

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 3, 2012

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, December 3, 2012 at 7:30 p.m. in the City Hall Council Chambers.

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

Excused: Council Member Molenda.

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

Mayor Clark led the pledge of allegiance to the flag.

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 November 19, 2012.

B. Approval of payments to vendors in the amount of \$927,121.65.

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

251 2012 Sanitary Sewer Rehabilitation Program – Change Order Award.

1. Communication from the Director of Engineering and Public Services, submitting the 2012 Sanitary Sewer Rehabilitation Program – Change Order Award – Dam #4 and Detroit Avenue from Mill Street to Mason Run Drain, and recommending that the City Council award a change order to the 2012 Sanitary Sewer Rehabilitation Program contract to Lanzo Lining Services, Inc. in the amount of \$56,210, and that a total of \$61,800 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 on the fact sheet, and further recommending that the Director of Engineering and 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.

252 Traffic Committee Minutes of November 28, 2012.

1. Communication from the Director of Engineering and Public Services, submitting the minutes of the Traffic Committee meeting held on November 28, 2012, and recommending that the City Council place on file the minutes from the November 28, 2012 Mayor's Traffic Committee meeting, and adopt Traffic Control Orders 071-002, 128-002, 111-Temporary, and 127-Temporary.

2. Supporting documents.

3. Action: Accept, place on file and the recommendation be carried out.

253 Retirement Trust Resolution and Agreement.

1. Communication from the City Manager, submitting a Retirement Trust Resolution and Agreement, and recommending that the Mayor and City Council authorize the adoption, establishment and execution of

the Retirement Trust Agreement Resolution for the Post-Retirement Health Care Fund and that the officials designated on the Execution Page be authorized to execute it on behalf of the City of Monroe.

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

254 Collecting Electronic Payments through Point & Pay.

1. Communication from the Clerk-Treasurer, submitting an agreement with Point and Pay to collect payments on behalf of the City of Monroe using credit cards, and recommending that the City of Monroe enter into a contract with Point and Pay to collect payments on behalf of the City using credit cards, for a one year period that will automatically renew unless a 60 day notice to terminate is given to the company, and further recommending that the Mayor and Clerk/Treasurer be authorized to sign such an agreement on behalf of the City.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

255 Annual Renewal Blue Cross/Blue Shield Administrative Services Contract & Newly Required Agent Fee Processing Agreement.

1. Communication from the Director of Human Resources, submitting the Annual Renewal Blue Cross/Blue Shield Administrative Services Contract & Newly Required Agent Fee Processing Agreement, and recommending that the Mayor and City Council approve the attached 2013 Administrative Services Contract and Agent Fee Processing Agreement with Blue Cross/Blue Shield for the continued administration of the City's health insurance program and to comply with the Affordable Care Act.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

It was moved by Council Member Beneteau and seconded by Council Member Hensley that items 251, 252, 254, and 255 of the Consent Agenda be approved as indicated and that item 253 be removed and considered separately.

Ayes: 6 Nays: 0

Motion carried.

253 The communication from the City Manager was presented, submitting a Retirement Trust Resolution and Agreement, and recommending that the Mayor and City Council authorize the adoption, establishment and execution of the Retirement Trust Agreement Resolution for the Post-Retirement Health Care Fund and that the officials designated on the Execution Page be authorized to execute it on behalf of the City of Monroe.

Council Member Kansier asked if the City of Monroe Employees Retirement System Board of Trustees, which currently governs the health care funding, would no longer be that authority.

George Brown, City Manager, explained that this is a separate Trust with a separate board. The Mayor and Council could choose to appoint members of the current Pension Board of Trustees, but that would be Council's prerogative.

Council Member Kansier stated that it appears the City Manager and administration would have control over everything.

George Brown, City Manager, responded that as he understands it, the appointed Trustees would make investment decisions under the umbrella of the investment policies and guidelines adopted by the City Council.

Council Member Kansier asked if this Trust could open up the rest of the Council to a fiduciary lawsuit.

Amy Christen, Dykema Gossett, stated that under Michigan Law the Retiree Health Care Fund Trust is separate from the pension assets and there are separate fiduciary duties that flow to that Retiree Health Care Trust. She explained that Council has the fiduciary obligation to decide who will be the investment fiduciary and manager of this Retiree Health Care Trust and once it prudently selects the Trustee Members, then the obligation of investment duties is upon that Trustee Board but Council still has the responsibility to review that performance to make sure that good solid investment decisions are being made by the Board of Trustees. She stated that the duty of the Administrator is to manage and administer the Retiree Health Care Plan itself; the real obligation of the Administrator is to let the Trustees and the Custodian know what reimbursements need to come out to pay for the Retiree Health Care Benefit for the retirees. She also explained that the current City of Monroe Employees Retirement System Board of Trustees are fiduciary liable for the pension fund under City Ordinance, but this Trust presented for approval is under the Public Employer Health Care Fund Trust Law, which obligates any municipality that sets aside funds to pay for retiree health obligations to put those funds in Trust and to delegate the governing body to delegate a Trustee to prudently invest.

Council Member Kansier recommended that the Health Care Fund Board might want to look into some liability insurance.

George Brown, City Manager, stated that they could solicit a determination of coverage through their Michigan Municipal League insurance.

Council Member Kansier asked if any fees would now be paid from the Health Care Fund.

Amy Christen, Dykema Gossett, stated that the Board of Trustees could submit a budget for the year and as long as they are reasonable expenses and they have been approved by the Council, the fund could be used to reimburse for those expenses, including educational seminars on investment obligations and management.

It was moved by Council Member Kansier and seconded by Council Member McKart that item 253 be accepted, placed on file and the resolution be adopted.

Ayes: 6 Nays: 0

Motion carried.

Council Comments.

Council Member Hensley stated that the Historic Church and Stained Glass Tour will be held Sunday, December 9th from 2:00 to 4:00 p.m. and features seven of Monroe's historical churches.

Mayor's Comments.

Mayor Clark stated that Wreaths Across America will be held at Veteran's Park on Saturday, December 15th at 12:00 noon.

Dan Swallow, Director of Economic and Community Development invited Council to the Economic Development Luncheon (Monroe as an International Trade Corridor) on Thursday, December 13th, at 12:00 noon at the Monroe Country Club. He also referred to a memo in Council's packet outlining the LIAA Resilient Communities Program

and Local Match Commitment and stated that this would potentially help the city to work toward a more comprehensive Master Plan Update.

It was moved by Council Member Hensley and seconded by Council Member Kansier that Council go into closed executive session to discuss Pending Litigation at 7:48 p.m.

Ayes: 6 Nays: 0

Motion carried.

It was moved by Council Member McKart and seconded by Council Member Beneteau that Council reconvene to open session at 8:07 p.m.

Ayes: 6 Nays: 0

Motion carried.

Adjournment.

It was moved by Council Member McKart and seconded by Council Member Beneteau that the meeting adjourn at 8:08 p.m. until the next Regular Meeting on Monday, December 17, 2012 at 7:30 p.m.

Ayes: 6 Nays: 0

Motion carried.

Charles D. Evans
City Clerk-Treasurer

Robert E. Clark
Mayor