

**REGULAR MEETING**

The meeting was called to order at 8:00 p.m., Mayor Steven M. Brown presiding.

Pledge of Allegiance to the Flag

Invocation by Rev. Jim Jones of Dix United Methodist Church

Mayor's remarks

**PRESENT:** Councilpersons Valerie Brady, Mario DiSanto, Mark Kandes, Michael Higgins, Thomas Murphy and Frank Vaslo

**ALSO PRESENT:** City Attorney Ed Zelenak and City Clerk Donna Breeding

**RESOLUTION 03-590 Minutes**

By Councilman Murphy, supported by Council President Kandes

RESOLVED, that the minutes of the Regular Meeting held under the date of December 8, 2003 be approved as recorded.

Motion unanimously carried.

By Council President Kandes, supported by Councilman Higgins, that the minutes of the Special Meeting held 12-08-03 at 6:37 p.m., regarding City Department Presentations be approved as printed.

PRESENTATION by Plante & Moran of FY 2002-2003 Audit

**RESOLUTION 03-591 Reappointment/Board of Review**

By Councilman Murphy, supported by Council President Kandes

RESOLVED, that **George Ondo** be reappointed to the Board of Review for a one-year term to expire on January 1, 2005.

Motion unanimously carried.

**RESOLUTION 03-592 Appt. Street Administrator**

By Councilman Higgins, supported by Councilwoman Brady

WHEREAS, Section 13, (7) of Act 51, Public Acts of 1951, provided each incorporated city and village to which funds are returned under the provisions of this section, that "The responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act",

THEREFORE, BE IT RESOLVED, that this Honorable Body designate Robert W. Torck, Superintendent of the Department of Public Services, as the single Street Administrator for the City of Lincoln Park in all transactions with the State Transportation Department as provided in Section 13 of the Act.

Motion unanimously carried.

**RESOLUTION 03-593 Authorization to sign State Permits**

By Councilman Murphy, supported by Councilman Vaslo

WHEREAS, the City of Lincoln Park, hereinafter referred to as the "GOVERNMENTAL BODY" from time to time makes applications to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, hereinafter 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 ways 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:

**continued**

1. It will faithfully fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan, Michigan 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 for any and all claims of every kind for injuries to, or death of any and all persons and, or loss of, or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, or by reason of the presence of the GOVERNMENTAL BODY'S facilities and/or its installation, construction, operation, maintenance, or other activities which are being performed under the terms of the PERMIT on, over and/or under the State trunkline right of way, except claims resulting from the sole negligence or willful acts or omissions of said DEPARTMENT, its officers, agents, employees and contracting governmental bodies and officers, agents, and employees thereof, performing permit activities
2. 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.
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 or arising out of the installation, construction, operation, and/or maintenance of the GOVERNMENTAL BODY'S facilities pursuant to a PERMIT issued by the DEPARTMENT.
4. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not preclude the DEPARTMENT requiring additional performance security or insurance when deemed necessary by the DEPARTMENT.
5. This Resolution shall continue in force from the date hereof 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 RESOLVED, that the following position or positions are hereby authorized to make application to the Michigan Department of Transportation for the necessary permit to work within State trunkline rights of way on behalf of the GOVERNMENTAL BODY:

**ROBERT W. TORCK  
DPS SUPERINTENDENT**

Motion unanimously carried.

#### **RESOLUTION 03-594 Award Bid/Police Dept. Painting**

By Councilman Murphy, supported by Councilman DiSanto

RESOLVED, that **Kern Enterprises** be awarded the bid for the painting project at the Police Department in the amount of \$17,720.00; as they are the lowest bidder and meet all specifications. Funds to come from Account #101-000-370CU. Per the recommendation of the Purchasing Agent, Deputy Police Chief and Controller.

Motion unanimously carried.

#### **RESOLUTION 03-595 Accounts & Claims Payable**

By Council President Kandes, supported by Councilwoman Brady

RESOLVED, that the Accounts & Claims Payable as presented by the Controller to the Mayor & Council be approved as follows:

**Warrant Report:     \$2,736,177.35**

Motion unanimously carried.

**RESOLUTION 03-596 Remove Res. #03-588 from Table**

By Councilman Murphy, supported by Councilwoman Brady  
RESOLVED, that Resolution #03-588 be removed from the table.  
Motion unanimously carried.

**RESOLUTION 03-588A Vac. Position/Pers. Prop. Tax Mgr.**

By Councilman Murphy, supported by Councilwoman Brady  
RESOLVED, that the Mayor and Council vacate the position of Personal Property Tax Manager effective December 19, 2003.  
YEAS: Councilpersons Brady, Higgins, Kandes, Murphy and Mayor Brown  
NAYS: Councilpersons DiSanto and Vaslo

**RESOLUTION 03-597 Part. Res. Rehab Loan Program**

By Council President Kandes, supported by Councilman DiSanto  
RESOLVED, that the following citizens be approved for participation in the CDBG Residential Rehabilitation Program, for loans not to exceed \$15,000.00.

**#1173 DL Gene & Diane Stanley – 2077 Richmond  
Windows, doors**

BE IT FURTHER RESOLVED, that William D. Hatley, Community Improvement Director is hereby authorized and directed to process these applications in accordance with the Policy and Procedures Guidelines previously approved. Funds to come from 28<sup>th</sup> Program Year CDBG Budget Account Number 24928 720R.  
Motion unanimously carried.

**RESOLUTION 03-598 Attend training/Contr. Off. & Info. Syst. Mgr.**

By Councilman DiSanto, supported by Council President Kandes  
RESOLVED, that **Anita Mullins** and **Lisa Santos** be authorized to attend the Munis W-2 and 1099 training seminar in Sterling Heights, on December 19, 2003. The cost for the seminar is \$200.00 each, including lunch. Funds to come from 101221-960.  
**Motion by Councilwoman Brady supported by Councilman Murphy (MOTION FAILED)**  
RESOLVED, that the above resolution be amended to include Patricia Lulko, Information Systems Manger.  
YEAS: Councilperson Brady and Murphy  
NAYS: Councilpersons DiSanto, Higgins, Kandes, Vaslo and Mayor Brown  
**RESOLVED, that the original resolution be re-submitted for Mayor & Council approval.**  
YEAS: Councilpersons DiSanto, Higgins Kandes, Vaslo and Mayor Brown  
NAYS: Councilpersons Brady and Murphy

Resolution establishing procedures for contract bidding/**HELD**.

NO CITIZENS COMMENTS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 9:25 p.m.

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STEVEN M. BROWN, MAYOR

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DONNA BREEDING, CITY CLERK