

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 Jamie Dolby of Bethel Assembly Church

PRESENT: Councilpersons Mario DiSanto, Michael Higgins, Mark Kandes, Thomas McPartlin,
Thomas Murphy and Frank Vaslo

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

Mayor's remarks

RESOLUTION 07-22 Minutes

By Councilman Vaslo, supported by Councilman McPartlin

RESOLVED, that the minutes of the Regular Meeting held under the date of January 8, 2007 be approved as recorded.

Motion unanimously carried.

RESOLUTION 07-23 Deny Alley Vacation #844-MOTION FAILED

By Councilman Kandes, supported by Councilman Vaslo

RESOLVED, that the request for an alley vacation filed by Chad Tarwacki of 907 Montie, Lincoln Park, MI said property described as:

That part of the 16' public alley which is parallel to and south of Montie Rd. beginning at Lot 220 also Nly ½ of vacated alley of O'Connor and Harrison's Maplelawn Sub.

extending west to Nly lot line of Lot 235 of Marion Manor Subdivision as recorded in PC 74 L 44 P 19 of the Wayne County Records.

BE AND IS HEREBY **DENIED**, per the recommendation of the Director of Public Services, said alley has an existing sanitary sewer that is currently in use and must be maintained.

YEAS: Councilpersons Kandes and Mayor Brown

NAYS: Councilpersons DiSanto, Higgins, McPartlin, Murphy and Vaslo

RESOLUTION 07-04A Adopt Ord. Amend/Chapter 660.03

By Councilman Murphy, supported by Council President Higgins

RESOLVED, that "AN ORDINANCE TO AMEND CHAPTER 660.03 **CONTRIBUTING TO THE DELINQUENCY OF A MINOR** OF THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY ADDING NEW SUBSECTIONS (c) AND (d)", be given its third and final reading and be **ADOPTED**

THE CITY OF LINCOLN PARK ORDAINS:

That Chapter 660.03 of the Codified Ordinances of the City of Lincoln Park, to wit, **CONTRIBUTING TO THE DELINQUENCY OF A MINOR**, be amended by adding new subsections (c) and (d), which new subsections shall read as follows:

(c) No person shall knowingly or intentionally commit an act that is likely to cause serious physical harm or mental harm to a child, regardless of whether the harm results.

(d) A violation of this Chapter may occur even if the child does not come under the jurisdiction of the Probate Court.

Motion unanimously carried.

ADOPTED: January 16, 2007

PUBLISHED: January 24, 2007

EFFECTIVE: January 24, 2007

RESOLUTION 07-24 Amend Res #06-232/Info. Alliance Memb.

By Councilman Kandes, supported by Councilman McPartlin

RESOLVED, that Resolution #06-232 be amended to include participation of the communities of Ecorse and River Rouge.

Motion unanimously carried.

Resolution for Budget Amendment for Cable Scholarship HELD.

RESOLUTION 07-25 Execute Contract/Building Official

By Councilman DiSanto, supported by Councilman Kandes
RESOLVED, the Mayor and City Clerk are authorized to execute a contract with Joseph Kaiser, Jr. to perform services as a contractual building official as described in the position description for Building Department Superintendent as stated in the City Code of Ordinances, on an as needed basis. Compensation will be set at \$26.6040 per hour and no other compensation for services performed under this agreement.
Motion unanimously carried.

Resolution to increase Zoning Board of Appeals fees HELD.

RESOLUTION 07-26 Participation/Residential Rehab

By Councilman McPartlin, supported by Councilman DiSanto
RESOLVED, that the following citizens be approved for participation in the CDBG Residential Rehabilitation Program, for a loan not to exceed \$20,000.00.

- #1268DL Patricia Wilson – 2049 Thomas
New roof, porch, driveway, siding and furnace
- #1269LI Barbara Alent- 982 Kaier
Sewer repair
- #1270DL Jennifer Daniels – 1516 Richmond
New windows, siding, driveway

BE IT FURTHER RESOLVED; Donald 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 31st Program Year CDBG Budget Account Number 24931 720R.
Motion unanimously carried.

RESOLUTION 07-27 Eng Services/River Dr.Proj/MOTION FAILED

By Councilman Vaslo, supported by Council President Higgins
WHEREAS, the Federal Government has supplied the City with a \$983,928.00 grant to improve the roadway of River Drive.
WHEREAS, the City desires engineering design and construction services to begin immediately so the project may be bid out in late Fall of 2007 and begin construction in the Spring of 2008.
BE IT RESOLVED, the Mayor and Council authorize OHM Consulting Services to perform engineering design & construction services for the River Drive Street Improvement Project for a total cost not to exceed \$268,900.00.
BE IT FURTHER RESOLVED, the Mayor and City Council authorize the funds for this proposal to be appropriated from Account # 450-000-818 “Contractual Services”
YEAS: Councilpersons Kandes, Vaslo and Mayor Brown
NAYS: Councilpersons DiSanto, Higgins, McPartlin and Murphy

Resolution to authorize Design and Services/River Dr. Watermain Replacement HELD.

RESOLUTION 07-28 Develop Specs/Trash Removal

By Council President Higgins, supported by Councilman Vaslo
WHEREAS, the City’s trash pick-up and removal contract with Waste Management expires on June 30, 2007.
WHEREAS, the Mayor and Council are interested in receiving competitive bids in order to insure the most economical as well as highest quality of service for trash pick-up and removal for the City.
BE IT RESOLVED, that the Mayor and Council direct the Director of Public Services to develop specifications for approval of Mayor and Council for the City’s trash pick-up and removal service.
Motion unanimously carried.

RESOLUTION 07-29 Solicit Bids/Basin Sludge Removal

By Councilman Kandes, supported by Councilman DiSanto
WHEREAS, the City’s Sanitary Basin has accumulated sludge throughout the years in the troughs located at the bottom of the three basin tanks, and
WHEREAS, the Mayor and City Council are interested in receiving bids for the removal & disposal of this sludge in order to increase both the efficiency and capacity of the Basin.
THEREFORE, BE IT RESOLVED, that the Mayor and Council direct the Director of Public Services to solicit bids for the removal and disposal of sludge in the sanitary basin.
Motion unanimously carried.

RESOLUTION 07-30 Auth. to Sign MDOT Permits

By Councilman McPartlin, supported by Councilman DiSanto
RESOLVED, that the City of Lincoln Park hereinafter referred to as the “GOVERNMENTAL BODY”, 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 BODY 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 BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. 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.

2. The GOVERNMENTAL BODY 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 maintenances of the GOVERNMENTAL BODY’S facilities according to a PERMIT issued by the DEPARTMENT.

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

continued

6. This resolution shall continue in force from this date until canceled 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 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 BODY:

Robert J. Bartok
Director of Public Services

Motion unanimously carried.

RESOLUTION 07-31 Purchase Cargo Vans DPS (2)

By Councilman Kandes, supported by Councilman McPartlin

WHEREAS, two 1994 vans are currently being used in the Dept. of Public Services, and WHEREAS, these vans are experiencing safety issues and will cost a substantial amount of money in order to remain in use.

BE IT RESOLVED, that the Mayor and City Council hereby authorizes the purchase of two (2) 2007 Ford E-250 Cargo Vans from Gorno Ford of Trenton, Michigan in conjunction with the State of Michigan Purchase Program for a total price of \$39,186.00, and

BE IT FURTHER RESOLVED, that the funds for this expenditure come from the Motor Pool Capital Equipment Fund (661-932-983) in the 2006-07 Fiscal Budget.

Motion unanimously carried.

RESOLUTION 07-32 Purchase Vehicle/Police Department

By Councilman Murphy, supported by Councilman McPartlin

WHEREAS, in 2005, while in a pursuit, an accident occurred with a police vehicle which resulted in this vehicle being deemed inoperable, and

WHEREAS, the Mayor and City Council wish to replace this police vehicle into the fleet.

BE IT RESOLVED, that the Mayor and Council waive the bidding procedure and authorize the purchase of one (1) 2007 Ford Crown Victoria Police Interceptor from Gorno Ford of Trenton, Michigan in conjunction with the State of Michigan Purchase Program for a total cost not to exceed \$20,098.00, and

BE IT RESOLVED, that the Mayor and City Council authorize Winder Police Equipment to provide equipment and services to upgrade the afore-mentioned vehicle for road patrol for a total price not to exceed \$6,5000.00.

BE IT FURTHER RESOLVED, that the funds for these expenditures come from the Motor Pool Capital Equipment Fund (661-932-983) in the 2006-07 Fiscal Budget.

Motion unanimously carried.

RESOLUTION 07-33 Extend Contract/RJ & J Excavating

By Councilman Kandes, supported by Councilman Vaslo

WHEREAS, there exist excavation work and repairs in which for one reason or another the Dept. of Public Services is unable to perform.

WHEREAS, RJ&J Excavating has provided the afore-mentioned services for the City the past two years with the highest quality of service.

BE IT RESOLVED, the Mayor and City Council hereby extend the current contract and prices with RJ& J Excavating for a one-year term to end December 31, 2007.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 10:20 p.m.

STEVEN M. BROWN, MAYOR

DONNA BREEDING, CITY CLERK