

**CITY OF TRENTON, MICHIGAN
REGULAR MEETING
November 3, 2008**

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 8:01 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.

Absent: None.

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; Alan Bober, Department of Public Services Director; and Patrick Raftery, Waste Water Treatment Plant Superintendent.

MINUTES

Moved by Councilman Taylor, seconded by Councilman Gillespie, to approve the minutes of the Regular Meeting of October 20, 2008.

Carried unanimously.

APPOINTMENTS

Moved by Councilman Taylor, seconded by Councilman Gillespie, to approve the Mayor's appointment of Michael Dwyer to the Police and Fire Pension Board for a term ending November 1, 2011.

Roll Call: Brown, Abstain; Gillespie, Yes; LeFevre, Yes; McLeod, Yes; Taylor, Yes; Teifer, Yes; and Baun-Crooks, Yes.

Motion carried.

COMMUNICATIONS AGENDA

GROUPS AND ORGANIZATIONS

- C-1. DOWNRIVER RUSH BLUE U-9 SOCCER TEAM: Bottle Drive Request
- C-2. TRENTON THRASHERS HOCKEY TEAM: Bottle Drive Request

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

- D-1. WWTP: Request to Purchase Replacement Filter Press Belts

- D-2. ENGINEER: Wayne County 2009 Annual Maintenance Permit
- D-3. ENGINEER: Sibley Road Water Main Abandonment Resolution, Wayne County
- D-4. CONTROLLER: Deficit in Kennedy Recreation Fund
- D-5. HUMAN RESOURCES: Non-Union Benefits
- D-6. HUMAN RESOURCES: Flexible Spending/Premium Only Plan
- D-7. MAYOR: Proposed Study Session Agenda, November 10, 2008

LATE COMMUNICATIONS

- L-1. PARKS AND RECREATION: Marquis Replacement

COMMUNICATIONS

(C-1)

**DOWNRIVER RUSH BLUE U-9 SOCCER TEAM
Bottle Drive Request**

Moved by Councilman Gillespie seconded by Councilwoman Baun-Crooks, to approve the bottle drive to be held by the Downriver Rush Blue U-9 on November 8, 2008.

AMENDMENT TO MOTION

Moved by Councilman Gillespie seconded by Councilwoman Baun-Crooks, to concur with the recommendation of the Civic Commission and grant permission to the Downriver Rush Blue U-9 Soccer Team to hold a bottle drive in the City of Trenton on November 15, 2008, for the flyer drop off and the pick up of bottles on November 29, 2008.

SUBSTITUTE MOTION

Moved by Councilwoman McLeod, seconded by Councilman Gillespie, to grant permission to the Downriver Rush Blue U-9 Soccer Team to hold a bottle drive in the City of Trenton on November 22, 2008, for the flyer drop off and the pick up of bottles on November 29, 2008, with adult supervision and under the direction of the Police Department.

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

Motion carried.

(C-2)

**TRENTON THRASHERS HOCKEY TEAM
Bottle Drive Request**

Moved by Councilwoman McLeod, seconded by Councilman LeFevre, to grant permission to the Trenton Thrashers Hockey Team to hold a bottle drive in the City of Trenton on Saturday November 15, 2008, from 11:00 a.m. to 4:00 p.m. with adult supervision and under the direction of the Police Department.

Carried unanimously.

(D-1)

WWTP

Request to Purchase Replacement Filter Press Belts

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, to concur with the recommendation of the Wastewater Treatment Plant Superintendent and waive the usual bidding procedure in the best interest of the City and approve the purchase of four Durotex belts from Industrial Fabrics Corporation in the amount of \$10,240.00, with funds from the Equipment Maintenance Account (592-592-933.000).

Carried unanimously.

(D-2)

ENGINEER

Wayne County 2009 Annual Maintenance Permit

**CITY OF TRENTON
RESOLUTION 2008-22**

WHEREAS, the City of Trenton periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the "County") for permits to conduct emergency repairs and annual maintenance work on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq*, the County permits and regulates such activities and related temporary road closures;

NOW THEREFORE, in consideration of the County granting such Permit, the Community agrees and resolves that:

It will fulfill all permit requirements and will save harmless, represent and defend the County of Wayne and all of its officers, agents and employees:

from any and all claims and losses occurring or resulting to any and all person, firms, or corporations furnishing or supplying work, services, materials or supplies to the Community as the result of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road; and

from any and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradations, and from attorney's fees and related costs arising out of, under, or by reason of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road, except claims resulting from the direct negligence or willful acts or omissions of said County performing permit activities.

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The

County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, 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.

The Community 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 County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

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

The resolution shall stipulate that the requesting city, incorporated village or township shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

The resolution shall stipulate that the requesting city, incorporated village or township shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This resolution shall continue in force from this date until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following positions are authorized to apply to the County of Wayne Department of Public Services Engineering Division Permit Office for the necessary permit to work within County road right-of-way or local roads on behalf of the Community: William R, Hogan PE, City Engineer.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton, this 3rd day of November, 2008.

Moved by Councilman Gillespie, seconded by Councilwoman McLeod, to adopt the Resolution authorizing the Execution of Annual Maintenance Permits between Wayne County Department of Public Services and the City of Trenton.

Carried unanimously.

(D-3)

ENGINEER

Sibley Road Water Main Abandonment Resolution, Wayne County

**CITY OF TRENTON
WATER MAIN RESOLUTION 2008-23**

Contract No: 2008-02

WHEREAS, City of Trenton, through its Engineering Department (the "City"), desires to complete the City's North End Water Main Project (the "Project"), Contract 2008-02.

WHEREAS, the Project involves installing new water main lines underneath the public sidewalk surface within the Sibley Road Right-of-Way under the jurisdiction of the County of Wayne (the "County").

WHEREAS, the County requires that unused utilities in the County's road Rights-of-Way, including, but not limited to, water main lines, sanitary sewer lines and gas mains (collectively, "unused utilities"), be removed in lieu of abandonment in-place.

WHEREAS, the City has requested an exception to the County's requirement; specifically, the City has requested permission to leave the current water main lines in the ground (the "current water mains") when new ones will be installed during the Project.

WHEREAS, the County is willing to grant the request in exchange for the City's agreement to adhere to specific duties related to the current water mains.

NOW, THEREFORE, BE IT RESOLVED, that the County shall grant the City an exception to its requirement that unused utilities be removed in lieu of abandonment in-place;

NOW, THEREFORE, BE IT RESOLVED, that the County shall grant the contemplated exception to the City as relates to the Project, only;

AND BE IT FURTHER RESOLVED, that in exchange for the exception provided, the City shall:

- 1) Maintain ownership of the current water main lines;
- 2) Restore in a manner and condition acceptable to the County, County owned road Right-of-Way suffering damage(s) arising from the current water mains;
- 3) Under County permit, take action necessary to protect the public from potential injury or property damage arising from the current water mains;
- 4) Pressure-grout the current water mains with flowable fill material;
- 5) Remove, cause to be removed or reimburse the County for any reasonable costs associated with the removal of the current water mains when the County undertakes a future road reconstruction, widening, or relocation project in which it determines such removal is necessary and essential to the project; and
- 6) Hold harmless the County with respect to any and all incidents or claims arising from the current water mains.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton, this 3rd day of November, 2008.

Moved by Councilman Gillespie, seconded by Councilwoman Baun-Crooks, to approve the water main abandonment in conjunction with the City's north end water main project, located on Sibley Road within a right-of-way, under the jurisdiction of Wayne County.

Carried unanimously.

(D-4)
CONTROLLER
Deficit in Kennedy Recreation Fund

Moved by Councilwoman McLeod, seconded by Councilwoman Baun-Crooks, to concur with the recommendation of the City Controller and approve the transfer of \$295,000.00, from the General Fund to the Kennedy Recreation Fund to eliminate the deficit for the fiscal year ending June 30, 2008.

SUBSTITUTE MOTION

Moved by Councilman Teifer, seconded by Councilman Taylor, to refer the request for the transfer of funds to a Council Study Session and to request a detailed report on the revenue and expenses.

Carried unanimously.

(D-5)
HUMAN RESOURCES
Non-Union Benefits

Moved by Councilman Taylor, seconded by Councilwoman McLeod, to modify the non-union employees benefits as presented by the Human Resources Director.

Carried unanimously.

(D-6)
HUMAN RESOURCES
Flexible Spending/Premium Only Plan

Moved by Councilman Gillespie, seconded by Councilman Taylor, to concur with the recommendation of the Human Resources Director and approve the selection of BASIC Flex who submitted the lowest proposal in the amount of \$12,039.00, for the first year, with an annual cost of \$11,839.00, thereafter, to administer the Flexible Spending and Premium Only Plan for the City of Trenton, with funds from Account (759-299-716.000), and to reject the other proposals.

Carried unanimously.

(D-7)

MAYOR

Proposed Study Session Agenda, November 10, 2008

Moved by Councilman Gillespie, seconded by Councilwoman Baun-Crooks, to approve the Study Session Agenda for November 10, 2008, to be comprised of the following items: Trenton Hockey Association Residency Policy; Transfer Station and commercial trash options; and Georgetown Energy Conservation Program for Ice Arena.

Carried unanimously.

(L-1)

PARKS AND RECREATION

Marquis Replacement

Moved by Councilman Teifer, seconded by Councilwoman Baun-Crooks, to concur with the recommendation of the Parks and Recreation Director and waive the usual bidding procedure in the best interest of the City and award the removal and replacement of the marquis located in front of the Kennedy Recreation Center to Townsend Neon, to be funded by a grant received from the Chrysler Foundation in the amount of \$75,000.00.

Carried unanimously.

AUTHORIZED DISBURSEMENTS

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, that the Authorized Disbursements, per the November 3, 2008, schedule, be approved.

MONROE BANK & TRUST: Cash Disbursements	\$280,444.75
General Fund	115,617.19
Major Street Fund	314.53
Local Street Fund	1,433.56
Kennedy Rec. Complex Fund	36,571.85
Library Operating Fund	10,183.33
Special Revenue Funds	2,082.51
Grant Funds	5,200.25
Capital Project Fund	17.96
D.D.A. Fund	1,000.00
SINC Fund	1,635.50
Water & Wastewater Fund	62,786.65
Motor Vehicle Pool	26,418.41
Restricted Self Ins.	10,028.74

Motion carried.

REPORTS

Moved by Councilman Taylor, seconded by Councilman Gillespie, to receive and place on file the Commission and Board Reports, November 3, 2008;

Carried unanimously.

Moved by Councilman Taylor, seconded by Councilwoman McLeod, to receive and place on file the Traffic Safety Division Report, September 2008.

Carried unanimously.

OTHER COUNCIL BUSINESS

Moved by Councilman Taylor, seconded by Councilwoman McLeod, to hold a Closed Session immediately following the regular meeting for the purpose of discussing negotiations.

Carried unanimously.

Moved by Councilman Taylor, seconded by Councilman Teifer, to refer the condition of the former Riverside Hospital site owned by the Henry Ford Health Systems to the Dangerous Building Board. (*Building Code Board of Appeals*)

Carried unanimously.

Moved by Councilman Teifer, seconded by Councilman Taylor to concur with the recommendation of the City Controller and approve the transfer of \$295,000.00, from the General Fund to the Kennedy Recreation Fund to eliminate the deficit for the fiscal year ending June 30, 2008.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

- | | |
|--------------------------|--|
| Councilman Taylor | * Condition of Riverside Hospital, Chastised Henry Ford Health System; Chrysler Good Corporate Citizen |
| Councilwoman Baun-Crooks | * Wished Belated Birthday Greetings to Mayor Brown, Councilmen Gillespie and Teifer; Look Ahead to Expenses by City for Sponsorship of Future Events |
| Councilman Teifer | * Rink Deficit Situation |
| Councilman LeFevre | * Light the Night Event; Will Not Vote For Any Tax Increases, Urged Citizens to Buy From Local Vendors and Buy American Products |

RECORD OF CITY COUNCIL PROCEEDINGS
CITY OF TRENTON, MICHIGAN
HELD ON THE 3RD DAY OF NOVEMBER 2008

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- Mayor Brown * Thanked Council For Surprise Birthday Party;
Baking Cake for Senior Group
- City Clerk Stack * Remember to Vote, Patience Needed, Bring
Identification, Precinct One Votes at Theatre
- DPS Director Bober * Household Hazardous Waste Collection in Westland;
Second Week of Leaf Pickup; Will Have Report on
Mowing
- Parks & Rec. Director Hawkins * DTE Sponsorship of Light of Night, Proceeds to First
Step

PUBLIC COMMENT

- Jennifer. Kalata * Read a Letter Aloud Regarding the Excessive Noise
in the Downtown Area Before 7:00 a.m. and after
10:00 p.m.

MOTION TO ADJOURN AT 10:09 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. COMCAST: Price Adjustment. (10/23/2008)
2. WOW: New Regional Office. (10/23/2008)
3. CITY OF DETROIT: Preliminary Information on Service and Rates. (10/24/2008)
4. REFUGE RIVER RUN: Letter to Chrysler for Donation Request. (10/28/2008)
5. COMCAST: Channel line up Changes. (10/29/2008)