

REGULAR MEETING

The meeting was called to order at 7:30 p.m., Mayor Frank Vaslo presiding

Pledge of Allegiance to the Flag

Moment of Silence

PRESENT: Councilpersons Mario DiSanto, Joseph Kaiser, Mark Kandes, Donald Majors,
Suzanne Moreno and Thomas Murphy

ALSO PRESENT: City Manager Steve Duchane, Asst. City Attorney Amy Higgins and City
Clerk Donna Breeding

Mayor's remarks

RESOLUTION 2011-66 Minutes

By Councilman DiSanto, supported by Councilwoman Moreno

RESOLVED, that the minutes of the Regular Meeting held under the date of March 21, 2011 be approved as recorded.

Motion unanimously carried.

(NOTE: Summons & Complaint received and filed in the matter of Glaspie vs. City of Lincoln Park Case # 2:10-CV-14950)

RESOLUTION 2011- 67 Proclaim Arbor Day

By Mayor Vaslo, supported by the Full Council

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE BE IT RESOLVED, that the Lincoln Park Mayor and Council do hereby proclaim April 29, 2011 as *Arbor Day* in the City of Lincoln Park and urge all citizens to celebrate *Arbor Day* and to support efforts to protect our trees and woodlands, and

FURTHER, all citizens are urged to plant trees to gladden the heart and promote the well being of this and future generations.

Motion unanimously carried.

RESOLUTION 2011-68 Proclaim National Public Works Week

By Mayor Vaslo, supported by the Full Council

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives, and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collections, and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services, and

WHEREAS, the quality and effectiveness of these facilities as well as the planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials, and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

continued

NOW, THEREFORE, the Mayor and City Council do hereby proclaim the week of May 15-May 21, 2011 as "National Public Works Week" in the City of Lincoln Park upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Motion unanimously carried.

RESOLUTION 2011-69 Award Bid/2011 Road Maintenance

By Councilman DiSanto, supported by Councilwoman Moreno

BE IT RESOLVED, the Mayor and City Council hereby award the bid for the Road Maintenance & Repair Services to Highway Maintenance and Construction per the bid pricing as submitted.

FURTHER, BE IT RESOLVED, that the Mayor and Council authorize the funds to be taken from Account 202-464-818 and 203-464-818

Motion unanimously carried.

RESOLUTION 2011-70 Accounts & Claims Payable

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that the Accounts & Claims Payable as presented by the Finance Director to the Mayor & Council be approved as follows: Warrant Report: \$771,701.91

Motion unanimously carried.

RESOLUTION 2011-71 Approve Special Event Permit/1679 Dix

By Councilman Murphy, supported by Councilman DiSanto

RESOLVED, that Special Event Permit #2 be approved for a Cinco De Mayo Celebration at Tijuana's Mexican Kitchen, 1679 Dix in the City of Lincoln Park on Thursday, May 5, 2011.

Motion unanimously carried.

RESOLUTION 2011-72 Ord. Amend./ME Retirement System

By Councilman Kandes, supported by Councilman DiSanto

RESOLVED, that "AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK, CHAPTER 294 MUNICIPAL EMPLOYEES RETIREMENT SYSTEM, BE AMENDED BY ADDING THE FOLLOWING PARAGRAPH TO SECTION 294.02(g) AND SECTION 294.13(g) AND BY REPLACING PARAGRAPH 294.11A(11)", be given its first, second and third reading and ADOPTED in its entirety and be given IMMEDIATE EFFECT.

THE CITY OF LINCOLN PARK ORDAINS:

CHAPTER 294 MUNICIPAL EMPLOYEES RETIREMENT SYSTEM is hereby amended as follows:

Section 294.02(g) of the City of Lincoln Park Employees Retirement System is hereby amended by adding the following paragraph:

Compensation for purposes of IRC §415(c)(3) shall also include, (1) regular pay after severance from employment; (2) leave cashouts and deferred compensation including cash out of accrued sick, vacation or other leave time if the employee would have been able to use the leave if employment had continued or the payment of nonqualified deferred compensation that would have been paid to the employee at the same time if the employee had remained employed and only to the extent that the payment is includable in the employee's gross income. The compensation items listed in this paragraph must be paid by the later of two and one-half months of severance from employment or the end of the limitation year that includes the date of severance with the city.

Section 294.11A(11) is restated as follows:

(11) Joint Life Annuities Where the Beneficiary Is Not the Member's Spouse.

If the member's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary, annuity payments to be made on or after the member's required beginning date to the designated beneficiary after the member's death must not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the member using the table set forth in Q&A-2 of section 1.401(a)(9)-6 of the Treasury regulations. If the form of distribution combines a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary and a period certain annuity, the requirement in the preceding sentence will apply to annuity payments to be made to the designated beneficiary after the expiration of the period certain.

continued

Section 294.13 shall be amended by adding the following paragraph (g):

- (g) The provisions of this Retirement System Ordinance notwithstanding, the accrued benefit for plan participants shall be non-forfeitable upon the attainment of normal retirement age.

Motion unanimously carried.

ADOPTED: April 4, 2011

PUBLISHED: April 13, 2011

EFFECTIVE: April 5, 2011

RESOLUTION 2011-73 Extend Contract/CDBG Lawn Service

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that the contract with Budget Lawn Service to mow the CDBG properties be extended for the 2011 season.

Motion unanimously carried.

RESOLUTION 2011-74 State Tax Structure

By Mayor Vaslo, supported by the Full Council

WHEREAS, Municipal Government in the State of Michigan is in a state of crisis. Nothing less than a profound change in our state's municipal finance model will resolve this crisis in the long term. We require a complete overhaul of how we finance municipal government in this state in order for Lincoln Park and other municipalities to thrive and to continue to offer the services that we offer. These services, such as police and fire protection, road maintenance, water and sewer services, and garbage pickup, are critical to the daily quality of life in our communities.

Municipal government is one of the best investments we can make in Michigan and our economic recovery and it is time that this investment was properly and adequately made;

WHEREAS, in 1978 the Headlee Amendment to the Constitution of the State of Michigan of 1963 was passed which required, among other provisions, a local government to reduce its millage when annual growth on existing property is greater than the rate of inflations;

WHEREAS, prior to 1994, local governments were allowed to "roll up" their millage rates when growth on existing property was less than inflation, however, with the passage of Proposal A in 1994, such "roll ups" are prohibited with local governments thus being precluded from being able to share the benefits of any substantial market growth in existing property values;

WHEREAS, it is further believed that the continuing decline in revenues in our State will also negatively affect Police Patrols, Fire Rescue, libraries, trash removal, snow plowing, and other vital municipal services while the rest of the national eventually recovers from the recession;

WHEREAS, it is feared that as the rest of the nation does slowly recover from these harsh economic times local governments in our State will not be allowed to recover due to the current language of the Headlee Amendment and Michigan's tax structure making it increasingly difficult to attract;

WHEREAS, during the past seven years Lincoln Park knew that expenditures were continuing to rise, therefore beginning in 2004, the City has accomplished the following:

- Prepared a 5 year plan – to have a business plan and see where we will be to properly change for the reality; as a result of the plan, we have already reduced the operation to basic core services or in street terms, bare bones
- Expenditures are down \$6.5 million from 3 years ago. Significant on this size General Government Fund Budget.
- Lincoln Park offers only the very basic services.
- There is no aquatic center, no streetscapes, no golf course, older facilities, no extravagances. No one can accuse City officials of spending without fiscal controls
- In the effort to cut costs, we did the early out incentive or ERI, we modified pensions from Defined Benefit to Defined contribution and eliminated retiree health care insurance for newly hired employees
- Voters were asked for the temporary millages, to give city government more time to look for further ways to reduce costs.
- The overwhelming problem is that so many of the costs are fixed such as Retirees Pension by state law, Art.9, section 24 and Retiree health care costs;

WHEREAS, Lincoln Park did all it could, including reducing employee staffing by 61 full time employees (or ½ less than 10 years ago) while maintaining the same or improved services;

WHEREAS, the City of Lincoln Park has either authored, negotiated, and/or implemented more than five joint and shared services agreements to improve efficiency and effectiveness resulting in cost containment and these agreements include Police and Fire public safety, information management, senior services, code enforcement administrative services, in short the broad spectrum of all municipal programs;

continued

WHEREAS, as a developed community constrained by the old state policies sprawl and income controls, State Shared Revenues were one method of equitable revenue distribution, however now the Governor's budget slashes (\$1,784,000) from the City's revenue of \$1,900,000 structurally and drastically dissolving our five-year fiscal plan.

NOW, BE IT RESOLVED that the City of Lincoln Park strongly calls upon the Michigan Legislature and Governor Snyder to reevaluate and sustainably alter the current tax structure for the safety, health and welfare of all the people of Michigan, and

FURTHERMORE, request a vote of the electorate to approve the recommended changes.

Motion unanimously carried.

RESOLUTION 2011-75 Attend Training/Animal Control Officer

By Councilman Murphy, supported by Councilman DiSanto

RESOLVED, that Mayor and Council authorize Code Enforcement Officer Adam Manchester to attend the M.A.A.C.O. (Michigan Association of Animal Control Officers) 2011 Great Lakes Training Conference. The conference will be held from Tuesday, April 26, 2011, through Thursday, April 28, 2011 in Thompsonville, MI. The approximate cost for the lodging and meal expenses will be \$400.00. A Police Department vehicle will be used. An expense report will be completed upon return from this training. The funds will come from the Police Department's Training Account—101.305.960.

Motion unanimously carried.

RESOLUTION 2011-76 Change Order/Sewer - TABLED

By Councilman DiSanto, supported by Councilman Kandes

BE IT RESOLVED, the Mayor & Council hereby authorizes a change order for the Moran/Riverbank Storm System Project for a total increase amount of \$78,569.99.

BE IT FURTHER RESOLVED, the Mayor & Council authorize a final payment to the City's current excavating contractor, RJ&J Excavating, in a total amount of \$83,699.99 for the aforementioned project.

FURTHER, BE IT RESOLVED, that the Mayor and Council direct the funds to be taken from Account # 592-527-983 "Capital Expenditure".

FURTHER BE IT RESOLVED, that 5% of the project cost be held in reserve until final scope of work is completed and Mayor and Council request a signed release and acceptance letter from RJ & J regarding sub-contractor services.

Moved by Council President Kaiser, supported by Councilman Kandes

RESOLVED, that the above resolution be TABLED

Motion unanimously carried.

RESOLUTION 2011-77 Authorize Auction/City Equipment

By Councilman DiSanto, supported by Councilwoman Moreno

RESOLVED, that the Director of Public Services, is hereby authorized to submit vehicles and/or equipment for auction at Martin's Towing, 17180 Dix-Toledo Road, Brownstown.

RESOLVED, prior to items being taken to auction, a list of those items shall be provided by the Director of Public Services and submitted for approval by the City Manager

FURTHER BE IT RESOLVED, that proceeds from any sales shall be placed into Account #661-932-649 – Vehicle Pool-Sale of used equipment and a report will be submitted by the Director of Public Services to the City Manager, Mayor and City Council detailing the sold items.

Motion unanimously carried.

RESOLUTION 2011-78 Set Clean-up/Fix-up Weeks

By Council President Kaiser, supported by Councilman DiSanto

RESOLVED, that the Mayor and Council do hereby designate the weeks of May 23, 2011 through June 3, 2011, excluding May 30, 2011, as "Clean-Up, Fix-Up Weeks" for residents of our City.

BE IT RESOLVED, that residents may dispose of five cubic yards per household, per week, of general household waste, to EXCLUDE ANY hazardous materials, i.e., shingles, paint, insulation, chemicals, cleaning solvents, fertilizers, weed killers, dirt, sod, antifreeze, oil, batteries, automobile parts, or any appliance containing Freon.

Motion unanimously carried.

RESOLUTION 2011-79 Solicit Bids/Riopelle Lift Station

By Councilman DiSanto, supported by Councilman Kandes

BE IT RESOLVED, the Mayor & Council hereby authorize the Director of Public Services to solicit bids for system upgrades and generator for the Riopelle Lift Station.

Motion unanimously carried.

RESOLUTION 2011-80 Authorize Membership/SEMCOG

By Councilwoman Moreno, supported by Councilman Majors

WHEREAS, the City of Lincoln Park is interested in joining the Southeast Michigan Council of Governments.

BE IT RESOLVED, the Mayor and City Clerk are authorized to sign the intergovernmental agreement with the Southeast Council of Governments.

BE IT FURTHER RESOLVED, the Mayor will serve as the delegate and the City Manager will be the alternate for the Southeast Council of Government General Assembly.

Motion unanimously carried.

RESOLUTION 2011-81 Charitable Solicitaion/Moslem Shriners

By Councilman DiSanto, supported by Councilwoman Moreno

RESOLVED, that the Moslem Shrine Temple be granted permission to solicit donations on the streets of Lincoln Park on June 16, 17 & 18, 2011 for their "Annual Hospital Fund Drive". All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

RESOLUTION 2011-82 Charitable Solicitation/Jr. Rails

By Council President Kaiser, supported by Councilman Majors

RESOLVED, that the Lincoln Park Jr. Rails be granted permission to sell flats of flowers and vegetable plants in the municipal parking lot adjacent to 2040 Fort St. on May 8, 2011 from 7a.m. to 4 p.m. All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER’S REPORT

There being no further business before the Mayor & Council, the meeting adjourned at 9:30 p.m.

FRANK VASLO, MAYOR

DONNA BREEDING, CITY CLERK