

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, JUNE 4, 2012

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, June 4, 2012 at 7:30 p.m. in the City Hall Council Chambers.

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

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

Mayor Clark led the pledge of allegiance to the flag.

Public Hearing.

99 This being the date set for the purpose of review and hearing comments on the Installation of a Sanitary Sewer of adequate size, Special Assessment District No. 231, Resolution 2 to service the properties located on South Roessler Street from West Seventh Street to the City Line and there being one comment on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing opened.

Mayor Clark: "Before we start, there is some additional information and for Council's awareness we can walk through this appropriately instead of just running through this long fact sheet that's here. On your desk this evening is an amended item and this hearing this evening is to hear comments on the installation and this is a necessity determination on this resolution. The previous was about special assessment roll that comes later. So that's the first clarification on the agenda. Secondly we also received a new fact sheet and I know this is a long fact and I think it's appropriate that we have some clarification for Council of what the changes were to the fact sheet as opposed trying to filter through multiple, multiple pages and then we can ask questions of Patrick Lewis as we go that. In essence there was a meeting this afternoon to further discuss and talk about special assessments and the district and rates and determination and some additional information as well came in to the department since this was sent out on Friday including the information that the Clerk received and I did have placed in your packets last Friday. So, with that, Mr. Brown, I don't know if you have anything further on that or if not, Mr. Lewis will give us a version of the differences between what we've read in preparation for this evening and the amended fact sheet that's before us this evening. So I'll start there and if there is any questions Council has we should entertain that and then we can get into the public comments as well because I know there is a couple here that wish to speak on this as well. Mr. Brown, did you have anything further?"

George Brown, City Manager: "Your honor, not right now, thank you."

Mayor Clark: "Mr. Lewis... Now I'll say, as Mr. Lewis comes to the podium, that the parties that may be impacted by the special assessment district that these updated fact sheets have been provided to them as well this evening and some pertinent information pointed out to them so... Mr. Lewis."

Patrick Lewis, Director of Engineering & Public Services: "I'll try to keep this as brief as possible and if I talk too fast, somebody tell me to slow down. As the Mayor pointed out, we did have a meeting this afternoon and made some significant revisions to the assessment district at this point, not so much to the properties within the district but to the proposed breakdown of cost. Now as the Mayor pointed out, this is the first of two (2) public hearings, there is an informal informational meeting which was already held and this is the point where we do have the public hearing on the necessity of the project. Though, at this point we do set forth what we are drafting as the proposed cost and breakdown between the properties. Originally as it was presented at the informational meeting that was on May 15th we start from a position consistent with our ordinances and that is, any new project 1/6 of the cost is borne by the wastewater fund and the remaining portion is divided among the other property by some type of benefit. Historically we've used the residential equivalent unit benefit and that's what we started out with on this one and that's what was

presented to the property owners at the informational meeting. That was in your original fact sheet, a breakdown of the cost on that and the Residential Equivalent Unit, REU cost, and I won't go into too much detail on what it was, I'd rather focus on where we're going with this. The REU cost was about \$13,000 per REU and the three properties within the city had been identified as each having two buildings by the Assessor and thus two (2) REU's, so each city parcel was liable for a proposed assessment of \$26,000. Again, this was pre-bid so we don't have the actual numbers. Upon reviewing this there were a lot of extenuating factors on this particular project, one of which was complicating things a bit, actually the origin of this project, back in June started out with a phone call from a contractor representing the church just south of the city line in Monroe Charter Township who has a septic field and wished to tie into the sanitary sewer and it was at that point that we started reviewing that none of the properties on the west side of Roessler between the city limit and Seventh Street have access to a public sewer, they were sharing a private line which led to the realization that there was in fact a break in that shared private line that we think goes back as far as thirty years. So obviously we feel that there is quite a necessity here because you've had a shared private sewer that's been draining into the ground for what appears to be thirty years now. Since that time we've had correspondence with Mr. Gipson, the property owner at 800 S. Roessler Street, who didn't seem to be opposed to the necessity of the project for other's that are having sanitary backups but was concerned about the way we had distributed the roll here. We took a couple of things into account here, one of which was correspondence we've had back and forth with Monroe Charter Township that indicated that the church doesn't feel, and they can speak to this I believe they're representatives here this evening, doesn't believe based on the cost that they can afford to tap in at this time, which means that we can actually shorten the project up considerably by not going all the way to the city line, and so in addition to that after deducting that portion of the project we also removed a large segment, roughly 240 feet of the main from the assessable portion because there's a large parcel on the south west corner that's part of the Woodcraft Square Apartments that actually, you have to traverse that frontage to get to these accessible properties. The reason is, Woodcraft Square has access to a public main on Seventh Street and that's where they tap today. So we pulled those out as part of the wastewater fund cost and then we redistributed the cost, not by an REU basis but on a frontage basis and it's sort of a six in one, half a dozen in the another in a lot of cases on why you would pick a frontage verses an REU but in this particular case, as different from a residential district where you usually have fully developed lots that are of relatively equal size, here you have three (3) industrial properties that are of fairly dramatically different size between the three (3) of them, you've got one a 200 feet, one at 80 feet of frontage and another one at, what'd we decide that one was, 249 feet of frontage. The key with the 200 and the 249 feet of frontage is those properties could be split in the future, legally split, and so it's very difficult to determine what the benefit could be. You can go off their usage now but that could drastically change and it could change without our knowing, so we reallocated the cost on a frontage basis shorten it up at the south end subtracted the 240 feet or so on the north end out from the assessment district as being city cost, and then as a credit for, we'll call this what would have been, because all these properties have been paying sewer usage charges even though they were on a shared private line, with the presumption that even though it was a shared line it was still getting the plant. The presumption is, over the years you would be normally paying a portion of that for a reserve fund for capital replacement on the existing lines if they were public and so everyone pays the same usage charge. We've done this, I think three times in the last four (4) years on water projects where we've given some credit back for that and I think rather than the 1/6 share, it was recommended by all of the administrative team here that we pursue a 50% share from the wastewater fund of the assessable portion plus the 240 or so feet to cross the Woodcraft Square property. So what you've got is a drastically altered version of this and that's one of the factsheet here, is that we've made a major change and in fact Resolution No. 3, now it takes \$64,218.37 of the cost and charges those to the wastewater fund, as I just described and then distributes the remaining \$34,839.03 according to the front footage basis, and some of the attachments', you've got the same, after that you've got a map and a district delineation which are the same as they were before, they include the same three (3) parcels. There are four (4) spreadsheets in here, the first of which is entitled total cost, that's the new revised \$99,057.40 cost that's down about \$10,000 from what was in your fact sheet originally, again, based on shortening up the district. The second sheet is the assessable portion of that and that's where we come up with the \$34,839.03 and that works out to a front foot cost of \$65.86. The third spreadsheet is the three (3) parcel breakdown and that takes the front foot cost, multiplied the frontage of the parcel and that shows you the breakdown between the three properties and the highest assessment being \$16,398.72. And then the fourth spreadsheet is one that we added because we realized the complexity of the church issue, it appears at this point that they are unable to tap in so what we did is we actually pulled off their cost and said we'll go ahead with our

district cost because there is a necessity here, we've already talked about the existing private line dumping into the ground. If we pulled off our cost and went ahead with our district, what would be the cost in the future for the church to tap in, and I did break that down based on our estimated unit prices, and that cost was about, almost \$19,000 and that assumes since it's not a city parcel, that the 1/6 cost would not apply per our ordinances. Then of course, the factsheet also includes the letter that Mr. Evans has on the record for Mr. Gipson as well as an earlier email that he sent to the Engineering Department outlining his concerns. I think we probably, the revised factsheet and the revised breakdown, probably addresses many of those concerns about the equity and the relative share of costs, certainly any assessment is something that's new that has to be paid by the property owners but I think we've made significant strides at reducing this cost in an equitable manner and I think that we could probably expect the cost to go down even a little bit more once this project is bid, we've found our experience has been pretty good again this year with bid prices coming in slightly better than our estimate, so hopefully those number will come down a little bit more beyond that. Tried to be as brief as possible, I don't always succeed, hopefully that helped clarify."

Mayor Clark: "I think it's a good overview, from what we had and where we're at and again this is a determination of this public hearing or the public hearings in Council's review later on, in the agenda it's about necessity. Well that's what we're here for today, I think it's important since we had a factsheet with some figures to know the difference, know what it was and know where we're going if in fact the Council supports it from a necessity. Councilman Hensley, you have a question?"

Council Member Hensley: "Yeah, couple for Mr. Lewis, one, thank you very much going over all of this and trying to do something that's appears to be very fair, but public necessity is solely because of it seeping into the ground, correct?"

Patrick Lewis, Director of Engineering & Public Services: "Yes."

Council Member Hensley: "Is there any way to look at the cause of it, from what I've read and seen possibly the developer of Woodcraft Square, to look at them to cover part or all those costs because it was there, I know it was 30 years ago but..."

Patrick Lewis, Director of Engineering & Public Services: "To answer the Councilman's question, I think therein lies the difficulty, it's going to be very difficult because we don't have, at least we haven't found yet, any records of, it would probably be under the Building Department's inspection of the sight if there was any done on the exterior storm, we believe it was cut because of where the break is, when they put in a storm feeder line from their parking lot out to the street because that's right where the private line was cut off and it could be at that time the usage was so low they didn't know there was a private line there and that's the problem with all these private lines. Anything's possible but I would have a real hard time believing that we would be able to actually recover anything from them. I mean, you're correct, the right thing to do would be for them to acknowledge responsibility for that but I'd have to leave that to Mr. Ready about what his opinion was the likelihood of success on that."

Mayor Clark: "Councilman Hensley?"

Council Member Hensley: "Another question. Instead of replacing entire line, is there any way to salvage part of it and fix it at the break?"

Patrick Lewis, Director of Engineering & Public Services: "Also a good question. We looked into that and the difficulty was there were a lot of infrastructure changes made in the early 80's when the Woodcraft project was developed, including additional storm and sanitary sewer on West Seventh Street. The intersection of Roessler and Seventh is now kind of a spaghetti mess of storm lines going all over the place and we're not even sure where the end of this line actually is, we don't know the routing downstream of the break. We can speculate that it probably routed somehow through the intersection because of where the existing public sewer was prior to that time and it was from the intersection to the east that was the only place the public main was located, we suspect so. By the time we were to dig through that intersection on the likelihood of finding it, it would be fairly significant at that point as well and

typically we wouldn't undertake such a project because we would be facilitating a continued violation of our sewer use ordinance and that is multiple buildings sharing a single private line, so we would kind of be going against our own policies and spending a significant amount of money even trying to trace that out."

Council Member Hensley: "I just, kind of bothers me that we've got one property owner here that's going to pay \$16,000 to hook up to something that they use very little for a sink and the toilet maybe. Thank you."

Mayor Clark: "Other comments from Council? Ok, thank you Patrick and this is a public hearing, are there any comments from those present this evening that wish to speak to this item? Yes sir."

Gary Pickerel, Co-Pastor of Victory Temple Church of God: "Greetings in the name of the Lord. Council, Mayor I have to apologize, I'm not real familiar with everything, this is the first time I'm seeing this. The Pastor of the church asked me to come tonight and find out exactly the amount that they're talking about. He was kind of shocked at the amount that we were going to be assessed to go into the sewer. We've wanted a sewer for many years, I've only been Co-Pastor there for seven (7) years and I really don't know everything they've went through but like they said, we only got like a couple of toilets and just water discharged from the sinks. For us to, we can't afford, with a small congregation to pay that kind of money for a sewer and so that's why I'm here tonight to let you know that we don't have the funds in order to pay that right now. I've heard everything that he said and we've needed it for a long time, everybody there, there's only two places there I think, isn't there?"

Mayor Clark: "Three (3) properties."

Gary Pickerel, Co-Pastor of Victory Temple Church of God: "Three properties, and something was said, our property was big enough that they were going to divide it, I didn't hear him say that but they would charge us twice and that's what the Pastor told me. I'm sorry I didn't get really the time to be familiar with it and what is going on, I just told Pastor I would come tonight and find out so that's why I'm here and I think you've answered some of my questions, I just want it to go on record that we would be opposed to it going through and having to pay."

Mayor Clark: "Ok and Mr. Lewis will be available if you need clarification on some other items as well. Mr. Brown."

George Brown, City Manager: "Your honor, maybe to help clarify, if I could. The City Council only deals with the properties within the city, so the proposed action tonight that we're asking Council to consider taking is to proceed with the next steps to further the installation of the public sewer, just to serve the three properties in the city that do not have it. Mr. Lewis did calculate an estimate, a real preliminary estimate of what the cost would be to extend it from the point that is being proposed to the church but that doesn't obligate the church, the City Council cannot obligate the church. If there were an assessment district created, the church and the Monroe Charter Township would need to make those arrangements through Monroe Charter Township and the township would arrange to finance an extension, if so wished, from the end of where the city would go to. So tonight was information only as far as numbers and this Council nor do the staff propose to extend to the church at this point and time and the Council doesn't have authority to assess the church anyway."

Gary Pickerel, Co-Pastor of Victory Temple Church of God: "Ok, thank you very much, I thought we were in Monroe Township."

Mayor Clark: "Thank you sir. Others present this evening wish to make comment during this public hearing?"

Doug Gipson, 800 S. Roessler Street: "I have on record a couple of, my attorney and I worked up some specifics on this particular resolution and I think there's some lessons learned that we can work with the Mayor and Mr. Brown and Mr. Patrick Lewis... (inaudible) So, I just want to say that in general I think where we're at now is we're getting a better understanding of what the real problem we're trying to fix is, so I want to thank the Council and the Mayor and the City Manager and Patrick for your work. Thank you."

Mayor Clark: "Thank you Mr. Gipson. Any other comments at this public hearing?"

There being six (6) persons present commenting and one comment on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

Council Action.

90 Postponed at the May 21, 2012 meeting.

Communication from the Director of Economic & Community Development, submitting a proposal to place Memorial Bricks in the West Front Street Public Right-of-Way in front of the Monroe County Labor History Museum, and recommending that Council find that the proposed memorial serves a public purpose by educating the public about the significance of this location and the labor movement in the City's heritage, culture, and development; and hereby approves the proposal to place memorial bricks in the West Front Street public road right-of-way in front of the Monroe County Labor History Museum subject to the following conditions; 1) The placement of bricks is limited to the area between the sidewalk and curb, and a standard (grey concrete) ADA compliant sidewalk shall be installed adjacent to the building in accordance with the downtown streetscape plans; 2) A final plan following the design guidelines supplied by the Engineering Department and prepared by a design professional (engineer or architect) is submitted for review and approval; 3) a right-of-way permit is obtained prior to the proposed installation, the applicant is responsible for any permit, review and inspection fees, and the installation shall follow the site preparation and base material guidelines supplied by the Engineering Department; 4) The applicant agrees to execute an agreement approved by the City Attorney and recorded with the County Register of Deeds, specifically acknowledging if the bricks are not maintained, the City has the ability to special assess for their repair, replacement, or removal of the memorial bricks; 5) The content of the brick engravings are submitted to the City Planning Department for review and approval prior to placement. It was moved by Council Member Kansier and seconded by Council Member Bica that item 90 be postponed until the June 4, 2012 meeting when additional information can be provided.

It was moved by Council Member Molenda and seconded by Council Member Kansier that item 90 be placed on the floor for further discussion.

Ayes: 7 Nays: 0

Motion carried.

Mayor Clark said that Council has been given additional information from Dan Swallow, Director of Economic & Community Development and that other contacts have been made, so he ask Mr. Swallow to make a presentation to further update Council.

Dan Swallow, Director of Economic & Community Development updated Council on his findings.

After discussion, it was moved by Council Member Kansier and seconded by Council Member McKart that item 90 be approved, including the grey brick pavers in place of the sidewalk, placed on file and the recommendation be carried out.

Council Member Beneteau said that the DDA should have input on this item.

Council Member Molenda said that he thinks there should be a policy in place before approving the item and that he is in favor of postponing this item.

Mayor Clark said that he also thinks the DDA should have input and that he is a policy and procedure person as well.

After further discussion a vote was taken on the motion:

Ayes: 4 Nays: 3 (Council Member Beneteau, Molenda and Mayor Clark)

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.)

Charles D. Evans, Clerk-Treasurer announced that the Consent Agenda has been amended with a new Fact Sheet for item 108.

- A. Approval of the Minutes of the Regular Meeting held on May 21, 2012.
 - B. Approval of payments to vendors in the amount of \$458,980.32.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.
- 108 Installation of New Public Sanitary Sewer – South Roessler Street from West Seventh Street to the City Line – Special Assessment Resolution Number 3 – Sewer SAD #231.
- 1. Communication from the Director of Engineering & Public Services, submitting Resolution No. 3 which is a determination of the public necessity of this project, and authorizes the Engineering Department to secure bids for the work and recommending that attached Resolution No. 3 be adopted, and that the Engineering Department be authorized to let this project for bidding.
 - 2. Supporting documents.
 - 3. Action: Accept, place on file and the resolution be adopted.
- 109 Franklin Street Water Main Replacement and Pavement Reconstruction Bid.
- 1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the permanent closure of the Norfolk Southern railroad crossing at Franklin Street and Water Main Replacement, and recommending that Council award a contract for the Franklin Street Water Main Replacement and Pavement Reconstruction to Century Cement Company, Inc. in the amount of \$138,377.38, that a total of \$159,000 be encumbered to include a 15% project contingency, and that the Finance Director be authorized to allocate the costs to the proper fiscal year, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.
 - 2. Supporting documents.
 - 3. Accept, place on file and the recommendation be carried out.
- 110 Water Treatment Plant Fiscal Year 2012 – 2013 Chemical Requirement Bid.
- 1. Communication from the Director of Water & Wastewater Utilities, reporting back on bids received for Liquid Aluminum Sulfate, Zinc Orthophosphate, Hydrofluosilic Acid 23%, Sodium Hypochlorite and Liquid Oxygen for use at the Monroe Water Treatment Plant, and recommending that the Liquid Oxygen contract amendment be executed and for the Mayor and City Clerk-Treasurer be authorized to sign the contract amendment on behalf of the City of Monroe and that purchase orders be awarded to the following vendors for the durations and estimated chemical requirements at the Water Treatment Plant based on the bid unit prices: Liquid Aluminum Sulfate, for a total cost of \$112,000, Fluoride, for a total cost of \$22,400, Liquid Oxygen, for a total cost of \$39,900, Sodium Hypochlorite, for a total cost of \$61,421.04 and Zinc Orthophosphate, for a total cost of \$33,228.
 - 2. Supporting documents.
 - 3. Accept, place on file and the recommendation be carried out.
- 111 Purchase of Mosquito Larvicide Tablets and Detention Pond Pellets.
- 1. Communication from the Director of Engineering & Public Services, reporting back on the mosquito control larvicide application in storm sewer catch basins throughout the City and recommending that Council approve

the purchase of thirteen (13) cases of larvicide briquettes and five (5) cases of pellets for the detention ponds at a total cost of \$11,981.97 from the sole source, Clarke Mosquito Control Products, Inc., and that the Director of Engineering and Public Services be authorized to carry out the purchase, and further recommending that a purchase order for up to \$4,000 be awarded to Jack's Lawn Service of Monroe to allow for application of the briquettes and pellets.

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

112 Farming Lease Assignment

1. Communication from the Finance Director, submitting a Farming Lease Assignment between Mark S. Fetterly, Mark A. Fetterly, and the City of Monroe for farming purposes, and recommending that Council approve the attached assignment of the lease agreement between Mark S. Fetterly, Mark A. Fetterly, and the City of Monroe pending final review and approval of the assignment agreement by the City Attorney.
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 108, 109, 110 and 111 of the Consent Agenda be approved as indicated and that item 112 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

112 The communication from the Finance Director, submitting a Farming Lease Assignment between Mark S. Fetterly, Mark A. Fetterly, and the City of Monroe for farming purposes, and recommending that Council approve the attached assignment of the lease agreement between Mark S. Fetterly, Mark A. Fetterly, and the City of Monroe pending final review and approval of the assignment agreement by the City Attorney.

Adam Yeager, 1833 S. Custer Road asked where the property is located.

Ed Sell, Finance Director said that the property is located around the airport and north of the Mason Run property.

It was moved by Council Member Beneteau and seconded by Council Member Kansier that item 112 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

Council Comments.

Council Member Beneteau congratulated all 2012 High School and College graduates.

Mayor's Comments.

Mayor Clark announced that the Police Officers Association of Michigan gave the Police Administrator of the Year award to Tom Moore, Public Safety Director. He also noted that Monroe resident, Richard Micka was reappointed as the general public representative on the Michigan Historical Commission until May 21, 2016 by the Governor of Michigan. He further added that The Commission on the Environment will hold an event regarding the River Raisin Legacy Project on Thursday, June 14, 2012 at 6:30 p.m. in the City Hall Council Chambers. He announced that on Saturday, June 9 from 8:00 a.m. – 10:00 a.m. there will be a free fishing day for children at Veterans Park, Shelter 2, and that the Recreation Department Concerts in the Park Series at St. Mary's Park begin Thursday, June 7. He concluded with comments on the Civil War Monument Memorial at Soldiers and Sailors Park.

Citizen's Comments.

Jeanne Micka, 47 E. Elm Avenue read a Resolution from the War of 1812 Commission and presented three (3) Fifteen Star Flags from the Michigan Historical Commission, one (1) each to be placed at the Kentucky Memorial, the Kentucky Cairn by the Winchester Street Bridge, and at City Hall, to be flown on January 22nd and June 18th to bring awareness of key events during the Bicentennial War of 1812.

Mayor Clark also noted that on June 18th, at 10:00 a.m. there will be a Commemoration and Flag rising at the River Raisin National Battlefield.

Selma Rankins, said that Council Members do not look like America because they are all white men, and he hopes that this is the last time that he comes to a meeting where the board member all look alike. He said that it is bad and not right to have all white men make the decisions for a diverse population, we should all have a say.

Bill Van Winkle, Lions Club International said that they will be opening a new Lions Club within the city limits of Monroe and are seeking out people to join the new club. He explained that the Lions Club helps the hearing impaired and the blind. He noted that they will have an informational meeting at the Monroe Center for Aging on Thursday, June 7 from 2:30 p.m. – 4:00 p.m. and anyone who is interested in becoming a member is invited.

John Zorach, Member of the Bedford Township Lions Club established in 1969 by the Monroe Lions Club and that there is no longer a Lions Club in Monroe. He said that the club needs assistance from this community because the Bedford branch can no longer support the needs of people in Monroe.

Adam Yeager, 1833 S. Custer Road commented on the amount of money that is tied up in low head dam project along the River Raisin.

Frank Gryzwacki, 116 Hollywood noted that the UAW is having a rally, fundraiser party on Dog Lady Island on June 23rd in celebration of all unions and everyone is invited. He also said that he sent a letter to Mayor and Council to request a small regulation change for small businesses.

Quarterly Closed Executive Session to Discuss Pending Litigation.

It was moved by Council Member Molenda and seconded by Council Member Kansier that Council go into Closed Executive Session at 8:35 p.m. to discuss Pending Litigation.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member Kansier and seconded by Council Member Hensley that Council reconvene to open session at 9:06 p.m.

Adjournment.

It was moved by Council Member Bica and seconded by Council Member Kansier that Council adjourn at 9:06 p.m. until the Regular Meeting on Monday, June 18, 2012 at 7:30 p.m.

Charles D. Evans
City Clerk-Treasurer

Robert E. Clark
Mayor