

**REGULAR MEETING**

The meeting was called to order at 8:00 p.m., Mayor Frank Vaslo presiding

Pledge of Allegiance to the Flag

Invocation by Father Gerry Cupple of St. Henry's Catholic Church

PRESENT: Councilpersons Valerie Brady, Mario DiSanto, Mark Kandes, Thomas McPartlin,  
Thomas Murphy, and Michael Myers

ALSO PRESENT: City Manager Steve Duchane, City Attorney Ed Zelenak and  
City Clerk Donna Breeding

Mayor's Remarks

**RESOLUTION 09-15 Minutes**

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that the minutes of the Regular Meeting held under the date of January 20, 2009 be approved as recorded.

Motion unanimously carried.

**RESOLUTION 09-16 Award Bid/Turn Out Gear**

By Councilman McPartlin, supported by Council President Murphy

RESOLVED, that the bid from Time Emergency Equipment of Roscommon, Michigan in the amount of \$16,740.00 for ten (10) "Fire Fighting Turnout Gear" is hereby accepted as the lowest bid received per the recommendation of Don Cook, CDBG Director and Fire Chief Ken Elmore. Funds to come from CDBG Account #24934-75504.

Motion unanimously carried.

**RESOLUTION 09-17 Appointment/Compensation Comm.**

By Councilman DiSanto, supported by Council President Murphy

RESOLVED, that Charmaine Clancy, of 1096 LeBlanc, be appointed to the Local Officers Compensation Commission to fill the unexpired term of Herbert Wilson. Term to expire 4/2/15.

Motion unanimously carried.

**RESOLUTION 09-18 Appointment/Compensation Comm.**

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that Thelbert Varner, of 777 Winchester, be appointed to the Local Officers Compensation Commission to fill the unexpired term of Dan Russel. Term to expire 4/1/14.

Motion unanimously carried.

**RESOLUTION 09-19 Approve 2009 Poverty Guidelines**

By Councilwoman Brady, supported by Councilman McPartlin

RESOLVED, that the Poverty Exemption Guidelines for 2009 be approved as submitted.

(Guidelines inserted in minute book)

Motion unanimously carried.

**RESOLUTION 09-20 Waive Bid/Purchase/Workstations/Police Dept.**

By Council President Murphy, supported by Councilman McPartlin

RESOLVED, that Mayor and Council waive the bidding process and authorize the Police Chief or designee and the Purchasing Specialist to purchase workstations, file cabinets, and chairs for the Special Operations Bureau and Detective Bureau.

BE IT RESOLVED, that these workstations, file cabinets, and chairs be purchased from Office Max at a cost of \$9,930.40 as they have provided free consultation and design plans for several areas at the Police Department on various occasions.

BE IT FURTHER RESOLVED, that the money for the purchase of these come from the Narcotics Forfeiture Account 265.320.981 and the Vice Account 101.000.370V.

Motion unanimously carried.

**RESOLUTION 09-21 Recognize Non-Profit/LP Rails, Inc.**

By Mayor Vaslo, supported by the Full Council

RESOLVED, that the request from Lincoln Park Rails, County of Wayne, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be approved.

Motion unanimously carried.

**RESOLUTION 09-22 Participation/HOME Rehab Loan**

By Councilman Myers, supported by Council President Murphy

RESOLVED, that the following citizens be approved for participation in the Wayne County HOME Residential Rehabilitation Program, for a loan not to exceed \$20,000.00.

#1293HDL Mary Robbins – 1435 Cleveland

Lead hazard corrections, code updates

#1294HDL Monica Thomas – 1578 Chandler

Lead hazard corrections, code updates, new roof, cement

#1295HDL Christine Hasselbach – 2080 Old Goddard

Code updates, replace garage roof, update kitchen and bath

BE IT FURTHER RESOLVED; Donald T. Cook, Director of Community Planning and Development is hereby authorized and directed to process these applications in accordance with the Policy and Procedures Guidelines previously approved. Funds to come from HOME Program Account Number 249001-975H.

Motion unanimously carried.

**RESOLUTION 09-23 Develop RFQ/Neighborhood Stabilization Prog**

By Councilwoman Brady, supported by Council President Murphy

RESOLVED, that the Mayor and City Clerk are authorized to execute an addendum to the existing contract with McKenna Associates to develop Request for Qualifications for an NSP Development Partner for a fee not to exceed \$13,800.

Motion unanimously carried.

**RESOLUTION 09-24 MDOT/Right of Way Permits**

By Councilman DiSanto, supported by Councilman McPartlin

WHEREAS, the CITY OF LINCOLN PARK, Michigan, hereinafter referred to as the "GOVERNMENTAL AGENCY," 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 AGENCY 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 AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. AGENCY. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, 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 AGENCY 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 AGENCIES facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCIES 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 AGENCY 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 AGENCY 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 AGENCY.

<u>Name</u>	<u>Title</u>
Robert Bartok,	Director of Public Services
Steve Duchane,	City Manager

Motion unanimously carried.

#### **RESOLUTION 09-25 W/C Contract/Resurface Outer Dr.**

By Councilman DiSanto, supported by Councilwoman Brady

WHEREAS, the City of Lincoln Park believes quality roads are a vital part of any community, and WHEREAS, certain improvements are necessary to Outer Drive-W to increase traffic safety and to encourage economic development; and

WHEREAS, County of Wayne has committed to resurfacing the Road in an area generally described as Outer Drive-W. from I-75 Freeway to Toledo Road and the City of Lincoln Park's participation of the total Project Costs; and

WHEREAS, the City of Lincoln Park, will provide payment to the County of Wayne in the amount of \$49,073, based on the total cost of the project; and

WHEREAS, upon execution of this Agreement, the City of Lincoln Park will provide a Working Capital Advance to the County of Wayne in the amount of \$24,536 as fifty percent (50%) of the City of Lincoln Park's participation.

NOW THEREFORE BE IT RESOLVED, that the City of Lincoln Park City Council does hereby approve the proposed Agreement between the City of Lincoln Park and County of Wayne for the resurfacing of Outer Drive-W. from I-75 Freeway to Toledo Road.

BE IT FURTHER RESOLVED, the Mayor and City Clerk are authorized to execute the Agreement on behalf of the City of Lincoln Park.

Motion unanimously carried.

**RESOLUTION 09-26 Rescind Resolution #08-401/Reappointment**

By Councilman DiSanto, supported by Councilwoman Brady  
RESOLVED, that Resolution #08-401 reappointing Sam Quisenberry to the EDC/BRA be and is hereby rescinded. Said Board Member failed to be sworn in within the 10-day period as set by City Charter.

FURTHER BE IT RESOLVED, that the appointment to said boards be declared Vacant.  
Motion unanimously carried.

**RESOLUTION 09-27 Support Stimulus Funding**

By Mayor Vaslo, supported by the Full Council  
WHEREAS, President Barack Obama and the U.S. Congress are currently considering the “American Recovery and Reinvestment Act of 2009,” a several hundred billion dollar economic stimulus package; and  
WHEREAS, the effort is to put millions of people to work on “ready to go” infrastructure projects that will benefit local governments around the country; and  
WHEREAS, it is extremely important that these funds are sent to local communities directly to allow selection of the most beneficial projects in terms of infrastructure investment and jobs; and  
WHEREAS, the City of Lincoln Park has identified several projects of the highest importance.  
NOW, THEREFORE, IT IS RESOLVED, that the City of Lincoln Park, Michigan, urges congressional support for the overall infrastructure stimulus program as well as a direct sub-allocation, as contained in current law, allowing local governments to select projects that would provide the most benefits to the community in terms of infrastructure investment and jobs.  
BE IT FURTHER RESOLVED, that a copy of this resolution be sent to U.S. Senator Carl Levin, U.S. Senator Debbie Stabenow, Congresswoman Carolyn Cheeks-Kilpatrick, Governor Jennifer Granholm, State Senator Basham, State Representative Clemente and the Michigan Municipal League.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER REPORT

There being no further business, the meeting adjourned at 8:42 p.m.

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**FRANK VASLO, MAYOR**

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**DONNA BREEDING, CITY CLERK**