

REGULAR MEETING

The meeting was called to order at 7:30 p.m., Mayor Thomas E. Karnes presiding

Pledge of Allegiance to the Flag

Invocation by Reverend Patrick Bossio of CHRIST Family Church

PRESENT: Councilpersons Mario DiSanto, Deborah Henderson, Mark Kandes, Larry Kelsey,
Thomas Murphy and Elliott Zelenak

ALSO PRESENT: Emergency Manager Brad Coulter, City Attorney Ed Zelenak and City Clerk
Donna Breeding, Representatives of Plante & Moran, PLLC Beth Bialy,
Kristin Hunt and Justin Kolbow

Mayor's remarks

Certificate of Appreciation presented to All Petz Grooming, 3934 Dix

RESOLUTION 2015-07 Approve Consent Agenda

By Council President Murphy, supported by Councilwoman Henderson

RESOLVED, that the following items listed under the consent agenda be approved as presented to
the Mayor and City Council:

1. Approve Minutes - Regular Meeting held January 5, 2015
2. Participation/CDBG Residential Rehab Loan Program
3. Designate Street Administrator/MDOT
4. Designate Street Administrator/Wayne County
5. Authorization to apply for Right-of-Way Permits

Motion unanimously carried.

ca-1

RESOLUTION 2015-08 Minutes/Regular Meeting

RESOLVED, that the minutes of the Regular Meeting held under the date of January 5, 2015 be
approved as recorded.

Approved

ca-2

RESOLUTION 2015-09 Participation/Residential Rehab Program

RESOLVED, that the following citizen be approved for the participation in the CDBG Residential
Rehabilitation Loan Program for a loan not to exceed \$3,000.00.

#1372DL Edith Horvath – 3578 Electric
Emergency Furnace Replacement

BE IT FURTHER RESOLVED that Donald T. Cook, Director of Community Planning and
Development is hereby authorized and directed to process this application in accordance with the
Policy and Procedure Guidelines previously approved.

Approved

ca-3

RESOLUTION 2015-10 Designate Street Administrator/MDOT

RESOLVED WHEREAS, the _____ City of Lincoln Park _____

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 Highway 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:

1. 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

continued

Agreement is not intended to increase either party's liability for, or immunity from, tort claims, 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.

2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. 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. Any claims 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 will be the sole responsibility of the GOVERNMENTAL AGENCY.

3. 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.

4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

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

6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent he DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

7. 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 DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Name	and/or	Title
<u>John Kozuh</u>		<u>Director of Public Services</u>
Approved		

ca-4 **RESOLUTION 2015-11 Designate Street Administrator/Wayne County**
 WHEREAS, the City of Lincoln Park (hereinafter the "Community") periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit office (hereinafter the "County") for permits to conduct emergency repairs and annual maintenance work on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

continued

WHEREAS, pursuant to Act 51 of 1951, being MCL 2473651 *et seq*, the County permits and regulates such activities and relates temporary road closures;

NOW THEREFORE, in consideration of the County granting such Permit, the Community agrees and resolves that:

To the extent allowed by law, it will fulfill all permit requirements and will save harmless, represent and defend the County of Wayne and all of its officers, agents and employees:

From any and all claims and losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the Community as the result of the Community’s installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road; and

From any and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage degradation, and from attorney’s fees and related costs arising out of, under, or by any reason of the Community’s installation, construction, operation. Repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road, except claims resulting from direct negligence or willful acts or omissions of said County performing permit activities.

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors or any other person not a party to the Permit without its specific prior written consent notwithstanding the issuance of the permit.

The Community shall take no unlawful action or conduct, which arises wither 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 County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor’s behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this resolution as part of a Permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

The resolution shall stipulate that the requesting city, incorporated village or township shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

The resolution shall continue in force from this date until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community 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 County of Wayne Department of Public Services Engineering Division Permit Office for the necessary permit to work within the County road right-of-way or local roads on behalf of the Community.

Name	and/or	Title
John Kozuh		Director of Public Services
Approved		

ca-5 **RESOLUTION 2015-12 Authorization to apply/Right-of-Way permits**
RESOLVED, that the Michigan Department of Transportation is requesting that the Street Administrator, John Kozuh designate an individual with the authority to apply for state right-of-way permits.

THEREFORE, BE IT RESOLVED, that Julie Ciochon is hereby, granted authorization to apply for permits as required by MDOT.

FURTHER BE IT RESOLVED, that a certified resolution be submitted to MDOT along with their Annual Right-Of-Way Permit/Street Administrator designation resolution. As adopted by the City of Lincoln Park, Mayor and Council at their regular meeting of Tuesday, January 20th, 2015.
Approved

PUBLIC HEARING re: Dangerous Building – 4034 Agnes
CALLED TO ORDER

DISCUSSION – 4034 Agnes

PUBLIC COMMENT - No party of interest in attendance – All owners notified

Adjourn Public Hearing

Reconvene Regular Meeting

RESOLUTION 2015-13 Order Demolition/4034 Agnes

By Councilman DiSanto, supported by Councilman Kandes

WHEREAS, the Dangerous Building and Code Appeals Board issued an order to demolish the structure located at 4034 Agnes, said order being issued subsequent to a hearing of the facts pertaining to this matter and identified as CASE # DBB 14-02 4034 Agnes, which was held on September 4, 2014 in accordance with Section 1444.04 of the Codified Ordinances of the City of Lincoln Park; and

WHEREAS, the Dangerous Building and Code Appeals Board has filed a report of its findings and a copy of its order with this Council and with each party having a recorded interest in the subject property; and

WHEREAS, the City Council has established the date of January 5th 2015, and continued on January 20th 2015 the date for a hearing to review the findings and order of said Board, the owner or party of interest having been given the opportunity to show cause why said structure should not be demolished, and the Council having duly held such hearing.

NOW, THEREFORE BE IT RESOLVED, that said order of the Dangerous Building and Code Appeals Board to demolish and remove the structure located at 4034 Agnes, Lincoln Park MI, is hereby approved by the Council of the City of Lincoln Park; and

BE IT FURTHER RESOLVED, that the Director of Public Works is hereby directed to comply with the order of the Board as approved by Council after 20 days from the date of this resolution; and demolition and shall notify each party of interest as required by Section 1444.10 of the Codified Ordinances; and

BE IT FURTHER RESOLVED, that the cost of the demolition shall be assessed against the real property on which said structure is located, such costs shall be reported to the City Assessor who shall place said lien.

Motion unanimously carried.

2013/14 Annual Audit Presentation by Plante/Moran

Plante & Moran, PLLC performed the annual audit for fiscal year 2013/14. The Emergency Manager and Mayor & Council were given an overview presentation regarding the audit and a review of the General Fund Budget. Among their findings the report indicated the General financial condition for the year ending June 30, 2014.

The General Fund unrestricted deficit grew in fiscal year 2013/14 to nearly \$1 million which resulted in a deficit of \$646,647.

Additional Revenue Sources to the General Fund

Street Lighting Millage	\$583,000
Community Promotion Millage	\$49,000

The report has been placed on file in the Office of City Clerk for public review.

EMERGENCY MANAGER ORDER NO 8

APPOINTMENTS ZONING BOARD OF APPEALS

- Joan M. Brophy
- Ronald P. Tank
- Elliott Zelenak
- John Taucher- Alternate

Document received and filed in the City Clerk’s Office.

SO ORDERED January 12, 2015

EMERGENCY MANAGER ORDER NO 9

ZONING CODE, CHAPTER 1476.06 SUBSECTION (g), ROOF SIGNS IS HEREBY REPEALED AND REPLACED. “A sign which is erected on or above the roof of a building is hereby prohibited, subject to certain exceptions as defined in this subsection”, et al.

Document received and filed in the City Clerk’s Office.

SO ORDERED January 14, 2015

EMERGENCY MANAGER ACTION

2015-2017 LP Administrator Agreement Approved

Appointed Administrative Systems Manager – Colleen Snethkamp

Appointed Director of Finance and Operations – Lisa Griggs

Appointed Director of Public Services – John Kozuh

CITIZEN COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

RESOLUTION 2015-14 Adjournment

By Council President Murphy, supported by Councilman Kandes

RESOLVED, that the meeting be adjourned at 9:14 p.m.

Motion unanimously carried.

THOMAS E. KARNES, MAYOR

DONNA BREEDING, CITY CLERK

BRAD COULTER, EMERGENCY MANAGER