

REGULAR MEETING

The meeting was called to order at 7:30 p.m., Mayor Patricia Krause presiding

Pledge of Allegiance to the Flag

Invocation by Pat Bossio of Christ Family Church

PRESENT: Councilpersons Tracy Bush, Mario DiSanto, Joseph Kaiser, Mark Kandes,
Suzanne Moreno and Thomas Murphy

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

Mayor's remarks

RESOLUTION 2013-134 Minutes

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that the minutes of the Regular Meeting held under the date of April 1, 2013
be approved as recorded.

Motion carried.

ABSTAIN: Councilman Kandes

(NOTE: Closed Mtg. held 4-2-2013 at 6:30 pm re: Labor Negotiations)

By Councilman DiSanto, supported by Councilwoman Moreno that the minutes of the Special
Meeting held 3-25-13 at 7:02 pm regarding City Manager Interviews be approved as printed.

RESOLUTION 2013-135 Award Bid/Ambulance Service

By Council President Murphy, supported by Councilwoman Bush

RESOLVED, that HeathLink be awarded the bid to provide ambulance services for the
residents of Lincoln Park for a period of one year, with the option to renew for additional years,
but not to exceed a three year period; as they are best bidder which meets all specifications per the
recommendation of the Fire Chief.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be authorized to execute the
contract documents.

Motion unanimously carried.

RESOLUTION 2013-136 Accounts & Claims Payable

By Councilwoman Bush, supported by Councilwoman Moreno

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

Warrant Report: \$656,127.19

Motion unanimously carried.

RESOLUTION 2013-137 Purchase Service Credit/Mixer

By Councilwoman Bush, supported by Councilman DiSanto

WHEREAS; pursuant to the MERS Plan Document with the City of Lincoln Park, the
purchasing of additional service credit for up to three years is allowable for employees of the
Defined Benefit Plan and;

WHEREAS; such purchases are to be paid up front at the time of service credit purchase and
shared by the Employee and Employer pursuant to the collective bargaining agreement;

WHEREAS; such purchases must be approved by the Governing Body and;

WHEREAS; the cost for Carol Mixer is calculated at \$36,868.00 for 3 years of service and the
City's portion of this is \$26,497.21 to be paid out of account number 101-923-722SC;

WHEREAS; such purchases of service credit requires certain operational resolutions and
standard form resolutions of agreement

NOW, BE IT RESOLVED, that the City of Lincoln Park hereby approves the following
Resolutions as presented by MERS in content and form:

1. RESOLUTION FOR ADDITIONAL CREDITED SERVICE

AND BE IT FURTHER RESOLVED, that the Finance Director is hereby authorized by this
resolution to sign the MERS application for additional credited service and to issue all required
letters and documents consistent with the purchasing of service credit along with the check for
the cost of the City portion of service credit as required.

Motion unanimously carried.

RESOLUTION 2013-138 Purchase Service Credit/Kersey

By Councilman Kandes, supported by Councilman DiSanto

WHEREAS; pursuant to the MERS Plan Document with the City of Lincoln Park, the purchasing of additional service credit for up to three years is allowable for employees of the Defined Benefit Plan and;

WHEREAS; such purchases are to be paid up front at the time of service credit purchase and shared by the Employee and Employer pursuant to the collective bargaining agreement;

WHEREAS; such purchases must be approved by the Governing Body and;

WHEREAS; the cost for Deborah Kersey is calculated at \$34,795.00 for 3 years of service and the City's portion of this is \$25,045.99 to be paid out of account number 101-923-722SC;

WHEREAS; such purchases of service credit requires certain operational resolutions and standard form resolutions of agreement

NOW, BE IT RESOLVED, that the City of Lincoln Park hereby approves the following Resolutions as presented by MERS in content and form:

1. RESOLUTION FOR ADDITIONAL CREDITED SERVICE

AND BE IT FURTHER RESOLVED, that the Finance Director is hereby authorized by this resolution to sign the MERS application for additional credited service and to issue all required letters and documents consistent with the purchasing of service credit along with the check for the cost of the City portion of service credit as required.

Motion unanimously carried.

RESOLUTION 2013-139 Purchase Service Credit/Jesue

By Councilwoman Bush, supported by Council President Murphy

WHEREAS; pursuant to the MERS Plan Document with the City of Lincoln Park, the purchasing of additional service credit for up to three years is allowable for employees of the Defined Benefit Plan and;

WHEREAS; such purchases are to be paid up front at the time of service credit purchase and shared by the Employee and Employer pursuant to the collective bargaining agreement;

WHEREAS; such purchases must be approved by the Governing Body and;

WHEREAS; the cost for Janice Jesue is calculated at \$9,706.00 for 6 months of service and the City's portion of this is \$8,357.03 to be paid out of account number 101-923-722SC;

WHEREAS; such purchases of service credit requires certain operational resolutions and standard form resolutions of agreement

NOW, BE IT RESOLVED, that the City of Lincoln Park hereby approves the following Resolutions as presented by MERS in content and form:

1. RESOLUTION FOR ADDITIONAL CREDITED SERVICE

AND BE IT FURTHER RESOLVED, that the Finance Director is hereby authorized by this resolution to sign the MERS application for additional credited service and to issue all required letters and documents consistent with the purchasing of service credit along with the check for the cost of the City portion of service credit as required.

Motion unanimously carried.

RESOLUTION 2013-140 Attend training/Animal Control

By Councilwoman Bush, supported by Council President Murphy

RESOLVED, that Mayor and Council authorize Code Enforcement Officer Adam Manchester to attend the MAACO (Michigan Association of Animal Control Officers) Spring Training Conference in Thompsonville, MI from the Tuesday, May 7, 2013, through Thursday, May 9, 2013. Officer Manchester will arrive in the evening of Monday, May 6, 2013, to attend the MAACO Board meeting. The cost for the Conference, lodging, and meals will be paid by MAACO since Officer Manchester is the Vice President. A Police Department vehicle will be used. The only costs associated with this Conference will be gas for the City vehicle and possibly a few incidental items. A total of \$100.00 is being recommended to cover these costs. An expense report will be completed upon return from this training. The funds will come from the Police Department's Training Account—101.305.960.

Motion unanimously carried.

RESOLUTION 2013-141 Solicit bids/Cement Restoration

By Councilwoman Bush, supported by Councilman DiSanto

WHEREAS, the Department of Public Services is interested in obtaining pricing for cement restoration services for the 2013 season.

BE IT RESOLVED, the Mayor and City Council authorizes the Department of Public Services to solicit sealed bids for 2013 Cement Restoration.

Motion unanimously carried.

RESOLUTION 2013-142 Solicit Bids/Renovation 1230 Chandler

By Councilwoman Bush, supported by Council President Murphy

RESOLVED, that the Mayor and Council authorize Don Cook, CDBG Director to solicit bids for the renovation of city owned 1230 Chandler.

Motion unanimously carried.

RESOLUTION 2013-143 Spec Event Permit/LP Farmer's Market

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that Special Event Permit #2 be approved for the Friends of Lincoln Park Farmer's Market to be held in the Southfield Rd. median between Lafayette and Fort Park on Sundays, 11am to 4pm, May thru November 18, 2013.

Motion unanimously carried.

RESOLUTION 2013-144 Spec Event Permit/Pow Wow

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that Special Event Permit #3 be approved for the Pontiac 250th Commemoration and Pow Wow to be held at Council Point Park, Lincoln Park, April 19 – 28, 2013. Permit fee waived per Resolution #2013-129.

Motion unanimously carried.

RESOLUTION 2013-145 Spec Event Permit/Relay for Life

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that Special Event Permit #4 be approved for the American Cancer Society to conduct a "Relay for Life" walk at Council Point Park on May 11-12, 2013 from 10 a.m. – 10 a.m. All reporting provisions of the local ordinance to be timely observed. Permit fee waived per Resolution #2013-129.

Motion unanimously carried.

RESOLUTION 2013-146 Spec Assess District/Lighting

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED that the City of Lincoln Park authorize Hennessey Engineers to prepare documentation as is necessary for the implementation of a Special Assessment District for Street Lighting, as per Council Resolution #2013-96, said work to be paid on an hourly basis not to exceed \$2000. Payment for Engineering Services to be taken from Account #101-923-818.

Motion carried.

NO: Councilpersons DiSanto and Murphy

RESOLUTION 2013-147 Amend Res./Property Demo

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that resolution #2012-244, dated August 6, 2012 by amended to rescind the award of the contract to Oak Hills Construction for the demolition of 1560 University, and subsequently awarded the contract to RJ&J Enterprises, 2nd low bidder, in the amount of \$5167.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute documents necessary to accomplish this work.

Motion unanimously carried.

RESOLUTION 2013-148 S2 Grant Application Phase II

By Councilwoman Bush, supported by Councilwoman Moreno

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204a that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2010 PA 231, which provides grants to assist municipalities in completing loan application requirements under MCL 324.5308 or completing loan application requirements for other sources of financing for sewage treatment works projects, storm water treatment projects or nonpoint source projects; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "S2 Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204a, as amended, and

continued

WHEREAS, the Municipality does hereby determine it necessary to undertake planning, revenue system development, and/or design activities related to a project for which it intends to seek financing for construction; and

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$325,000.00 ("Grant") be requested from the MFA and the DEQ to pay for the planning and/or design activities; and

WHEREAS, the Municipality shall obtain this Grant by entering into the S2 Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Director of Public Services, a position currently held by Robert Bartok, is designated as the Authorized Representative for purposes of the S2 Grant Agreement.

2. The proposed form of the S2 Grant Agreement between the Municipality, the MFA and DEQ (attached hereto as Appendix 1) is hereby approved and the Authorized Representative is authorized and directed to execute the S2 Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the authority if any of the following conditions occur:

(a) the Municipality fails to submit an administratively complete loan application for assistance from the SRF, the SWQIF or other source of financing for the project within 3 years of the Grant award;

(b) the project has been identified as being in the fundable range or is approved for funding from another source and the Municipality declines loan assistance for 2 consecutive fiscal years unless the Municipality proceeds with funding from another source; or

(c) the Municipality is unable to, or decides not to, proceed with constructing the project.

4. The grant, if repayable, shall be a first budget obligation from the general funds of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees.

6. The authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Municipality acknowledges that the S2 Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded. (Appendix 1 inserted in minute book)
Motion unanimously carried.

RESOLUTION 2013-149 Proclaim Arbor Day

By Councilwoman Bush, supported by Councilwoman Moreno

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.

continued

NOW, THEREFORE BE IT RESOLVED, that the Lincoln Park Mayor and Council do hereby proclaim April 26, 2013 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 regarding Streetscape Phase II HELD.

RESOLUTION 2013-150 Prepare Language/Millage Renewal

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that the City Attorney be instructed to prepare the necessary Charter Amendment language for the renewal of the Police & Fire Millage and the Library Millage for the ensuing three years.

FURTHER BE IT RESOLVED, that the Assessor and Finance Director determine the millage rate and the amount if approved would be generated and submit their findings to the City Attorney. Amendment language to be submitted for Mayor and Council approval on May 6th, 2013.

Motion unanimously carried.

RESOLUTION 2013-151 Counter Offer/City Mgr.

By Councilwoman Bush, supported by Councilwoman Moreno

WHEREAS, the Mayor and Council have conducted interviews with three candidates for the position of City Manager, and

WHEREAS, by the concurrence of the Councilmembers Mr. Joseph Merucci would be contacted and given the opportunity to accept the vacant position, and

WHEREAS, Mr. Merucci has submitted a counter proposal regarding the proposed Employment Agreement, and

WHEREAS, the Mayor and Council must determine if they want to approve the counter proposal regarding the salary and benefits as submitted.

THEREFORE BE IT RESOLVED, that at this time the Mayor and Council shall discuss this counter proposal to determine if it is in the City's best interest to engage the services of Mr. Merucci as City Manager, and either accept or modify any provisions therein.

Motion unanimously carried.

RESOLUTION 2013-152 Modify Provisions/Employment Agreement

By Councilwoman Moreno, supported by Councilwoman Bush

RESOLVED, that Mayor and Council establish the salary and fringe benefits that will be included in the proposed Employment Agreement. The same shall be reported to the HR Coordinator to prepare the necessary documents.

- Annual Salary \$82,600
- Defined Contribution – 7% annually on behalf of employee
- No additional compensation in lieu of overtime (4% has been included in base salary)
- Membership Dues to the ICMA and MLGMA
- Personal time prorated until December 31, 2013 (3 days)
- Termination – either party may terminate upon 30 day written notice
- Performance Evaluation – added language to existing section: “Annual review to be performed 60 days prior to appointment.”

All other items included in draft employment agreement to remain as presented.

Motion unanimously carried.

RESOLUTION 2013-153 Mgr. Salary/Benefits

By Councilwoman Moreno, supported by Councilwoman Bush

RESOLVED, that the salary of the City Manager is hereby established at the rate of \$82,600 per annum, effective April 22, 2013 until January 1st, 2015; and shall receive said benefits as outlined in the employment contract for City Manager. Said salary shall be paid in equal payments on the regular paydays established for classified employees.

Motion unanimously carried.

RESOLUTION 2013-154 Appt. City Manager

By Councilman DiSanto, supported by Councilwoman Moreno

RESOLVED, that Joseph Merucci is hereby appointed to the position of City Manager effective April 22, 2013 for a term to expire January 1, 2015.

FURTHER BE IT RESOLVED, that Mr. Merucci must complete a standard physical exam and pass the background check performed by the Lincoln Park Police Dept.

Motion unanimously carried.

RESOLUTION 2013-155 Set Study Session/City Mgr. Objectives

By Mayor Krause, supported by Councilman DiSanto

RESOLVED, that Mayor and Council schedule a Study Session on May 6, 2013 at 6:30 pm in the John A. Aloisi Council Chambers to discuss the City Manager's job performance objectives.

Motion unanimously carried.

RESOLUTION 2013-156 Set Spec. Mtg/Finances

By Council President Murphy, supported by Councilwoman Moreno

RESOLVED, that Mayor and Council schedule a Special Meeting on April 30, 2013 at 6:30 pm in the John A. Aloisi Council Chambers to discuss City Finances.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business before the Mayor & Council, the meeting adjourned at 9:17 p.m.

PATRICIA KRAUSE, MAYOR

DONNA BREEDING, CITY CLERK