

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 20, 2010

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, December 20, 2010 at 7:30 p.m. in the City Hall Council Chambers.

Present: Council Member Beneteau, Paisley, Bica, Molenda and Mayor Clark.

Excused: Council Member Hensley and Conner.

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

Mayor Clark led the Pledge of Allegiance to the flag.

Presentation.

Presentation by David Eby regarding the Adopt-a-Park proposal at Soldiers and Sailors Park.

Proclamation.

269 December 20th, 2010 as "St. Mary Catholic Central High School Volleyball Day".

Public Hearing.

270 This being the date set to hear public comments on an Obsolete Property Rehabilitation Tax Exemption Certificate pursuant to Public Act 146 of 2000, as amended, from West Front Street Development, LLC for the properties located at 114 and 116 West Front Street, and there being no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing open.

Jack Piedmonte, Representative of West Front Development said that his firm owns a section of buildings in the same block as properties at 114 and 116. He explained that his firm has been preparing to renovate, and still have every intention to renovate, the properties at 114 and 116 West Front Street and have purchased windows, brick and have done some architectural design. He also explained that they've met on and off with the City, although the communication hasn't been consistent and apologized for that. He said that they've met with Mr. Brown and Mr. Lehmann recently to discuss coming to an agreement to reach their objectives and the objective of the City.

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

Council Action.

219 This item was tabled at the October 18, 2010 meeting.

Proposed Ordinance No. 10-006, as amended, an Ordinance to amend chapter 114, Purchasing and Contracts, of the Code of the City of Monroe, as amended, up for its final reading. It was moved by Council Member Molenda and seconded by Council Member Bica that Ordinance No. 10-006 be tabled in favor of a work session.

It was moved by Council Member Molenda and seconded by Council Member Bica that item 219 be placed on the floor for discussion.

Ayes: 5 Nays: 0

Motion carried.

Council Member Molenda asked what it is that would no longer be posted in City Hall, referred to in line 147 & 148 on page seven (7) and he commented about the increase of departmental petty cash from \$25 to \$100 referred to in line 226 on page eleven (11). He also commented on the changes that were discussed in the Work Session.

Ed Sell, Finance Director said that the notice requesting bids will no longer be posted in the bulletin board at City Hall because it is posted online and in the newspaper, but the information will be available in the Finance Department or in the department involved with the bid.

It was moved by Council Member Molenda and seconded by Council Member Bica that Proposed Ordinance No. 10-006, as amended, an Ordinance to amend chapter 114, Purchasing and Contracts, of the Code of the City of Monroe, as amended, be placed on its final reading.

Ayes: 5 Nays: 0

Motion carried.

Proposed Ordinance No. 10-006, as amended, was then presented for the second time after which the Mayor asked "Shall this Ordinance pass?"

Ayes: 5 Nays: 0

Motion carried.

265 This item was postponed at the December 6, 2010 meeting.

Communication from the Building Official, reporting back on bids received for the demolition of a property located at 369 Armitage Drive, and recommending that Council award the contract to Earth Works Excavating, in the amount of \$8,300 and that a total of \$13,300 be encumbered to include a contingency of \$5,000 for the abatement of asbestos if identified, and further recommending that the Mayor or Clerk-Treasurer be authorized to sign the contract on behalf of the City of Monroe. It was moved by Council Member Beneteau and seconded by Council Member Hensley that item 265 be postponed until the next meeting on December 20th to allow the Building Inspector time to do a full inspection on the property and a compliance plan be put together with the property owner.

It was moved by Council Member Beneteau and seconded by Council Member Bica that item 265 be placed on the floor for discussion.

Ayes: 5 Nays: 0

Motion carried.

Council Member Beneteau after reviewing the inspection report and pictures from this property, it appears that we are be asked to postpone this item until the January 18, 2011 Council Meeting to allow time for a plan to be put together. He explained that there is a list of things that should be considered and that he would like to add to the list that this property should be cleared of all of the rubbish and debris that is inside of the property before the January 18th meeting. He also read the recommendation from Joe Lehmann, Building Official and added his recommendation as cited above.

It was moved by Council Member Beneteau and seconded Council Member Bica that item 265 be postponed until the January 18, 2011 Council Meeting with the stipulation that the inside of the property be cleared of all rubbish and debris before that meeting.

Ayes: 5 Nays: 0

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 Regular Council Meeting held on Monday, December 6, 2010.

B. Approval of payments to vendors in the amount of \$884,478.18.

Action: Bills be allowed and warrants drawn on the various accounts for their payment

270 Obsolete Property Rehabilitation Certificate Application – 114-116 West Front Street

1. Communication from the Interim Director of Planning & Recreation, submitting an application for Obsolete Property Rehabilitation Tax Exemption from West Front Development, LLC for the buildings at 114 and 116 West Front Street, and recommending that Council delay action on this item until its meeting on January 18, 2011 in order to draft the terms of the above referenced agreement and to address outstanding issues pertaining to property maintenance code compliance.
2. Supporting documents.
3. Action: Delay action on this item until January 18, 2011.

271 Farming Lease Extension.

1. Communication from the Finance Director, submitting an extension request and amendment to the 2007 Farming Lease, and recommending that Council approve the attached Amendment and extension of Lease between Mark Fetterly and the City of Monroe. The lease is extended through December 31, 2013 and the per acre rental fee is increased from \$50 to \$55 per acre.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

272 Arthur Lesow Community Center - Resolution.

1. Communication from the City Manager's Office, submitting a proposed resolution to recognize the Arthur Lesow Community Center as a non-profit organization in the Monroe community, and recommending that the Resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

273 Demolition Bid – 114 and 116 West Front Street.

1. Communication from the Building Official, reporting back on bids received for the demolition of a property located at 114 and 116 West Front Street, and recommending that Council table this action until January 18, 2011 Council meeting in order to draft terms of an agreement to renovate the structures and further recommending that if an agreement cannot be reached the structure be demolished.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

274 Emergency Purchase – Boiler Heating Coils at Wastewater Treatment Plant

1. Communication from the Director of Water & Wastewater, submitting a proposal to purchase new coils for the boiler heating system at the Wastewater Treatment Plant, and recommending that Council confirm the administrative decision to perform an emergency direct purchase of boiler stainless steel heating coils for the Wastewater Treatment Plant and that the purchase be allowed to proceed as scheduled.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

275 Sale of Fire Department Surplus Property and Equipment

1. Communication from the Director of Engineering & Public Services, reporting back on the sale of the Fire Department's five (5) items of surplus property, and recommending that Council authorize the sale of a 1989 Fire Truck in the amount of \$1,555.75 to Jack's Lawn Service, a 1997 Wells Cargo trailer in the amount of \$3,387 to Peter Demray, and a 2006 Wells Cargo trailer in the amount of \$5,487 to Peter Demray, 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 Council Member Molenda and seconded by Council Member Beneteau that items 272, 273, and 274 be approved as indicated, and that item 270, 271 and 275 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

270 The communication from the Interim Director of Planning & Recreation was presented, submitting an application for Obsolete Property Rehabilitation Tax Exemption from West Front Development, LLC for the buildings at 114 and 116 West Front Street, and recommending that Council delay action on this item until its meeting on January 18, 2011 in order to draft the terms of the above referenced agreement and to address outstanding issues pertaining to property maintenance code compliance.

Council Member Beneteau clarified that should this Obsolete Property Rehabilitation Application be granted, it will be contingent on the outstanding issues pertaining to the property and maintenance being taken care of in keeping with the plan.

Council Member Paisley asked if the delay of granting this application until January 18, 2011 would impede the progress or delay the rehabilitation of the property by another month.

George Brown, City Manager said that the architect has invested quite a bit in an extensive renovation plan including a budget development and timeline but one of the items in that plan, a section of the front wall, needs attention sooner. He explained that they are working with Mr. Lehmann, Building Official to proceed with that work regardless of the action on this item.

Council Member Paisley express concern that under some of these types of applications, work done prior to the approval of it, could be excluded from the application process and he does not want to get Council into a bind resulting in the investor not getting what they want.

George Brown, City Manager said that there is a question as to whether building stabilization can be done prior to the application process. He said that there has been at least one time since he's been here when that work was

permitted. He explained that the basics of the Obsolete Property Rehabilitation Act are that with the abatement, the value of the property would be held at the pre-rehab value.

Jack Piedmonte, Representative of West Front Development said that at the meeting with Mr. Brown and Mr. Lehmann, they agreed to remove the front wall and secure the front of the building at 116 W. Front Street, and they are hopeful to be moved to the Council Agenda on January 18, 201, but regardless, they plan to do the work at the front of 116 West Front Street.

It was moved by Council Member Beneteau and seconded by Council Member Paisley that item 270 be accepted, placed on file and the recommendation be carried out.

Ayes: 5 Nays: 0

Motion carried.

271 The communication from the Finance Director was presented, submitting an extension request and amendment to the 2007 Farming Lease, and recommending that Council approve the attached Amendment and extension of Lease between Mark Fetterly and the City of Monroe. The lease is extended through December 31, 2013 and the per acre rental fee is increased from \$50 to \$55 per acre.

Pat McElligott, 813 Reisig he said that the price per acre is far less than what the market would bring. He asked if the bidding process would bring more money and said he is surprised that the person that is leasing the property is responsible for the summer tax bill because he thought that city owned property is tax exempt.

Ed Sell, Finance Director said that 40 acres of this land is in and around Custer Airport and the remaining acres are just north of Mason Run. He said that the original lease was entered into in 1999 and was initially put through the bid process. He said that the lease has been extended numerous times and has been extended at the rate of 2% - 3% per year increase. He further explained that the City started leasing these properties out because it was better for us to have somebody farming it and have the farmer take care of the property than to have our Public Services Department maintain them. He also added that Mr. Fetterly is a good tenant and that is the reason for just extending the lease.

George Brown, City Manager said that the property is taxed because it is being used for cultivation and not being used for public purpose.

Council Member Bica asked if the amounts for the summer and winter tax amounts are available.

It was moved by Council Member Beneteau and seconded by Council Member Paisley that item 271 be accepted, placed on file and the recommendation be carried out.

Ayes: 5 Nays: 0

Motion carried.

275 The communication from the Director of Engineering & Public Services was presented, reporting back on the sale of the Fire Department's five (5) items of surplus property, and recommending that Council authorize the sale of a 1989 Fire Truck in the amount of \$1,555.75 to Jack's Lawn Service, a 1997 Wells Cargo trailer in the amount of \$3,387 to Peter Demray, and a 2006 Wells Cargo trailer in the amount of \$5,487 to Peter Demray, 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.

Pat McElligott, 813 Reisig Street said that his concern is conservation of our property, whether we're leasing the property or selling the property. He thinks we need to take advantage of drawing bigger circles relating to the bid process and using technology. He cited the equipment and the bids received for them.

Mayor Clark explained how the City does their marketing through the bid process.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 275 be accepted as amended, placed on file and the recommendation be carried out.

Ayes: 5 Nays: 0

Motion carried.

Council Comments.

Council Member Beneteau wished everyone Merry Christmas.

Council Member Paisley congratulated St. Mary's Catholic Central Volleyball Team and wished everyone Merry Christmas and Happy New Year.

Council Member Bica would like to know where the championship sign will be placed and wished everyone Merry Christmas and Happy New Year.

Council Member Molenda wished everyone Happy Holiday.

Mayor Comments.

Mayor Clark wished everyone Merry Christmas and Happy New Year, and urged everyone to think about those who are less fortunate and be generous in their giving. He explained that Council Member Hensley and his family have come down with an illness and Council Member Conner had an injury due to a fall. He commented on the rehabilitation and dedication of a Habitat for Humanity home last weekend at 704 E. Ninth Street and he commented on the Gateway of Knowledge Exhibit at the Monroe County Community College.

City Manager's Comments.

George Brown, City Manager wished everyone Merry Christmas and Happy New Year and safe travels to those who are traveling.

Adjournment.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that the meeting be adjourned at 8:34 p.m. until the next Regular Meeting on Monday, December 20, 2010 at 7:30 p.m.

Ayes: 5 Nays: 0

Motion carried.

Charles D. Evans
City Clerk-Treasurer

Robert E. Clark
Mayor