

**CITY OF TRENTON, MICHIGAN  
REGULAR MEETING  
December 21, 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, LeFevre, McLeod, Taylor, and Teifer.

Absent: Councilman Gillespie.

Moved by Councilwoman McLeod, seconded by Councilwoman Baun-Crooks, to excuse the absence of Councilman Gillespie.

Carried unanimously.

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

Other Officers Present: John Dahlquist, City Assessor; Randy Schoen, City Treasurer; Robert Cady, City Administrator; Wallace Long, City Attorney; Christine Arnoczki, City Controller; William Hogan, City Engineer; Bruce Vick, Fire Chief; Scott Church, Human Resource Director; Patrick Hawkins, Parks and Recreation Director; William Lilienthal, 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 December 7, 2009.

Carried unanimously.

**PRESENTATIONS AND PROCLAMATIONS**

Moved by Councilwoman Baun-Crooks, seconded by Councilman Teifer, to make the Presentation part of the regular minutes.

Carried unanimously.

Margaret Lafayette

Mayor Brown and City Clerk Stack presented a Plaque to Margaret Lafayette in recognition of her seventy years of service on the Election Board for the City of Trenton.

**COMMUNICATIONS AGENDA**

**GENERAL**

- B-1. 33<sup>RD</sup> DISTRICT COURT: 2010 Budget
- B-2. 33<sup>RD</sup> DISTRICT COURT: Fines, Costs, Fees, November 2009
- B-3. RESA: Summer Tax Collection Request

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

- D-1. CITY CLERK: Board of Canvassers Appointment
- D-2. DPS: Agreement for Downriver Public Works/Services Mutual Aid
- D-3. DPS: Request to Purchase Dump Truck with Snow Plow
- D-4. ENGINEER: MDOT 2010 Annual Permit
- D-5. CONTROLLER: Audit Engagement

**LATE COMMUNICATIONS**

- L-1. PARKS AND RECREATION: Request to Bid, Buzz Magazine
- L-2. CONTROLLER: Professional Service Provider for Financial Water Rate Study

**COMMUNICATIONS**

(B-1)  
33<sup>RD</sup> DISTRICT COURT  
2010 Budget

**CITY OF TRENTON  
RESOLUTION 2009-34**

**RESOLUTION TO APPROVE THE 33<sup>RD</sup> JUDICIAL DISTRICT COURT BUDGET FOR  
THE PERIOD OF JANUARY 1, 2010 THROUGH DECEMBER 31, 2010**

**WHEREAS**, the governing body for the City of Trenton has received the budget submitted by the 33<sup>rd</sup> District Court for the period of January 1, 2010 through December 31, 2010;

**NOW THEREFORE**, the City of Trenton hereby resolves the budget be adopted as submitted.

**ADOPTED, APPROVED AND PASSED** by the City Council of the City of Trenton this 21st day of December, 2009.

Moved by Councilman LeFevre, seconded by Councilman Taylor, to approve the 33<sup>rd</sup> District Court Budget for the period of January 1, 2010, through December 31, 2010.

Carried unanimously.

(B-2)  
33<sup>rd</sup> DISTRICT COURT  
Fines, Costs, Fees, November 2009

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, to receive and place on file the Fines, Costs, Fess, November 2009, submitted by the 33<sup>rd</sup> District Court, showing the City of Trenton owing \$7,049.23.

Carried unanimously.

(B-3)  
RESA  
Summer Tax Collection Request

Moved by Councilman Taylor, seconded by Councilwoman McLeod, to deny the request from the Wayne County Regional Educational Service Agency to collect the RESA property taxes in the summer tax collection.

Carried unanimously.

(D-1)  
CITY CLERK  
Board of Canvassers Appointment

Moved by Councilman Taylor, seconded by Councilman LeFevre, to approve the reappointments of Pauline Arthurs and John P. Kripowicz to the City Board of Canvassers for terms expiring December 31, 2013.

Carried unanimously.

(D-2)  
DPS  
Agreement for Downriver Public Works/Services Mutual Aid

**CITY OF TRENTON**  
**Resolution 2009 -35**  
**Approving Agreement for**  
**Downriver Public Works/Services Mutual Aid**

**Whereas**, the City of Trenton (Trenton) is a member of the Downriver Community Conference and desires to cooperate with other members of the Downriver Community Conference in the sharing of its Department of Public Works/Services' personnel and equipment during times of emergency on a reciprocity basis; and,

**Whereas**, the Downriver Community Conference has facilitated the preparation of an Agreement for Downriver Public Works/Services Mutual Aid to accomplish such reciprocal sharing of personnel and equipment; and,

**Whereas**, the Director of Trenton's Department of Public Works/Services recommends approval of said Agreement;

Now, therefore, be it resolved that the Agreement for Downriver Public Works/Services Mutual Aid is hereby approved as presented, and that the Mayor and Clerk of the City are authorized and directed to execute said Agreement; and,

Be it further resolved that the Director of the City of Trenton's Department of Public Works/ Services is designated as the Requesting Designee and Responding Designee for purposes of said Agreement; and,

Be it further resolved that the City Clerk is directed to transmit the said executed Agreement and a certified copy of this Resolution to the Director of Planning of the Downriver Community Conference.

**ADOPTED, APPROVED AND PASSED** by the City Council of the City of Trenton this 21st day of December, 2009.

Moved by Councilman Teifer, seconded by Councilman Taylor, to approve the Agreement for Downriver Public Works/Services Mutual Aid, and authorize the Mayor to sign the agreement on behalf of the City of Trenton.

Carried unanimously.

(D-3)

DPS

Request to Purchase Dump Truck with Snow Plow

Moved by Councilman Teifer, seconded by Councilwoman Baun-Crooks, to concur with the recommendation of the Department of Public Services, to waive the usual bidding procedure in the best interest of the City, and approve the purchase of a 2009 Ford F350 with snow plow in the amount of \$35,170.00, from Gorno Ford, with funding from the Machinery and Equipment Account (592-563-982-000); and to grant permission to dispose of the 1999 Chevrolet Dump Truck at auction at Martin's Towing.

Carried unanimously.

(D-4)

ENGINEER

MDOT 2010 Annual Permit

## **PERFORMANCE**

### **RESOLUTION FOR GOVERNMENTAL BODIES**

**2009-36**

*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 BODY," 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 BODY 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 BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY 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 BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, 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 BODY 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 BODY 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 BODY 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 BODY 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 BODY: William R. Hogan P.E., City Engineer.

Moved by Councilman Taylor, 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-5)  
CONTROLLER  
Audit Engagement

Moved by Councilman Teifer, seconded by Councilman Taylor, to concur with the recommendation of the City Controller and extend the contract for audit service with Plante & Moran for two years, the 2010 and 2011 audits.

Carried unanimously.

(L-1)  
PARKS AND RECREATION  
Request to Bid, Buzz Magazine

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, to grant permission to the Parks and Recreation Department to seek competitive bids for the printing of the Buzz Magazine.

Carried unanimously.

(L-2)  
CONTROLLER  
Professional Service Provider for Financial Water Rate Study

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, to concur with the recommendation of the City Controller, the City of Riverview and Grosse Ile Township, to approve the selection of Bendzinski & Co. as the professional service provider, to provide the Water Rate Study, and approve the City of Trenton's share in the amount of \$8,400.00, with funding from account (592-563-971.000), and to reject the other proposals.

Carried unanimously.

**AUTHORIZED DISBURSEMENTS**

Moved by Councilman LeFevre, seconded by Councilwoman Baun-Crooks, that the Authorized Disbursements, per the December 21, 2009, schedule, be approved.

MONROE BANK & TRUST: Cash Disbursements	\$285,333.08
General Fund	60,992.49
Major Street Fund	541.53
Local Street Fund	976.71
Kennedy Rec. Complex Fund	2,421.91
Library Operating Fund	6,862.78
Tax Receiving Funds	14,726.13
Special Revenue Funds	1,594.92
Grant Funds	407.96
Water & Wastewater Fund	144,765.13
Motor Vehicle Pool	28,014.68
Restricted Self Ins.	24,245.44

Carried unanimously.

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, to approve the disbursement payable to B & D Vacuum in the amount of \$16.00.

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

Motion carried.

**REPORTS**

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, to receive and place on file Financial Summary, dated November 30, 2009, the Commission and Board Reports, December 21, 2009; Police Report November 2009; DPS Report, November 2009; and the Traffic Safety Division Report, October 2009.

Carried unanimously.

**OTHER COUNCIL BUSINESS**

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, to cancel the January 4, 2010, regular Council meeting due to lack of a quorum; to change the January 18th, regular Council meeting to January 19th, in observance of Martin Luther King Day; change the Public Hearing date scheduled for January 4th, to January 19th, 2010; to change these additional meeting dates for 2010: February 15th to February 16th (President's Day); April 5th to April 12th due to Easter Week; July 5th to July 6th (Independence Day Observed) September 6th to September 7th (Labor Day); and to Officially set the hours for Halloween on Sunday, October 31 from 6:00 p.m. to 8:00 p.m.

Carried unanimously.

**COMMENTS FROM THE COUNCIL AND OFFICIALS**

- Councilman LeFevre \* Family was Pleased with Gorno Ford Ornament, George Gorno Passed Away Today
- Councilwoman McLeod \* Wished Merry Christmas to All and Happy New Year
- Councilman Teifer \* Goodfellows, Many Families Need Help Year Round, Not Just with Christmas; Lost Good Friend to Community, George Gorno, Great Business Leader
- Councilwoman Baun-Crooks \* Thanked all the Volunteers Who Helped With Goodfellows
- Mayor Brown \* Wished Merry Christmas to All and Happy New Year
- City Clerk Stack \* Goodfellows, We Helped 700 People
- DPS Director Bober \* Holiday Trash Schedule
- City Controller Arnoczki \* Will Release the Payments, Due to the Canceled Meeting

**PUBLIC COMMENT**

- Bruce Jocks \* Thanked Residents and Volunteers on the Interact Club Jingle Drive

**MOTION TO ADJOURN BY** Councilwoman McLeod, seconded by Councilwoman Baun-Crooks, at 8:45 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: Compliance with Non-discriminatory Access Standards. (12/08/2009)
2. WOW: Channel Changes.(12/09/2009)