Avenue and Mason Run Boulevard, Mason Run Boulevard between East Noble Avenue and future East Lorain Street, and East Lorain Street between the Mason Run drain and Baptiste Avenue, and recommending that the attached Resolution 2 be adopted and that the public hearing be scheduled for Monday, September 21, 2009 at 7:30 p.m., in the Council Chamber at Monroe City Hall.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

It was moved by Councilman Paisley and seconded by Councilman McGhee that items 197, 198, 206, 207, 208, 209, and 210 be approved as indicated and that items 195, 196, 199, 200, 202, 203, 204 and 205 be removed and considered separately.

Ayes: 7 Nays: 0

Motion Carried.

195 The communication from the Fire Chief was presented, submitting a proposed resolution to set the fee schedule for Public Utility and Emergency Response Cost Recovery, and recommending that Council approve the resolution as presented to facilitate cost recovery in accordance with Ordinance No. 09-011.

Councilman Clark said that he found the cost recovery fees to be excessive, and asked what level of service the base fee includes, as well as the other levels of response fees. He asked where the fees came from and inquired about the cost recovery fees built into the budget by both the Police Department and the Fire Department, as a source of revenue.

Chief Mominee explained what services are involved with the base fee and that the level one response fee is the base fee. He explained that these fees are accepted practice in our area of south east Michigan and that he obtained the numbers for the fees from Accumed, our third party billing company, and they supplied them from a handful of departments that operate in and out of Monroe County. He agreed that there is \$50,000 built into the budget for cost recovery revenue.

After lengthy discussion a vote was taken.

It was moved by Councilman McGhee and seconded by Councilman Paisley that item 195 be postponed and referred to a work session.

Ayes: 6 Nays: 1(Councilman Clark)

Motion Carried.

196 The communication from the Director of Engineering & Public Services was presented, submitting the minutes of the Traffic Committee meeting held on August 19, 2009, and recommending that council accept and place on file the minutes from the August 19, 2009 Mayor's Traffic Committee meeting, and approve Traffic Control Orders 050-003 and 154-004.

Councilwoman Conner asked for clarification on Traffic Control Order 050-003.

Patrick Lewis, Director of Engineering and Public Services, explained that section 5 of the order was being modified and not the whole order.

It was moved by Councilwoman Conner and seconded by Councilman Beneteau that item 196 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

199 Communication from the City Manager's Office, submitting a proposed resolution that would officially recognize Women Empowering Women, Inc., as a non-profit organization in the Monroe community in order to apply for a gaming license from the State of Michigan Lottery Division, and recommending that the resolution be adopted.

Councilwoman Conner stated that she does not think that Jean O' Conner is still on the board and that the Board of Directors list needs to be corrected.

It was moved by Councilwoman Conner and seconded by Councilman Clark that item 199 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

200 Communication from the City Manager's Office was presented, submitting a proposed resolution that would officially recognize Monroe Cooperative Nursery, Inc., as a non-profit organization in the Monroe community in order to apply for a gaming license from the State of Michigan Lottery Division, and recommending that the resolution be adopted.

Adam Yeager, 1833 S. Custer asked if this nursery is for a child or a plant and if it is a child's nursery, why do they need gambling in it.

Tom Ready, City Attorney explained that this is for fundraising purposes for the benefit of the children and that the name of the nursery has been change to Monroe Cooperative Preschool.

It was moved by Councilman Beneteau and seconded by Councilman Paisley that item 200 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion Carried.

202 Communication from the Director of Human Resources was presented, submitting three (3) new policies addressing Political Activity, Compensation, and Accident/Injury Reporting, and recommending that Council approve the attached Policies and direct City administration to proceed with implementation.

Councilman Paisley questioned the semantics of the policy and does the policy include Council and asked where the Clerk-Treasurer's Office falls within this policy.

Tom Ready, City Attorney stated that elected officials are not considered city employees.

Charles D. Evans, Clerk-Treasurer explained that the assistance provided by the Clerk's Office to any candidate or citizen that wants to be a candidate echo's the City Charter.

It was moved by Councilman Molenda and seconded by Councilman McGhee that item 202, Section 2.4(d) be amended to include any candidate for any elected city office, be accepted as amended, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0
Motion Carried.

203 Communication from the Director of Water & Wastewater Utilities was presented, reporting back on bids received for the Clarifier No. 1 Launder Replacement project as part of a budgeted fiscal year 2009-2010 Capital Improvement Program project, and recommending that a purchase order in the amount of \$33,200.00 be awarded to Midwestern Fabricators, LLC out of Salt Lake City, UT for the Clarifier No. 1 Launder Replacement project as part of a budgeted fiscal year 2009-2010 Capital Improvement Program project in accordance with the bid specifications.

Councilwoman Conner pointed out that the lowest bidder awarded the contract was significantly lower than the other bidders and wondered if they were notified to ask if the bid was correct.

Barry LaRoy, Director of Water & Wastewater Utilities explained that the company was contacted and that their bid was expected but that other bids were very high.

It was moved by Councilwoman Conner and seconded by Councilman Beneteau that item 203 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0
Motion Carried.

204 Communication from the Director of Engineering & Public Services was presented, submitting a request for a change order to the 2009 Curb Replacement and Resurfacing Program, and recommending that Council award a change Order to the 2009 Curb Replacement and Resurfacing Program to C&D Hughes, Inc., for the resurfacing of Augusta Drive (South Custer to Riviera) and Riviera Drive (west end to concrete section near Grace) in the amount of \$92,234.42, and that a total of \$102,000 be encumbered to include a 10% project contingency, and further recommending that the City Engineer be authorized to sign the change order on behalf of the City of Monroe.

Councilman Clark commended Patrick Lewis, Director of Engineering and Public Services, and the department for getting this project taken care of before the close of the year.

It was moved by Councilman Clark and seconded by Councilman McGhee that item 204 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0
Motion Carried.

205 Communication from the City Manager's Office was presented, submitting a proposed resolution that would grant approval to the Port of Monroe to sell or convey property that it owns, and recommending that Council approve the attached resolution which will formally grant the Port of Monroe permission to sell the property that it owns at 14 E. First Street.

Adam Yeager, 1833 S. Custer stated that he was surprised that the Port of Monroe has property at 14 E. First Street.

Mayor Worrell explained that the Port of Monroe encompasses the entire City of Monroe.

It was moved by Councilman Paisley and seconded by Councilman McGhee that item 205 be accepted, placed on file and the resolution be adopted.

Councilman Molenda expressed concern about the possibility that it could be sold for less than the purchased price or the balance that is owed on the property and asked who would be responsible for the difference, the Port of Monroe or the City of Monroe.

Ed Sell, Finance Director explained that the property is an asset of the Port of Monroe so if they sell it for more than they owe on it, that money will stay at the Port, and if they sell it for less than they owe on it, it depends on where the overall financial situation for the Port stands and whether they can afford to pay off the note next year or when selling it for less than what they owe on it. He continued that the Port doesn't have a lot of liquid assets so there's a good chance that the City might have to come out with that cost.

After discussion a vote was taken.
Ayes: 6 Nays: 1(Councilman Molenda)
Motion Carried.

Mayor Comments.

Mayor Worrell commented on the enforcement from the police department on lawn parking standards, street parking issues during daytime hours in reference to snow removal, street sweeping and safety issues. He suggested that residents make an attempt to park in their garages and alleyway during daytime hours. He suggested that the greenways ordinance be enforced and that residents keep their lawn clippings out of the streets. He further commented on the election in November and spoke about the vision and goals of Council since taking office in 2008 and about the remaining time in this term for this Council. He commented on the boards and appointments and recognition of residents who restore their property.

Council Comments.

Councilman McGhee expressed disappointment in Mayor Worrell's decision not to run for office again, commented on the goals and objectives of Council from the onset and addressed citizens about placing their trash out earlier than allowed for trash pick up. He further commented about the residents who burn debris and asked that the police department be more attentive to that issue and commented on the ambulance service and the positive comments from residents.

Councilwoman Conner recognized Junior Achievement for the completion of the steps at the entrance to their building on Cass Street and commented on the senior citizens beautiful garden at the River Park Plaza. She quoted 135 foreclosures in the City this month and thanked the Fire Chief and the fire department for their response to the fire at Greenwood. She also mentioned the dedication at the Labor History Museum this past Saturday.

Councilman Beneteau commented about police enforcement of the ordinance that addresses parking on grass and the blight issues.

Councilman Clark mentioned the Fire Department Memorial Ride this weekend and the time is now to return to school safely.

Councilman Paisley commented on Council benefits, the River Raisin Labor Day Bar-B-Q this past weekend, insurance fees for accidents and that the assumption of the public is that downtown businesses are closing.

Citizens Comments.

Kathy Powers, 303 E. Fifth Street explained that she represents the Conservative Caucus of Monroe County and explained that they are a political action committee and that on September 19, 2009 there will be another tea party in Loranger Square.

David Smith, 505 Hollywood Drive expressed concern about the constitution and the bill of rights being in danger and stated that he had never seen a time when he has been more fearful of government and went on to explain why. He commented on helping those in need as well as campaigning for council by putting signs in his yard and praised the elected officials for the job they've done during their time in office.

Adam Yeager, 1833 S. Custer Road commented on stimulus money and complained about the speed limit on M50 in the vicinity of Waterloo School being posted at too high of a rate of speed. He complained about the condition of the streets in his area and sewer back-ups becoming more frequent.

It was moved by Councilman Paisley and supported by Councilman Clark that Council go into executive closed session to discuss pending litigation 9:33 p.m.

Ayes: 7 Nays: 0

Motion Carried.

Council reconvened at 10:22 p.m.

Adjournment.

By unanimous consent the meeting was adjourned at 10:22 p.m. until the next Regular Meeting on Monday, September 21, 2009 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Charles D. Evans
City Clerk-Treasurer

Mark G. Worrell
Mayor