

CITY OF MONROE  
REGULAR COUNCIL MEETING  
MONDAY, SEPTEMBER 21, 2009

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, September 21, 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, City Clerk introduced his granddaughter Grace Kelly Gallagher, and said that today is her 16<sup>th</sup> birthday.

Presentations.

Presentation by Becky Mullins on behalf of the Monroe Art League's 1812 River Raisin Battlefield and Bicentennial Art Contest.

Presentation by Sandie Pierce and Judy Laberdee, Parolee Supervisor for Monroe with MPRI, Michigan Prisoner ReEntry Initiative.

Presentation by Mayor Mark G. Worrell, former Mayor Milton Knabush and Arden Westover regarding an historic perspective.

Proclamations.

212 October 31, 2009 – Halloween Night Trick-or-Treat from 6:30 p.m. – 8:00 p.m.

Public Hearings.

210 This being the date set for the purpose of reviewing and hearing comments on the special assessment roll for S.A.D. #331, 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 there being no comments on file in writing in the Clerk's Office, the Mayor declared the hearing open.

Willie Hall, 415 Mason Run Blvd. expressed concern that the City did not require a bond when they entered into a contract with the developer to assure that the developer would fulfill the contract, and now the costs of the remaining work is being passed to the residents. He asked how it came about that the City is the owner of Elliot Park and expressed concern that the residents in the community have not been updated.

George Brown, City Manager explained that City staff and the City Attorney have reviewed the agreement with Crosswinds, the state law guidelines and determined that one of the most immediate needs was to address the street issue. He continued that the streets have not been accepted by the city because they do not meet municipal standards for city streets and said that they are not public streets and that an assessment or some other private

means of funding are needed to finish the street work. He further stated that because they are not public streets, the city can not plow them, that being a problem in the winter and also with future maintenance.

Tom Ready, City Attorney, stated that through research of the three agreements it was discovered that the developer agreed to complete the infrastructure, including the streets we are discussing tonight, but unfortunately the developer has not complied with the agreement so the streets are not finished. He continued that the Condominium Act requires City Council see to it that the infrastructure is completed and as it appears that the developer is likely insolvent, the City will initiate action against the developer to recoup the costs. He further explained that at the present time it looks like the only feasible way to finance completing the streets is through the special assessment and in the event that the City is successful in recouping the costs, anything that is assessed and actually paid pursuant to the special assessment procedure would be reimbursed.

Patrick Torres, 938 Elliot Street said he would like to have all the citizens of the Mason Run community meet with Council and come to some agreement to figure this issue out. He further commented that last winter's snow removal was a big problem and he would like to have that issue resolved.

Deborah Hughes, 950 Elliot Street asked how the financial responsibility would be disbursed to each resident.

Patrick Lewis, Director of Engineering & Public Services explained that a paving special assessment is broken down by a frontage basis and that residents with corner lots will have a 50% discount for their frontage on both sides up to 75 feet of frontage and that's why the residents have different assessment amounts. He also explained that the assessment process includes two (2) public hearings and five (5) resolutions and that the assessed amount is not available at the time of the first notice of a public hearing. He further explained that unfortunately the undeveloped parcels will be spread, by law, proportionate to the other condo units in the development. He explained that the City obtained Elliot Park as a determination made by the Assessor because that property was excluded from the condominium document and is listed as a public park.

Mayor Worrell clarified that the reason this assessment is being pushed through is because we do not want to go through another winter like last year and we know the asphalt companies will run for about another six weeks, so if we can get it through, we can get it paved and the streets can be plowed. He further stated that a big concern about letting this go another year is that there could be damage to the manhole covers and that the price of asphalt will go up as a result of the government stimulus funding.

Lisa Lowenstein, 406 Baptiste Avenue said that she appreciates that the City is working to get the snow removal issue resolved and expressed concern that Crosswinds is being let off the hook. She asked if the City is doing anything to recoup the money from the developer, expressed concern that there is no lighting in the community and asked if it would be possible to light every fifth street light for security purposes.

Tom Ready, City Attorney explained that once the costs are in and known, suit action can be brought against the developer to recoup the costs.

George Brown, City Manager said that the city is investigating whether or not Detroit Edison will work with them on the street lighting system but that they have their standard lighting system and it's questionable if they will accept the existing equipment. He further explained that the City does not have the capability of maintaining street lights but other avenues are being looked into.

Janelle Medlin, 938 Elliot Street expressed concern that after the roads are completed and new builders come in, the streets would be destroyed.

Patrick Lewis, Director of Engineering & Public Services acknowledged that it is a concern and that is why the second layer of asphalt was not done early on, but that it needs to be balanced now for convenience to the current residents. He commented that the likelihood is that there will not be building there for some time.

David Smith, 530 Hollywood commented on the public hearing and planning session for this project initially.

Charles Woolf, 426 Lapointe thanked the City for the steps they are taking to remedy the problems and expressed a desire to go after Crosswinds to recoup the costs.

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

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 Work Session held on, Tuesday, September 8, 2009, and the Minutes of the Regular Meeting held on, Tuesday, September 8, 2009.
- B. Approval of payments to vendors in the amount of \$ 1,340,419.32.  
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

213 Huron to Erie Alliance for Real-Time Monitoring and Information (Heart-MI) Resolution.

- 1. Communication from the Director of Water & Wastewater Utilities, submitting a proposed resolution that would accept the membership, adopt the bylaws and designate representatives, and recommending that Council approve the attached resolution for the City of Monroe to become a member or the HEART-MI alliance and provide the respective funding contribution as described after all equipment has been installed and is operational in an effort to avoid losing the equipment grant funding and to maintain the real-time network, and further recommending the Finance Director to amend the fiscal year 2009-2010 Water Intake budget to appropriate the necessary funding to become a member of the HEART-MI alliance.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the resolution be adopted.

214 West Lorain Street Water Main Replacement-Change Order.

- 1. Communication from the Director of Engineering & Public Services, submitting a Change Order to the West Lorain Street Water Main Replacement project and recommending that a Change Order in the amount of \$104,974.54 be issued to C & D Hughes for the West Lorain Street water main replacement project, and that a total of \$121,000 be encumbered to include a 15% contingency, and further recommending that the Director of Engineering & Public Services be authorized to execute the change order on behalf of the City.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

215 City of Monroe Fire Stations Building Maintenance & Renovation Bids.

- 1. Communication from the Director of Engineering & Public Services, reporting back on bids received for building maintenance and renovations for the Central Fire Station and the West Side Fire Station, and recommending that Council award a contract for Items 1, and 6 to Phoenix

Contractors, Inc., in the amount of \$36,000, that Council award a contract for Item 4 to Sieb Plumbing & Heating, Inc., in the amount of \$9,950.00, Council award a contract for Item 5 to Staelgraeve-Turner Electric, Inc, in the amount of \$12,000 and that a total of \$61,000 be encumbered to include a total of 5% contingency for the overall project, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign to contracts on behalf of the City of Monroe.

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

216 Magnetic Flow Meter Purchase.

1. Communication from the Director of Water & Wastewater Utilities submitting a request to purchase one 30-inch AVV Magnetic Flow Meter, (model MFF761VE118A008ER05), and recommending that a purchase order in the amount of \$17,375.00 be issued to Midwestern Municipal Instrumentation, Inc., in accordance with their quote dated 9-14-09.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

217 Suicide Vigil in Loranger Square.

1. Communication from the City Manager's Office, reporting back on a request from the United Way of Monroe County, Inc., on behalf of the Suicide Prevention Committee for permission to close East First Street on September 22, 2009 between Monroe Street and Washington Street from 5:30 p.m. – 7:00 p.m. for their annual vigil, and recommending that Council approve the request contingent upon items being met as outlined by the administration, **subject to no additional overtime or other costs to the city**, and that the City Manger 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.

218 Appointments.

1. Communication from the City Manager's Office, submitting a proposed resolution for appointments to various boards, commissions and committees, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

219 St. Mary's Catholic Central High School Homecoming Parade.

1. Communication from the City Manager's Office, reporting back on a request from St. Mary's Catholic Central High School for permission to hold their annual Homecoming Parade on October 2, 2009 at 5:30 p.m., and to close the affected streets, and recommending that Council approve the request **with the amended route**, contingent upon items being met as outlined by the administration, subject to insurance requirements being met, a parade permit, 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.

220 Monroe High School Homecoming Parade.

1. Communication from the City Manager's Office, reporting back on a request from Monroe High School for permission to hold their annual Homecoming Parade on October 2, 2009 at 5:00 p.m., and to close the affected streets, and additionally for a police escort, and recommending that Council approve the request **with the amended route**, contingent upon items being met as outlined by the administration, subject to insurance requirements being met, a parade permit, and 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.

221 Memorial Place Floral Display Recommendations – 2010 Season.

1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the purchase and installation of the tropical red and green Alternanthea plants utilized in the block "MONROE" sign at Memorial Place, and recommending that a purchase order be issued to North Monroe Greenhouse for an annual amount of \$4,800.00, and that the Director of Engineering & Public Services be authorized to process it on behalf of the City of Monroe each year from 2010-12.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be adopted.

222 City Policies and Procedures.

1. Communication from the Director of Human Resources, submitting a revised Computer/Electronic Communication Policy, and recommending that Council approve the attached Computer/Electronic Communications Policy #007 and direct City administration to proceed with implementation.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

223 Bulk Rock Salt Bids.

1. Communication from the Director of Engineering & Public Services, reporting back on bids received for bulk rock salt for de-icing major streets and intersection approaches, and recommending that Council award a contract for up to 1,800 tons of bulk rock salt to The Detroit Salt Co., LLC., in the amount of \$89,910 for the 2009-10 season, and further recommending that the Director of Engineering & Public Services be authorized to issue a purchase order for the above amount.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

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

1. Communication from the Director of Engineering & Public Services, submitting Resolution No. 2, Revised to correct several errors in the compilation of the assessment district boundaries, and the ownership details of some of the parcels of the special assessment district which includes Mason Run Boulevard and Baptiste avenue north of Noble Avenue, East of Lorain Street from Mason

Run Drain to Baptiste Avenue, and all of Elliot Street, LaPointe Avenue, and McDougall Street, and recommending that the attached amended Resolution 2 be adopted, and that a new public hearing be scheduled with all of the correct property owners directly notified, for Monday, October 5, 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 recommendation be carried out.

It was moved by Councilman Paisley and seconded by Councilman McGhee that items 214, 216, 217, 218, 219, 220, 221, 222, 223 and 224 be approved as indicated and that items 213 and 215 be removed and considered separately.

Ayes: 7 Nays: 0

Motion Carried.

213 Communication from the Director of Water & Wastewater Utilities was presented, submitting a proposed resolution that would accept the membership, adopt the bylaws and designate representatives, and recommending that Council approve the attached resolution for the City of Monroe to become a member of the HEART-MI alliance and provide the respective funding contribution as described after all equipment has been installed and is operational in an effort to avoid losing the equipment grant funding and to maintain the real-time network, and further recommending the Finance Director to amend the fiscal year 2009-2010 Water Intake budget to appropriate the necessary funding to become a member of the HEART-MI alliance.

Adam Yeager, 1833 S. Custer Road asked what this item pertains to.

Barry LaRoy, Director of Water & Wastewater Utilities stated that HEART-MI is a real-time drinking water protection network, and the city will be granted the equipment and it will be maintained by the alliance. He further explained that in order to accept the bylaws and become a member of the alliance, the city will pay dues fees. He also explained that the equipment will monitor pollutants that come down from the Detroit River and various other waterways.

It was moved by Councilman Clark and seconded by Councilman Paisley that item 213 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion Carried.

215 Communication from the Director of Engineering & Public Services was presented, reporting back on bids received for building maintenance and renovations for the Central Fire Station and the West Side Fire Station, and recommending that Council award a contract for Items 1, and 6 to Phoenix Contractors, Inc., in the amount of \$36,000, that Council award a contract for Item 4 to Sieb Plumbing & Heating, Inc., in the amount of \$9,950.00, Council award a contract for Item 5 to Staelgraeve-Turner Electric, Inc, in the amount of \$12,000 and that a total of \$61,000 be encumbered to include a total of 5% contingency for the overall project, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign to contracts on behalf of the City of Monroe.

Patrick Lewis, Director of Engineering & Public Services explained that going in to this project we knew that we were not going to have enough funding to complete all of the improvements but we wanted to get some idea what the costs were. He further explained that there are some concerns with Item 5 and asked that Council award Items 1 & 6 to Phoenix Contractors, Inc., in the amount of \$36,000.00 and that Item 4 be awarded to Sieb Plumbing & Heating, Inc., in the amount of \$9,950.00, and that Item 5 be deferred.

It was moved by Councilman Paisley and seconded by Councilman Clark that item 215 be approved for Items 1, 4 & 6, and that Item 5 be deferred, and that this item be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0  
Motion carried.

#### Mayor Comments.

Mayor Worrell introduced Lisa Leachman who was appointed to the Port Commission. He gave a brief description of her background and qualifications and asked her to come to the podium to say a few words.

Lisa Leachman, Fluid Equipment Development Company, Ternes Drive, explained that FEDCO is a global manufacturer that supplies water desalination pumping equipment to many different locations around the world, and are currently in about 45 countries. She explained that their equipment brings water to places where there are no clean water systems.

#### Council Comments.

Councilman Molenda commented on the meeting for Michigan Week, and thanked former Mayor Milton Knabush and Arden Westover for coming to the meeting.

Councilwoman Conner reminded everyone about the charity bed race on October 18<sup>th</sup> in Loranger Square beginning at 1:30 p.m.

Councilman Clark commented on the Humane Society Walk on Saturday at Munson Park and the display of historical cars on Sunday at St. Mary's Park for Special Olympics

Councilman Paisley commented on the Halloween Proclamation, wished Charles Evans' granddaughter a happy birthday, and said that on June 4, 2010, The Little Big Horn Association will present an Equestrian Monument.

#### City Manager Comments.

George Brown, City Manager stated that leaf bags will be available for pick up by city residents on September 28<sup>th</sup> at the Department of Public Service on weekdays from 7:30 a.m. – 3:30 p.m., and at the Police Station on weekdays from 6:00 a.m. – 5:30 p.m., and on weekends from 6:00 a.m. – 2:30 p.m.

#### Citizens Comments.

Pat McElligott, 813 Reisig Street commented on transparency, communication and preventative maintenance regarding Crosswinds and his comments at council meetings not being recorded into the minutes word for word.

Ronald Niesz, 938 Waterloo Avenue commented on the problems with the pavement work done during waterline replacement.

Richard Micka, 47 E. Elm Street commented on Dr. Frost day and The Little Big Horn.

David Smith, 505 Hollywood Drive commented on the process of filling out nominating petitions for the upcoming election.

John Timko, 1043 Bentley Drive commented on the dust at Munson Park and asked about the money that the City pays towards the Ice Arena.

Lisa Leachman, 205 Scott Street commented on the ease and convenience when using the City's Action Line.

Adjournment.

It was moved by Councilman Paisley and seconded by Councilman McGhee that the meeting adjourn at 9:26 p.m. until the Regular Meeting on Monday, October 5, 2009 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