

REGULAR MEETING

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

Pledge of Allegiance to the Flag.

Invocation by Dr. Russell Bone of Lincoln Park Church of Christ.

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 04-610 Minutes

By Councilwoman Brady, supported by Councilman DiSanto.

RESOLVED, that the minutes of the Regular Meeting held under the date of November 15, 2004 be approved as recorded.

Motion unanimously carried.

Moved by Councilman DiSanto, supported by Council President Kandes that the minutes of the Special Meeting held November 15, 2004 at 6:30 p.m. regarding Superintendents for the Dept. of Public Works-Interviews are approved as printed.

RESOLUTION 04-611 Re-appt. J. Carnahan/Library Comm.

By Councilman DiSanto, supported by Councilman Higgins.

RESOLVED, that Jean Carnahan be re-appointed to the Lincoln Park Library Commission for a three-year term to expire November 28, 2007.

Motion unanimously carried.

RESOLUTION 04-612 Est. Salary Finance Director

By Councilwoman Brady, supported by Councilman DiSanto.

RESOLVED that the salary of Director of Finance is established at the rate of \$68,000 per annum effective December 13, 2004 until January 5, 2005. Compensation shall include those items commonly referred to as fringe benefits that are contained in the Lincoln Park Administrators Association Collective Bargaining Agreement.

Motion unanimously carried.

RESOLUTION 04-613 Appt. S. Moreno/Director of Finance

By Councilman DiSanto, supported by Councilman Higgins.

RESOLVED, that Suzanne Moreno be appointed Director of Finance for the City of Lincoln Park effective December 13, 2004 until January 5, 2005; with compensation and fringe benefits

Motion unanimously carried.

RESOLUTION 04-614 Award Bid/Tree Removal/Rhino Contracting

By Councilman Vaslo, supported by Councilman DiSanto.

RESOLVED, that **Rhino Contracting, Inc.** be **awarded** the bid for the **removal of diseased ash trees** within the City in the **amount of \$16.95 per inch** (diameter of tree) which includes cutting, stumping, removal, disposal and seeding; as they are the lowest bidder who meets all specifications. Per the recommendation of the Superintendent of DPS and Purchasing Agent. Funds to come from Account #202-468-783.

Motion unanimously carried.

RESOLUTION 04-615 Appr. Lot Combination/1044 Liberty

By Council President Kandes, supported by Councilman Higgins.

RESOLVED, that the Lot Combination for Lot 1787 Parcel No. 012-08-1787-000 and Lot 1788, Parcel No. 012-08-1788-000, EMMONS ORCHARD SUB NO. 2, be approved.

Parcel #1 – 012-08-1787-000 – More commonly Known as Vacant Liberty Lot.

LOT 1787 ALSO S. ½ ADJ VAC ALLEY, EMMONS ORCHARD SUB NO. 2, PC 48, L41, P88, WCR, and

Parcel #2 – 012-08-1788-000 – More Commonly Known as 1044 Liberty.

LOT 1788 AND 1789 INCL ALSO S ½ ADJ VAC ALLEY EMMONS ORCHARD SUB NO. 2, PC 48, L41, P88, WCR.

To be combined as follows:

LOT 1787 TO 1789 INCL., ALSO S ½ ADJ VAC ALLEY, EMMONS ORCHARD SUB NO. 2, PC 48, L41, P88, WCR.

Motion unanimously carried.

RESOLUTION 04-616 Appr. Lot Combination/Vacant Morris Lots

By Council President Kandes, supported by Councilman Vaslo.

RESOLVED, that the Lot Combination for Lot 349, Parcel No. 004-03-0349-000 and Lot 350, Parcel No. 004-03-0350-000, DIX BOULEVARD VILLAS SUB, be approved.

Parcel #1 – 004-03-0349-000 – More Commonly Known as Vacant Morris Lot.

LOT 349, DIX BOULEVARD VILLAS SUB, PC 59, 51, L49 P42, WCR, and

Parcel #2 – 004-03-0350-000 – More Commonly Known as Vacant Morris Lot.

LOT 350, DIX BOULEVARD VILLAS SUB, PC 59, 51, L49, P42, WCR.

To be combined as follows:

LOT 349 AND 350, DIX BOULEVARD VILLAS SUB, PC 59, 51, L49, P42, WCR.

Motion unanimously carried.

RESOLUTION 04-617 Adopt Defined Contribution Definitions

By Councilman Vaslo, supported by Council President Kandes.

RESOLVED, that the following first addendum to the defined contribution adopted on Monday, November 15, 2004, be approved and incorporated into the defined contribution plan:

Definitions:

“Employees” shall exclude part-time employees, elected officials, and members of the boards and commissions. Specific conditions of participation are controlled by the applicable collective bargaining agreement.

Motion unanimously carried.

RESOLUTION 04-618 Change Req. #1/Historical Museum Re-roof

By Councilwoman Brady, supported by Councilman Higgins.

RESOLVED, that the Mayor and Council approve **Change Request Number One** for the “**Historical Museum Re-roofing Project**”. This change request approves the costs associated with extra work completed on the project.

BE IT FURTHER RESOLVED, that the costs associated with the change request, **\$4,470.00**, will be funded by the contingency fund for the project and the funds shall come from the Museum Funds Account Number 101 000 373.

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the City Manager to sign the official change order on behalf of the City.

Motion unanimously carried.

RESOLUTION 04-619 Annl Used Auto License/2323 Dix

By Council President Kandes, supported by Councilman DiSanto.

RESOLVED, that Downriver Collision Shop and Motor Sales, 2323 Dix, Lincoln Park, be granted their “Annual 2004 Used Auto Dealers License”. Per the recommendation of the Police Dept., Fire Dept. and Building Department.

Motion unanimously carried.

RESOLUTION 04-620 Proposed Ord. Amend/Taxicab Rates

By Councilman Vaslo, supported by Councilman Higgins.

RESOLVED, that "THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK SHALL BE AMENDED BY REPEALING THE EXISTING SECTION 882.13 RATES OF FARE (TAXICABS) AND REPLACING IT WITH A NEW SECTION 882.13", be given its First and Second Reading by Title Only.

THE CITY OF LINCOLN PARK ORDAINS:

That Section 882.13 of the Codified Ordinances of the City of Lincoln Park be repealed and replaced with a new Section 882.13, which new Section shall read as follows:

882.13 RATES OF FARE.

Motion unanimously carried.

RESOLUTION 04-621 Terminate Clean Water Act Consent Decree

By Councilman Vaslo, supported by Council President Kandes.

WHEREAS, the City of Lincoln Park is a member of the Wayne County Downriver Sewage Disposal System (the "System"), and as such, is a party to a certain civil enforcement action entitled United States of America, et.al, v. Wayne County, Michigan, et. al., Civil Action No. 87-70992, pending before the Honorable John Feikens in the United States District Court for the Eastern District of Michigan, Southern Division, which was instituted by the United States Environmental Protection Agency ("USEPA") and the Michigan Department of Environmental Quality ("MDEQ"), (collectively the "Agencies") for the purpose of requiring the County of Wayne and the tributaries to the Downriver Sewage Disposal System (the "Communities") to make the necessary improvements to the System that would enable the County and the Communities to meet the requirements of the Federal Clean Water Act, 33 USC 1251-1387, the Michigan Water Resources Commission Act, now known as Part 31 of the Natural Resources and Environmental Protection Act, MCL 324.3101, 324.3119 (the "Acts") and the applicable NPDES permits issued pursuant to said Acts and maintaining eligibility for State Revolving Fund assistance;

WHEREAS, the parties to the above-captioned suit entered into a Consent Decree on May 24, 1994;

WHEREAS, the parties to the above-captioned suit executed a First Amendment to the Consent Decree on March 5, 1998;

WHEREAS, the parties to the above-captioned suite executed a Second Amendment to the Consent Decree on October 16, 1998;

WHEREAS, the Communities have met the goals and purposes of the Consent Decree, as amended;

WHEREAS, the parties have, nevertheless, been involved in a dispute arising from allegation by the Agencies that the Communities have violated various provisions of the consent Decree, as amended;

WHEREAS, the parties have agreed to forego further litigation, and settle and resolve the dispute for the sum of \$650,000 in the best interest of the parties and their constituents; and

WHEREAS, the parties have also agreed to terminate the Consent Decree following the entry of a settlement agreement;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Lincoln Park hereby approves of the execution of the "Stipulated Agreement Among All Parties Resolving All Outstanding Consent Decree Violations" ("Stipulated Agreement") which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Mayor and Council of the City of Lincoln Park hereby approves the execution of the "Joint Motion and Brief Among All Parties to Terminate the Consent Decree", ("Joint Motion"), which is attached hereto as Exhibit B, immediately following the entry of the Stipulated Agreement.

BE IT FURTHER RESOLVED, that this Resolution shall satisfy any act deemed necessary by the Agencies to effectuate the execution and entry of the Stipulated Agreement and Joint Motion. Motion unanimously carried.

RESOLUTION 04-622 Repair Sanitary & Storm Sewer/Helen Ave.

By Councilwoman Brady, supported by Councilman Vaslo.

WHEREAS, problems with the sanitary and storm sewer runs located along Helen Avenue at the alley just south of Old Goddard were discovered, and

WHEREAS, it is always in the best interest of the City to correct sewer problems in a timely manner.

BE IT RESOLVED, that the Mayor and Council authorize **RJ&J Enterprises to repair the sanitary and storm sewer runs**, as determined by the City's Water and Sewer Department, and per the "Sanitary and Storm Sewer Repair Contract" with RJ&J Enterprises.

BE IT FURTHER RESOLVED, that the funds for the cost of the work **\$79,966.90**, will be appropriated from the Water and Sewer Replacement Reserve item of the budget, Account Number 592 527 980R.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 9:03 p.m.

STEVEN M. BROWN, MAYOR

DONNA BREEDING, CITY CLERK