

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 19, 2011

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, December 17, 2011 at 7:30 p.m. in the City Hall Council Chambers.

Present: Council Members Beneteau, Hensley, Paisley, Bica, Molenda, Conner and Mayor Clark.

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

Mayor Clark led the pledge of allegiance to the flag.

Presentations.

Presentation by Josh Myers, regarding Monroe County Community College "Career Technology Center Resolution".

Council Action.

252 It was moved by Council Member Molenda and seconded by Council Member Beneteau that Proposed Ordinance No. 11-010, an ordinance to amend several sections of Chapter 127, Retirement, of the Code of the City of Monroe, be placed on its first reading and that the public hearing be set for Tuesday, January 17, 2012.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 11-010, was then presented for the first time and laid over for its second reading and public hearing for Tuesday, January 17, 2012.

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.)

Charles D. Evans, Clerk-Treasurer noted that the Consent Agenda will be amended to add item 266 from the Director of Engineering & Public Services and that he just received two (2) additional items from the Director of Human Resources.

George Brown, City Manager asked that Council add a Closed Executive Session with the understanding that after that session, when Council reconvenes to open session, he may ask Council to add those two (2) additional items at that time.

Council Member Molenda asked if the correction to item 253 should be treated as amended.

Mayor Clark noted that the first paragraph of the first page of the resolution has been changed and is in bold type so that would have to be recognized as amended also.

- A. Approval of the minutes of the Regular Meeting held on Monday, December 5, 2011.
- B. Approval of payments to vendors in the amount of \$495,184.80.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

253 2012 Capital Improvement Bond Authorizing Resolution.

- 1. Communication from the Finance Director, submitting a bond authorizing resolution in the amount of \$4.05 million, \$1.9 million for the DDA parking project in the area of the Laurel-Finzel parking lot and \$2.15 million

for the rehabilitation of the Macomb Street Bridge for a total project cost of \$4.625 million, and recommending that Council approve the attached Resolution Authorizing 2012 Capital Improvement Bonds.

2. Supporting documents.
3. Accept, place on file and the resolution be adopted.

254 Macomb Street Bridge Rehabilitation – Construction Contract Award.

1. Communication from the Director of Engineering & Public Services, submitting the Macomb Street Bridge Rehabilitation construction contract, and recommending that Council award the construction contract for the Macomb Street Bridge Rehabilitation to E.C. Korneffel Co. in the amount of \$2,048,783.52 and that a total of \$2,356,000 be encumbered to include a 15% project contingency, with the final execution of the contract documents contingent upon the actual sale of bonds.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

255 Macomb Street Bridge Rehabilitation – Professional Services Contract Award for Inspection and Project Management

1. Communication from the Director of Engineering & Public Services, submitting the Macomb Street Bridge Rehabilitation Professional Services Contract for inspection and project management, and recommending that Council award a consultant inspection and management contract for the rehabilitation of the Macomb Street bridge to Spalding DeDecker associates, inc., in an amount "Not to Exceed" \$199,547 at the proposed rates, and that the Director of Engineering & Public Services be authorized to execute the agreement on behalf of the City.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

256 City Hall Masonry Rehabilitation Change Order Award.

1. Communication from the Director of Engineering & Public Services, submitting a change order to the City Hall Masonry Rehabilitation Contract to DRV Contractors LLC, and recommending that Council award a change order in the amount of \$10,485 to DRV Contractors, LLC for the above-described work, and that a total of \$11,000 be encumbered to include a 5% contingency, and further recommending that the Director of Engineering & Public Services be authorized to execute the Change Order on behalf of the City of Monroe.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

257 South Custer Booster Station Service Area Wideband Radio Replacement Purchase – Water Department

1. Communication from the Director of Water & Wastewater Utilities, submitting a request to purchase eight (8) CalAmp Radios (Model DR 140-5046-300) for monitoring and controlling the South Custer Booster Station Service (SCBS) Area, and recommending that a purchase order in the amount of \$9,200 and a total amount of \$10,120 be encumbered to include a 10% contingency, be awarded to Kundering Controls, out of Auburn Hills, MI for providing eight (8) CalAmp Radios (Model DR 140-5046-300) in accordance with their quote (Q411260) dated 12-9-11.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

258 Borchert Park Drive Land Division.

1. Communication from the Director of Economic & Community Development submitting a proposed property division creating a new 26.5 acre parcel from parcel number 49-01527-002 located at the terminus of Borchert Park Drive, east of Interstate 75 and south of East Front Street, and recommending that Council

approve the proposed land division of parcel 49-01527-002 to create a new 26.5 acre parcel and authorize City Planning and Assessing staff to complete all required procedural steps and documentation to create the new parcel.

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

259 Foreclosed Properties Not Sold at the Monroe County Treasurer's Auction.

1. Communication from the Director of Economic & Community Development, submitting a request for objection of the transfer of four parcels and approval of one parcel, ID # 49-01055-000 (49 Kentucky Ave), from the foreclosed properties that were not sold at the Monroe County Treasurer's auction, and recommending that Council object to the transfer of the following foreclosed properties: parcel #'s 19-00094-000, 49-01020-000, 49-1214-001, and 59-01188-001; approve the receipt of one property identified as parcel # 49-01055-000 (49 Kentucky Ave) from the Monroe County Treasurer; and authorize the City Manager to execute the required letter of objection and acceptance documents.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

260 Monroe County Community College's Career Technology Center.

1. Communication from the Mayor's Office, submitting a proposed resolution to support the construction of the Monroe County Community College's Career Technology Center, and recommending that Council approve the proposed Resolution supporting the construction of the Career Technology Center at Monroe County Community College.
2. Supporting documents.
3. Accept, place on file and the resolution be adopted.

261 Elections Budget Amendment.

1. Communication from the Finance Director, submitting an amendment to the 2012 General Fund Budget to include funds for a February 2012 presidential primary election, which will be reimbursed by the State of Michigan, and recommending that Council approve amending the General Fund budget by increasing the election budget by \$13,188 and service revenue by \$13,188.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

262 Health Care Benefits/Non-Union Employees.

1. Communication from the Director of Human Resources, submitting an amended Health Care policy and summary descriptions of the plans now being offered for all regular full-time, non-union employees, and recommending that Council approve the attached amended Health Care policy that will be available for all regular full-time non-union employees and Appointed and Elected Officials of the City of Monroe, effective January 1, 2012.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

263 Voluntary Early Retirement Program Extension for Fire Command.

1. Communication from the Director of Human Resources, submitting a Letter of Understanding between the City of Monroe and the Monroe Firefighters Association, IAFF Local 326, representing the firefighters have reached a tentative agreement effective 12/7/2011 describing the details of the Voluntary Early Retirement Program extension, and recommending that Council approve the attached Letter of Understanding with the IAFF.

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

264 Resolution Setting Minimum Staffing Levels in the Fire Department

1. Communication from the Fire Chief, submitting a proposed resolution to set staffing levels in the Fire Department for the remainder of the calendar year 2011 and calendar 2012, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

265 Monroe Public Access Cable Television Agreement Renewal and Amendment

1. Communication from the Finance Director, submitting a proposed extension agreement with the Monroe Public Access Cable Television, with an amendment to the Additional Services section of the extension agreement and to provide additional funding, and recommending that Council approve the attached "Extension Agreement between the City of Monroe and Public Access Cable Television, Inc."
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

266 Installation of New Public Sanitary Sewer – West Fourth Street between Hubble and Smith.

1. Communication from the Director of Engineering & Public Services, submitting Resolution No. 1 in the special assessment process declaring the installation of a new public sanitary sewer to service the properties located on West Fourth Street between Hubble Street and Smith Street a public necessity and recommending that the attached Resolution 1 be adopted, which directs the Engineering Department to prepare plans, specifications, and cost estimates for this project.
2. Supporting documents.
3. Accept, place on file and the resolution be adopted.

It was moved by Council Member Molenda and seconded by Council Member Bica that item 253,254, 255, 256, 257, 258, 260, 261, 263, 264, and 265 of the Amended Consent Agenda be approved as presented and that item 259, 262 and 266 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

259 The communication from the Director of Economic & Community Development was presented, submitting a request for objection of the transfer of four parcels and approval of one parcel, ID # 49-01055-000 (49 Kentucky Ave), from the foreclosed properties that were not sold at the Monroe County Treasurer's auction, and recommending that Council object to the transfer of the following foreclosed properties: parcel #'s 19-00094-000, 49-01020-000, 49-1214-001, and 59-01188-001; approve the receipt of one property identified as parcel # 49-01055-000 (49 Kentucky Ave) from the Monroe County Treasurer; and authorize the City Manager to execute the required letter of objection and acceptance documents.

Pat McElligott, 813 Reisig Street expressed concern that the City is only accepting one (1) of the five (5) properties of being transferred back to the City because they may not be maintained and suggested that the City give the remaining pieces of property to the adjacent property owners.

Dan Swallow, Director of Economic & Community Development explained, based on state law, the process that the County Treasurer takes with these particular properties. He further added that the County maintains the properties that are not returned to the City.

George Brown, City Manager explained how these properties were established and why the City would not want to accept them.

It was moved by Council Member Molenda and seconded by council Member Hensley that item 259 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

262 The communication from the Director of Human Resources was presented, submitting an amended Health Care policy and summary descriptions of the plans now being offered for all regular full-time, non-union employees, and recommending that Council approve the attached amended Health Care policy that will be available for all regular full-time non-union employees and Appointed and Elected Officials of the City of Monroe, effective January 1, 2012.

Council Member Molenda asked for clarification regarding the two different options covered in the Publicly Funded Health Insurance Contribution Act.

Jim Greene, Dykema Gossett PLLC explained that the comparison is between the cost of the insurance and what the employee would be required to pay and the amount that they would pay if the act was invoked. He further explained that in this case it would be whichever amount is less.

Council Member Hensley said that list of covered positions in the recommendation on the fact sheet is different from those listed in the policy under section 2.1.

George Brown, City Manager said that the elected officials include only one position and that is the Clerk-Treasurer's position.

Charles. D. Evans, Clerk-Treasurer said he doesn't know why he is on that list because he already has coverage from a previous position.

Peggy Howard, Director of Human Resources said that during her research she found that the Clerk-Treasurer's position is offered a health care plan and that she does know that Mr. Evans has health care as a retiree but he also has health care through the city as an active employee, so they both offset each other.

Charles. D. Evans, Clerk-Treasurer said that the City is paying two annual premiums on his health care.

George Brown, City Manager said that it is his understanding that they budget an illustrated premium but that we're self insured so the costs incurred may potentially look like two premiums, however those are calculated as illustrated premiums to help spread and allocate the budget cost of the health care that we provide.

Council Member Hensley asked if the language in the policy in item 1 is sufficient to cover the stated recommendation on the fact sheet.

Peggy Howard, Director of Human Resources explained that the term "non-union employees" would refer to the appointed officials and a non-union elected official but that she could add that in that provision as well that it will not hurt it but that she didn't think it was required in the first paragraph.

Council Member Molenda said that he thinks that the Clerk-Treasurer's position is a full time position, it's also non-union but that an elected official is not a regular full time non-union employee.

George Brown, City Manager said that the term, as he's used it, regular full time, is an employee position on the roster that is a regular longer term position versus a temporary full time employee.

After discussion, it was moved by Council Member Molenda and seconded by Council Member Beneteau that item 262 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

266 The communication from the Director of Engineering & Public Services was presented, submitting Resolution No. 1 in the special assessment process declaring the installation of a new public sanitary sewer to service the properties located on West Fourth Street between Hubble Street and Smith Street a public necessity and recommending that the attached Resolution 1 be adopted, which directs the Engineering Department to prepare plans, specifications, and cost estimates for this project.

Council Member Molenda said that because this item has just been added to the agenda, he is not comfortable voting on it without having reviewed the item or having Mr. Lewis explain the item.

Patrick Lewis, Director of Engineering & Public Services apologized for the last minute addition of the item and explained why the special assessment is being created so quickly and presented to Council at the last minute.

It was moved by Council Member Molenda and seconded by Council Member Hensley that item 266 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

Council Comments.

Council Member Beneteau thanked Council Member Conner and Council Member Paisley for all that they've done during their time on Council and wished everyone Merry Christmas and Happy New Year.

Council Member Hensley also thanked Council Member Conner and Council Member Paisley for their service on Council and wished everyone Merry Christmas and Happy New Year.

Council Member Paisley thanked the taxpayers and citizens for electing him to three (3) terms, said it was a wonderful learning experience, and wished everyone Merry Christmas and Happy New Year.

Council Member Bica also thanked Council Member Conner and Council Member Paisley for their hard work and dedication to the City during their terms of service and wished everyone Merry Christmas and Happy New Year.

Council Member Molenda also recognized the contributions of Council Member Paisley and Council Member Conner and also wished everyone Happy Holiday's.

Council Member Conner thanked the Department Heads of the Building Department, Engineering Department and the Water Department for their service and also the citizens of Monroe for the privilege of sitting on Council for two terms. She said that in reference to her hats, her successor has vowed to wear different suspenders to every meeting. She also said that her life is changing and that she is moving to Atlanta next week and wished every a happy and healthy New Year.

Mayor's Comments.

Mayor Clark thanked and congratulated Ed Sell, Finance Director for his outstanding efforts and service to the City. He read and presented him with a certificate of achievement award.

Ed Sell, Finance Director he said that the award goes much broader than he, that his staff, the auditors and all departments within the city are involved in the process so it is a team effort. He said that he and his staff work closely with the auditors and thanked Mayor and Council for their recognition.

Mayor Clark welcomed Council Member Elect McKart and Chief Hoskins. He thanked Council Member Paisley and Council Member Conner for their service to the residents and to the city and listed the boards and commissions that they have served on. He wished everyone Merry Christmas and Happy New Year.

City Manager's Comments.

George Brown, City Manager wished Council Member's Paisley and Conner the best in their future service and future adventures and thanked Council Member Paisley for bringing him to this community.

Citizen Comments.

John Timko, 1034 Bentley Drive commented about a friend who had his water turned off because of a \$150.00 water bill and then charged an extra \$55.00 to turn it back on and explained the hardship that his friend is under.

Barry LaRoy, Director of Water & Wastewater Utilities explained the billing cycle for water bills, the waiting period and grace period for the payments, the 10 day wait before a shut-off notice is sent and the total number of days before the shut-off actually occurs. He further explained that the \$55.00 fee is to cover the additional time dedicated to the extra tasks needed to implement a shut-off. He also said that he would look into any payment arrangements that may have been made and that he will investigate any arrangements made that may not have been followed through.

Dan Swallow, Director of Economic & Community Development said that he's worked with Water Department to prepare a list of agencies that can help with bills for people who fall on hard times and the list with agencies and their phone numbers can be obtained at City Hall.

Pat McElligott, 813 Reisig Street commented on the public service of the six (6) Police Officers who are retiring at the end of the year and thanked them for their services. He wished everyone Merry Christmas and Happy New Year.

Closed Executive Session to Discuss Pending Litigation.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that Council go into the Closed Executive Session to discuss Collective Bargaining at 8:52 p.m.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that Council reconvene to open session at 9:29 p.m.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that the Consent Agenda be amended to add item 267 and 268.

Ayes: 7 Nays: 0

Motion carried.

267 COMEA Unit II Ratification.

1. Communication from the Director of Human Resources, submitting the tentative agreement between the City of Monroe and COMEA Unit II (representing the supervisors), and recommending that Council approve the COMEA Unit II, 2012 – 2014 Collective Bargaining Agreement.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 267 be accepted, placed on file and the recommendation be carried out.

Mayor Clark explained that item 267 is a proposal between the City of Monroe and the COMEA II and noted the specific points listed on the fact sheet.

A vote was taken on the motion.

Ayes: 7 Nays: 0

Motion carried.

Mayor Clark explained that item, 268 is a proposal between the City of Monroe and the Teamsters Local 214 and said that it is contingent upon the ratification by the Teamsters Local 214 on or before December 23, 2011 at 5:00 p.m., and that the City Manager be authorized to execute the agreement.

268 Teamsters, Local 214.

1. Communication from the Director of Human Resources, submitting the tentative agreement between the City of Monroe and the Teamsters, Local 214, and recommending that should the Union's membership accept and ratify the above referenced offer on or before December 23, 2011 at 5:00 p.m., that the City Manager be authorized to approve and execute that agreement.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 268 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

Adjournment

It was moved by Council Member Paisley and seconded by Council Member Conner that the meeting adjourn at 9:38 p.m. until the next Regular Meeting on January 3, 2012.

Ayes: 7 Nays: 0

Motion carried.

Charles D. Evans
Clerk-Treasurer

Robert E. Clark
Mayor