

**CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 6, 2014**

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, October 6, 2014 at 7:30 p.m. in the City Hall Council Chambers.

Present: Council Member Molenda, Rafko, Sisk, Hensley, Iacoangeli and Mayor Clark.

Excused: Council Member Vining.

Michelle J. LaVoy, Clerk-Treasurer gave the invocation.

Mayor Clark led the pledge of allegiance to the flag.

Proclamation.

188 Joseph Mominee Day – October 6, 2014.

Mayor Clark presented the proclamation to Joseph Mominee and invited him to speak.

Joseph Mominee thanked many people for his career.

189 United Way of Monroe County Month – October 2014.

Mayor Clark presented the proclamation to Connie Carol and Mike Smith and invited them to speak.

Consent Agenda.

A. Approval of the Minutes of the Work Session held on Monday, September 15, 2014 and the Minutes of the Regular City Council Meeting held on Monday, September 15, 2014.

B. Approval of payments to vendors in the amount of \$ 745,439.93.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

190 Freedom of Information Act (FOIA) Cost Recovery and Fee Schedule.

1. Communication from the City Manager, submitting proposed resolution to establish Procedures and Guidelines for the administration of the Freedom of Information Act (FOIA) Cost Recovery and Fee Schedule, and recommending that Council adopt the proposed resolution which will establish Freedom of Information Act fees.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

191 Freedom of Information Act (FOIA) Procedures and Guidelines.

1. Communication from the City Manager, submitting proposed Procedures and Guidelines for the administration of the Michigan Freedom of Information Act, FOIA, and recommending that Council adopt the proposed FOIA Procedures and Guidelines.
2. Supporting documents.
3. Action: Accept, place on file and recommendation be carried out.

192 Michigan Municipal League – Liability and Property Pool Board of Directors.

1. Communication from the City Manager's Office, submitting an official ballot for the MML Liability and Property Pool Board of Directors, and recommending that Council cast their vote for Jason Eppler, Sue Osborn, and Dave Post.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

193 Appointments Resolution.

1. Communication from the Mayor's Office, submitting a proposed resolution for appointments to various boards, commissions and committees, and recommending that the resolution be adopted.
2. Supporting documents.
1. Action: Accept, place on file and the resolution be adopted.

194 Collection of Delinquent Summer Taxes, Delinquent Special Assessments and other Assessments.

1. Communication from the Clerk-Treasurer, submitting a proposed resolution authorizing the addition of a 5% penalty to all delinquent taxes and assessments and then be collected on the winter tax bill, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

195 30 Inch Raw Water Intake Line Repairs – Raw Water Partnership.

1. Communication from the Director of Water & Wastewater Utilities, submitting a request to investigate the 30 inch raw water intake pipe at the Wilfred L. LePage Raw Water Pumping Station and to make repairs to the line, and recommending that a purchase order in the amount of \$70,370.80 and a total amount of \$88,000 be encumbered to include a 25% contingency be issued to Solomon Diving, Inc., to complete Phases 3-5 tasks as outlined in their proposal and that the bid process be waived, and further recommending that the Finance Director be authorized to amend the budget accounts listed to provide the adequate funding for this project up to the amounts shown.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

196 Extending Moratorium on Growing, Sale and Dispensing of Medical Marihuana.

1. Communication from the Director of Economic & Community Development, submitting a proposed resolution to extend the moratorium on the growing, sale and dispensing of medical marihuana, and recommending that Council allow additional time for the courts to rule on the pending cases related to the MMMA and for the state legislature to act on the proposed bills that would change permitted uses under the MMMA; that City Council extend the moratorium on the submission or receipt of applications, and any and all City permits, licenses or approvals for the growing, sale or dispensing of medical marihuana within the City of Monroe for a period of one-year, in accordance with the attached resolution.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

197 Resolution Authorizing the Acquisition of 1101 E. Front Street from the Monroe County Treasurer through the Tax Foreclosure Procedure in the General Property Tax Act.

1. Communication from the Director of Economic & Community Development, submitting a proposed resolution authorizing the acquisition of 1101 E. Front Street from the Monroe County Treasurer through the tax foreclosure procedure in the General Property Tax Act, and recommending that Council approve the resolution, authorizing acquisition of 1101 E. Front Street from the Monroe County Treasurer through the Tax Foreclosure Procedure; and authorize the expenditure of \$250 for the administrative fee and up to \$2,500 to cover the cost of a Phase I Environmental Assessment.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

198 New Public Safety Building – Professional Services Award for Schematic Design.

1. Communication from the Director of Engineering & Public Services, submitting a professional services Schematic Design Contract for a new Public Safety Building, and recommending that Council award a professional services contract for a full schematic design for a public safety facility in the amount of \$135,000 to Redstone Architects, Inc., and that the City Manager, Director of Engineering & Public Services, or their designee be authorized to execute any necessary and appropriate agreements on behalf of the City.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

199 North Custer Bike Path Resurfacing Change Order Award.

1. Communication from the Director of Engineering & Public Services, submitting a change order to the North Custer Bike Path Resurfacing Program, and recommending that Council award a change order for the resurfacing of the North Custer Road Bike Path to the 2014 Curb Replacement and Resurfacing Program to Cadillac Asphalt, LLC in the amount of \$167,716 and that the Finance Director be authorized to make the necessary transfers as shown in the financial details, and further recommending that the Director of Engineering & Public Services be authorized to sign the change order.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

200 South Monroe Street Lane Reconfiguration Study – Professional Engineering Services Change Order.

1. Communication from the Director of Engineering & Public Services, submitting a change order to the South Monroe Street Lane Reconfiguration Study Professional Engineering Services, and recommending that Council authorize up to an additional \$1,000 in work to Hubbell, Roth & Clark, Inc., for the above work beyond the original \$16,000 authorized by Council on March 17, 2014, and further recommending that the Director of Engineering & Public Services be authorized to execute any necessary and appropriate agreements on behalf of the City.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

201 Traffic Committee Meeting.

1. Communication from the Director of Engineering & Public Services, submitting the minutes of the Traffic Committee meeting held on September 24, 2014, and recommending that Council place on file the minutes from the September 24, 2014 Mayor's Traffic Committee meeting, and approve Traffic Control Order 216-005.

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

202 Vehicle Auction Authorization.

1. Communication from the Director of Engineering & Public Services, reporting back on a request for vehicle auction authorization, and recommending that Council authorize the Department of Public Services to place the above items into a public auction hosted by Rollo A. Juckette Auctioneer and/or Brad Neuhart, Auctioneer, and to allow them to secure a 10% commission on all items sold to the highest bidder.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

203 Navarre Library Window Replacement Bid.

1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the Navarre Library Window Replacement Project, and recommending that Council award the above contract for the base bid to Envision Builders Inc., in the amount of \$49,875, and that a total of \$55,000 be encumbered, which includes a 10% project contingency, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe, and further recommending that a contract for professional services be awarded to James S. Jacobs Architects, PLLC in the amount of \$6,500, and that the Director of Engineering & Public Services be authorized to execute any necessary agreements on behalf of the City, and further recommending that the Finance Director be authorized to make any necessary transfer to complete the funding for this project.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

204 Arthur Lesow Community Center (ALCC) Building Improvements Phase Two Bid.

1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the ALCC building improvements phase two, and recommending that Council award the above contract for the base bid and alternate #1 to Cross Renovation Inc., in the amount of \$99,615, and that a total of \$114,700 be encumbered, which includes a 15% project contingency, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe, and further recommending that a contract for Professional Services be awarded to Mitchell and Mouat Architects in the amount of \$7,350, and that the Director of Engineering & Public Services be authorized to execute any necessary agreements on behalf of the City.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

205 Reimbursement of Expenditures from Future Bond Proceeds.

1. Communication from the Finance Director, submitting a proposed resolution that would give the City Manager approval to make a declaration of official intent to reimburse expenditures from future bond proceeds, and recommending that Council approve the attached "RESOLUTION AUTHORIZING CITY MANAGER TO MAKE DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES."
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

It was moved by Council Member Molenda and seconded by Council Member Hensley that items 190, 191, 192, 193, 194, 195, 196, 199, 200, 201, 202, 203, 204 and 205 of the Consent Agenda be approved as presented and that item 197 and 198 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

197 The communication from the Director of Economic & Community Development was presented, submitting a proposed resolution authorizing the acquisition of 1101 E. Front Street from the Monroe County Treasurer through the tax foreclosure procedure in the General Property Tax Act, and recommending that Council approve the resolution, authorizing acquisition of 1101 E. Front Street from the Monroe County Treasurer through the Tax Foreclosure Procedure; and authorize the expenditure of \$250 for the administrative fee and up to \$2,500 to cover the cost of a Phase I Environmental Assessment.

Council Member Sisk asked if Mr. Swallow knew if there are any underground tanks on this parcel, unforeseen expenses, and any possible cleanup that may be needed and if those issues had been considered before starting to proceed with this procedure.

Dan Swallow, Director of Economic & Community Development said the short answer is no, but the information provided in the Fact Sheet identifies the need for the city to complete Phase 1 and Phase 2 Environmental Assessment and then possibly file a base line environmental assessment with the MDEQ. He noted that the preliminary review of city records did not show that there was an underground storage tank.

Council Member Sisk said that he is in favor of having the soil tested.

Council Member Iacoangeli said that he is concerned because this was a service station on that site and that Phase 1 is going to reveal that this is a contaminated site. He asked what procedure will be used if that is the finding.

Dan Swallow, Director of Economic & Community Development said that if Phase 1 comes back with an environmental concern the consultant will recommend Phase 2 which involves that actual soil boring, probing and testing. He said when those results are available; we can evaluate what direction to go from there.

Following discussion, it was moved by Council Member Iacoangeli and seconded by Council Member Sisk that the resolution be adopted, that \$250 expenditure for the administrative fee be authorized and to request that the Director of Economic & Community Development report back to Council what the budget for the overall environmental cost will be at the next regular meeting.

Ayes: 6 Nays: 0

Motion carried.

198 The communication from the Director of Engineering & Public Services was presented, submitting a professional services Schematic Design Contract for a new Public Safety Building, and recommending that Council award a professional services contract for a full schematic design for a public safety facility in the amount of \$135,000 to Redstone Architects, Inc., and that the City Manager, Director of Engineering & Public Services, or their designee be authorized to execute any necessary and appropriate agreements on behalf of the City.

Council Member Iacoangeli gave brief history of the schematic design study that was done in 2005 and said that the problems then have only gotten worse but he would like to postpone this item to give Mr. Redstone an opportunity to take a look at other studies that they've done in the event that the Public Safety Building design would need to be expanded to include other levels of personnel.

Following discussion it was moved by Council Member Iacoangeli and seconded by Council Member Rafko that item 198 be postponed and return with schematic design for fire station and block design on build out at the next meeting.

Ayes: 5 Nays: 1 (Council Member Hensley)
Motion carried.

Council Comments.

Council Member Molenda commented on item 199, on the Public Safety Building and Charter language.

Council Member Rafko commented on the Public Safety Department, the facility, the Bed Race Event and the meeting regarding the recent rain and flood event. She also commented on a candle light service for someone who lost their life on the east side of Monroe.

Council Member Sisk commented on the Public Safety Department.

Council Member Iacoangeli congratulated Ed Sell, Finance Director for being elected President of the Michigan Government Finance Officers Association. He thanked the City Manager for the Recreation reorganization papers and asked if the RAC Board could have a copy. He also commented on information about climate change from Resilient Monroe and commented on Charter language and how it is defined. He also commented on the Public Safety Division.

Mayor's Comments.

Mayor Clark commented on clarity of dialog about the Public Safety Division.

Citizen's Comments.

Adam Yeager, 1833 South Custer commented on the recent flooding and the sanitary sewer.

Tony Donofrio, 607 Toledo Avenue commented on the sewer collapsing on the east side of Toledo Avenue and blight from junk cars in the area.

Patrick Lewis, Director of Engineering & Public Services announced that the leaf bag program begins on Monday, October 13 and bags will be available at City Hall from 8:00 a.m. – 4:30 p.m. Monday through Friday and they will also be available at the Monroe Police Department from 6:00 a.m. – 5:30 p.m. Monday through Friday and 6:00 a.m. – 1:00 p.m. on Saturday while supplies last.

Closed Executive Session To Discuss Property Acquisition.

It was moved by Council Member Iacoangeli and seconded by Council Member Molenda that Council convene to closed executive session to discuss property acquisition at 8:55 p.m.

Ayes: 6 Nays: 0
Motion carried.

It was moved by Council Member Iacoangeli and seconded by Council Member Hensley that Council reconvene to open session at 9:35 p.m.

Ayes: 6 Nays: 0
Motion carried.

Adjournment.

It was moved by Council Member Hensley and seconded by Council Member Iacoangeli that the meeting adjourn at 9:35 p.m. until the Regular Meeting on Monday, October 20, 2014 at 7:30 p.m.

Ayes: 7 Nays: 0
Motion carried.

Michelle J. LaVoy
City Clerk-Treasurer

Robert E. Clark
Mayor