

**REGULAR MEETING**

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

Pledge of Allegiance to the Flag

Moment of Silence

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 08-176 Minutes**

By Councilman DiSanto, supported by Councilwoman Brady

RESOLVED, that the minutes of the Regular Meeting held under the date of May 12, 2008 be approved as recorded.

Motion carried.

ABSTAINED: Councilman Kandes

(Note: Closed Meeting held May 12, 2008 at 9:12 p.m. re: Litigation Strategy)

**RESOLUTION 08-177 Reappointment/Senior Citizen Commission**

By Councilman McPartlin, supported by Council President Murphy

RESOLVED, Beulah Boyd be reappointed to the Senior Citizen Commission. Term to expire May 1, 2011.

Motion unanimously carried.

**RESOLUTION 08-178 Reappointment/Senior Citizen Commission**

By Councilman Myers, supported by Council President Murphy

RESOLVED, that Edith Gentner be reappointed to the Senior Citizen Commission. Term to expire May 1, 2011.

Motion unanimously carried.

**RESOLUTION 08-179 Reappointment/Senior Citizen Commission**

By Councilman Myers, supported by Councilman McPartlin

RESOLVED, that Betty Narsisian be reappointed to the Senior Citizen Commission. Term to expire May 1, 2011.

Motion unanimously carried.

**RESOLUTION 08-180 Reappointment/Parks & Rec. Comm.**

By Councilwoman Brady, supported by Councilman McPartlin

RESOLVED, that Dorothy Tank be reappointed to the Parks and Recreation Commission. Term to expire May 1, 2011.

Motion unanimously carried.

**RESOLUTION 08-181 Reappointment/Zoning Board**

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, Carl Moore be reappointed to the Zoning Board of Appeals. Term to expire May 1, 2011.

Motion unanimously carried.

**RESOLUTION 08-182 Reappointment/Zoning Board**

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, Joseph Turinsky be reappointed to the Zoning Board of Appeals. Term to expire May 1, 2011.

Motion unanimously carried.

**RESOLUTION 08-183 Reappointment/Dangerous Building Board**

By Councilman DiSanto, supported by Councilwoman Brady

RESOLVED, that Rosolino LoDuca be reappointed to the Dangerous Building and Code of Appeals Board. Term to expire May 1, 2011.

Motion unanimously carried.

**RESOLUTION 08-184 Reappointment/Dangerous Building Board**

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that Edwin Behr be reappointed to the Dangerous Building and Code of Appeals Board. Term to expire May 1, 2011.

Motion unanimously carried.

**RESOLUTION 08-185 Reappointment/DDA**

By Councilman Myers, supported by Council President Murphy

RESOLVED, that Michael Busen be re-appointed to the Downtown Development Authority. Term to expire May 1, 2012.

Motion unanimously carried.

**RESOLUTION 08-186 Reappointment/Municipal Service Board**

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that Stephen Hicks be reappointed to the Municipal Service Board. Term to expire May 1, 2011.

Motion unanimously carried.

**RESOLUTION 08-187 Reappointment/Municipal Service Board**

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that Ernest Wargo be reappointed to the Municipal Service Board. Term to expire May 1, 2011.

Motion unanimously carried.

**RESOLUTION 08-188 Reappointment/Municipal Service Board**

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that Sharon Zygmunt be reappointed to the Municipal Service Board. Term to expire May 1, 2011.

Motion unanimously carried.

**RESOLUTION 08-189 Award Bid/2008 Lawn Maintenance**

By Councilman DiSanto, supported by Councilman Kandes

WHEREAS, the Mayor & City Council wish to have the Department of Public Services operate in the most efficient manner as possible, and

WHEREAS, the contracting out of lawn maintenance for certain properties that the City is responsible for will prove to be cost-effective to the organization, as well as allow utilization of limited staff for other Public Service activities.

BE IT RESOLVED, the Mayor & Council hereby award primary vendor for the **“2008 Lawn Maintenance”** bid to Great Lakes Landscaping for a weekly cost not-to-exceed \$1,776.49 to be taken from Account # 101-923-818.

BE IT FURTHER RESOLVED, the Mayor & City Council hereby award secondary vendor for the 2008 Lawn Maintenance to United Lawnscape for a weekly cost not-to-exceed \$1,776.49 to be taken from Account # 101-923-818.

Motion unanimously carried.

**RESOLUTION 08-190 Open Bids/2008 Engineering Services**

By Councilman DiSanto, supported by Council President Murphy

RESOLVED, that the City Clerk be authorized to open bid proposals received marked **“ENGINEERING SERVICES.”**

Motion unanimously carried.

**RESOLUTION 08-191 Refer Above Bids**

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that the bid proposals received marked **“ENGINEERING SERVICES”** be referred to the Purchasing Specialist, Director of Public Services, and City Manager for tabulation and recommendation.

Motion unanimously carried.

**RESOLUTION 08-192 Recess/Closed Session/Pending Litigation**

By Councilwoman Brady, supported by Councilman McPartlin

WHEREAS, The City of Lincoln Park has received the lawsuit, Roosevelt Thomas vs. City of Lincoln Park; and

THEREFORE BE IT RESOLVED, that the Council will recess to meet in closed session permitted under Act 267 of 1976 to discuss litigation strategy in regards to this matter.

Motion unanimously carried.

RECESS to CLOSED MEETING 8:25 p.m.

RECONVENE REGULAR MEETING 8:27 p.m.

**RESOLUTION 08-193 Approve Settlement/ Case #07-1323-GC**

By Councilman Myers, supported by Councilman McPartlin

RESOLVED, that the Mayor and Council accept the recommendation of its attorneys in the matter of Roosevelt Thomas vs City of Lincoln Park Case #07-1323-GC, in the amount of \$1,500.00.

Motion unanimously carried.

**RESOLUTION 08-194 Administrative Health Care Policy**

By Councilman DiSanto, supported by Councilwoman Brady

WHEREAS; The Mayor and City Council have discussed the position that the City of Lincoln Park is mandated to match expenses for personnel with renewable revenue sources. In doing so, there are several significant changes required for personnel; and

WHEREAS; The City is currently negotiating with Police Command, Police Patrol and Fire Fighters collective bargaining units and has proposed a new Health Care Plan that provides good benefits and reduces the cost to the city monthly by \$250-300 dollars; and

WHEREAS; The highest ranking employees of the Mayor and City Council as both administrators and city officers understand the need for immediate action to curtail costs; and

WHEREAS; The Mayor and City Council desire to provide fair and equitable affordable benefits and have proposed a new health care plan and will continue to negotiate this plan with all employees.

NOW, THEREFORE BE IT RESOLVED; that the agreement between the City of Lincoln Park and the Lincoln Park Administrators Association provide for the following health plan subject to agreement with the Association:

A Health Benefit plan equal to the benefit provided by Blue Cross/Blue Shield of Michigan Flexible Blue Plan 2 with Flexible Blue Prescription drugs with Health Savings Account (HSA) as offered on January 1, 2008 shall be provided to each employee.

During plan year beginning 7/1/2008 and ending 12/31/2008 the City will contribute into each employee account \$1000 single person and \$2000 two person and full family.

During plan year beginning 7/1/2008 and ending 12/31/2008 employees may contribute by payroll deduction an amount not to exceed the federal maximum amount. In each subsequent plan year, the employee contribution may be in any amount defined by the employee, the City will contribute \$1000 single and \$2000 two person and family in each subsequent year of the appointee term to the Health Savings Account.

Motion unanimously carried.

**RESOLUTION 08-195 Services/P & F Retirement System - TABLED**

WHEREAS; Police and Fire pension administration is a general expense of the city, with staff time and the reduced and limited staff, this internal service does not benefit the public and costs of the system are expanding, interest revenue declining, and the board is paying expanded External professional fees for duplicate services; and

NOW, THEREFORE BE IT RESOLVED; to discontinue the administrative services to the Lincoln Park Police and Fire Retirement system as of July 1<sup>st</sup>, 2008 by city finance staff and separate operations and services except where required by law and as otherwise provided for the transfer of funds; and

FURTHER, BE IT RESOLVED THAT; procedures applicable to all employees who choose to become a member of or have been elected to an administrative board or commission and attend to the duties, meetings, or other activities of that board or commission during his/her scheduled workday;

**continued**

I. An employee may perform duties, attend meetings, and participate in board activities during normal work hours under the following conditions:

- a. There will be no overtime paid for attendance and/or any participation of activities, which might extend past scheduled work hours.
- b. The amount of time spent on such activities will not contribute to the incompleteness of his/her duties or assignments nor cause overtime in order to complete these assignments.
- c. Special meetings should be scheduled to accommodate the continued operational priorities of the department in which the representative is employed.
- d. The employee's representation on a board or commission involvement shall comply with the City's established travel policy.
- e. All compensation received for these duties shall be submitted to the City.

By Councilman Myers, supported by Council President Murphy  
RESOLVED, that the ABOVE RESOLUTION be TABLED.

Motion carried.

NAY: Councilman DiSanto, Kandes, and Mayor Vaslo

#### **RESOLUTION 08-196 Interlocal Sharing Agreement**

By Council President Murphy, supported by Councilman Kandes

WHEREAS, it is the intent of this city government to provide high quality public services; and  
WHEREAS, it is understood that citizens of this community desire a stable or lower tax rate; and  
WHEREAS, City Government can no longer turn to the Federal or State Governments for fiscal assistance to provide for the continuation of the present service levels; and  
WHEREAS, it is concluded that in this State and across the nation, intergovernmental joint, service sharing agreements are in place and effective.

THEREFORE BE IT RESOLVED that, the City will proactively participate in the design, development and implementation of joint public service interlocal agreements that: Improve service quality and effectiveness; reduce costs; deliver cost reduction by economies of scale; improve flexibility; provide new or expanded services at the same or reduced costs; eliminate duplicate services to the same population groups.

Agreements may be secured for any service including public works; recreation; public safety; development; and management with these stipulations:

1. Liability shall be assumed by each participating organization and the City of Lincoln Park will assume its share.
2. Primary responsibility will be to Lincoln Park services and the impact of the collaborative support will be measured against this primary directive.
3. Joint and collaborative services will be recorded and reported to the Mayor and City Council on an occurrence basis.
4. Participation in aid or collaborative activity will not position the City into labor relation's issues with partner communities or with our City's labor units.
5. Any agreement to provide for disengagement of any collaborative agreement.

It is further established that the Mayor and Council of the City has determined that:

The staff of the city government must provide leadership and staff is encouraged to participate throughout the process.

Bureaucratic rules and regulations should be addressed with flexibility in forming interlocal collaborative agreements.

These agreements are opportunities to build cooperation and relationships with neighboring communities

Motion unanimously carried.

#### **RESOLUTION 08-197 Eliminate Medicare Reimbursement –DIED**

By Councilman DiSanto

WHEREAS, classified employees of the City of Lincoln Park and administrators are members of recognized collective bargaining associations under the Michigan Employment Relations Act; and  
WHEREAS, these recognized collective bargaining units did not negotiate Medicare personal cost as a post-retirement benefit and, therefore, there was no trade of interests between the parties; and  
WHEREAS, this optional post-employment benefit was granted by Council resolution 95-383 in 1995 at a time when the Michigan Municipal Tax System provided greater resources and funding to municipalities; and

**continued**

WHEREAS, Post-Employment benefits cost for the city of Lincoln Park exceeded \$1,849,316 for health insurance and \$1,484,717 for prescription cost in 2007-08 with expected cost increases from these negotiated benefits to increase at least 5% each year for at least five years; and WHEREAS, according to financial accounting standards, the City of Lincoln Park should be setting aside or pre-funding post retirement benefits annually with a \$4,000,000 million set aside; and NOW, THEREFORE BE IT RESOLVED, that effective July 1<sup>st</sup>, 2008 the City of Lincoln Park shall cease to reimburse the current 184 retirees and spouses receiving pension checks for personal Federal Medicare deductions and discontinue this practice for all future retirees; and BE IT FURTHER RESOLVED, that notice of this termination shall be made to the retirees by mail as soon as practical.  
MOTION DIED DUE TO LACK OF SUPPORT

**RESOLUTION 08-198 Eliminate Medicare Reimbursement – FAILED**

By Councilman DiSanto, supported by Councilman Kandes

WHEREAS, classified employees of the City of Lincoln Park and administrators are members of recognized collective bargaining associations under the Michigan Employment Relations Act; and WHEREAS, these recognized collective bargaining units did not negotiate Medicare personal cost as a post-retirement benefit and, therefore, there was no trade of interests between the parties; and WHEREAS, this optional post-employment benefit was granted by Council resolution 95-383 in 1995 at a time when the Michigan Municipal Tax System provided greater resources and funding to municipalities; and WHEREAS, Post-Employment benefits cost for the City of Lincoln Park exceeded \$1,849,316 for health insurance and \$1,484,717 for prescription cost in 2007-08 with expected cost increases from these negotiated benefits to increase at least 5% each year for at least five years; and WHEREAS, according to financial accounting standards, the City of Lincoln Park should be setting aside or pre-funding post retirement benefits annually with a \$4,000,000 million set aside. NOW, THEREFORE BE IT RESOLVED, that effective July 1<sup>st</sup>, 2008 the City of Lincoln Park shall cease to reimburse the current 184 retirees and spouses receiving pension checks for personal Federal Medicare deductions and discontinue this practice for all future retirees. BE IT FURTHER RESOLVED, that notice of this termination shall be made to the retirees by mail as soon as practical.

Motion FAILED

YEAS: Councilman DiSanto

NAYS: Councilpersons Brady, Kandes, McPartlin, Murphy, Myers and Mayor Vaslo

**RESOLUTION 08-199 Approval/Lawsuit Settlements**

By Councilman Myers, supported by Council President Murphy

WHEREAS, the Lincoln Park City Council reserves the right to approve all settlement agreements arising out of lawsuits or the threat thereof, and WHEREAS all lawsuits presented to the City are by their nature public documents. THEREFORE BE IT RESOLVED, that the Council will direct the City Attorney, City Manager and all other city officials to cease approving any and all settlements arising out of lawsuits or the threat thereof.

BE IT FURTHER RESOLVED that all lawsuit settlement agreements with the exception of

1. Suits settled by agreement with our insurer.
2. Matters involving the City Treasurer but limited to collection of personal property taxes and Circuit Court matters for the correction of tax rules.
3. Matters involving the City Assessor and the Tax Tribunal.
4. Suits filed in District Court involving the challenge of towing fees or decisions to tow.
5. Suits for Claim and delivery, the return of weapons, firearms and other properties of individuals, filed in District Court.
6. Matters involving the forfeiture of properties, monies and other possessions by person(s) other than the City of Lincoln Park.

shall be presented to Council for approval in a public meeting and identified by case number, name and amount of settlement paid except when the agreement prevents disclosure and

BE IT FURTHER RESOLVED that Council will approve individually each expenditure of City funds to meet our insurer's deductible payment required for each settlement and

BE IT FURTHER RESOLVED that Council will direct that all lawsuits filed against the City or one or more of its employees or representatives shall be delivered immediately to the City Clerk and the City Clerk is to present all lawsuits served on the City to Council at the next public meeting identified by case number and name only, supplying each Council member with a copy.

Motion unanimously carried.

**RESOLUTION 08-200 Approve Special Event Permit/Farmer's Market**

By Councilman McPartlin, supported by Councilman Kandes

RESOLVED, that Special Event Permit #2 be approved for the "Farmer's Market" to be held in the City of Lincoln Park on Sundays, 9:00 a.m to 4:00 p.m., from May through October, 2008 and November 23, 2008.

Motion unanimously carried.

**RESOLUTION 08-201 Approve Block Party/Gohl**

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that the residents of Gohl (between Emmons & Kings Hwy) be granted permission to have a block party on **Saturday, June 28, 2008** from 10 a.m. until 9 p.m. under the following conditions:

1. That the street be barricaded at each end and closed to vehicular traffic.
2. That the party be over by 9:00 P.M. or dusk, whichever comes first, and the street be reopened to traffic.

Per the recommendation of the Police Department.

Motion unanimously carried.

Councilwoman Brady excused herself at 9:04 p.m.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 10:00 p.m.

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**FRANK VASLO, MAYOR**

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**DONNA BREEDING, CITY CLERK**