

**CITY OF TRENTON, MICHIGAN
REGULAR MEETING
January 20, 2009**

After the Pledge of Allegiance to the Flag, the Regular Meeting of the City Council of Trenton, Michigan, was called to order by Mayor Brown, at 8:00 p.m. on the above date in the City Hall Council Chambers.

Present on roll call by City Clerk Stack: Mayor Brown, Councilpersons: Baun-Crooks, Gillespie, LeFevre, McLeod, Taylor, and Teifer.

There being a quorum present, the Council was declared in session.

Other Officers Present: John Dahlquist, City Assessor; Randy Schoen, City Treasurer; Wallace Long, City Attorney; Robert Cady, City Administrator; Christine Arnoczki, City Controller; William Hogan, City Engineer; Bruce Vick, Fire Chief; Scott Church, Human Resource Specialist; Patrick Hawkins, Parks and Recreation Director; William Lilienthal, Police Chief; James Nardone, Deputy Police Chief; and Alan Bober, Department of Public Services Director.

MINUTES

Moved by Councilman Taylor, seconded by Councilwoman McLeod, to approve the minutes of the Regular Meeting of January 5, 2009.

Carried unanimously.

PRESENTATIONS AND PROCLAMATIONS

City Beautiful Commission 2009 Home Decorating Contest

Moved by Councilman Gillespie, seconded by Councilwoman McLeod, to make the Presentation part of the regular minutes.

Carried unanimously.

Mayor Brown called upon Sharleen Datini, Chairman of the City Beautiful Commission and DTE representatives Molly Luempert-Coy, and Nick Chuey, who presented Holiday Decorating awards and DTE gift certificates to the following winners: first place to Scott Szumanski, second place to Dave and Teresa Keezer (not present), third place to Joe and Marcia Ross (not present), and fourth place to Rita Condon.

COMMUNICATIONS AGENDA

AUTHORITIES, CITY COMMISSIONS, BOARDS, COMMITTEES

A-1. PLANNING COMMISSION: Request for Master Plan Update with Services of Vilican Leman

GENERAL

- B-1. DOWNRIVER COMMUNITY CONFERENCE & MUTUAL AID: Membership Dues
- B-2. 33RD DISTRICT COURT: 2009 Final Budget and 2008 Caseload
- B-3. 33RD DISTRICT COURT: Fines and Costs, December 2008

GROUPS AND ORGANIZATIONS

- C-1. TRENTON OUTBOARD RACING CLUB: Request Assistance with Racing Regatta Insurance Premiums

DEPARTMENT HEADS, OFFICIALS, C.S.S. REFERRAL

- D-1. CONTROLLER: 2009 SEMCOG Membership Dues
- D-2. ENGINEER: MDOT 2009 Annual Permit
- D-3. ATTORNEY: Ordinance 716, Update to Emergency Medical Services Fees (1st Rdg)
- D-4. POLICE: Bulletproof Vest Bid Award
- D-5. MAYOR: Proposed Study Session Agenda, January 26, 2009

LATE COMMUNICATIONS

- L-1. DPS: Emergency Request to Replace Roof-Top HVAC Unit

COMMUNICATIONS

(A-1)

PLANNING COMMISSION

Request for Master Plan Update with Services of Vilican Leman

Moved by Councilman Taylor, seconded by Councilwoman McLeod, to receive and place on file the request from the Planning Commission for Vilican Leman to update the City of Trenton Master Plan, and refer the request to the next Council Study Session.

Carried unanimously.

(B-1)

DOWNRIVER COMMUNITY CONFERENCE & MUTUAL AID
Membership Dues

Moved by Councilman Teifer, seconded by Councilman Gillespie, to approve the payment to the Downriver Community Conference in the amount of \$4,750.00; and the payment to the Downriver Mutual Aid in the amount of \$13,020.35, for the 2009-2010 Annual Membership Dues.

Carried unanimously.

(B-2)
33RD DISTRICT COURT
2009 Final Budget and 2008 Caseload

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, to receive and place on file the 2009 Final Budget and the 2008 Caseload submitted by the 33rd District Court.

Carried unanimously.

(B-3)
33RD DISTRICT COURT
Fines and Costs, December 2008

Moved by Councilman LeFevre seconded by Councilman Taylor, to receive and place on file the Fines and Costs, December 2008, submitted by the 33rd District Court showing the City of Trenton owing \$4,137.97.

Carried unanimously.

(C-1)
TRENTON OUTBOARD RACING CLUB
Request Assistance with Racing Regatta Insurance Premiums

Moved by Councilman Teifer seconded by Councilman Gillespie, to approve the payment of \$3,036.00, to the Trenton Outboard Racing Club for the liability coverage for the 59th Annual Powerboat Racing Regatta.

Roll Call: Brown, Yes; Gillespie, Yes; LeFevre, Yes; McLeod, No, Taylor, Yes; Teifer, Yes; Baun-Crooks, No.

Motion carried.

(D-1)
CONTROLLER
2009 SEMCOG Membership Dues

Moved by Councilman Gillespie, seconded by Councilman Taylor, to approve the payment of the 2009 SEMCOG Membership Dues for the period of January 15, 2009, through January 15, 2010, in the amount of \$2304.00.

Roll Call: Gillespie, Yes; LeFevre, No, McLeod, No, Taylor, Yes; Teifer, Yes; Baun-Crooks, Yes; and Brown, Yes.

Motion carried.

(D-2)
ENGINEER
MDOT 2009 Annual Permit

PERFORMANCE
RESOLUTION FOR GOVERNMENTAL BODIES

2009-1

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "individual Permit for Use of State Trunkline Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Trunkline Right of Way" (form 2205B).

RESOLVED WHEREAS, the City of Trenton hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits:

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

2. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from

the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party.

It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL AGENCY: William R. Hogan P.E., City Engineer.

Moved by Councilman Gillespie, seconded by Councilwoman Baun-Crooks, to authorize William R. Hogan, to apply to the Michigan Department of Transportation for the necessary permit to work within the state trunkline right of way on behalf of the City of Trenton.

Carried unanimously.

(D-3)

ATTORNEY

Ordinance 716, Update to Emergency Medical Services Fees (1st Rdg)

CITY OF TRENTON

ORDINANCE NO. 716

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF A-9 ENTITLED "EMERGENCY MEDICAL SERVICES" OF APPENDIX A OF THE CITY CODE FOR PURPOSES OF UPDATING FEES AND CHARGES TO CORRESPOND TO REIMBURSEMENT LEVELS.

THE CITY OF TRENTON, COUNTY OF WAYNE, HEREBY ORDAINS AS FOLLOWS:

Section 1. Sec. A-9 of Appendix A of the Trenton City Code entitled "Emergency Medical Services" shall be modified to update the City's fees and charges for certain medical transport services, which shall read as follows:

Sec. A-9. Emergency Medical Services.

The following fees shall be assessed to and paid by any person utilizing the services of an emergency vehicle owned or operated by the City for purposes of transporting that person to a facility for emergency medical treatment:

- (1) Basic ambulance service..... \$425.00
- (2) Advance life support system (1)..... \$600.00
- (3) Advance life support system (2 – intensive).....\$725.00
- (3) Reimbursement for mileage..... \$9.50/mile
- (4) Reimbursement to City for extrication equipment.....\$500.00
- (5) Reimbursement to City for oxygen treatment.....\$50.00

Section 2. Saving Clause. Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4. Conflicting Ordinances. All prior existing ordinances adopted by the City of Trenton inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5. Readings. This Ordinance shall be given a first reading on January 20, 2009, shall be enacted on February 2, 2009, and shall be published on or before February 8, 2009, and shall be effective February 9, 2009.

Moved by Councilwoman Baun-Crooks, seconded by Councilman Gillespie, to approve the first reading of Ordinance 716, Update to Emergency Medical Services Fees.

Carried unanimously.

(D-4)
POLICE
Bulletproof Vest Bid Award

Moved by Councilman Teifer, seconded by Councilman LeFevre, to concur with the recommendation of the Police Chief and award the bid for the bulletproof vest to Cuda Uniform, in the amount of \$23,560.00, to reject the other bids, with funding to come from the Federal Forfeiture Funds Account (289-307-985-032) and 50% to be reimbursed from the Department of Justice through the Bulletproof Vest Partnership Grant Program.

Carried unanimously.

(D-5)
MAYOR
Proposed Study Session Agenda, January 26, 2009

Moved by Councilman Gillespie, seconded by Councilwoman Baun-Crooks, to approve the agenda for the Study Session to be held on Monday, January 26, 2009, to be comprised of the following items: lawn mowing; long term disability and life insurance, municipal insurance update/Travelers, and the Master Plan providing a representative of the Planning Commission can attend.

Carried unanimously.

(L-1)
DPS
Emergency Request to Replace Roof-Top HVAC Unit

Moved by Councilman Gillespie, seconded by Councilwoman Baun-Crooks, to waive the usual bidding procedure in the best interest of the City and approve the payment of \$5,465.00, to Flo-Aire Heating and Cooling for the installation of a roof top HVAC unit to the Department of Public Services Building, with funds from account (661-932-933-000).

Carried unanimously.

AUTHORIZED DISBURSEMENTS

Moved by Councilman Taylor, seconded by Councilman Gillespie, that the Authorized Disbursements, per the January 20, 2009, schedule, be approved.

MONROE BANK & TRUST: Cash Disbursements	\$2,896,935.45
General Fund	23,957.28
Kennedy Rec. Complex Fund	8,043.17
Library Operating Fund	1,214.00
Tax Receiving Fund	2,529,656.69
Special Revenue Funds	5,208.35
Grant Funds	46,078.49
Capital Project Fund	206,007.84

SINC Fund	37,923.04
Water & Wastewater Fund	34,923.04
Motor Vehicle Pool	146.50
Restricted Self Ins.	4,662.72

Motion carried.

FINANCIAL SUMMARY

Financial Summary, December 31, 2008

Moved by Councilman Taylor, seconded by Councilman Gillespie, to receive and place on file the Financial Summary, December 31, 2008.

Carried unanimously.

REPORTS

Moved by Councilman Taylor, seconded by Councilman Gillespie, to receive and place on file Commission and Board Reports, January 20, 2009; DPS Report December 2008; Traffic Safety Division Report November 2008; Fire Department Report, December 2008; Parks & Recreation Report, December 2008; and Police Department Report, December 2008.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

Councilwoman Baun-Crooks	* Upset with Insurance Payment to TORC and Salting Program Reduced
Councilman LeFevre	* Awards Banquet, Great Event; Suggested that the Last Three Meetings of Budget Session be Televised
Mayor Brown	* Commended Civic Commission on Awards Banquet; City 175 Years Old; Ribbon Cutting at Karate School
City Clerk Stack	* Beach Blast, January 31 st , Tickets at Clerk's Office

MOTION TO ADJOURN BY Councilman Taylor, seconded by Councilwoman Baun-Crooks, at 9:20 p.m.

APPROVED BY:

GERALD R. BROWN, MAYOR

KYLE F. STACK, CITY CLERK

MINUTES PREPARED BY: Patricia M. Gearhart, Deputy City Clerk
APPROVED ON:_____

INFORMATION ITEMS

1. WOW: Channel Changes. (01/15/2009)