

CITY OF MONROE
REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 21, 2012

Regular meeting of the City Council of the City of Monroe, Michigan held on Tuesday, February 21, 2012 at 7:30 p.m. in the City Hall Council Chambers.

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

Excused: Council Member McKart.

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

Mayor Clark led the pledge of allegiance to the flag.

Public Hearing.

24 This being the date set to hear public comments on the proposed 2012-2018 Capital Improvements Program Budget, and there being no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the public hearing open.

Mayor Clark: "Any comments this evening, first from Council, any comments? Any comments from those present? Councilman Molenda."

Council Member Molenda: "I would just comment, I want to thank staff for, I think this more or less came out of discussions that we had in the work session. In the last sheet of our fact sheet includes some different projects that have been moved up and sort of recognized, what seems to be the collective will of this Council to emphasize and pay particular attention to recreation opportunities in the city. So, I want to thank staff for providing us with that."

Mayor Clark: "Very well. Any comments from those present this evening? Yes sir..."

"David Smith, 530 Hollywood, from what I recall from the work session, we're running, as I recall, about a forty year cycle on street rebuilding and repair, refurbishment and I wonder if that's really sufficient to keep the streets in what we'd consider to be a serviceable condition that would please most residents, I think probably not. It has been mentioned that some of them get bad enough that they eventually aren't going to get any worse and they're in a stable condition once they get in that condition. That may not be the best... I wonder where more money is ever going to come from. We used to get revenue sharing monies but I'm not sure that's the best way to go. We used to have more tax base, as I recall when Detroit Edison's Power Plant was new. What's the future hold for us and will the state ever wake up and start supplying additional monies, sufficient monies from motor fuel taxes and the tax on the taxes and the way the taxes are gathered to give us a proper share, and are we getting a proper share? Those are my questions your honor and I thank you in advance."

Mayor Clark: "Thank you Mr. Smith, I think there's about three (3) of them in there and I think the only one you left off is probably the hot topic out of Lansing, which is personal property taxes. But I'll ask Mr. Lewis to make comment regarding the cycle, but I will make comment, if Patrick can come up, I will make a comment about this Council over the past, I'll just say, this Council, the Council before, and the Council before that, regarding capital improvements projects and the dedication of general funds as a priority and has been a major goal for this Council in the past as well as current. We're still working on the final goals and objectives that will come up for this year but I know infrastructure and dedication of general funds was part of the discussion in our work session, and last year there was a reduction, some of the general fund that we use for capital improvements but that was to make sure the overall budget balance, when we talk about other things that were being asked to give, in relation to our employees, in

relation to our departments, and our capital improvements did drop \$640 or more thousand dollars and this proposal brings it back to the \$860 thousand dollars that we think, at least (inaudible) would have been done in the past and essentially continue on the right path of making sure our streets and others are repaired. Patrick, on the cycle, If you could answer that, I'd appreciate it."

"Patrick Lewis, Director of Engineering & Public Services, Mr. Smith's right, in fact, he and I had some conversations prior to the meeting regarding the cycle that we're on and he's correct, the street mileage that the City of Monroe is responsible for is about 83 miles and typically most years we'll do around two miles of streets, some years a little bit more, most years a little bit less. We've had a couple of years that I'd say we're near the high end of that but at no time did we ever get up to as much as three miles of street so we're pretty close to a 40 year cycle which there's no fixed time table on streets, it obviously depends on the traffic load and the original construction but the conventional wisdom would say that a concrete street usually lasts around 30 years and asphalt roadways are, the industry says 15, we've been able to sort of milk some more time out of those based on some of our preventative strategies. Slurry sealing, crack sealing, and those types, so obviously that's nowhere near what we need to be on and I think I did make the comment to Mr. Smith that some of our streets are in a condition they simply are not going to get any worse, they've basically, their salvage value is zero. That's what we're finding in certain neighborhoods that were constructed, particularly a couple of neighborhoods that we've seen problems in like Riverside Manor, and we'll call them the W Streets, neighborhoods that were constructed in the 1950's with a 3" asphalt on a stone base with curbs and all of that is due in all the streets at one time. That's particularly problematic in certain neighborhoods; we do try to stretch it out as much as we can but I think there's no question that we, every community should be on a better cycle than we are and the primary problem is of course the funding that we get. I'll mention that the state has not, taxes we get from the state has not raised on a per gallon basis since 1997, so obviously the inflationary costs are eating away at that increment ever since so I'm not going to make a commercial for increased road funding but it certainly does have an impact. We were able to grab, obviously supplemental federal funds through the ARRA, the American Recovery and Reinvestment Act of 2009, and we were able to grab a congressional earmark to do the Elm and Dixie intersection, so we've been blessed the last few years to be able to get more than our normal share but without revenue sources it can be difficult. I can't tell you off the top of my head, even though it's in my agenda packet, exactly how much of our capital improvements, general fund dollars are going to the streets, it's usually over half, I think it's a little bit less than that this year but we also have some local street fund balance that we've built up. So there's a, I think the overall level of spending on the streets program should be about the same as it was last year from local sources and of course we've got, we did grab a supplemental \$375,000 category F Grant coupled with our \$405,000 in federal aid that comes to the city sort of directly and that's what's going to reconstruct Detroit Avenue which is a long project, as I mentioned to the newspaper. Most people aren't going to notice it because a lot of people don't drive by it but it's over a million dollar project and it's much needed because that roadway is a, varies, but it's been over 20 years since it's last resurfacing which was simply a thin overlay over top of the original concrete base. There are certainly some needs I don't know how we get a much higher level invested than we have absent some other revenue sources, but I suppose that probably will suffice for my answer to the relatively simple question your honor."

Mayor Clark: "Thank you Patrick and I'll correct myself, the general is \$840,000, not \$860,000 as I said, it's \$840,000 and is proposed in capital improvements and I also made comment that I know that the staff, Patrick and Barry particularly work well together on our road projects, make sure we're not doing things twice over or that we're planning both our water & wastewater as well as the roads in a timely and progressive fashion and also that while the staff goes out and prioritizes those roads that might be the most immediate needs, we also look across the city and I think from a precinct by precinct that there's a balance as we continue through those. As you talked about the Riverside Manor and the W Streets, they won't all get done at the same time but I know that both of those had projects last year as well. As far as revenue, just (inaudible) a little further on Mr. Smith's question, yes revenue shortfalls from Lansing continue and regarding funding from gas tax, there's proposals there to change that philosophy or that formula as well whether it be gas tax or registration fee but I guess we'll wait and see what comes out from there next. Other comments from Council on this, any questions, other comments regarding this, yes sir, and as Mr. Roberts steps up, I will make comment because there was a comment that there was no comments on file

and we know that's not the case because in our joint session between Council and the Planning Commission Mr. Roberts did make some comments about the capital improvements and the wastewater treatment plant improvements being inside the plant as opposed to the streets. There's additional information sheet that was passed out to Council before we started this evening. Mr. Roberts, you have the microphone."

"Dave Roberts, 706 Broadway, I just want to comment on the fact that in the wastewater grant program there they're proposing a 7 million gallon retention basin and it's about 4 million dollars to build a retention basin and I'm working on the same issues as the city is working on at our wastewater plant and we were looking at, they were making recommendation with 20 million gallon retention basin and our plant I only thought that we needed a 3 million gallon at the most. I just felt that when you're going to spend 4 million dollars it will be spent maybe wiser by either a combination of coming up with more slip lining or maybe doing some improvements at the wastewater plant. If you look back in November you did about 37 million gallons worth of raw sewage combined with the affluent that you dumped into the combination of the lake and the river and a million of that came out of, at the wastewater plant where you have the equipment called the bar screen and grit were overflowed because that system isn't big enough. So I just felt that's something that would improve at least that much just out of the plant alone and then looking at some other options, I just felt that the 4 million could be better spent and maybe help solve the overflows cause you're going to have so many years to solve that overflow, but it just didn't make sense that 7 million gallons vs. 37 million, you're not going to be holding that much back. And that's just my personal thoughts and this does not have anything to do with the engineers or anything else as far as arguing with them because (inaudible) get along very well with the city engineers and most of the city workers, just my comment vs. theirs, so that's it. Thank you."

Mayor Clark: "Thank you Mr. Roberts and Mr. Brown, did you have a follow-up?"

George Brown, City Manager: "Your honor, after I make just a brief comment, if you would be so pleased, Mr. LaRoy is here and he can add detail, and some of the points he could make, I think would be a good education for those here and the public in regards to that part of the project and then more comprehensively. Part of what, in general what's driving the construction of that expensive containment structure is the mandates from The Michigan Department of Environmental Quality. Every five years the City Metropolitan Wastewater System has to apply for a discharge permit and one of the mandates in the most recent permit was that the system had to take out more of the storm water combined with sanitary sewer water overflows and so more full treatment, even though for a couple generations, in most communities, primary treatment during those overflows was permitted. So the standards are getting tighter and tighter and this is a method to address part of those standards. What Mr. Roberts talks about is all wise and good and those investments have been made and to an extent will be continued be made, as far as tightening the system up out into the collection system, and so on, but Mr. LaRoy can briefly describe quite a long process to get to the point in the decision to apply for funding for this particular element."

Mayor Clark: "Thank you, Mr. LaRoy."

"Barry LaRoy, Director of Engineering & Public Services, a couple of items related to this project, it is quite a large project. The bond that we're applying for, it's an SRF Loan; it's a State Revolving Fund, and we first applied in 2006 and we've been pursuing this ever since regarding the retention basin or equalization basin is how the state refers to them now. As Mr. Brown pointed out that 2015 is our deadline to fully treat all flows that go to the wastewater plant, and some other options that we looked at were expanding the plant capacity. Based on the full - we inspected all of the man holes, videoed, smoke tested, did everything on the entire system, and the analysis after we got through that it showed that, based on when the peak flows come through the plant, that was one option to expand the plant, however the cost was almost a factor of two (2) of what we're proposing. It was over 30 million just to expand the plant, let alone the long term operational costs. We looked at another option called High Rate Treatment however the state didn't accept that method, that type of installation was a little more reasonable on cost but what we're applying for the didn't accept that technology, so which drops us into what we're proposing for which is removing about over 8 million gallons a day of infiltration that gets into the system during wet weather events also storing some of it so we can drain it back into the treatment process at a later date. Those are the currently accepted methods that

the State of Michigan is allowing us to put in at that plant. So that's what that project in a nut shell is. The tank alone is over 12 million dollars, it's a concrete tank. I wish they were that cheap, 4 million dollars, that'd be great but unfortunately ours is a little more expensive based on the estimate that we have in hand."

Mayor Clark: "Thank you Barry. I know that during our Capital Improvements meetings, Work Session with the Citizens Planning Commission some of this was discussed but it's good to hear this evening, those present, but those watching, we talk about these kind of funds and our long term Capital Improvements plans so thank you. Any questions for Mr. LaRoy? Other comments from those present this evening regarding this, during this public hearing? Hearing no other comments, I'll close the public hearing."

Council Action.

20 This item was postponed at the January 17, 2012 meeting.

Communication from the Human Resources Director, reporting back on Proposed Ordinance No. 11-010, an Ordinance to amend several sections of Chapter 127, Retirement, Article I, Municipal Employees' Retirement System, and establish Article IV, Denial of Claim; Appeals, of the Code of the City of Monroe. It was moved by Council Member Molenda and seconded by Council Member Beneteau that Proposed Ordinance No. 11-010, be postponed until the next regular scheduled Council Meeting to be held on February 6, 2012.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 20 be placed on the floor for further discussion.

Ayes: 6 Nays: 0

Motion carried.

Peggy Howard, Human Resources Director said that she would like to refer this plan document and the amendments to legal counsel and to the City Manager for further review, said that she received an updated plan document and an original plan document from 2005 that was signed by a previous City Manager and said she would like it reviewed before the next meeting on March 5, 2012. She explained that the original plan from 2005 was not brought before Council but was approved by the City Manager at that time.

After discussion It was moved by Council Member Molenda and seconded by Council Member Hensley that item 20 be tabled indefinitely.

Ayes: 6 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 Work Session held on February 6, 2012, the Minutes of the Regular Meeting held on February 6, 2012, and the Minutes of the Work Session held on February 8, 2012.

B. Approval of payments to vendors in the amount of \$ 667,921.49.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

24 Proposed Capital Improvements Program Budget – FY 2012-2018.

1. Communication from the Director of Economic & Community Development, submitting the Proposed FY 2012-2018 Capital Improvements Program Budget, and recommending that the Proposed FY 2012-2018 Capital Improvements Program Budget be adopted.
2. Supporting documents.

3. Action: Accept, place on file and the recommendation be carried out.
- 25 Request for a burn permit in accordance with Ordinance 09-005.
1. Communication from the Deputy Director of Public Safety, reporting back on a request from the Sister, Servants of the Immaculate Heart of Mary to perform the prescribed burn of a specified area on their property located at 610 W. Elm Avenue, and recommending the Monroe City Council grant this request for a burn permit in accordance with Ordinance 09-005.
 2. Supporting documents.
 3. Accept, place on file and the recommendation be carried.
- 26 Custer Airport Federal Projects – Terms and Conditions Approval.
1. Communication from the Director of Engineering & Public Services, submitting the Terms and Conditions of the Funding Contract for the Custer Airport Federal Projects for 2012, and recommending that the attached Terms and Conditions be approved, and that the Director of Engineering & Public Services be authorized to execute the document on behalf of the City.
 2. Supporting documents.
 3. Accept, place on file and the recommendation be carried out
- 27 Repair of Public Services Department Vactor Truck – Water Pump.
1. Communication from the Director of Engineering & Public Services, reporting back on quotes for the complete rebuilding of the water pump for the Vactor Truck, and recommending that a purchase order in the amount of \$9,000 be awarded to Great Lakes Service & Supplies, Inc. for the above work.
 2. Supporting documents.
 3. Accept, place on file and the recommendation be carried out
- 28 Amendment to the Demolition Postponement and Property Restoration Agreement for 114 and 116 West Front Street.
1. Communication from the Director of Economic & Community Development, submitting an amendment to the Demolition Postponement and Property Restoration Agreement for 114 and 116 West Front Street, and recommending that Council approve the First Amendment to the Demolition Postponement and Property Restoration Agreement for 114 and 116 West Front Street; and authorize the City Manager to execute the proposed Amendment to the Agreement.
 2. Supporting documents.
 3. Accept, place on file and the recommendation be carried out.
- 29 Authorizing Submittal of a Grant Application to the “Our Town” Program of the National Endowment for the Arts for Planning and Developing a Downtown Art and Sculpture Tour.
1. Communication from the Director of Economic & Community Development, submitting a grant application for the “Our Town” program of the National Endowment for the Arts, and recommending that Council authorize the submittal of a grant application to the “Our Town” program of National Endowment for the Arts for planning and developing a downtown art and sculpture tour with the City as the primary grant recipient, administrator and required government entity; subject to the conditions that a cash match is **not** required from the City General Fund and City staff confirms sufficient match commitments (cash and/or in-kind) from partner organizations including the Monroe Art League, Monroe County Historical Society, and private business interests.

2. Supporting documents.
 3. Accept, place on file and the recommendation be carried out.
- 30 Amendments/Revisions to the Health Care Policy.
1. Communication from the Director of Human Resources, submitting the Health Care Benefits/Non-Union Employees Policy, and recommending that Council approve the attached amended changes to the Health Care Policy that are available for all regular full-time non-union employees, regular full-time Appointed Officials and regular full-time 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.
- 31 2012 Refunding Bond Authorizing Resolution.
1. Communication from the Finance Director, submitting a bond authorizing resolution for the 2012 Refunding Bond, and recommending that Council approve the attached "Resolution Authorizing 2012 General Obligation Limited Tax Refunding Bonds.
 2. Supporting documents.
 3. Accept, place on file and the resolution be adopted.
- 32 Building Authority Bond Refunding and Contract.
1. Communication from the Finance Director, submitting a bond authorizing resolution for the Building Authority Bond Refunding and Contract, and recommending that Council approve the attached "Resolution Approving Building Authority Refunding and Contract."
 2. Supporting documents.
 3. Accept, place on file and the resolution be adopted.
- 33 Appointments.
1. Communication from the Mayor's Office, submitting a proposed resolution for an appointment to fill an unexpired term on the Civil Service Commission, and recommending that the resolution be adopted.
 2. Supporting documents.
 3. Accept, place on file and the resolution be adopted.
- 34 River Raisin Jazz 5K Run / Music Mile.
1. Communication from the City Manager's Office, reporting back on a request from Northlake Events "dba: Poseidon Enterprises, LLC" for permission to hold the first annual River Raisin Jazz 5K Run / Music Mile on August 11, 2012 at 9:00 a.m., along the bike path on North Custer Road / W. Elm Avenue and the Riverwalk, with assistance from the Police Department and the DPS and recommending that Council approve this request contingent upon items being met as outlined by the administration, **subject to full cost recovery with payment of estimate costs paid up front** in accordance with City Council policy, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.
 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 Kansier that item 24, 25, 27, 28, 29, 30, 31, 32, 33 and 34 of the Consent Agenda be approved as indicated and that item 26 be removed and considered separately.

Ayes: 6 Nays: 0
Motion carried.

26 The communication from the Director of Engineering & Public Services, submitting the Terms and Conditions of the Funding Contract for the Custer Airport Federal Projects for 2012, and recommending that the attached Terms and Conditions be approved, and that the Director of Engineering & Public Services be authorized to execute the document on behalf of the City.

Adam Yeager, 1833 S. Custer Road asked if Custer Airport is financially stable and if it is making a profit.

Patrick Lewis, Director of Engineering & Public Services said that the short answer is that it is not making money but it is not losing money either.

Tom Gerweck, Dixon Road said he is a private pilot and flies out of Custer Airport and said he fully supports and endorses any improvements to the airport.

Dave Nixon, 912 Plum Park Drive said he is also a private pilot and echoes the statements by made Mr. Gerweck.

It was moved by Council Member Hensley and seconded by Council Member Bica that item 26 be accepted, placed on file and the recommendation be carried out.

Ayes: 6 Nays: 0
Motion carried.

Council Comments.

Council Member Bica recognized Matt Vititoe who was appointed to the Civil Service Commission and thanked him for accepting the appointment and commented on the Queen of Hearts raffle.

Matt Vititoe, thanked Council for affirming his appointment and the Firefighters for showing their faith in him and said that he is preparing himself for that position.

Council Member Molenda commented on item 29 of the Consent Agenda.

Council Member Kansier also commented on Matt Vititoe's appointment to the Civil Service Commission and thanked Ken Beach for his years of service and dedication to the position.

Council Member Hensley congratulated Fire Chief Hoskins for receiving the 2012 Black History Living Legends Award from his church and commented on the Salvation Army Soup Bay.

Mayor's Comments.

Mayor Clark commented on the Snow Flake Coat Drive in Loranger Square and noted that Monroe is listed as having the Best Old Houses of 2012 in This Old House Magazine. He also noted that Forbes Magazine listed Monroe as number 2 on the list of the best places to live cheaply and commented on the Monroe Exchange Club's recognition of the law enforcement officers. He commented on the Custer Nation Monument Museum Proposal, the Work Session on the Goals & Objectives, and a presentation on a proposed Peace Garden.

Citizen's Comments.

William H. Braunlich, President of Monroe County Historical Society thanked Council for all of the time that they've been allowed to address Council and introduced eight Historical Society Directors that were in attendance at the

meeting and each of them gave a presentation on various subjects surrounding their work with the Custer National Monument & Museum and the River Raisin Nation Battlefield Park.

Adjournment

It was moved by Council Member Molenda and seconded by Council Member Kansier that the meeting adjourn at 8:51 p.m. until the Regular Meeting on Monday, March 5, 2012 at 7:30 p.m.

Ayes: 5 Nays: 0 (Council Member Hensley left meeting around 8:15 p.m.)

Motion carried.

Charles D. Evans
City: Clerk-Treasurer

Robert E. Clark
Mayor