

**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 Father Gerald Cupple, St. Henry's Church

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

ALSO PRESENT: City Manager Greg Capote, City Attorney Ed Zelenak and Deputy Clerk Janice S. Hochberg

Mayor's remarks

**RESOLUTION 2012-349 Minutes**

By Councilman Kandes, supported by Councilman DiSanto

RESOLVED, that the minutes of the Regular Meeting held under the date of November 5, 2012 be approved as recorded.

Motion unanimously carried.

(NOTE: Closed Mtg. held 11-5-12 at 6 pm re: Labor Negotiations)

**PRESENTATION** by Michigan Municipal League of a Dividend Check in the amount of \$94,950

**RESOLUTION 2012-350 Defer Ambulance Service Bid**

By Councilwoman Bush, supported by Councilwoman Moreno

**WHEREAS**, the Cities of Lincoln Park and Southgate are desirous of forming a joint services agreement for ambulance services under the laws of the State of Michigan; and

**WHEREAS**, State Statute, and the respective City Charters authorize City Governments to engage in partnerships for the intended purposes of cost reduction and service interest increases; and

**WHEREAS**, the Cities through their legislative action and power intend to engage in a partnership in order to decrease the cost of operating independently and provide residents more access to enhanced services; and

**WHEREAS**, the State of Michigan has set forth required benchmarks of increased collaboration and concentration of services to ensure that the highest return on value is realized by the residents of this State; and

**WHEREAS**, bids were solicited and reviewed by a committee comprised of the Fire Chiefs and various members of the Cities management teams. The committee is recommending that the contract be awarded to Superior Ambulance Service as they meet all bid specification requirements and are the lowest bidder **NOW, THEREFORE BE IT RESOLVED**, that the Mayor and City Clerk are authorized to execute the Joint Service Agreement on behalf of the City of Lincoln Park.

By Councilman DiSanto, supported by Council President Murphy, that action on the above resolution be deferred for further information.

Motion unanimously carried.

**RESOLUTION 2012-351 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: \$838,215.57

Motion unanimously carried.

**RESOLUTION 2012-352 Charitable Solicitation/Goodfellows**

By Council President Murphy, supported by Councilwoman Bush

RESOLVED, that the Lincoln Park Goodfellows be granted permission to solicit donations on the streets of Lincoln Park December 7-9, 2012, December 15-16, 2012 and December 22-23, 2012 for their "Annual Newspaper Drive". All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

**RESOLUTION 2012-353 Lot Combination/962 Champaign**

By Council President Murphy, supported by Councilwoman Bush

BE IT RESOLVED, that the Lot Combination of Parcel 45-012-01-0048-002, Commonly known as 962 Champaign, with the legal description of ELY 15 FT OF LOT 48 ALSO LOT 49, ALSO SLY 8 FT OF ADJ VAC ALLEY, WASHINGTON GARDENS SUB, PC 48, L34, P18, WCR. And Parcel 45-012-01-0050-001, Commonly known as Vacant Champaign, with the legal description of WLY 22.5 FT OF LOT 50 ALSO SLY 8 FT OF ADJ VAC ALLEY, WASHINGTON GARDENS SUB, PC 48, L34, P18, WCR. Be approved.

Motion unanimously carried.

**RESOLUTION 2012-354 Lot Combination/954 Champaign**

By Councilwoman Bush, supported by Council President Murphy

BE IT RESOLVED, that the Lot Combination of Parcel 45-012-01-0051-002, Commonly known as 954 Champaign, with the legal description of ELY ½ OF LOT 51 ALSO LOT 52 ALSO SLY 8 FT OF ADJ VAC ALLEY, WASHINGTON GARDENS SUB, PC 48, L34, P18, WCR, and 45-012-01-0050-002, Commonly known as Vacant Champaign with the legal description of THE ELY 7.5 FT OF LOT 50 AND THE WLY 15 FT OF LOT 51 ALSO SLY 8 FT OF ADJ VAC ALLEY, WASHINGTON GARDENS SUB, PC 48, L34, P18, WCR. Be approved.

Motion unanimously carried.

**RESOLUTION 2012-355 Lot Combination/1614 Applewood**

By Council President Murphy, supported by Councilwoman Bush

BE IT RESOLVED, that the Lot Combination of Parcel 001-02-0007-000, 1614 Applewood, with the legal description of LOT 7 ALSO S ½ OF LOT 8 ALSO E ½ ADJ VAC ALLEY ECORSE MANOR SUB, PC 475, L35, P66, WCR and Parcel 001-02-0005-000, Vacant Applewood, with the legal description of LOTS 5 AND 6 ALSO E ½ ADJ VAC ALLEY, ECORSE MANOR SUB, PC 475, L35, P66, WCR be approved.

Motion unanimously carried.

**RESOLUTION 2012-356 Lot Combination/1417 Lincoln**

By Councilwoman Bush, supported by Council President Murphy

BE IT RESOLVED, that the Lot Combination of Parcel 45-009-11-0059-000, Commonly known as 1417 Lincoln, with a Legal Description of LOT 59 NEWTON MERRITT SUB, PC 84, L58, P15, WCR and 45-009-11-0060-000, Commonly known as Vacant Lincoln, with a Legal Description of LOT 60 NEWTON MERRITT SUB, PC 84, L58, P15, WCR be approved.

Motion unanimously carried.

**RESOLUTION 2012-357 Official Election Results**

By Councilwoman Bush, supported by Councilman DiSanto

RESOLVED, that the following Proposals regarding Road and Capital Infrastructure Bond and Headlee Override Millage Proposal for General Operating Expenses as presented to the electors of Lincoln Park on Tuesday, November 6, 2012 received the following votes:

Roads and Capital Infrastructure Bond	Yes	5,510
DEFEATED	No	6,614
Headlee Override Millage Proposal (General Operating Expenses)	Yes	4,202
DEFEATED	No	7,579

FURTHER RESOLVED, that the Election Results as Certified by the Board of Canvassers on Wednesday, November 7, 2012 be received and placed on file in the Office of City Clerk.

Motion unanimously carried.

**RESOLUTION 2012-358 Continuation/Joint Management Committee**

By Councilwoman Bush, supported by Councilwoman Moreno

WHEREAS, effective March 1, 1962, a contract was entered by and between the City of Belleville, City of Ecorse, City of Lincoln Park, City of River Rouge, City of Southgate, City of Wyandotte, City of Allen Park, City of Taylor, City of Dearborn Heights, City of Romulus, City of Riverview, Charter Township of Van Buren and Charter Township of Brownstown, (hereafter collectively called "the Municipalities," individually, "the Municipality"), being Cities and Townships located in the County of Wayne, Michigan and the County of Wayne, a Charter County, (hereafter called "The County") for the purposes of establishing the Downriver Sewage Disposal System, (hereafter "the System"), for the treatment and disposal of sanitary sewage emanating from the Municipalities, and

**continued**

WHEREAS, that contract, as amended, provided for the operation of said System by the County, which contract has an expiration date of March 1, 2012, and

WHEREAS, the System has undergone a major expansion and renovation as a result of U.S. EPA and Michigan Department of Environmental Quality mandates which were set forth in a Consent Decree dated May 24, 1994 in the matter of *United States of America, et al vs. Wayne County Michigan, et al*, Civil Action No. 87-70992, filed in the U.S. District Court, Eastern District of Michigan, Southern Division, and

WHEREAS, as a result of said Consent Decree, including the amendments thereto, the System has undergone a major renovation and expansion, the parties have issued bonds in the aggregate amount of approximately \$350 million pursuant to a Financing Plan and Final Judgment entered in the above referenced matter on March 14, 1994, and

WHEREAS, as a result of said expansion and renovation, and the resulting issuance of bond obligations, all of which have substantially changed the System from that originally designed or contemplated at the execution of the original contract, the parties desire to properly reflect the rights and obligations of the parties as their interest presently appear, and

WHEREAS, the contract and past practices establish the County as the entity responsible for operating, managing and controlling the System, while the Municipalities are responsible for funding the operation, maintenance, expansion, renovation, rehabilitation and capital improvements to the System, and

WHEREAS, the County and Municipalities wish to adjust this relationship as to management, operation and control of the System, to allow the Municipalities more involvement in the operation, management and control of the System by forming a Joint Management Committee pursuant to the terms and conditions set forth in the Joint Management Committee Memorandum of Understanding, as revised (Exhibit 1), and

WHEREAS, the purpose of the Joint Management Committee Memorandum of Understanding is to set forth the composition, duties and responsibilities of a Joint Management Committee, which Committee was formed on a one year pilot/experimental basis on January 1, 2002, for the management and control of the System, and

WHEREAS, the Municipalities and the County extended the terms of the Memorandum of Understanding for a period of two years, commencing January 1, 2003, upon the terms and conditions set forth in Section III, paragraph (1) of the Memorandum of Understanding, and

WHEREAS, the Municipalities and the County extended the terms of the Memorandum of Understanding for a period of one year, commencing January 1, 2005, with an option to extend a second year commencing January 1, 2006 provided the option is exercised by the Municipalities and the County no later than 10 days prior to December 31, 2005, and

WHEREAS, the Municipalities and the County exercised their option and extended the term of the Memorandum of Understanding for a period of one year, commencing January 1, 2006; and

WHEREAS, the Municipalities and the County extended the operation of the Joint Management Committee and the term of the Memorandum of Understanding, as revised, for a period of two (2) years commencing January 1, 2007; and

WHEREAS, the Municipalities and the County further extended the operation of the Joint Management Committee and the term of the Memorandum of Understanding, as revised, for a period of two (2) years commencing January 1, 2009; and

WHEREAS, the Municipalities and the County further extended the operation of the Joint Management Committee and the term of the Memorandum of Understanding, as revised for a period of one (1) year commencing on January 1, 2011; and

WHEREAS, the Contract expired on March 1, 2012 and the County pursuant to a letter dated April 2, 2012, confirmed that “The County will also continue to adhere to the most recent Memorandum of Understanding with the Joint Management Committee so long as the parties continue to work in good faith toward adoption of a new sewer disposal contract”; and

WHEREAS, the Municipalities are extremely disappointed and frustrated at the unreasonable delays and lack of progress to date in the negotiation and finalization of a new Downriver Sewage Disposal System Contract (“New Contract”) with the County; and

WHEREAS, the Municipalities are insistent that the County use its best efforts and prioritize the process of concluding negotiations on a New Contract with the Municipalities by March 1, 2013 (the one-year anniversary of the expiration of the Contract); and

WHEREAS, WHILE THE NEGOTIATION OF A New contract is ongoing the Municipalities desire to retroactively extend the existence and operation of the Joint Management Committee past the December 31, 2011 expiration date of the Memorandum of Understanding for an additional term of two (2) years commencing January 1, 2012 and concluding December 31, 2013.

continued

NOW, THEREFORE, BE IT RESOLVED THAT: The City of Lincoln Park hereby approves of and authorizes the full and necessary participation in the Joint Management Committee as extended through December 31, 2013 pursuant to terms and conditions set forth in Exhibit 1.

The city hereby designates the DPS Superintendent as its JMC Representative, and the City Engineer as its alternate representative.

BE IT FURTHER RESOLVED, THAT: The Municipalities and the County use their best efforts and prioritize the process of concluding negotiations, finalizing and executing a new Downriver Sewage Disposal System Contract on or before Friday, March 1, 2013. This Resolution shall take immediate effect.

Motion unanimously carried.

**RESOLUTION 2012-359 Sub-Recipient Agree/Blessed Hope Church**

By Council President Murphy, supported by Councilwoman Moreno

RESOLVED, that the standard Sub Recipient Agreement dated July 1, 2012 between the City of Lincoln Park and Blessed Hope Church, is hereby approved with a budget allocation of \$4,000 and the Mayor and City Clerk are hereby authorized and directed to execute said Agreement on behalf of the City. Funds to come from 38th Program Year CDBG Budget Account Number 24938-75614 "Blessed Hope Church".

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER REPORT

There being no further business before the Mayor & Council, the meeting adjourned at 10 p.m.

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**PATRICIA KRAUSE, MAYOR**

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**JANICE S. HOCHBERG, DEPUTY CLERK**