

CITY OF MONROE  
REGULAR COUNCIL MEETING  
TUESDAY, SEPTEMBER 17, 2012

Regular meeting of the City Council of the City of Monroe, Michigan held on Tuesday, September 17, 2012 at 7:30 p.m. in the City Hall Council Chambers.

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

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

Mayor Clark led the pledge of allegiance to the flag.

Proclamations.

179 Monroe Public Schools Bully Prevention Week – September 16 – 22, 2012.

Mayor Clark noted that there will be a presentation regarding Bully Prevention Week and a Proclamation presented on Wednesday, September 19 at 7:00 p.m. at Monroe County Community College.

180 United Way of Monroe County Month – October 2012.

Mayor Clark presentation read and presented a Proclamation to Sue Vanisacker, United Way Campaign Chairperson.

Presentation.

Charles D. Evans, Clerk-Treasurer noted that a presentation is being added to the Agenda, by Sarah Waldecker regarding the Monroe Housing Commission Tot Lot Program.

Sarah Waldecker, Monroe Housing Commission introduced Megan Wright, a certified teacher who worked the tot lot this past summer at Greenwood.

Megan Wright, Greenwood Tot Lot leader gave a presentation of the activities that were offered at the 2012 summer tot lot.

Public Hearings.

172 This being the date set to review and receive comments on sidewalk installation on the south side of North Dixie Highway between Detroit Avenue and Ternes Drive, Special Assessment District Number 19, and there being no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing open.

Tom Pilbeam Jr., District Manager, Denny's Restaurant 1234 N. Dixie Highway expressed concern that North Dixie Highway is busy with traffic speeds of 45 mph, many drives lead to and from various businesses and said that he thinks that it is a safety risk to have people ride their bikes in that area.

Fred Courser, Big Boy Restaurant, 1240 N. Dixie Highway said he understands the purpose of getting people off of the streets but that the number of cars that come in and out of the driveways, including trucks and are not watching for people that are walking or on a bicycle, people are going to get hit. He noted other instances of traffic hazards and asked where the sidewalk is going because it's like the sidewalk to nowhere and said that apparently the plan is to narrow North Dixie Highway down from four (4) lanes to three lanes.

Mayor Clark said that the proposal, going before the Traffic Committee next Wednesday, is that there will be a traffic lane in each direction, a turning lane for the businesses that are on N. Dixie Highway and two (2) bike lanes. He said we currently have people riding bikes in the existing traffic lanes and there was a fatality on that road last fall, a bicyclist that was struck.

Fred Courser, Big Boy Restaurant, 1240 N. Dixie Highway noted that the people in his district are paying between \$8,000 and \$13,000 each for a sidewalk so why not just continue the sidewalk backwards, towards town, do to Elm Avenue and take them off the street entirely.

Mayor Clark said that is just the philosophy behind the walk-able, move-able communities, then you have the pedestrians and the bicyclist on the same sidewalk.

Fred Courser, Big Boy Restaurant, 1240 N. Dixie Highway also expressed concern about people flying through the parking lot, cutting over from another business, avoiding lights and asked if a policeman can be placed out there to give tickets.

Mayor Clark agreed that if people are avoiding traffic light because that is a violation.

Jeffrey Stanton, Owner of McDonalds Restaurant, 1180 N. Dixie Highway said that he has serious safety concerns also being that it is a high traffic area especially with semi's coming through all the time and asked where the sidewalk is going. He said that the letter from the City indicated that the sidewalk will help to increase foot traffic, but said that most of their problems come from foot traffic.

Mayor Clark noted that the Traffic Committee will meet next Wednesday and that the bike lane on the other side of Dixie Highway will be addressed at that time.

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

173 This being the date set to review and receive comments on the installation of public street lighting to service properties located in Mason Run Phase 2, Special Assessment District Number 1, and there being no comments on file in writing in the in the Clerk-Treasurer's Office, the Mayor declared the hearing open.

Council Member Kansier noted that the work sheet said that the finances are to be determined and asked where the money for this project will come from.

Ed Sell, Finance Director stated that currently the plan is to have the money come from the capital projects fund from previous projects that did not use their full amount of money and noted that both of these projects, which total in the range of \$20,000 - \$25,000, will come from that fund.

Mayor Clark noted that this is also a Consent Agenda item and may warrant additional discussion.

John Krueger, 401 Lapointe Avenue asked if the lighting will be new street lighting or decorative lighting.

Patrick Lewis, Director of Engineering & Public Services noted that the decorative system that is currently in place is a private system and has been turned off by DTE because there is no functioning resident association so the new lights that will be installed will be the DTE standard municipal lighting.

Mayor Clark asked if the lighting that is in place now will be replaced with DTE standard lighting.

Patrick Lewis, Director of Engineering & Public Services said that the lighting that is there now will remain and they're going to install and energize the new DTE standard lighting so that if the association forms the residents will have the option to pay to have the decorative lights energized.

George Brown, City Manager noted that DTE representatives were asked to review the possibility of obtaining a clear ownership and consider taking over the private system and their response were that those lights were not wired and not of the type that they could maintain.

John Krueger, 401 Lapointe Avenue noted that phase 1 has the same lighting and asked if these are wired wrong.

Mayor Clark noted that phase 1 has an association that actively maintains the private lighting system and that phase 2 does not have an association.

John Krueger, 401 Lapointe Avenue asked if they are going to get assessed for putting in lighting.

George Brown, City Manager noted that the actions that are on the agenda tonight are part of the process to assess the phase 2 segment of Mason Run for standard DTE street lighting installation.

There being six persons present commenting and no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the public hearing closed

Consent Agenda. (All items listed under the Consent Agenda are considered to be routine by Mayor and Council and may be approved by one motion. Any item may be removed for separate discussion by a Councilperson or citizen.)

A. Approval of the Minutes of the Regular Council Meeting held on September 4, 2012.

B. Approval of payments to vendors in the amount of \$804,354.27.  
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

181 Appointments.

1. Communication from the Mayor's Office, submitting a proposed resolution for appointments to various City Boards and Commissions, and recommending the proposed Resolution be adopted.
2. Supporting documents.
3. Accept, place on file and the resolution be adopted.

182 Michigan Municipal League Annual Meeting – October 3, 2012.

1. Communication from the City Manager's Office, submitting a request, by provisions of the League Bylaws, to designate an official representative to cast the vote of the municipality, and recommending that council chose an official representative and alternate representative.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

183 2012 Sanitary Sewer Rehabilitation Program – Change Order Award – Dam #5.

1. Communication from the Director of Engineering & Public Services, submitting a Change Order to the 2012 Sanitary Sewer Rehabilitation Program to include the 24" diameter sanitary sewer located behind Dam #5, and recommending that Council award a change order to the 2012 Sanitary Sewer Rehabilitation Program contract to Lanzo Lining Services, Inc. in the amount of \$72,920, and that a total of \$80,000 be encumbered to include a 10% project contingency, and further recommending that the competitive bidding

process be waived for this award, for the reasons stated above, 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. Action: Accept, place on file and the recommendation be carried out.

184 Sidewalk Installation on South Side of North Dixie Highway between Detroit Avenue and Ternes Drive – Special Assessment Resolution Number 3 – Sidewalk Special Assessment District Number 19.

1. Communication from the Director of Engineering & Public Services, submitting Resolution No. 3 in the special assessment process declaring the sidewalk installation on the south side of North Dixie Highway between Detroit Avenue and Ternes Drive a public necessity, and recommending that the attached Resolution 3 be adopted, and that this project be declared a public necessity.
2. Supporting documents.
3. Accept, place on file and the resolution be adopted.

185 Street Lighting Special Assessment District Number 1 – Mason Run Phase 2 – Special Assessment Resolution Number 3.

1. Communication from the Director of Engineering & Public Services, submitting Resolution No. 3 in the special assessment process declaring the installation of public street lighting to service properties located in Mason Run Phase 2 a public necessity, and recommending that the attached Resolution 3 be adopted, and that this project be declared a public necessity.
2. Supporting documents.
3. Accept, place on file and the resolution be adopted.

186 Street Lighting Special Assessment District Number 1 – Mason Run Phase 2 – Special Assessment Resolution Number 4.

1. Communication from the Director of Engineering & Public Services, submitting Resolution No. 4, which schedules the final public hearing date on the assessment roll, and recommending that the attached Resolution 4 be adopted, and that the public hearing on the assessment roll be scheduled for Monday, October 1, 2012 at 7:30 p.m. in the City Council Chambers.
2. Supporting documents.
3. Accept, place on file and the resolution be adopted.

187 Wastewater Pump Station Electrical Service Upgrades Bids.

1. Communication from the Director of Water & Wastewater, reporting back on bids received for the Pump Station Electrical Service upgrades, and recommending that a purchase order in the amount of \$19,950 and a total amount of \$23,000 be encumbered to include a 15% contingency, be awarded to Staelgrave-Turner Electric, Inc out of Monroe for the Pump Station Electrical Service Upgrades project as part of an approved FY 2012-2013 CIP project in accordance with the bid specifications.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

188 Authorizing Distribution of the Draft Comprehensive Plan Amendment Related to the Stewart Road Corridor for Public Comment.

1. Communication from the Director of Economic & Community Development, submitting a request to authorize distribution of the Draft Comprehensive Plan Amendment related to the Stewart Road corridor

for public comment, and recommending that Council authorize the distribution of the draft comprehensive plan (a.k.a. master plan) amendment related to the Stewart Road Corridor in conformance with Section 41 of the Michigan Planning Enabling Act (PA 33 of 2008) and direct Department of Economic & Community Development staff to send copies of the draft plan to the required entities, and further recommending that Council authorize expenditures for planning and zoning services from LSL Planning, Inc. in an amount not to exceed \$8,000, and that this amount be transferred from the Economic Development Fund.

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

189 Accepting the Donation of Four Vacant Lots at 1110, 1114, 1124 & 1126 E. First Street.

1. Communication from the City Manager, reporting back on the donation of four vacant lots at 1110, 1114, 1124 & 1126 E. First Street, by the owners to the City and a letter of request to secure use of the properties from Tracy Palm, Executive Director of the Arthur Lesow Community Center (ALCC), and recommending that Council approve and authorize the acquisition of the properties noted above with the intention of allowing the ALCC to use the property to add to and expand its outdoor program offerings, subject to and subsequent to the following: The receipt of a formal, written commitment from the owners to transfer title to the property to the City, if the City chooses to accept ownership, the receipt of a satisfactory Phase I environmental report, the total costs to be incurred by the City to acquire clear and lien-free title to the property and to perform environmental due diligence does not exceed \$7,500, and also recommending that Council allocate and authorize the transfer of up to \$7,500 from Capital Project Fund reserve, to fund the costs related to the acquisition of the properties located at 1110, 1114, 1124 and 1126 E. First Street.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

190 2010-11 Water Main Replacement Program Group 2 – Settlement of Quantity and Extra Claims.

1. Communication from the Director of Engineering & Public Services, reporting back on the 2010-11 Water Main Replacement Program Group 2, settlement of quantity and extra claims, and recommending that Council authorize an increase in the total contract award for the 2010-11 Water Main Replacement Program – Group 2 to C & D Hughes, Inc. from \$2,715,000 to \$2,843,369.73, according to the terms and conditions detailed in the August 16, 2012 letter from the Engineering Department to the contractor, and further recommending that the Director of Engineering & Public Services be authorized to carry out necessary change orders to this effect.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

191 East Reservoir Joint & Concrete Crack Repairs at the Water Treatment Plant – Change Order Award.

1. Communication from the Director of Water & Wastewater Utilities, submitting a change order to the East Reservoir Joint & Concrete Crack Repairs project at the Water Treatment Plant, and recommending that Council award a change order to the East Reservoir Existing Joint & Concrete Crack Repairs contract to Smith's Waterproofing, LLC in the amount of \$8,665.50, and that a total of \$11,300 be encumbered to include a 30% project contingency, and further recommending that the competitive bidding process be waived for this award, for the reasons stated above, and further recommending that the Director of Water & Wastewater 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.

192 Recommendation for Approval of Land Division at 300 Detroit Avenue, Parcel # 59-00417-020.

1. Communication from the Director of Economic & Community Development, submitting a request from Brian McCarthy on behalf of Erin Development Company to divide a two (2) acre vacant parcel, #59-00417-020, commonly referred to as 300 Detroit Avenue, and recommending that Council approve the proposed land division of parcel #59-00417-020 and authorize staff to complete all required procedural steps and documentation to create the two (2) new parcels.
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 182, 183, 184, 187, 188, 189, 191 and 192 of the Consent Agenda be approved as indicated and that item 181, 185, 186 and 190 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

181 The communication from the Mayor's Office, submitting a proposed resolution for appointments to various City Boards and Commissions, and recommending the proposed Resolution be adopted.

Council Member Hensley said he pulled item 181 in order to recognize those who are being appointed and to thank them.

Mayor Clark called out the names those in attendance who are being appointed to various boards or commissions.

It was moved by Council Member Hensley and seconded by Council Member McKart that item 181 be accepted, placed on file and the resolution adopted.

Ayes: 7 Nays: 0

Motion carried.

185 The communication from the Director of Engineering & Public Services, submitting Resolution No. 3 in the special assessment process declaring the installation of public street lighting to service properties located in Mason Run Phase 2 a public necessity, and recommending that the attached Resolution 3 be adopted, and that this project be declared a public necessity.

Council Member Hensley said that due to a conflict of interest he will abstain from voting on this item.

Council Member Molenda asked about the duties of the homeowner's association.

Patrick Lewis, Director of Engineering & Public Services explained that he has not looked at the master deed or the amendment to the master deed which is related to the changes in the lots and layouts. He said the deed is where our information comes from and it delineates what the common elements are and continued to explain why the city has decided to take charge of the street lighting.

Council Member Molenda cited issues and concerns that he has with this item.

After discussion, it was moved by Council Member Beneteau and seconded by Council Member Bica that item 185 be accepted, placed on file and the resolution adopted.

Ayes: 5 Nays: 1 (Council Member Molenda) Abstain: 1 (Council Member Hensley)

Motion carried.

186 The communication from the Director of Engineering & Public Services, submitting Resolution No. 4, which schedules the final public hearing date on the assessment roll, and recommending that the attached Resolution 4 be adopted, and that the public hearing on the assessment roll be scheduled for Monday, October 1, 2012 at 7:30 p.m. in the City Council Chambers.

Council Member Hensley said that due to a conflict of interest he will abstain from voting on this item.

It was moved by Council Member Beneteau and seconded by Council Member McKart that item 186 be accepted, placed on file and the resolution be adopted.

Ayes: 6 Nays: 0 Abstain: 1 (Council Member Hensley)

190 The communication from the Director of Engineering & Public Services, reporting back on the 2010-11 Water Main Replacement Program Group 2, settlement of quantity and extra claims, and recommending that Council authorize an increase in the total contract award for the 2010-11 Water Main Replacement Program – Group 2 to C & D Hughes, Inc. from \$2,715,000 to \$2,843,369.73, according to the terms and conditions detailed in the August 16, 2012 letter from the Engineering Department to the contractor, and further recommending that the Director of Engineering & Public Services be authorized to carry out necessary change orders to this effect.

Council Member Molenda said that he is not interested in protracted back and forth negotiations especially when liquidated damages have not been waived.

Patrick Lewis, Director of Engineering & Public Services said that in negotiations, that was one of the items that they dropped and explained where things stand in negotiations.

After discussion, it was moved by Council Member Molenda and seconded by Council Member Kansier that item 190 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member Molenda and seconded by Council Member McKart to reconsider item 182.

Ayes: 7 Nays: 0

Motion carried.

182 The communication from the City Manager's Office, submitting a request, by provisions of the League Bylaws, to designate an official representative to cast the vote of the municipality, and recommending that council chose an official representative and alternate representative.

It was moved by Council Member Molenda and seconded by Council Member Hensley that Mayor Clark be designated the official representative and Council Member Hensley be the alternate representative in voting at the annual conference.

Ayes: 7 Nays: 0

Motion carried.

#### Council Comments.

Council Member Bica announced that Saturday, September 22<sup>nd</sup>, the Monroe Police and Fire are hosting a Picnic in the Park at St. Mary's Park from 10:00 a.m. – 2:00 p.m.

Council Member Hensley announced that on Wednesday, September 19<sup>th</sup> at 6:30 p.m., there will be a public forum hosted by the Sister's of the IHM regarding alternative energy.

Mayor's Comments.

Mayor Clark again noted that he will present a proclamation at the Meyer Theater, Monroe County Community College, MCCC regarding Monroe Public Schools Bully Prevention Week, on Wednesday, September 19<sup>th</sup> at 7:00 p.m. He also noted that the State Historical Society and the Michigan State History Conference will be held in Monroe on September 28<sup>th</sup> – 30<sup>th</sup> at the MCCC and on Saturday, September 29<sup>th</sup> the American Heart Association will have their Heart Chase to raise money. He also noted that today, September 17<sup>th</sup> is Constitution Day; the Constitution was formed on September 17, 1787.

Adjournment.

It was moved by Council Member Molenda and seconded by Council Member Kansier that the meeting adjourn at 8:42 p.m. until the next Regular Meeting on Monday, October 1, 2012 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

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Charles D. Evans  
City Clerk-Treasurer

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Robert E. Clark  
Mayor