

REGULAR MEETING

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

Pledge of Allegiance to the Flag.

Invocation by Rev. Ray Shelton of Friendship Baptist Church

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

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

Mayor's remarks

RESOLUTION 05-161 Minutes

By Councilman DiSanto, supported by Council President Kandes

RESOLVED, that the minutes of the Regular Meeting held under the date of April 11, 2005 be approved as recorded.

Motion unanimously carried.

PROCLAIM April "Autism Awareness Month"

RESOLUTION 05-162 Proclaim Arbor Day/April 29, 2005

By Mayor Brown, 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, 2005 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 05-163 Award Bid/Shade Trees

By Councilwoman Brady, supported by Councilman DiSanto

RESOLVED, that Oldani Landscape Nurseries be awarded the bid to provide Shade Trees at a cost of \$12,6000.00 as they are the lowest complete bidder and meet all specifications. Per the recommendation of the Superintendent of D.P.S, Purchasing Specialist and the Finance Director.

Funds have been budgeted accordingly in the respective budgets.

Motion unanimously carried.

RESOLUTION 05-164 Award Bid/Gravel, Topsoil and Sand

By Councilwoman Brady, supported by Councilman DiSanto

RESOLVED, that Northline Excavating be awarded the bid to provide gravel, topsoil and sand at the various cost indicated on their bid sheet received by the City of Lincoln Park as they are the lowest bidder and meet all specifications. Per the recommendation of the Superintendent of D.P.S., Purchasing Specialist and the Finance Director. Funds are appropriated in the respective budgets for these materials.

Motion unanimously carried.

Resolution to award the bid for electronic sign HELD.

RESOLUTION 05-159A Adopt Ordinance Amendment/Chap. 1043

By Councilwoman Brady, supported by Councilman Higgins

RESOLVED, that "AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY ADDING A NEW CHAPTER 1043 – CROSS CONNECTION AND BACKFLOW PREVENTION" be given its third reading in its entirety and adopted.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances of the City of Lincoln Park be amended by adding a new Chapter 1043, entitled "CROSS CONNECTION AND BACKFLOW PREVENTION", to read as follows:

CHAPTER 1043 – CROSS CONNECTION AND BACKFLOW PREVENTION

1043.01 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Backflow means water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.

Cross connection means a connection or arrangement of piping or appurtenances through which a backflow could occur.

Safe air gap means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim of the fixture, device or container to which the public water is furnished which shall be at least two times the inside diameter of the water inlet pipe, but shall not be less than one inch and need not be more than 12 inches.

Secondary water supply means a water supply system in addition to a public water supply including, but not limited to, water systems from ground or surface sources, or water from a public water supply which has in any way been treated, processed or exposed to any possible contaminant or restored in other than an approved storage facility.

Submerged inlet means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance, which may contain water of questionable quality, waste, or other contaminant and which is unprotected against backflow.

Water utility means a governmental unit, municipal or private corporation, association, partnership or individual engaged in furnishing water to the public for household or drinking purposes.

1043.02 Adoption and purpose of regulations.

(a) Regulations adopted. The water supply cross connection regulations of the State Department of Public Health, being R325.431 to R325.440 of the Michigan Administrative Code, are hereby adopted by reference.

(b) Purpose. The purpose of the regulations enumerated in subsection (a) of this section is to provide safeguards to persons to ensure an adequate, potable water supply; and to provide for health, safety and welfare of the people of the city.

1043.03. Inspection and enforcement.

(a) It shall be the duty of the city water department to cause inspection to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible.

(b) Such inspections as set forth in subsection (a) of this section shall be made annually, provided that when such a cross connection is found, reinspections shall be made as often as is necessary to determine and to rectify the potential hazard such condition presents to the public water supply.

(c) The head of the water department, or those individuals directed by him, shall have the right to enter at any reasonable time any property served by a connection to the public water supply of the city for the purpose of inspection of the piping system for cross connections. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection officer any pertinent information regarding the piping systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.

(d) The water department is hereby authorized and directed to discontinue water service after reasonable notice to any property owner, lessee or occupant, when any connection in violation of this article is found to exist; further, the water department shall take such other precautionary measures deemed necessary to prevent damage to the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this article.

continued

(e) The potable water supply made available on the properties served by the public water supply system shall be protected from possible contamination as specified by this article and by the State and City Plumbing Ordinance.

(f) Any water outlet on other than a potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

(g) This article shall be read in conjunction with and supplementary to the State Plumbing Code, as adopted in the Codified Ordinances of the City of Lincoln Park

1043.04. Regulations.

(a) Cross connections shall be prohibited in the following situations:

- (1) A cross connection shall not be made between a public water system and a secondary water supply.
- (2) A cross connection shall not be made by submerged inlet.
- (3) A cross connection shall not be made between a public water supply system and piping which may contain sanitary waste or a chemical contaminant.
- (4) A cross connection shall not be made between a public water supply system and piping emersed in a tank or vessel which may contain a contaminant.

(b) The city water department may accept, as a part of the inspection program, the annual license as evidence that the interior piping system is protected against cross connection, backflow and backsiphonage in establishments such as hospitals, nursing homes and homes for the aged; provided, however, that the public distribution system shall be protected by either an air gap or a reduced pressure principle backflow preventer being installed in the service line at a point where it enters the building and before any outlets or branch connections.

(c) Branch connections serving lawn sprinkler systems shall be equipped with properly installed backflow preventers and shall be approved by the city water department prior to installation. No other connections or outlets shall be allowed on a lawn sprinkler service line other than those serving the sprinkler heads.

(d) Fire service connections, whether connected to the public water supply system, a service line, or another branch connection, shall include an approved backflow preventer at a point as near its origin as possible, which backflow preventer shall be approved by the city water department prior to installation.

(e) There shall be no cross connection between the potable water system and a swimming pool circulation system. The water supply to a swimming pool shall be protected against backflow or backsiphonage of water by means of a fixed air gap of six inches or more above the highest possible water level. If a hose connection from a sill cock or other plumbing fixture is to be used, an acceptable vacuum breaker shall be installed on a hose thread of the sill cock or fixture. No over-the-rim spout will be accepted unless located under the diving board or installed in a manner so as to prevent any hazard.

(f) Where water and sewer lines cross, the water line shall be installed above the sewer line, whenever possible. If a sewer line is laid parallel to the water line, such water line shall be above at least ten feet from the sewer line, with at least five feet of undisturbed earth between them.

(g) When a secondary water supply is used in addition to the public water supply system, exposed public water and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily in its entirety. If piping is so installed that it is impossible to trace it in its entirety, the city water department shall require such devices and/or corrections so as to protect the public water supply of the service connections.

(h) The city water department is hereby authorized and directed to develop a comprehensive program for the elimination and prevention of all cross connections and shall develop a system or color coding as required in this section; further, the water department shall maintain a description of the methods and devices used to protect the public water supply which program, code and descriptions shall be available to the public at the office of the city water department.

(i) A private water storage tank supplied by a public water supply system shall be deemed a secondary water supply system, unless it is designed for potable water usage and so approved by the city water department.

(j) Booster pumps shall not be allowed at locations where there is not a satisfactory supply of water with minimum residual pressure of 30 pounds per square inch. Booster pumps shall be installed only where additional pressure is desired and in no instance where additional quantities of water are needed.

continued

(k) The city water department shall routinely check, test and maintain all mechanical devices used for the prevention of backflow or backsiphonage which are incorporated on connection or branch connections of the public water supply system. The cost of such checks, testing and maintenance shall be paid by the property owner, lessee or occupant which the device is serving.

1043.05 Permit Fees.

Changes for permits and other fees assessed under this chapter shall be set from time to time by Council resolution .

1043.06 Repeal of conflicting ordinances.

All ordinances or portions of ordinances of the city which are inconsistent with or in conflict with this article and/or amendments thereto are hereby repealed.

Motion unanimously carried

ADOPTED: April 18, 2005

PUBLISHED: April 27, 2005

EFFECTIVE: April 27, 2005

RESOLUTION 05-165 Accounts & Claims Payable

By Councilman DiSanto, supported by Council President Kandes

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

Warrant Report: \$504,183.85

Motion unanimously carried.

RESOLUTION 05-166 Employee ID Card Policy

By Councilman Vaslo, supported by Councilman DiSanto

WHEREAS, the City Manager has recommended that an Employee Identification Card Policy be implemented; and

WHEREAS, the purpose of this policy is to establish procedures for the issuance of identification cards to City Employees.

NOW, THEREFORE BE IT RESOLVED, that the Employee Identification Card Policy be adopted in its entirety.

Motion unanimously carried.

RESOLUTION 05-167 Solicit/AM Vet Police Post 67

By Councilman DiSanto, supported by Councilman Higgins

RESOLVED, that AM Vet Police Post 67, be granted permission to solicit on the streets of Lincoln Park for their "Poppy Sale" on May 19, 20 and 21, 2005. All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

RESOLUTION 05-168 Fundraiser/City Wide Garage Sale

By Councilman Higgins, supported by Councilman DiSanto

WHEREAS, the City of Lincoln Park has received a solicitor's application from the LP High School Varsity Softball team; they are requesting permission to hold their Annual Fund Raiser, and WHEREAS, it is in the best interest of the citizens of Lincoln Park to grant this permission, allowing for one additional garage sale, and waiving the City permit fees for our residents. The set date for the sale will be June 11th & 12th.

THEREFORE, BE IT RESOLVED, that the LP High School Varsity Softball team be granted permission to solicit registrations and sell maps for the event, on the municipal lot located on Southfield Rd. and Fort St. for their Annual City Wide Garage Sale Event, on June 11th and 12th, 2005. All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

RESOLUTION 05-169 Auth. to Sign Right-of-Way Permits

By Councilwoman Brady, supported by Councilman DiSanto

WHEREAS, 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 ways at various locations within and adjacent to its corporate limits,

continued

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 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 maintenance 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.

6. This resolution shall continue in force from this date 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 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.

GARY MEKJIAN, DIRECTOR OF ENGINEERING AND DPW
WILLIAM BOHLEN, SUPERINTENDENT OF DEPT. OF PUBLIC WORKS
VICTOR ROSE, SUPERINTENDENT OF UTILITY SERVICES

Motion unanimously carried.

RESOLUTION 05-170 Clean-Up Fix-Up Weeks

By Councilwoman Brady, supported by Councilman Murphy

RESOLVED, that the Mayor and Council do hereby designate the weeks of July 11th through July 15th and July 18th through July 22nd of 2005 as "Clean-Up, Fix-Up Weeks" for residents of our City.

BE IT RESOLVED, that residents may dispose of six bushels 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 05-171 Waive Fees/Homeowner Bldg. Permits

By Council President Kandes, supported by Councilman DiSanto

RESOLVED, that the Building Department issue free Structural & Land Use permits for home repairs to homeowners during the time of July 11th through July 15th and July 18th through July 22nd to coincide with "Clean-up, Fix-up weeks".

Motion unanimously carried.

RESOLUTION 05-172 Sanitary Sewer Repairs

By Councilwoman Brady, supported by Councilman DiSanto

WHEREAS, RJ&J Enterprises has completed the approved emergency repairs to the Sanitary Sewer System in the area of Applewood St. and Pingree, north of Russell Street, and

WHEREAS, it was necessary and prudent to complete the system repairs in a timely manner the emergency services contract was initiated to complete three areas of concern within the system. A collapsed service lead, an illegal manhole tap and a new manhole structure at the termination point of the system.

THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize payment to RJ&J Enterprises for the completion of the above system repairs as directed by the DPS Utilities Division and per the "Sanitary and Storm Sewer Repair Contract" that is in place and current.

BE IT FURTHER RESOLVED, that the funds for said work (\$18,419.35) be appropriated from the Water and Sewer Replacement Reserve item within the budget, Account #592.527.980R.

Motion unanimously carried.

RESOLUTION 05-173 Lot Combination/1524 Euclid

By Council President Kandes, supported by Councilman Murphy

RESOLVED, that the request to combine the parcels identified as 006-03-0368-000 whose location is more commonly known as 1524 Euclid, and 006-03-0369-000 whose location is more commonly known as Vacant Euclid Lot, be approved.

Parent Parcel #006-03-0368-000 – More commonly known as 1524 Euclid

LOT 368, ELMWOOD HEIGHTS SUB, PC 50, L35, P31.

Parent Parcel #006-03-0369-000 – More commonly known as Vacant Euclid Lot.

LOT 369, ELMWOOD HEIGHTS SUB, PC 50, L35, P31.

To be Combined as follows:

LOTS 368 AND 369, ELMWOOD HEIGHTS SUB, PC 50, L35, P31.

Motion unanimously carried.

RESOLUTION 05-174 Cruisin Downriver Expenditures

By Councilman Murphy, supported by Councilwoman Brady

WHEREAS, the Mayor and City Council has recognized and authorized participation in "Cruisin Downriver 2005", a community promotion event and designated Councilmember Thomas Murphy as City of Lincoln Park representative to coordinate activities with the Cruise organizations on a regional basis and;

WHEREAS, The Mayor and City Council has budgeted funding for City personnel overtime expenditures to service the Cruise day in the amount of \$14,500 in the Fiscal Year 2004/05 budget and;

WHEREAS, The City of Lincoln Park has created a escrow account to held and disburse funds used to service various activities related to the Cruise event, with revenue deposits from various fees, donations and sales of merchandise and;

WHEREAS, the Mayor and Council recognize the activity of a ad-hoc group involved in Cruise activity planning within the city limits of Lincoln Park and that in addition, this committee consists of Councilmember Thomas Murphy, Councilmember Valerie Brady and Councilman Michael Higgins and endorses this committees activities and;

NOW THEREFORE BE IT RESOLVED THAT;

1. Upon request of City Representative Murphy, the City Manager is authorized to sign contracts for services for Cruise related activities planned by the local committee

2. The total of the contracts shall not exceed the amount of funds on deposited in the escrow account held by the city

3. All contracts will be supported by the required insurance waivers, supporting documentation and releases as may be required by the MMLLPP, City Attorney and City Manager.

Motion unanimously carried.

CONTINUED

APRIL 18, 2005

Mayor Brown excused himself at 9:05 p.m.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 9:45 P.M.

STEVEN M. BROWN, MAYOR

DONNA BREEDING, CITY CLERK