

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 Doug Wells of Lincoln Park Church of Christ

PRESENT: Councilpersons Donna Breeding, Michael Higgins, Larry Kelsey, Thomas Parkinson, Lylian Ross and Carlos Salcido

ALSO PRESENT: City Manager Matt Coppler, City Attorney Ed Zelenak and City Clerk Kerry A. Kehrer

Mayor's remarks

RESOLUTION 2018-369 Approve Consent Agenda

By Councilman Kelsey, supported by Councilman Higgins

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 December 3, 2018, 2018
2. Approve Minutes/Special Meeting held December 3, 2018 re: Flood Litigation
3. Accept Minutes/Study Session/Justice Center Study held December 3, 2018
4. Accept Election Results/Certified by County
5. Approve "Jack Frost Jamboree"/Feb 1 & 2

Motion unanimously carried

ca-1 **RESOLUTION 2018-370 Approve Minutes/Regular Meeting**

RESOLVED, that the minutes of the Regular Meeting held under the date of December 3, 2018 be approved as recorded.

Approved.

ca-2 **RESOLUTION 2018-371 Approve Minutes/Special Meeting**

RESOLVED, that the minutes of the Special Meeting regarding Flood Litigation, held under the date of December 3, 2018 at 7:00pm be approved as recorded.

Approved.

ca-3 **RESOLUTION 2018-372 Accept Minutes/Study Session/Justice Center**

RESOLVED, that the minutes of the Study Session regarding Justice Center, held under the date of December 3, 2018 at 6:00pm be accepted as recorded.

Approved.

ca-4 **RESOLUTION 2018-373 Accept Election Results/Certified by County**

RESOLVED, that the results of the General Election held under the date of Tuesday, November 6, 2018 be accepted as certified by the Wayne County Board of Canvassers on November 20, 2018.

BE IT FURTHER RESOLVED, that the following results be recorded as follows:

Mayor	Thomas E. Karnes	8,568
City Clerk	Kerry Kehrer	5,523
	Frank Vaslo	4,142
Treasurer	Patricia Lulko	8,031
City Council	Donna Breeding	5,866
	Carlos Salcido	4,942
	Lylian Ross	4,637
	Michael S. Higgins	4,545
	Larry F. Kelsey	3,728

continued.

Tom Parkinson	3,457
Eric Szor	3,275
Sean Stansberry	2,831
Rikki Varieur	2,123
Michelle Roberts	3

Per the recommendation of the City Clerk.
Approved.

ca-5 **RESOLUTION 2018-374 Approve “Jack Frost Jamboree”/Feb 1 & 2**
RESOLVED, that the Mayor and Council hereby authorize the use of Memorial Park for the “Annual Jack Frost Jamboree” event sponsored by the City of Lincoln Park. The family event and craft show will be held on February 1, 2019 from 4:00p.m. - 9:00 p.m. & February 2, 2019 from 12:00 p.m. - 7:00 p.m. at the Lincoln Park Bandshell and Memorial Park.
FURTHER, BE IT RESOLVED, that the event shall comply with Ordinance 666.04(a) 2-NOISE.
Approved.

RESOLUTION 2018-375 Schedule Study Session/Road Bond Project

By Council President Breeding, supported by Councilman Higgins
WHEREAS, the Mayor and City Council wish to schedule a study session to discuss the Road Bond Project that was adopted by voters in 2013.
NOW, THEREFORE, BE IT RESOLVED, that Mayor and Council schedule a Study Session to discuss the Road Bond Project for Monday, January 7, 2019 at 6:30 PM in the John A. Aloisi Council Chamber, 1355 Southfield Rd., Lincoln Park, MI.
Motion unanimously carried.

RESOLUTION 2018-376 Sch. Study Session/Joint Court Facility Location

By Council President Breeding, supported by Councilman Parkinson
WHEREAS, the Mayor and City Council wish to schedule a study session to get input from citizens on the proposed joint court and police facility and its proposed location at Quandt Park.
NOW, THEREFORE, BE IT RESOLVED, that Mayor and Council schedule a Study Session to discuss the proposed joint court and police facility and its proposed location at Quandt Park for January 3, 2019 at 6:30 PM in the John A. Aloisi Council Chamber, 1355 Southfield Rd., Lincoln Park, MI.
Motion unanimously carried.

RESOLUTION 2018-377 Approve MDOT Right of Way Permit

By Councilman Kelsey, supported by Councilwoman Ross
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 utilities 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 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 the Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employees’s against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or

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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 the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor of subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.

4. 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.

5. The GOVERNMENTAL AGENCY 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.

6. With respect to any activities authorized by a 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.

7. 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.

8. 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 provided 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:

D.P.S. Superintendent – John Kozuh
City Manager – Matthew Coppler

Motion unanimously carried.

RESOLUTION 2018-378 Wayne County RoW Permit/Maintenance

By Council President Breeding, supported by Councilman Parkinson

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, annual maintenance work, and for other purposes 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, and

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq.*, the County permits and regulates such activities noted above and related temporary road closures.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the "Permit"), the Community agrees and resolves that:

Any work performed for the Community by a contractor of 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 subcontractor.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly

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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.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution 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.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit I signed by the Community's authorized representative.

BE IT FURTHER RESOLVED, that the following individual(s) is/are authorized in their official capacity as the Community's authorized representative to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne, Department of Public Service Engineering Division Permit Office for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

John Kozuh	Director of Public Services
Matthew Coppler	City Manager

Motion unanimously carried.

RESOLUTION 2018-379 Wayne County RoW Permit/Concrete

By Councilman Higgins, supported by Council President Breeding

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, annual maintenance work, and for other purposes 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, and

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq.*, the County permits and regulates such activities noted above and related temporary road closures.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the "Permit"), the Community agrees and resolves that:

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 subcontractor.

The Community 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 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.

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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.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution 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.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit I signed by the Community's authorized representative.

BE IT FURTHER RESOLVED, that the following individual(s) is/are authorized in their official capacity as the Community's authorized representative to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne, Department of Public Service Engineering Division Permit Office for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

John Kozuh Director of Public Services

Matthew Coppler City Manager

Motion unanimously carried.

RESOLUTION 2018-380 Award Bid/Planning Services

By Councilman Kelsey, supported by Councilman Parkinson

WHEREAS, the City of Lincoln Park recently competitively bid the provision of Planning and Economic Development Services; and

WHEREAS, the City received three proposals from firms capable of providing Planning and Economic Development Services; each firm was interviewed by staff to determine their abilities relative to the needs of the City of Lincoln Park.

WHEREAS, following the consultant interview, staff reached the consensus that Beckett & Raeder, Inc., should continue as the City's planning and economic development consultant and hereby make that recommendation to Mayor and City Council.

NOW, THEREFORE, BE IT RESOLVED, that Mayor and Council approve the agreement for professional services with Beckett & Raeder, Inc. of Ann Arbor, Michigan to provide Planning and Economic Development Services; and

BE IT FURTHER RESOLVED, that Mayor Thomas E. Karnes and City Clerk Kerry Kehrer are authorized to execute said agreement on behalf of the City of Lincoln Park.

Motion unanimously carried.

RESOLUTION 2018-381 Approve 2019 Road Project Engineering Services

By Councilman Kelsey, supported by Councilman Higgins

WHEREAS, the Mayor and City Council met in a study session to discuss the options for the 2019 Road Improvement Program; and

WHEREAS, the Mayor and Council select the recommended Option presented for the 2019 Road Improvement Program; and

WHEREAS, Hennessey Engineering Inc., is the City of Lincoln Park's contracted Engineering Firm and will provide design and bidding services for the Asphalt Milling and Resurfacing Program as well the Concrete Section and Road Reconstruction Programs.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and City Council authorize Hennessey Engineering Inc., to proceed with the design and bidding services for the 2019 Roads

Improvement Program at a cost not to exceed \$103,700 to come from account number 450-000-821000, Road Capital Engineering.

Motion unanimously carried.

RESOLUTION 2018-382 Schedule Study Session/Community Development

By Councilman Higgins, supported by Councilwoman Ross

WHEREAS, the Mayor and City Council wish to schedule a study session to discuss Community Development related issues and opportunities with all relevant Boards and Commissions.

continued.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council schedule a Study Session to discuss Community Development related issues and opportunities with all relevant Boards and Commissions for Thursday, February 14, 2019 at 7:00 PM in the Senior Center at 3240 Ferris Avenue, Lincoln Park, MI; and

BE IT FURTHER RESOLVED, that the Downtown Development Authority, the Economic Development Commission, the Planning Commission, the Parks and Recreation Commission, and the Community Improvement Commission be invited to this meeting.

Motion unanimously carried

RESOLUTION 2018-383 Accounts & Claims Payable

By Mayor Karnes, supported by Councilman Salcido

RESOLVED, that the Accounts and Claims Payable for those items greater than \$25,000 be approved as follows:

BS & A Software	Annual Support/Service Fees	\$ 35,803.00
DVM Utilities Inc	SAW Grant Sanitary Sewer Cleaning & Television Investigating	\$ 25,436.29
GV Cement Contracting	Dog Pound Foundation	\$ 43,606.50
Gorno Ford Inc	(2) 2019 Ford F-550	
	(2) 2019 Ford F-250	\$235,852.00
Great Lakes Water Auth.	Oct 2018 Water	\$199,494.31
Hard Rock Concrete	2018 Road Reconstruction & Water main Replacement	\$243,276.51
Hennessey Engineers	General Consulting	\$ 300.08
	DSWD TAC & AWG Consulting	\$ 37.84
	SAW Grant	\$ 1,833.48
	SAW Grant Cleaning & Utilities	\$ 774.40
	Kennedy Memorial Roof	\$ 158.40
	Gohl Ave & Montie Ave	\$ 10,176.54
	Concrete Sectioning	\$ 8,522.58
	Lafayette Ave Intersection	\$ 10,127.50
	123 Net Underground	\$ 454.08
	Comcast Cable Plan Review	\$ 400.00
	Auto Repair Plan Review	<u>\$ 250.00</u>
		\$ 33,034.90
KS Statebank	Annual Debt Payment for Freightliner, Gap Vax Truck and Water Repair Truck	\$109,248.24
MERS	Nov 2018 Defined Benefit	\$206,503.02
City of Riverview	Oct 2018 Dumping Service	\$ 28,535.58

By Councilwoman Ross, supported by Councilman Kelsey

RESOLVED, that the above resolution be amended to include the following items:

DTE Streetlights	\$ 43,746.31
DUWA	\$174,807.57

Motion unanimously carried.

ROLL CALL vote on amended resolution.

Motion unanimously carried.

CITY MANAGER REPORT

DEPARTMENT HEAD REPORT - Library

CITIZEN COMMUNICATIONS (City related matters only.)

ORAL REPORTS OF THE MAYOR AND COUNCIL

RESOLUTION 2018-384 Adjournment

By Councilman Salcido, supported by Councilman Parkinson

RESOLVED, that the meeting be adjourned at 9:40 p.m.

Motion unanimously carried.