

**REGULAR MEETING**

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

Pledge of Allegiance to the Flag

Moment of Silence

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

ALSO PRESENT: City Manager Joseph Merucci, Asst. City Attorney Amy Higgins and City Clerk Donna Breeding

Mayor's remarks

PROCLAIM the month of April as "Child Abuse Prevention Month"

PROCLAIM the week of May 18-24, 2014 as "National Public Works Week"

PROCLAIM April 25, 2014 as "Arbor Day"

**RESOLUTION 2014-123 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 of Regular Meeting held March 17, 2014
2. Set Annual "Clean-up/Fix-up" weeks May 19<sup>th</sup>-31<sup>st</sup>
3. Approve Annual State Right of Way permit
4. Approve Annual Wayne County Maintenance permit
5. Solicit Bids
  - a. Retention Basin Strainer #1
  - b. Park Fencing
  - c. Jaycee Basketball Court

Motion unanimously carried.

ca-1a **RESOLUTION 2014-124 Minutes/Regular Meeting**

RESOLVED, that the minutes of the Regular Meeting held under the date of March 17, 2014 be approved as recorded.

Approved

ca-2 **RESOLUTION 2014-125 Set "Clean-up/Fix-up Weeks"**

RESOLVED, that the Mayor and City Council do hereby designate the weeks of May 19, 2014 through May 31, 2014, excluding May 26, 2014, as "Clean-up, Fix-Up Weeks" for residents of our City.

BE IT FURTHER 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 appliances containing Freon.

Approved

ca-3 **RESOLUTION 2014-126 Approve Annual State Right of Way Permit**

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;

continued.

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 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 the 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                       |
| Robert Bartok |        | Director of Public Services |

Approved

ca-4                                    **RESOLUTION 2014-127 Approve Annual Wayne County Permit**  
 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                       |
| Robert Bartok |        | Director of Public Services |

Approved

ca-5 a                    **RESOLUTION 2014-128 Solicit Bids/Retention Basin Strainer #1**  
RESOLVED, that the Mayor and City Council do hereby authorize the Director of Public Services to re-solicit bids for the “2014 Retention Basin Strainer #1 Project”, to include the removal, refurbishment repairs, and reinstallation of Retention Basin Strainer #1.

Approved

ca-5 b

**RESOLUTION 2014-129 Solicit Bids/Park Fencing**

RESOLVED, that Donald Cook, Director of Community Planning & Development, is hereby authorized to solicit sealed bids for 2014 Baseball Park Fencing at Papalas & VFW Parks. Funds to come from CDBG Program Year Budget Account Numbers 24938-75506 & 24939-75506.  
Approved

ca-5 c

**RESOLUTION 2014-130 Solicit Bids/Jaycee Basketball Court**

RESOLVED, that Donald Cook, Director of Community Planning & Development, is hereby authorized to solicit sealed bids for the 2014 Basketball Court Reconstruction at Jaycee Park. Funds to come from CDBG Program Year Budget Account Number 24938-75506.  
Approved

**RESOLUTION 2014-131 Adopt CDBG 2014/15 Budget**

By Councilman Kandes, supported by Councilman DiSanto  
RESOLVED, that the following proposed budget is hereby adopted for the 40<sup>th</sup> Program Year of the Community Development Block Grant Program beginning July 1, 2014 and that Donald Cook, Director of Community Development is authorized and directed to prepare the Annual Action Plan and Environmental Review Record in accordance with it and submit same to HUD for review and approval.

|                                       |           |
|---------------------------------------|-----------|
| Administration & Planning             | \$140,336 |
| <b><i>PUBLIC SERVICES</i></b>         |           |
| CPW                                   | \$ 2,000  |
| Community Policing                    | \$ 10,000 |
| First Step Domestic Violence          | \$ 5,000  |
| The Guidance Center                   | \$ 2,500  |
| The Senior Alliance                   | \$ 3,201  |
| <b><i>INFRASTRUCTURE PROJECTS</i></b> |           |
| Building Department                   | \$ 96,250 |
| Fire Department                       | \$ 50,000 |
| Parks & Recreation                    | \$ 30,000 |
| Streets and Utilities                 | \$362,396 |

**TOTAL** **\$701,683**

\*Plus projected Rehab Revolving Fund Income of \$40,000

BE IT FURTHER RESOLVED, that any changes in the projected HUD allocation will be reflected in the Streets and Utilities and Administration portions of the budget.

Motion unanimously carried.

**RESOLUTION 2014-132 Authorize Design/Hazel St Bridge**

By Councilman DiSanto, supported by Councilman Kandes

BE IT RESOLVED, that the Mayor and City Council authorize Hennessey Engineering and FTC&H Engineering to design a replacement bridge for the Hazel Street Bridge, over the Sexton-Kilfoil Drain.

BE IT FURTHER RESOLVED, that the Mayor and City Council hereby authorizes the cost of the design of this project not to exceed \$62,000 and funds to come from the “Local Roads Contractual Services”, Account # 203-478-818000.

Motion unanimously carried.

**RESOLUTION 2014-133 Extend Contract/Ambulance Services**

By Council President Murphy, supported by Councilman Kandes

RESOLVED, that the contract between the City of Lincoln Park and HealthLink Medical Transportation Services be renewed for a period of one (1) year beginning at the expiration of the current contract on April 15, 2014.

FURTHER BE IT RESOLVED, that the new insurance policy is, incorporated into the contract documents to include language covering the City of Lincoln Park per General Liability as additionally insured.

THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk be authorized to execute any contract documents necessary to extend the current contract for Ambulance Services.

Motion unanimously carried.

**RESOLUTION 2014-134 Award Bid/2014 Concrete Restoration**

By Councilman Kandes, supported by Councilman DiSanto  
BE IT RESOLVED, that the Mayor and City Council hereby award the bid for the 2014 Concrete Restoration Program to Century Cement Company, Inc., per the attached pricing (inserted in minute book), for a total program cost not to exceed \$107,625.00.  
FURTHER, BE IT RESOLVED, that the Mayor and City Council authorize the funds to be taken from Account 592-920-818 (water) and Account #202-464-818 (roads).  
Motion unanimously carried.

**RESOLUTION 2014-135 Award Bid/Mill St. Storm Sewer**

By Councilman Kandes, supported by Councilman Zelenak  
RESOLVED, that RJ&J Enterprises be awarded the bid for the Mill Street Storm Sewer Project in the amount of \$58,516.50. This is a unit price project and the final quantities of materials used will determine the final contract amount; therefore, a contingency amount of \$5,851.65 is being added with a total cost not to exceed \$64,368.20. A 10% retention of the project cost shall be held to verify completion pursuant to the Contract.  
BE IT RESOLVED, that the Mayor and City Clerk are authorized to execute documents necessary to accomplish this work. Funds to come from Account #592.527.818 "Sewer Contractual Services".  
Motion unanimously carried.

**RESOLUTION 2014-136 Award Bid/Lawn Maintenance**

By Councilman Kandes, supported by Councilman DiSanto  
WHEREAS, the contracting out of Lawn Maintenance for properties that the city is responsible for has proven to be cost-effective to the organization, as well as allowed for the utilization of limited staff for other Public Service activities.  
BE IT RESOLVED, that the Mayor and City Council hereby award primary vendor for the 2014 – 2016 Lawn Maintenance Bid to U.S. Lawns for a weekly cost not-to-exceed \$1,846.00.  
BE IT FURTHER RESOLVED, that the Mayor and City Council authorize funds to be taken from Account #101-923-818 (general fund).  
BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the contract documents.  
Motion unanimously carried.

**RESOLUTION 2014-137 Award Bid/Turn Out Gear/FD**

By Council President Murphy, supported by Councilman Kandes  
RESOLVED, that upon the recommendation of Fire Chief Liam A. Carroll, the City of Lincoln Park award the "Fire Gear" bid to the lowest bidder, Phoenix Safety Outfitters Bid #1. Funds not to exceed \$3,585.00 (a 10% match on FEMA Grant monies) to come from Account #101-340-757 per Resolution #2013-170.  
Motion unanimously carried.

**RESOLUTION 2014-138 Award Bid/2014 Major Road/Street Sectioning**

By Councilman DiSanto, supported by Councilman Kandes  
RESOLVED, that Century Cement Company be awarded the bid for the 2014 Major Roads Concrete Sectioning Program in the amount of \$395,174.00. This is a unit price project and the final quantities of materials used will determine the final contract amount; therefore, a contingency amount of \$39,517 is being added with a total cost not to exceed \$434,691.00. A 10% retention of the project cost shall be held to verify completion pursuant to the Contract.  
BE IT RESOLVED, that the Mayor and City Clerk are authorized to execute documents necessary to accomplish this work. Funds to come from Account Number 202.464.818, Act 51 Major Roads.  
Motion unanimously carried.

**RESOLUTION 2014-139 Schedule Study Session/Annual Budget**

By Councilman DiSanto, supported by Council President Murphy  
RESOLVED, that the Finance Director, is hereby requesting to schedule a special meeting on Monday April 21, 2014 at 6:00p.m. in the John A. Aloisi Council Chambers at City Hall, 1355 Southfield Rd., Lincoln Park, for the purpose of holding a Study Session for the proposed Fiscal Year 2014/2015 budget.  
Motion unanimously carried.

**RESOLUTION 2014-140 Set Public Hearing/FY2014-15 Budget**

By Councilman Kandes, supported by Councilman DiSanto

RESOLVED, that the Finance Director, is hereby requesting to schedule a special meeting on Monday May 5, 2014 at 7:00p.m. in the John A. Aloisi Council Chambers at City Hall, 1355 Southfield Rd., Lincoln Park, for the purpose of holding a Public Hearing for the proposed Fiscal Year 2014/2015 budget.

Motion unanimously carried.

**RESOLUTION 2014-141 Accounts & Claims Payable**

By Councilman DiSanto, supported by Councilman Kandes

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

Warrant Report: \$884,362.45

Motion carried.

NO: Councilman Kelsey “on Check #51832 to Cygnus in the amount of \$3,600.00 because we have no contract”.

CITY MANAGER’S REPORT

DEPARTMENT HEAD REPORT

**RESOLUTION 2014-142 Set Special Meeting/Labor Negotiations**

By Mayor Karnes, supported by Council President Murphy

RESOLVED, that a Special Meeting be scheduled Tuesday, April 15, 2014 at 6:00 p.m., in the John A. Aloisi Council Chambers, 1355 Southfield Rd. for the purpose of moving into closed session regarding labor negotiations and attorney-client communications.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

**RESOLUTION 2014-143 Adjournment**

By Council President Murphy, supported by Councilwoman Henderson

RESOLVED, that the meeting be adjourned at 9:25 p.m.

Motion unanimously carried.

\_\_\_\_\_  
THOMAS E. KARNES, MAYOR

\_\_\_\_\_  
DONNA BREEDING, CITY CLERK