

**CITY OF TRENTON, MICHIGAN
SPECIAL MEETING
OCTOBER 28, 2013**

After the Pledge of Allegiance to the Flag, a Special Meeting of the City Council of Trenton, Michigan, was called to order by Mayor Stack, at 9:26 p.m. on the above date in the City Hall Council Chambers.

Present on roll call by City Clerk Gearhart: Baun-Crooks, Howey, LeFevre, McLeod, Stack, Taylor, and Teifer.

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

Absent: None.

Other Officers Present: John Dahlquist, City Assessor; Debra Devitt, Deputy City Clerk; Michael McCullough, City Treasurer; Karen Sall, Deputy City Treasurer; James Wagner, City Administrator; Wallace Long, City Attorney; Christine Arnoczki, City Controller; William Hogan, City Engineer; Paul Haley, Emergency Management; Scott Church, Human Resources; Bruce Vick, Fire Chief; Jeff Evans Fire Marshall; James Nardone, Police Chief; Steven Voss, Deputy Police Chief; and Patrick Raftery, WWTP Superintendent.

COMMUNICATIONS AGENDA

- D-1. CITY ENGINEER: Sewer and Water Grant Application Approval
- D-2. CITY ATTORNEY: Michigan Municipal League Defense Fund Application
- D-3. CITY ATTORNEY: Ordinance 778, Director of Police and Fire Services (1st Rdg)

COMMUNICATIONS

(D-1)

CITY ENGINEER

Sewer and Water Grant Application Approval

**CITY OF TRENTON
RESOLUTION 2013-19**

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act 1994 PA 451, as amended (“Part 52”), provides at MCL 324.5204e that the Michigan Finance Authority (the MFA”) in consultation with the Michigan Department of Environmental Quality (the “DEQ”) shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the “SAW Grant Agreement”) that

requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to establish a waste water asset management plan; and

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$1,500,000.00, ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, the municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW THEREFORE, BE IT RESOLVED THAT:

The Mayor, a position currently held by Kyle F. Stack is designated as the Authorized Representative for purposes of the SAW Grant Agreement.

The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

The Municipality shall repay the Grant within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.

The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional statutory and Municipality tax rate limitations.

The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.

The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

Moved by Councilperson Teifer, seconded by Councilperson Howey, to approve the Professional Services Agreement with Fishbeck, Thompson, Carr & Huber, for preparation of the SAW Grant application and to authorize the Mayor to sign the Professional Service Agreement and the grant application.

Carried unanimously.

(D-2)
CITY ATTORNEY
Michigan Municipal League Defense Fund Application

**CITY OF TRENTON
RESOLUTION 2013-20**

WHEREAS, the CITY OF TRENTON (“City”) is currently jointly involved with several communities across the State of Michigan in litigation challenging the State’s imposition of new Stormwater discharge permits at considerable cost to each community; and

WHEREAS, the communities involved believe that the new Stormwater permit requirements imposed by the State, violate the Headlee Amendment due to lack of State funding for the new requirements imposed on the communities; and

WHEREAS, the City believes that the issues involved in such litigation are of such critical importance that the Michigan Municipal League Legal Defense Fund may wish to provide supportive aid in such litigation; and

WHEREAS, the City desires to receive assistance of the Michigan Municipal League Defense Fund in pursuing an appeal to the Michigan Supreme Court;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Trenton, hereby authorizes the appropriate municipal officials to request supportive aid from the Michigan Municipal League Legal Defense Fund in the litigation described above. It is agreed that acceptance of such support shall constitute an Agreement by the City to abide by any conditions placed upon the aid offered by the Fund.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton, this 28th day of October, 2013.

Moved by Councilperson Taylor, seconded by Councilperson McLeod, to request supportive aid for litigation challenging the State’s imposition of new Stormwater discharge permits, from the Michigan Municipal League Legal Defense Fund.

Carried unanimously.

(D-3)

CITY ATTORNEY

Ordinance 778, Director of Police and Fire Services (1st Rdg)

**CITY OF TRENTON
ORDINANCE NO. 778**

AN ORDINANCE TO AMEND CHAPTER 2, "ADMINISTRATION" BY ADDING A NEW SECTION 2-70 OF THE TRENTON CITY CODE ENTITLED "DIRECTOR OF POLICE AND FIRE SERVICES" TO ARTICLE III, "OFFICERS AND EMPLOYEES", ESTABLISHING A NEW ADMINISTRATIVE POSITION TO COORDINATE PUBLIC SAFETY SERVICES.

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

Section 1. Section 2-70 of the Trenton City Code entitled "Director of Police and Fire Services" shall be established which will read as follows:

Sec. 2-70. Director of Police and Fire Services.

There is hereby established an administrative office to oversee and coordinate the delivery of public safety services between the Police and Fire Departments pursuant to the authority of Chapter IV, Section 4.9 of the City Charter, which shall bear the designation of: "Director of Police and Fire Services."

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 immediate effect as an emergency Ordinance, pursuant to Section 7.3 of the City Charter.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 28th day of October, 2013.

Moved by Councilperson Taylor, seconded by Councilperson Howey, that Ordinance 778, Director of Police and Fire Services, be given immediate effect as an emergency Ordinance, pursuant to Section 7.3 of the City Charter.

Roll Call: Howey, Yes; LeFevre, Yes; McLeod, Yes; Stack, Yes; Taylor, Yes; Teifer, Yes; and Baun-Crooks, Yes.

Motion carried.

MOTION TO ADJOURN by Councilperson Howey, seconded by Councilperson McLeod, at 9:38 p.m.

APPROVED BY:

KYLE F. STACK, MAYOR

PATRICIA M. GEARHART, CITY CLERK

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