



A G E N D A

CITY COMMISSION MEETING

Monday, June 16, 2014

7:00 PM

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Announcements, Acknowledgments and Communications and Reports.

Presentation by Dave Boerger from SEMCOG of the Mount Clemens Fiscal and Operational Assessment.
5. Adoption of Agenda.
6. Public Participation.
7. Administrative Response to Issues or Questions Raised During Previous Meetings.
8. Approval of Minutes.
9. General Business.

9-A ó Request Approval to Enter into the Amended Agreement with Oakland University for the Lease of Additional Parking Spaces in the Municipal Parking Lots.

9-B ó Request Approval to Continue the Publication and Distribution of the City Newsletter through C & G Newspapers.

9-C ó Approve Purchases and Payment of Invoices.

10. Consent Agenda.

10-A ó Request Approval of the 2014 Daughters of Macomb Parade on Thursday, August 7, 2014.

11. City Manager's Report.

12. Commissioner's Comments.

13. Executive Session.

To Consider Negotiations Regarding Collective Bargaining Agreement.

14. General Business (continued).

14-A a Request Approval of the July 1, 2013 a June 30, 2016 Firefighters Collective Bargaining Agreement.

15. Adjournment.

The City of Mount Clemens will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon one week-notice to the City of Mount Clemens. Individuals with disabilities requiring auxiliary aids should contact the City of Mount Clemens by writing or calling the following:

City Clerk's Office
One Crocker Boulevard
Mount Clemens, Michigan 48043
586.469.6818, Extension 310
911 - TDD

EXPLANATION OF AGENDA – June 16, 2014

Announcements, Acknowledgments and Communications and Reports

1. Presentation by Dave Boerger from SEMCOG of the Mount Clemens Fiscal and Operational Assessment.

City staff has been working with consultants from SEMCOG's Local Government Efficiency and Collaboration Unit to ensure the City government is operating as efficiently as possible by completing both a Fiscal Analysis and an on-site Fiscal & Operational Assessment. City staff met with SEMCOG on April 30. SEMCOG's Assessment is attached. Dave Boerger will make a presentation at the June 16 City Commission meeting.

June 9, 2014

Robert Bruner, Interim City Manager
City of Mount Clemens
One Crocker Blvd
Mount Clemens, MI 48043

Dear Bob,

The SEMCOG Fiscal and Operational Consulting Team spent the day with you and your department heads on Wednesday, April 30th performing a fiscal and operational assessment for each department. Thank you for transcribing the material from the easel charts we used for the report outs at the wrap-up session. The final edited copy is included (Attachment I) and a summary of our recommendations follows. In addition, the peer group information is provided in Attachment II that reflects the updated lists of comparable communities you requested. And finally, Attachment III includes best practices for successful ballot measures.

Recommendations include:

- Based on the review of Mount Clemens financial and operational results, SEMCOG confirms that a charter amendment ballot proposal to raise the City's millage rate cap from 15 to 20 mills is an appropriate next step to offset deficits created by major property tax and state revenue drops created by the Great Recession. Mount Clemens operates very efficiently with cost per capita of \$623 and staffing levels of 2.8 personnel per 1000 residents, both well below comparable SE Michigan benchmarks.
- Assuming the ballot measure passes, the following recommendations are provided:
 - Develop and fund a capital improvement plan, as the belt tightening over the last several years has significantly deferred spending for roads, facilities and equipment
 - Fund legacy costs – establish defined contribution (DC) pension and close defined benefit (DB) and fund other post employment benefits (OPEB) liabilities to 15%
 - Enhance revenues by improving the assessing process, adjusting fees to cover cost and take steps to maximize property values by encouraging home improvements while aggressively addressing any blight issues. Also consider Payment in Lieu of Taxes (PILOT) for ***existing*** non-profits and cost recovery for public safety.
 - Share services with neighbors, especially the County, for facilities, IT, HR, etc

- Hire selectively (especially part timers) in order to restore service in critical areas.
 - Enhance economic development efforts, as organic growth is the only way to grow revenues beyond the rate of inflation. Fully leverage the DDA and the County Seat location
 - Re-quote all outside contracts – push for cost reductions in exchange for longer-term contracts. Lease rather than purchase whenever economically justified.
 - Survey your citizens for their input regarding service satisfaction, service importance and potential budgetary actions – SEMCOG can help.
 - Pursue more on-line services by fully leveraging outside/County IT sources
 - Fix or eliminate Paid on Call firefighter approach
 - Aggressively pursue grants – collaborative grants have 85% greater chance of approval.
 - All department heads are encouraged to search SEMCOG’s AgileGov on-line database of over a thousand successfully implemented cost savings ideas from other communities around the region.
 - Obtain a level III license for the SEMCOG’s Munetrix Fiscal Database and use the information to enhance fiscal analysis, transparency & EVIP submissions.
- If the ballot measure fails, the following drastic actions will be necessary to avoid a financial emergency:
 - Aggressively pursue contracting all major services with other communities, the County or private sources (i.e., Fire, Assessing, Treasurer, Payroll, HR, DPS, etc.).
 - Re-open all existing contracts and target 15% cost reductions, including renegotiating new terms with unions and retirees to reduce legacy liabilities.
 - Cut all non-critical services and internal expenses; move to 4-day operations, with extended hours one day for citizen convenience.

As a valued SEMCOG member, we appreciate the opportunity to work with you and your team. Should there be a desire to have this information presented to the City Commission or should any other services be needed, please do not hesitate to ask.

Sincerely,



Dave Boerger

Attachments (3)

Mount Clemens Fiscal & Operational Assessment by Department

City Manager & City Clerk

Department Overview

- Staffing
 - City Manager's Office – 2 full-time
 - City Clerk's Office – 2 full-time
- Vacant Department Heads
 - Human Resources Director
 - Utilities Director
- Elected Officials
 - 7 positions including Mayor (commission tends to be split)
- Pay freezes and benefit cuts
 - Department Heads - 5% last five years
 - All doing more with less
- Charter Amendment
 - Increase to 20 mils – August primary – raises ~\$2.0m if fully levied
- Deficit Spending
 - \$1.1 million in proposed budget – fund balance gone 2017

Recommendations (if Charter Amendment is approved)

- Offset existing deficit to maintain fund balance
- Fund legacy costs – establish defined contribution (DC) pension and close defined benefit (DB) and fund other post employment benefits (OPEB) liabilities to 15%
- Establish & fund a Capital Improvement Plan for roads, facilities and equipment
- Adjust gradually staffing wages after compensation study
- Enhance IT services, software and equipment – leverage BYOD (bring your own device) and Cloud computing
- Training enhanced/restarted

Recommendations (if Charter Amendment is not approved)

- Petition State for emergency help via preliminary review
- Outsource all services possible – especially to County – renegotiate all contracts – package deal with County.
- Cut all non-critical services – have a contingency plan if ballot measure fails
- Fire Department consolidation with neighboring communities

Finance

Department Overview

- Employees-
 - Accounting – 3 full-time
 - Assessing – Contracted Assessor and one full-time position
 - IT - Contracted
 - Purchasing – 1 full-time
 - Treasurer’s Office - 3 full-time
- Excellent financial systems in place
- Infrastructure issues (roads/buildings)
- Charter Amendment ballot proposal
- Lack of debt bonding Ability
- Delinquent parking ticket collection lacking – missed revenue
- Utilities – lack of required capital expenditures
- Unfunded liabilities, especially OPEB
- 47% of property TAX EXEMPT
- IT risk – outdated software & equipment

Ideas & Recommendations

- Streamline payroll process/outsource
- Move IT to County servers
- Consider move City Hall to County Building (old bank location)
- Increase community involvement (surveys, polls, etc.)
- Leverage DDA more effectively to enhance economic development
- Market Mount Clemens
 - County seat blooming
- Help homebuyers buy downtown homes in need of repair
- Change vision of /perception of Mount Clemens
- Reorganize City Hall so Finance Department staff is together on the same floor
- Replace the web site
- Explore PILOT for payment in lieu of taxes
- Get Charter Amendment passed
- Pursue cost recovery

Human Resources

Department Overview

- Staffing Reductions
- Concessions
 - No pay increases for department heads since July, 2007/bargaining units since July, 2009/non-bargaining administrative staff since July, 2007 for some and July, 2009 for others.
 - Current bargaining agreements that have been settled do not call for any increases through June 30, 2015.
 - Department Heads received a 5% decrease in November, 2010. Three of the current department heads still maintain that rate.
 - Health Care Changes implemented to reduce costs
 - Retiree health care changes – retirees voluntarily made changes to their health insurance in December, 2010 (cost savings approximately \$120,000)
- Police Services outsourced resulting in increased service with decreased costs
- Union contracts settled
- New employees defined contribution (DC) vs. defined benefit (DB), however no DC plan has been implemented
- Past Human Resources Director retired February 28, 2014
- Interim City Manager has redistributed duties among existing staff

Ideas & Recommendations

- Test redistribution of duties among existing staff during maternity leave and adjust as needed
- Share as many administrative services as possible with the County
- Complete plans to convert from defined benefit (DB) to defined contribution (DC) retirement
- Understand implications of the Affordable Care Act (ACA) and implement changes as needed

Fire Department

Department Overview

- One fire station
- 12 full-time firefighters - all line personnel; one full-time Administrative Assistant; two engines, one ladder truck, one utility truck and trailer, and one rescue van
- System licensed as Medical First Responders (MFR's)
- Firefighter's - Basic Emergency Medical Technicians (BEMT) and Advanced Emergency Medical Technicians (AEMT)
 - Hazmat, Tech rescue technician level
- City currently in discussion to form Fire Authority with Sterling Heights, Harrison Township and Clinton Township
- Mutual Aid (Macomb County)
 - Automatic Aid for full first alarm (Harrison Township)

Challenges

- No Chief for the past 14 years – “pyramid organization with no point”
- Senior Captain performs role with no real authority
- Reduced minimum staffing levels (overtime expenses have reduced-minimum staffing & callbacks)

Ideas & Recommendations

- POC (paid on call) Program. (Volunteer Firefighters)
 - Provides little benefit for the \$50,000 per year cost s currently utilized
 - Either change structure or disband
- Review vehicle maintenance program
- Continue pursuing grant opportunities
- Develop cost recovery program

Department of Public Services (DPS)

Department Overview

- 11 functions – Local Roads/Major Roads/Sanitation/Forestry/Motor Pool/Parks/Parking/ Animal Control/Dial-A-Ride/Engineering/Traffic Control
 - Local/Major Roads Surface Maintenance/Forestry: three Maintenance Workers and one Crew Leader who also assists in Sanitation and Engineering
 - Motor Pool: one Mechanic with one Mechanic position vacant
 - Parks: one Maintenance Worker and one Crew Leader
 - Traffic Control: one Traffic Technician that also assists in Local/Major Roads/Forestry/Parks/Engineering
 - Parking: one Parking Enforcement one part-time Maintenance and Collections
 - Animal Control: one Animal Control Officer who splits time between Animal Control and Parking Enforcement
 - Dial-A-Ride: one Supervisor two part-time Dispatchers eight part-time drivers
 - DPS Administration: one Director one Clerical
- Annual budget – approximately \$4m including 13 full-time employees (one position vacant) and 12 part-time (7.5 staffing cuts since 2007 and pay freeze for past five years)
- Facilities and Equipment – 1960's building and 1980's equipment, all outdated.
- Secured over \$6.2 million in department grants over last six years

Recommendations (if Charter Amendment is approved)

- Road repairs – major and especially local streets – use as leverage point for ballot measure
- Update the DPS equipment – include in Capital Improvement Plan
- Restore some DPS staffing and training – will improve morale
- Increase street sweeping and leaf pickup services
- Gradually restore compensation to more competitive levels (use MML for guidance)

Recommendations (if Charter Amendment is not approved)

- Go to County and outsource as many functions as possible and renegotiate existing contracts – package deal and quantity discounts (animal control, motor pool, snow plowing, parking, parks, etc.)
- Keep pushing the grants – collaborative grants (85% greater approval)
- Enforce Leaf Ordinance – the City cannot afford to collect leaves
- Cut services for everything DPS related except snow plowing

Community Development

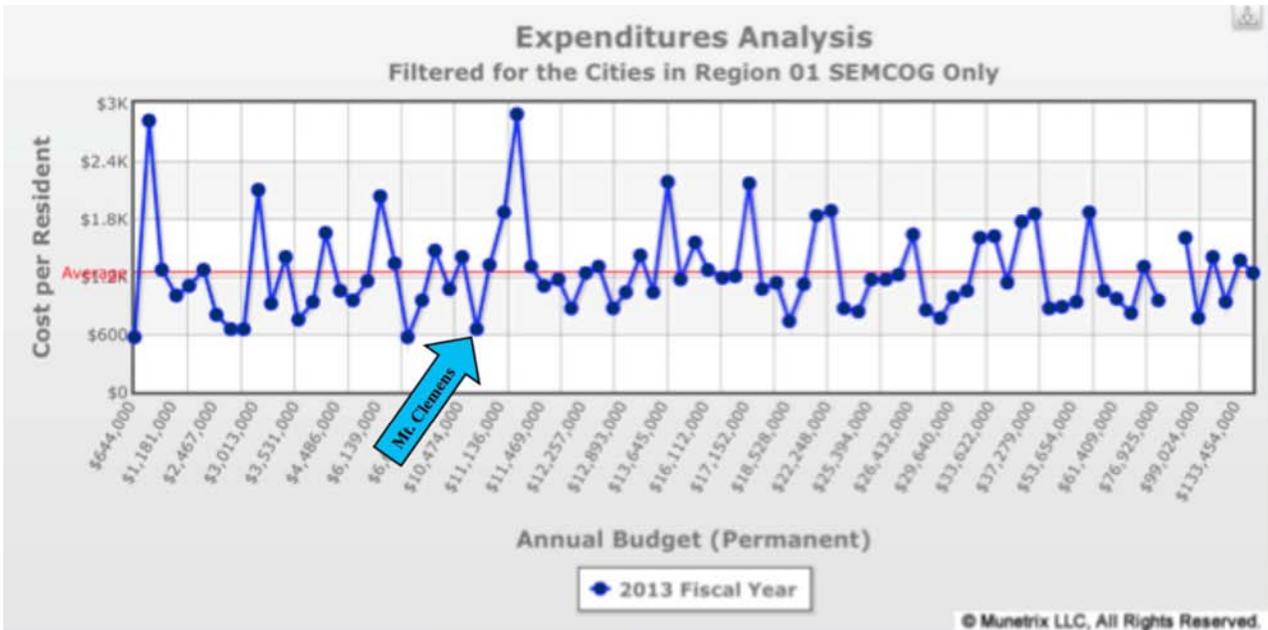
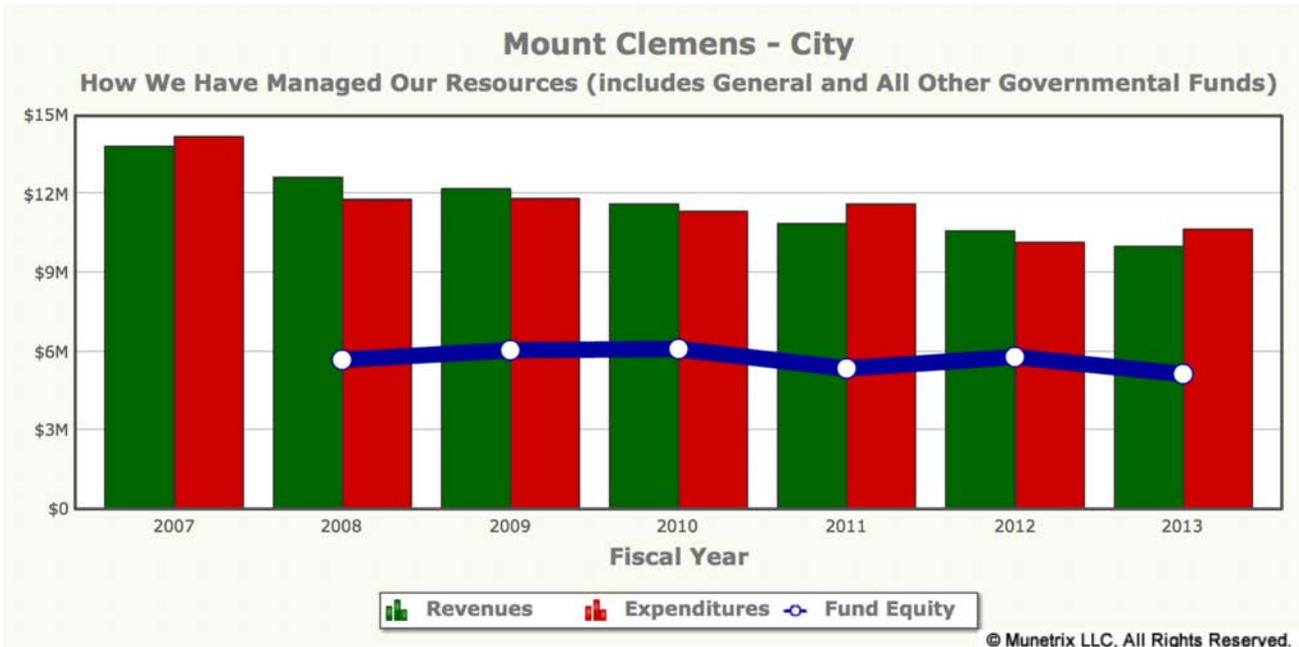
Department Overview

- Stand-alone department
 - Building inspections/rentals/land-use zoning/economic development/code enforcement
- Employees
 - 4 full-time and one open position
 - 4 contracted inspectors
 - 1 engineering firm
- What's holding us back
 - Lack of manpower
 - Director spending a lot of time on Administrative duties
 - Less time on economic development
 - Cross train code enforcement/rental
- Lack of time for proactive items
 - Economic Development
 - Land-use planning

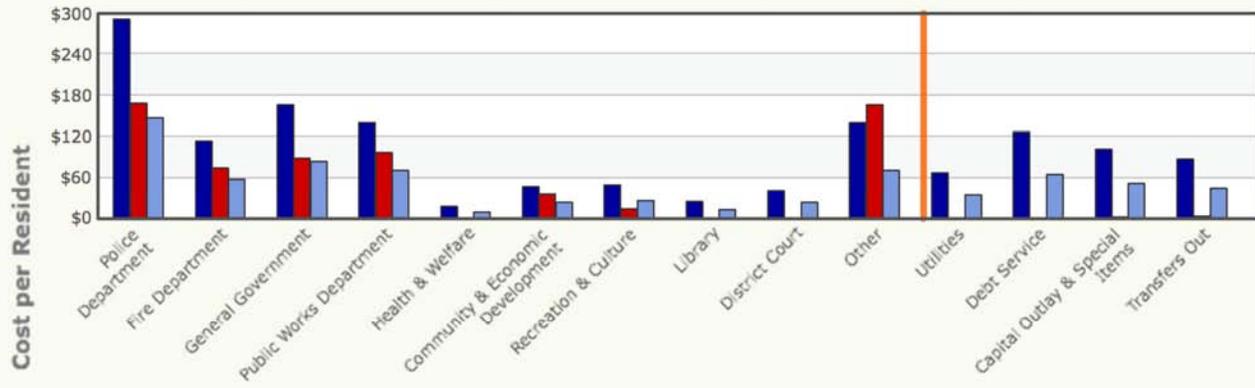
Ideas & Recommendations

- Improve availability of inspectors to community
- Web Site
 - Better utilize web site (rental registrations)
 - Redo/leverage web site and potential capabilities
- Leverage DDA
 - Create formal relationships
 - Get something for the City providing support
- Intern Program
 - High school for administrative support
 - Colleges for project/analysis work
- Leverage being the County Seat
 - Partner on Economic Development
 - Enhance the City's role
- Identify beneficial relationships with bordering communities
- Leverage Clinton River Watershed Council
- Market Mount Clemens
- Shift to business development /attraction/retention

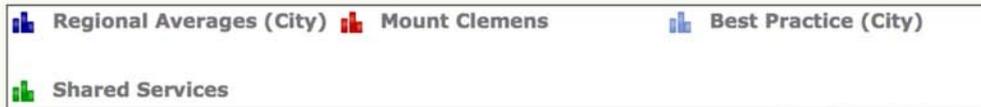
Mount Clemens Peer Groups Comparable Analysis



How Mount Clemens allocates its money - 2013



General and All Other Governmental Funds



Similar Population Peer Group

Municipality	Type	Lies Within	Total Expenditures	Population	Cost Per Resident	*Peer Rank
Berkley	City	Oakland County	\$12,479,891	14,970	\$834	2
Fraser	City	Macomb County	\$17,771,035	14,480	\$1,227	8
Grosse Pointe Woods	City	Wayne County	\$18,091,353	16,135	\$1,121	4
Harper Woods	City	Wayne County	\$17,121,819	14,236	\$1,203	7
Hazel Park	City	Oakland County	\$17,996,083	16,422	\$1,096	3
Mount Clemens	City	Macomb County	\$10,171,189	16,314	\$623	1
Trenton	City	Wayne County	\$21,635,003	18,853	\$1,148	5
Wayne	City	Wayne County	\$27,335,843	16,402	\$1,667	9
Ypsilanti	City	Washtenaw County	\$23,222,399	19,435	\$1,195	6

Similar Taxable Value per Capita Peer Group

Municipality	Type	Lies Within	Total Expenditures	Population	Cost Per Resident	*Peer Rank
Belleville	City	Wayne County	\$2,578,568	3,991	\$646	2
Center Line	City	Macomb County	\$9,508,795	8,257	\$1,152	10
Dearborn Heights	City	Wayne County	\$43,148,742	57,774	\$747	4
Garden City	City	Wayne County	\$30,361,913	26,142	\$1,161	11
Mount Clemens	City	Macomb County	\$10,171,189	16,314	\$623	1
Rockwood	City	Wayne County	\$3,047,164	3,289	\$926	6
Roseville	City	Macomb County	\$44,060,298	47,299	\$932	7
Southgate	City	Wayne County	\$26,175,066	30,047	\$871	5
Taylor	City	Wayne County	\$64,547,239	63,131	\$1,022	8
Wayne	City	Wayne County	\$27,335,843	16,402	\$1,667	12
Westland	City	Wayne County	\$60,242,776	84,094	\$716	3
Wyandotte	City	Wayne County	\$26,997,172	23,609	\$1,144	9

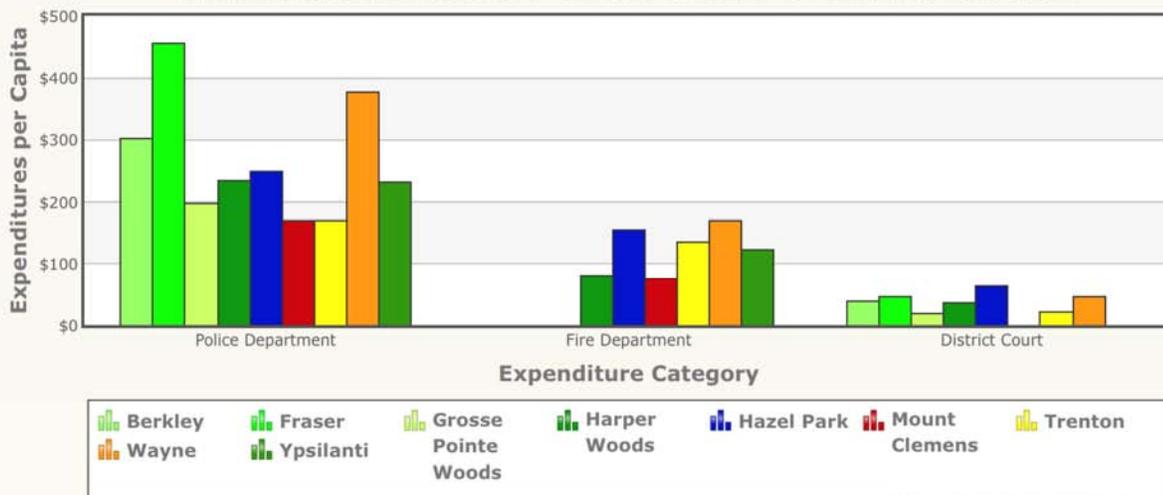
Financial Emergency Peer Group

Municipality	Type	Lies Within	Total Expenditures	Population	Cost Per Resident	*Peer Rank
Allen Park	City	Wayne County	\$27,051,327	28,210	\$959	3
Benton Harbor	City	Berrien County	\$13,485,385	10,038	\$1,343	7
Ecorse	City	Wayne County	\$14,305,021	9,512	\$1,504	8
Flint	City	Genesee County	\$113,844,958	102,434	\$1,111	5
Hamtramck	City	Wayne County	\$28,624,341	22,423	\$1,277	6
Highland Park	City	Wayne County	\$20,505,052	11,776	\$1,741	9
Inkster	City	Wayne County	\$25,078,462	25,369	\$989	4
Lincoln Park	City	Wayne County	\$30,790,899	38,144	\$807	2
Mount Clemens	City	Macomb County	\$10,171,189	16,314	\$623	1
River Rouge	City	Wayne County	\$17,447,396	7,903	\$2,208	10



Similar Population

Expenditures per Capita 2013 - General and All Other Governmental Funds

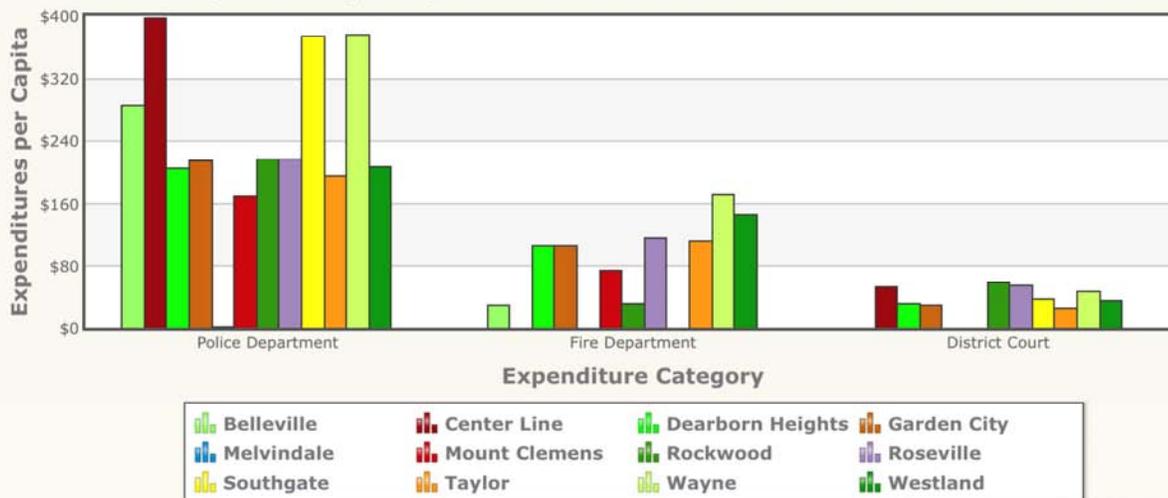


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Similar Taxable Value per Capita

Expenditures per Capita 2013 - General and All Other Governmental Funds

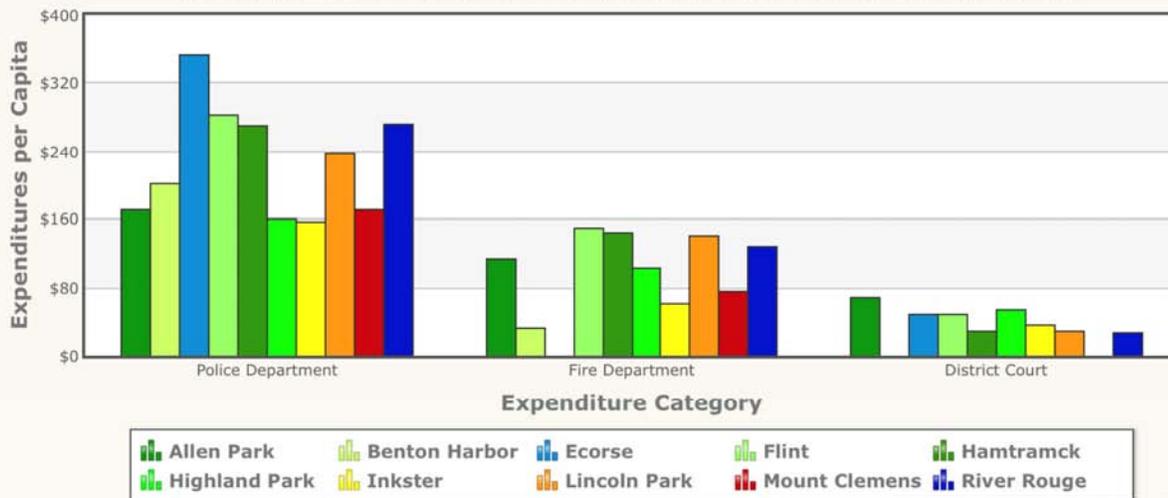


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Emergency Management Cities

Expenditures per Capita 2013 - General and All Other Governmental Funds

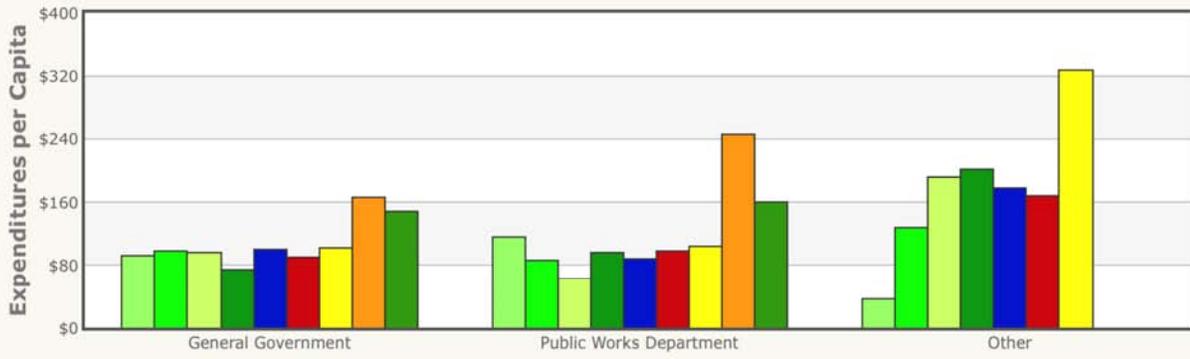


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Similar Population

Expenditures per Capita 2013 - General and All Other Governmental Funds



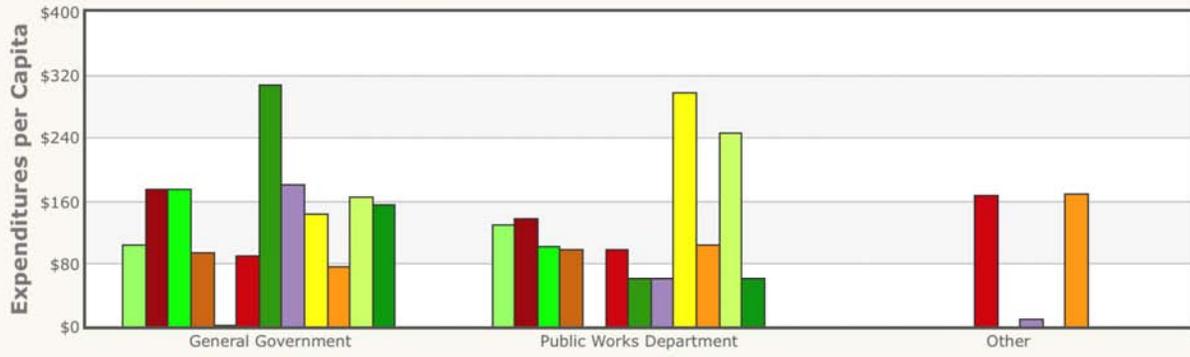
- Berkley
- Fraser
- Grosse Pointe Woods
- Harper Woods
- Hazel Park
- Mount Clemens
- Trenton
- Wayne
- Ypsilanti

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Similar Taxable Value per Capita

Expenditures per Capita 2013 - General and All Other Governmental Funds



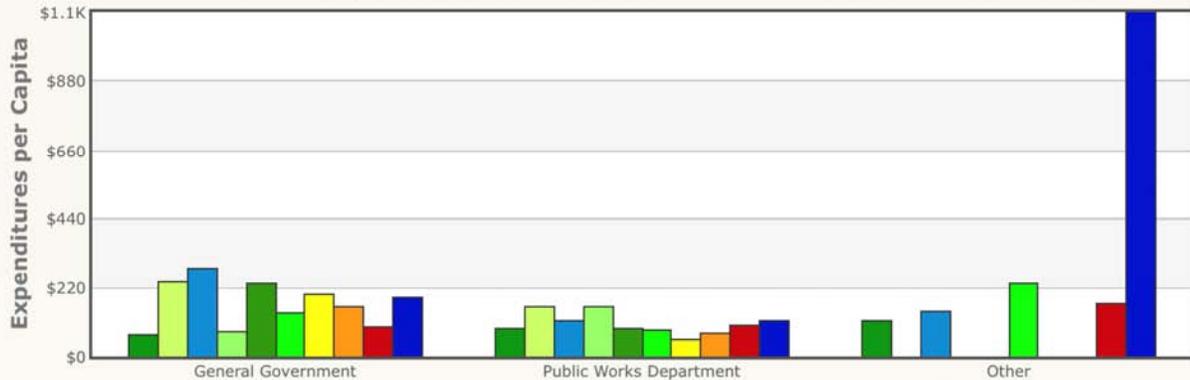
- Belleville
- Center Line
- Dearborn Heights
- Garden City
- Melvindale
- Mount Clemens
- Rockwood
- Roseville
- Southgate
- Taylor
- Wayne
- Westland

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Emergency Management Cities

Expenditures per Capita 2013 - General and All Other Governmental Funds

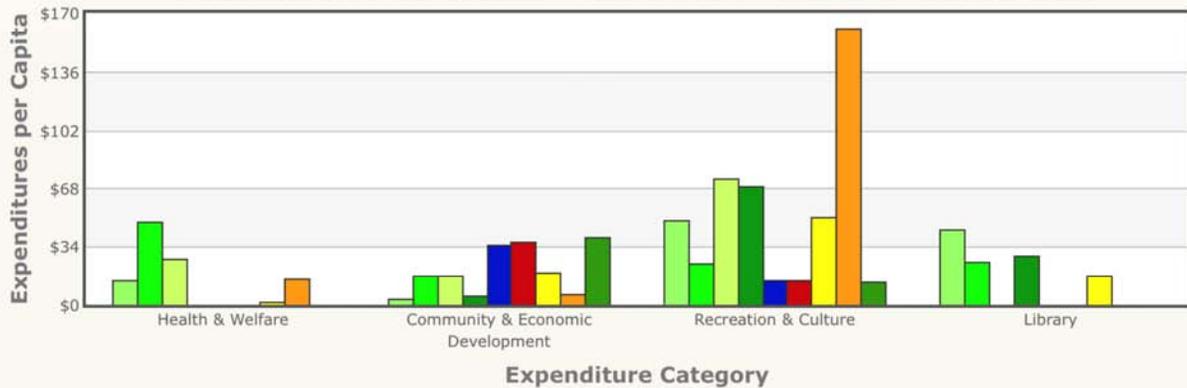


- Allen Park
- Benton Harbor
- Ecorse
- Flint
- Hamtramck
- Highland Park
- Inkster
- Lincoln Park
- Mount Clemens
- River Rouge

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Similar Population

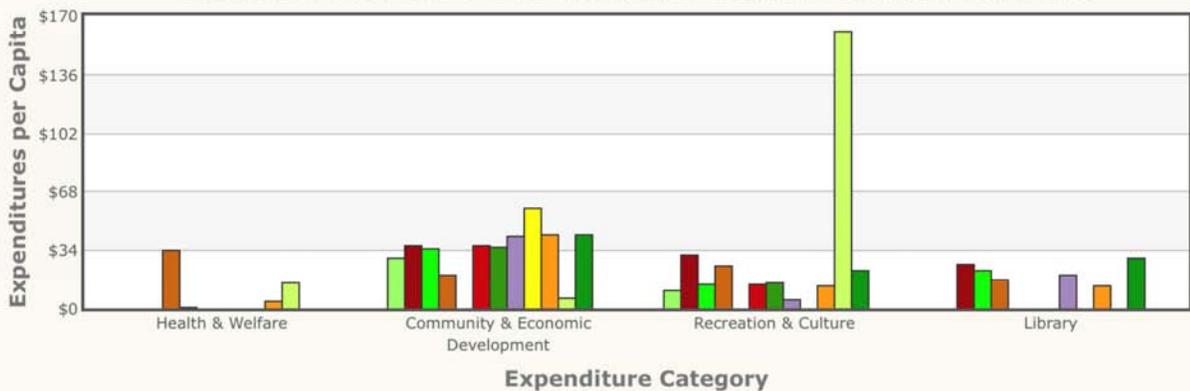
Expenditures per Capita 2013 - General and All Other Governmental Funds



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Similar Taxable Value per Capita

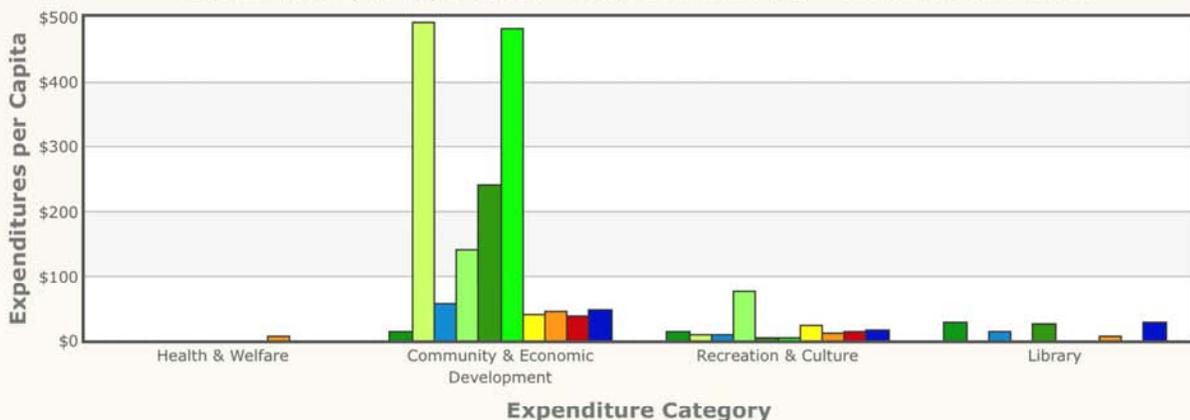
Expenditures per Capita 2013 - General and All Other Governmental Funds



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Emergency Management Cities

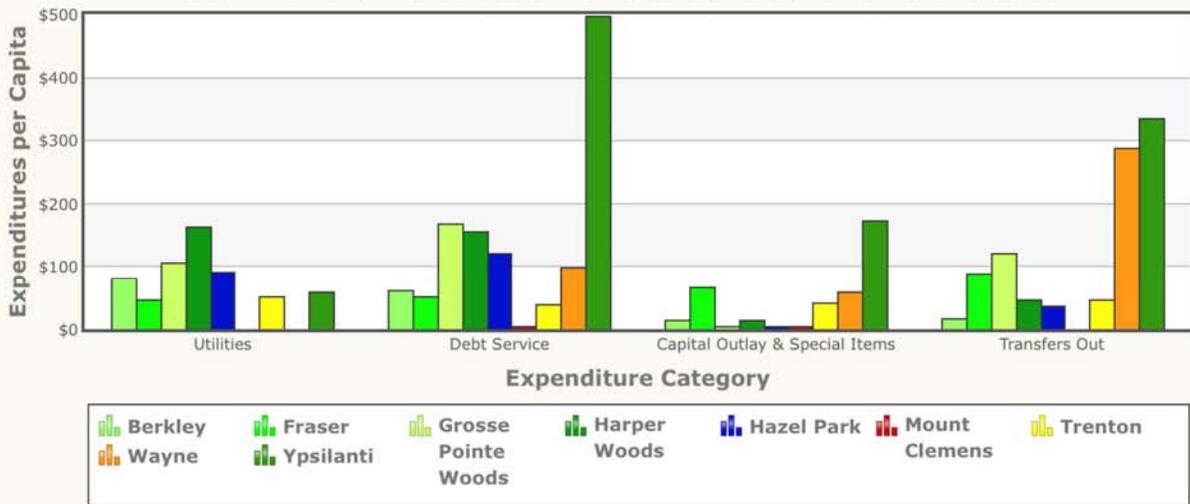
Expenditures per Capita 2013 - General and All Other Governmental Funds



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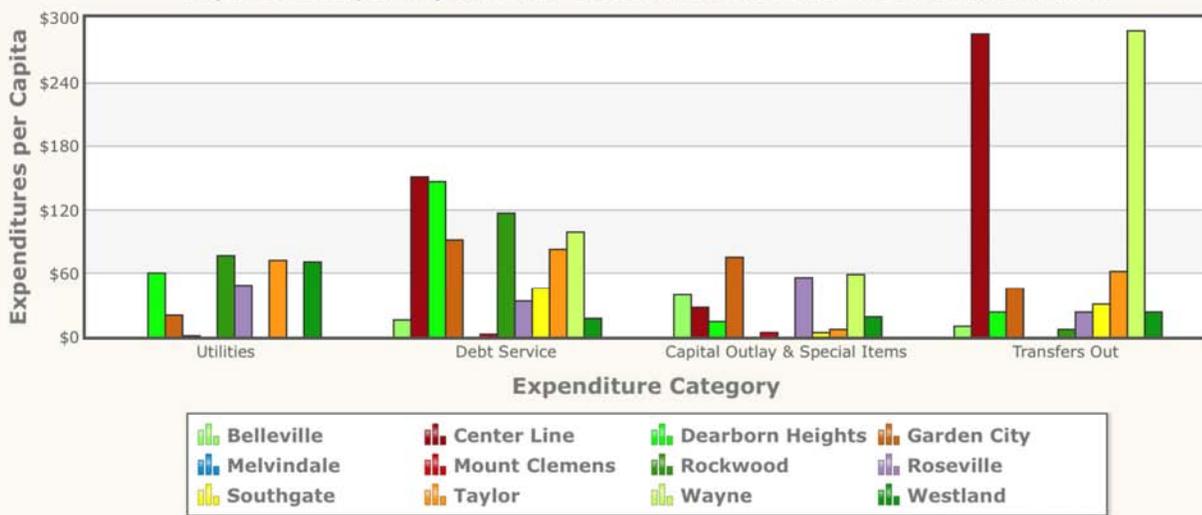
Expenditures per Capita 2013 - General and All Other Governmental Funds



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Similar Taxable Value per Capita

Expenditures per Capita 2013 - General and All Other Governmental Funds



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Emergency Management Cities

Expenditures per Capita 2013 - General and All Other Governmental Funds



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Ballot Proposal Preparedness

“A community considering (a ballot question) should be constantly emphasizing customer service and two way communication; measuring performance; surveying customer satisfaction, striving for improvements and efficiencies, and implementing sound conservative financial practices” - ICMA Public Management Magazine, April, 2011

Questions that must be answered:

- Do citizens trust the entity?
- Do citizens feel the entity has already tightened its belt appropriately?
- Do citizens think it’s a worthwhile change?
- Do citizens perceive the cost as reasonable for what they are getting?

Ballot Proposal Best Practices

- Seek expert help and guidance
- Follow your research – poll your citizens
- Ballot language is crucial – make it easy to understand
- Do not lead with cuts; instead focus on what’s being funded (roads, police, etc.)
- Keep new millage rates below peak levels
- Strong community support for an independent Vote Yes committee
- Count on having opposition
- Redundantly communicate, educate & respond to stakeholders

Vote Yes Committee

- Comprised of:
 - Core group of supporters from Advisory Committee
 - Employee (on their own time) & retiree volunteers
 - Union representatives
 - Interested citizens & business owners
 - Independently funded
- Performs following activities:
 - Fully explain the proposal and its impact if approved (or rejected)
 - Obtain endorsements
 - Send letters, emails & social media posts
 - Solicit citizen input
 - Door-to-door canvassing
 - Speeches
- Prepare for the formation of a Vote No Committee

SE Michigan Ballot Proposal Results

- 134 ballot proposals since 2008in
- 71% of all votes successful
- Public safety & road proposals most successful
- Headlee override ballot measures least successful

EXPLANATION OF AGENDA – June 16, 2014

Administrative Response to Issues or Questions Raised During Previous Meetings

1. Poultry Prohibition

The City's Zoning Ordinance prohibits animals (except non-vicious dogs, cats or other household pets), livestock or poultry of any kind from being raised, bred or kept on any residentially zoned or used property. As such, eliminating or modifying the poultry prohibition requires a public hearing by the Planning Commission before City Commission consideration. The Planning Commission may discuss the matter on July 1 and hold its public hearing on August 6 at the earliest. Accordingly, August 18 is the soonest an ordinance amendment could come before the City Commission.

2. City Hall Flags

The American and Tree City USA flags were replaced.

3. Rental Ordinance

The Planning Commission is considering Zoning Ordinance amendments to restrict residential rental properties. They are reviewing ordinances from other Michigan cities and elsewhere. Again, the Planning Commission may hold its public hearing on August 6 and the City Commission may hold its public hearing on August 18 at the earliest.

CITY COMMISSION MEETING

County of Macomb
State of Michigan

June 2, 2014
Commission Chambers

A regular meeting of the Mount Clemens City Commission was held on Monday, June 2, 2014, at 7:00 p.m. The meeting was held in the Commission Chambers of the Municipal Building, One Crocker Boulevard, Mount Clemens, Michigan. Present at the meeting were Mayor Barb Dempsey and Commissioners Gary Blash, Roger Bunton, Ronald Campbell, Lois Hill, Denise Mentzer and Joe Rheker. Also in attendance were Robert Bruner, Jr., Interim City Manager; Michael Murray, City Attorney; and Lynne Kennedy, City Clerk.

The meeting was called to order at 7:00 p.m.

ANNOUNCEMENTS, ACKNOWLEDGEMENTS, COMMUNICATIONS AND REPORTS WERE ADDRESSED, ITEM 4.

THE ADOPTION OF THE AGENDA WAS CONSIDERED, ITEM 5.

Commissioner Hill made a motion, supported by Commissioner Bunton, to adopt the agenda as presented. The motion passed unanimously.

PUBLIC PARTICIPATION WAS CONDUCTED, ITEM 6.

ADMINISTRATIVE RESPONSE TO ISSUES OR QUESTIONS RAISED DURING PREVIOUS MEETINGS WERE RECEIVED, ITEM 7.

APPROVAL OF MINUTES WAS CONSIDERED, ITEM 8.

Commissioner Rheker made a motion, supported by Commissioner Hill, to approve the minutes of the Special City Commission meeting of May 12, 2014; and the regular City Commission meeting of May 19, 2014, as presented. The motion passed unanimously.

REQUEST PERMISSION TO ENTER INTO THE MICHIGAN MUTUAL AID BOX ALARM SYSTEM AGREEMENT WAS CONSIDERED, ITEM 9-A.

Commissioner Bunton made a motion, supported by Commissioner Rheker, to approve and adopt the Michigan Mutual Aid Box Alarm System Agreement and authorize City Administration to execute the same. The motion passed unanimously.

APPROVAL OF THE 2013/2014 FISCAL YEAR BUDGET AMENDMENTS FOR ALL CITY FUNDS WAS CONSIDERED, ITEM 9-B.

Commissioner Rheker made a motion, supported by Commissioner Blash, to amend the City of Mount Clemens 2013-2014 fiscal year budget as submitted. The motion passed unanimously.

APPROVAL OF PURCHASES AND THE PAYMENT OF INVOICES WERE CONSIDERED, ITEM 9-C.

Commissioner Hill made a motion, supported by Commissioner Rheker, to approve the purchases and payments of invoices, as presented. The motion passed unanimously.

June 2, 2014

THE CONSENT AGENDA WAS CONSIDERED, ITEM 10.

Commissioner Campbell made a motion, supported by Commissioner Hill, to approve the consent agenda as presented.

In Item 10-A, the second reading and adoption of a Zoning Ordinance text amendment Ordinance 15.0158, of Article 15: Administration and Enforcement, of the Zoning Ordinance, was approved.

In Item 10-B, the schedule of Regular City Commission Meeting dates for the 2014/2015 fiscal year, was approved.

In Item 10-C, the Delinquent Special Assessment Rolls 14-02 and 14-03 and their placement on the City Tax Roll for 2014, was approved.

In Item 10-D, the request from the North Broadway Church of Christ to hold a Vacation Bible School Parade on Saturday, July 26, 2014, was approved.

In Item 10-E, the request to conduct the 2014 Mount Clemens Grand Prix on September 6, 2014, with the road closures as submitted, and authorize the City Manager to approve a rain date, if necessary, was approved.

The motion passed unanimously.

THE CITY MANAGER'S REPORT WAS GIVEN, ITEM 11.

COMMISSIONERS' COMMENTS WERE RECEIVED, ITEM 12.

Commissioner Blash made a motion, supported by Commissioner Bunton, to adjourn the meeting. The motion passed unanimously.

The meeting adjourned at 7:52 p.m.

Respectfully submitted,

Barb Dempsey, Mayor

Lynne Kennedy, City Clerk

June 2, 2014

EXPLANATION OF AGENDA – June 16, 2014

Agenda Item No. 9-A

Request Approval to Enter into the Amended Agreement with Oakland University for the Lease of Additional Parking Spaces in the Municipal Parking Lots

On September 6, 2011, the City Commission approved a contract between the City of Mount Clemens and Oakland University for the lease of 150 outer lying parking spaces in the Towne Square Municipal Parking Lot. Since that time, enrollment at Oakland University has increased prompting a request for 75 more parking spaces by the University.

The parking system can accommodate the request in the Roskopp Parking Lot at an additional cost of \$900 a month above the current contract.

This contract outlines the operating arrangements, fees and times of usage between Oakland University and the City. It will be the responsibility of Oakland University to inform the students and staff of the appropriate parking places and issue their own permits. Anyone choosing not to park appropriately will be subject to the penalties of the parking ordinance unless they are paying the meter as instructed. This will generate an additional \$10,800 annually over the existing \$11,700 that they are currently paying, for a total of \$22,500 annually to the parking system. The additional spaces will be considered overflow parking and will stretch over into the Roskopp Parking Lot as permit parking spaces only. This is a month to month lease agreement.

This contract was drafted by the City Attorney's office.

SUBMITTED BY: Jeffrey D. Wood
Public Services Director

RECOMMENDED MOTION: To approve the amended agreement between Oakland University and the City of Mount Clemens for 75 additional parking spaces in the Municipal Parking Lots.

PARKING LEASE AGREEMENT

THIS PARKING LEASE AGREEMENT ("Agreement") is made this 1st day of May, 2014, (the "Effective Date") by and between the **CITY OF MOUNT CLEMENS**, a Michigan Municipal Corporation, whose address is One Crocker Boulevard, Mount Clemens, MI 48043 (the "Lessor"), and **OAKLAND UNIVERSITY**, a Michigan Constitutional Body Corporate and Institution of Higher Education, whose address is 202 Wilson Hall, Rochester, MI 4839-4401 (the "Lessee").

WHEREAS, Lessor is the owner of certain parking lots commonly known as the "Towne Square Parking Lot" and the "Roskopp Parking Lot", hereinafter collectively referred to as the "Property" and more particularly described as set forth in the attached Exhibit "A"; and

WHEREAS, Lessee is the owner of a building located at 20 South Main Street, Mt. Clemens, Michigan 48043 and wishes to provide adequate and convenient parking for its faculty, students and staff; and

WHEREAS, the parties have entered into a previous Parking Lease Agreement with an effective date of September 1, 2011 (Original Parking Lease Agreement), and they now desire to mutually terminate the Original Parking Lease Agreement and enter into this Parking Lease Agreement; and

WHEREAS, Lessor is willing to lease parking spaces to Lessee and Lessee wishes to lease the same from Lessor, pursuant to the terms and provisions as set forth in this Agreement.

THEREFORE, for valuable consideration, the parties agree as follows:

1. Leased Premises. Lessor hereby leases to Lessee and Lessee leases from Lessor, Two Hundred and Twenty-Five (225) parking spaces (150 parking spaces in the "Towne Square Parking Lot" and 75 parking spaces in the "Roskopp Parking Lot"), located upon the hereinabove described Property. Said parking spaces shall be segregated from other parking spaces leased to third parties.

2. Term. The initial term of this Lease shall be a month to month tenancy, commencing on May 1, 2014.

3. Rent. The rental payment shall be at the rate of One Thousand Eight Hundred Seventy Five & no/100ths (\$1,875.00) Dollars per month. Such rent shall be paid by Lessee to Lessor on the first (1st) day of each month, in advance during the term of this Lease, at the office of Lessor or at such other place as Lessor may from time to time designate in writing.

4. Use of Property and Parking Lot. The use and operation of the leased premises shall be on the following terms and conditions:

(a) *Use.* Lessee may use and occupy the leased premises solely for faculty, student and staff parking of motor vehicles.

(b) *Time.* Time of use by Lessee of the leased premises shall be Five (5) days each week, Monday through Friday, between the hours of 7:00 a.m. to 10:30 p.m. At all other times, Lessor retains the right to use the leased premises and permit third parties to use the leased premises, and reserves all revenues derived from such use.

(c) *Lighting.* The leased premises shall be lighted by Lessor.

(d) *Maintenance.* Lessor shall, at its own expense, keep the leased premises in such repair and condition as may be necessary to permit the parking of motor vehicles.

(e) *Surfacing.* The leased premises shall have a blacktopped surface.

(f) *Marking.* Each parking space on the leased premises shall be marked so as to designate and separate each parking space from adjoining parking spaces.

(g) *Snow.* Lessor shall provide for snow removal from the leased premises.

(h) *Liability.* Lessor and Lessee are both Michigan governmental agencies. Lessee will hold harmless and indemnify Lessor, its agents and its employees from and against any and all claims, demands, actions or causes of action, including but not limited to, any and all costs, expenses, legal fees and liabilities incurred in and about the investigation and defense thereof, for personal injuries, including death or property damage suffered by any person, firm or corporation whatsoever and arising from the willful misconduct or gross negligent actions of Lessee, its agents, or employees under this Agreement. This indemnification is not intended to benefit any third party, and nothing in this Agreement is intended to or can be deemed a waiver of the Lessor's or Lessee's governmental immunity under the Michigan Governmental Tort Liability Act, as that Act may be amended from time to time.

5. Taxes and Assessments. Lessee is a constitutional body corporate and institution of higher education pursuant to Article VIII, Sec. 6 of the Constitution of the State of Michigan and MCL 390.151, and is exempt from real property taxation.

6. Assigning or Subletting. Lessee shall not transfer or assign this Agreement, or sublet the leased premises, without first obtaining the written consent thereto of Lessor.

7. Quiet Enjoyment. Lessor covenants and agrees with Lessee that upon Lessee paying the rent and observing and performing all the terms, covenants and conditions of Lessee's part to be performed and observed, Lessee may peaceably and quietly enjoy the leased premises for the full term hereof.

8. Destruction. In the event the leased premises or any part thereof shall be damaged or destroyed as a result of any casualty during the term of this Agreement, Lessor shall, with due diligence, proceed to restore and repair the damage or designate substituted leased

premises. Rent hereunder shall abate during any period that the leased premises may be wholly untenable, or substitute leased premises shall not be made available, by reason of any such casualty loss or damage and the resulting restoration and repair.

9. Alterations. Lessee shall make no alterations to the leased premises, whether structurally or otherwise, without the prior written consent of Lessor.

10. Default. If Lessee shall be in default under this Agreement in payment of rent for a period of ten (10) days, or if there shall be a default on the part of Lessee in the performance of the conditions or covenants of this Agreement specified to be performed on the part of Lessee, and such default in performance shall continue for a period of fifteen (15) days after notice thereof has been given by Lessor to Lessee, Lessor shall have the right to re-enter the leased premises and remove Tenant and all other persons therefrom. This Agreement shall thereupon become null and void, except that Lessee shall pay to Lessor rent owing hereunder to the date of termination.

11. Holding Over. Should Lessee continue to occupy the leased premises at the expiration of the term of this Agreement, or any extension thereof, such holding over by Lessee shall constitute a tenancy from month-to-month, at the same rental and upon the same conditions, except as to term, as shall have been in effect at the time of the expiration of such term.

12. Redelivery of Premises. Lessee shall upon termination of this Agreement, whether by lapse of time or otherwise, deliver up the leased premises and each and every part thereof.

13. Access. Lessee shall permit Lessor, or its agents, to inspect the leased premises at any reasonable time or for any emergency reason.

14. Notices. All notices regarding this Agreement are to be in writing and delivered or mailed by first class mail postage paid, by one party to the other party at the party's respective address set forth in the preface of this Agreement and marked to the attention of City Manager, if to Lessor, and to the attention of the President, if to Lessee. Notices which are mailed shall be deemed to have been given as of the third business day following the date of mailing.

15. No Waiver. The failure of either party to enforce any covenant or condition of this Agreement shall not be deemed a waiver thereof or of the right of either party to enforce each and every covenant and condition of this Agreement. No provision of this Agreement shall be deemed to have been waived unless such waiver be in writing.

16. Miscellaneous. The covenants, conditions and agreements contained in this Agreement shall bind and inure to the benefit of Lessor and Lessee and their respective successors and permitted assigns. The unenforceability, invalidity, or illegality of any provision of this Agreement shall not render the other provisions unenforceable, invalid or illegal. This Agreement shall be construed and interpreted in accordance with the laws of the State of Michigan. This Agreement contains the entire understanding between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings, oral or

written, with regard to such matters. This Agreement may not be amended or modified without the prior written approval of both parties.

WHEREFORE, the parties have caused this Lease Agreement to be executed as of the day and year first above written.

LESSOR:

CITY OF MOUNT CLEMENS,
a Michigan Municipal Corporation,

By: _____
Barb R. Dempsey
Its: Mayor

By: _____
Lynne Kennedy
Its: Clerk

Dated: _____, 2014

OAKLAND UNIVERSITY,
a Michigan Constitutional Body Corporate,

By: _____

Its:

Dated: _____, 2014

OU
Legal
[Signature]
5-28-14

EXPLANATION OF AGENDA – June 16, 2014

Agenda Item No. 9-B

Request Approval to Continue the Publication and Distribution of the City Newsletter through C & G Newspapers

For the past seven years, the City has published a newsletter utilizing C & G Newspapers for the distribution of the newsletter through the *Journal*. C & G has agreed to once again publish the Clementines newsletter in the same format the City has used in the past. Additionally, C & G has agreed to publish the newsletter at the same rates as last year. Please see the schedule and rates listed below:

Publication Schedule and Rates:

July, August, September	\$1,070
October, November, December	\$1,070
January, February, March	\$1,070
April, May, June	<u>\$1,070</u>
	\$4,280

SUBMITTED BY: Robert J. Bruner, Jr., Interim City Manager

RECOMMENDED MOTION: Move to approve the printing and distribution of the Clementines newsletter on a quarterly basis at a cost of \$1,070 per publication.

EXPLANATION OF AGENDA – June 16, 2014

Agenda Item No. 9-C

APPROVE PURCHASES AND PAYMENT OF INVOICES

VENDOR (PURCHASES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1. Apollo Fire Equipment Company 12584 Lakeshore Drive Romeo, MI 48065	Tempest Power Blower for the Fire Department	General Fund/ Fire Department/ Fire Equipment	101-33600-979000	\$1,990.00	\$2,943.88
2. Kennedy Industries, Inc. 52900 Grand River New Hudson, MI 48165	Flygt Dewatering Pump for the Water Plant	Water-Utilities Fund/ Operation of Plant/ Machinery and Equipment	591-53708-982000	\$23,830.00	2014-2015 Fiscal year \$25,000.00
3. Howard T. Moriarty Company, Inc. 143 Broadway Toledo, OH 43604	Arrow Board For DPS MACOMB COUNTY CONTRACT	Motor Pool Fund/ Department of Public Services/ Vehicles	661-44100-985000	\$5,449.00	\$20,000.00

VENDORS (INVOICES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1.Kramer & Murray, P.C. Ruggirello, Velardo, Novara, and Ver Beek, P.C. 65 Southbound Gratiot Mount Clemens, MI 48043	Legal Services For the month of May, 2014	General Fund/ Legal Services/ Legal Fees	101-26600-826000	\$8,699.69	\$29,355.16
		General Fund/ Legal Services/ Legal Fees-Labor	101-26600-826001	\$2,030.94	\$443.95
		Dial-A-Ride Fund/ Legal Fees	211-29000-826000	\$121.25	\$66.06
		Downtown Development Authority Fund/ Legal Fees	248-69200-826000	\$418.31	-\$315.57
		Water-Utilities Fund/ Commercial Activities/ Legal Fees	591-53703-826000	\$315.25	-\$103.65

SUBMITTED BY: Marilyn J. Dluge, Finance Director/Treasurer

RECOMMENDED MOTION: Approve purchases and payment of invoices as presented.

CITY OF MOUNT CLEMENS

Tabulation of sealed bids received and opened on Tuesday, June 3, 2014, for a Tempest Power Blower needed by the Fire Department:

BIDDER	TOTAL COST
1. Apollo Fire Equipment Company 12584 Lakeshore Drive Romeo, Michigan 48065	\$1,990.00
2. Bhayana Brothers, LLC 65 West Manila Avenue Pittsburgh, Pennsylvania 15220	\$2,307.30
3. West Shore Fire, Inc. 6620 Lake Michigan Drive Allendale, Michigan 49401	\$2,380.00

Marilyn Dluge
Finance Director/Treasurer

CITY OF MOUNT CLEMENS

Tabulation of sealed bids received and opened on Tuesday, June 3, 2014, for a Flygt Dewatering Pump needed by the Water Plant:

BIDDER	TOTAL COST
1. Kennedy Industries, Inc. 52900 Grand River New Hudson, Michigan 48165	\$23,830.00

Bid downloaded by 43 companies.
Kennedy is the Flygt distributor in Michigan.

Marilyn Dluge
Finance Director/Treasurer

HOWARD T. MORIARTY CO., INC.



143 BROADWAY • TOLEDO, OH 43604
(419) 243-3111 • FAX (419) 243-5708
www.htmtoledo.com

Construction and Industrial Equipment
Sales • Rentals • Service

HELPING TO BUILD TOLEDO SINCE 1908

Road Commission Of MACOMB County 1-28-14
117 S. Groesbeck Hwy.
Mt. Clemens, MI 48043
Attn: Tammy Goike
RE: Arrow Boards

Tammy,

We will be able to hold and honor the price for the arrow boards that you are interested in purchasing from us. The price is \$5,449.00 per board and was from bid # 49-12 posted in 2013. Any other questions or concerns feel free to call me. Thank you very much.

Jim Moriarty Jr.
Howard T. Moriarty Co.
419-360-3132 Cell

EXPLANATION OF CONSENT AGENDA – June 16, 2014

Agenda Item No. 10-A

Request Approval of the 2014 Daughters of Macomb Parade on Thursday, August 7, 2014

The Daughters of Macomb are seeking City Commission approval to hold their annual parade on Thursday, August 7, 2014. The parade would begin at 9:15 a.m. and would last approximately one hour. The route would begin at John Barleycornø and follow Macomb Place, Pine Street, Market Street, Main Street, Cass Avenue, North Walnut, Macomb Place, and back to John Barleycornø. The closure of Macomb Place from Southbound Gratiot Avenue to John Barleycornø is also being requested.

Upon City Commission approval, the Public Services Department will assist with the timing of the street closure and with the approved parade route to help ensure a safe event. Event organizers have agreed to provide the necessary insurance documents.

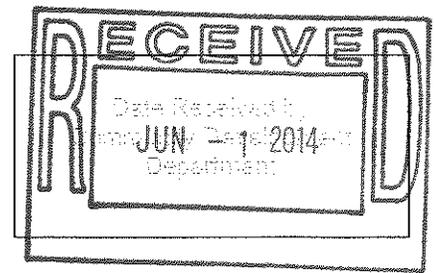
SUBMITTED BY: Brian L. Tingley
Community Development Director

RECOMMENDED MOTION: Move to approve the Daughters of Macomb annual parade route on August 7, 2014, beginning at 9:15 a.m. and approve the closure of Macomb Place from Southbound Gratiot Avenue to John Barleycornø.



**CITY OF MOUNT CLEMENS
APPLICATION FOR SPECIAL EVENT APPROVAL**

ONE CROCKER BLVD., MOUNT CLEMENS, MI 48043
(586) 469-6818 EXT. 901 FAX (586) 469-7695
www.cityofmountclemens.com



**NOTE: A COMPLETE AND DETAILED SITE PLAN/SITE MAP OF THE PROPERTY SHOWING THE EVENT AREA IS REQUIRED. PLAN MUST SHOW LOCATIONS OF SIGNS, TENTS OR ANY STRUCTURES, AMUSEMENT RIDES, FOOD SERVICES, PARKING AREA, THE LOCATION OF EXISTING BUILDINGS, ETC. REQUEST WILL NOT BE REVIEWED UNTIL THIS PLAN IS RECEIVED.
IF A TENT IS TO BE ERRECTED, SPECIFICATIONS ARE REQUIRED
ADDITIONAL PERMITS MAY BE REQUIRED FOR BUILDING, ELECTRICAL AND MECHANICAL, IF APPLICABLE.**

Sponsoring Organization's Legal Name: DAUGHTERS OF MACOMB

Address: 54303 MARK RICHARD City MACOMB State MI Zip 48042

Phone: Office: _____ Cell: _____ Email: _____

Sponsoring Organization's Agent's Name: NANCY DEDENBACH

Address: 158 EASTMAN City MT. CLEMENS State MI Zip 48013

Phone: Office: _____ Cell: (586) 634-0271 Email: _____

Event Name: DAUGHTERS OF MACOMB ANNUAL MEETING

Event Purpose: GETTING TOGETHER FOR FUN & OLD FRIENDS & NEW FRIENDS

Event Location: BARLEYCORN'S

Event Date: AUGUST 7, 2014

Event Time(s): 7:45 AM 4:00 PM

GIVE A DETAILED DESCRIPTION OF THE PROPOSED SPECIAL EVENT: (use back or attach additional sheets if necessary)

GETTING TOGETHER ONCE A YEAR TO CELEBRATE OLD FRIENDS AND MEET NEW FRIENDS. WE TAKE A GROUP PICTURE, MARCH IN PARADE (SEE ATTACHED MAP) HAVE OUR ANNUAL MEETING. LUNCH AND REFRESHMENTS, ENTERTAINMENT AND ACTIVITIES UNTIL 4 PM.

IS THE EVENT OPEN TO THE GENERAL PUBLIC YES NO
NUMBER OF PEOPLE PROPOSED TO ATTEND OR PARTICIPATE EACH DAY: 180

WILL ELECTRIC EQUIPMENT BE USED AND/OR WILL WATER HOOK-UPS BE REQUIRED YES NO
IF YES, PLEASE DESCRIBE THE PROPOSED LOCATION(S): _____

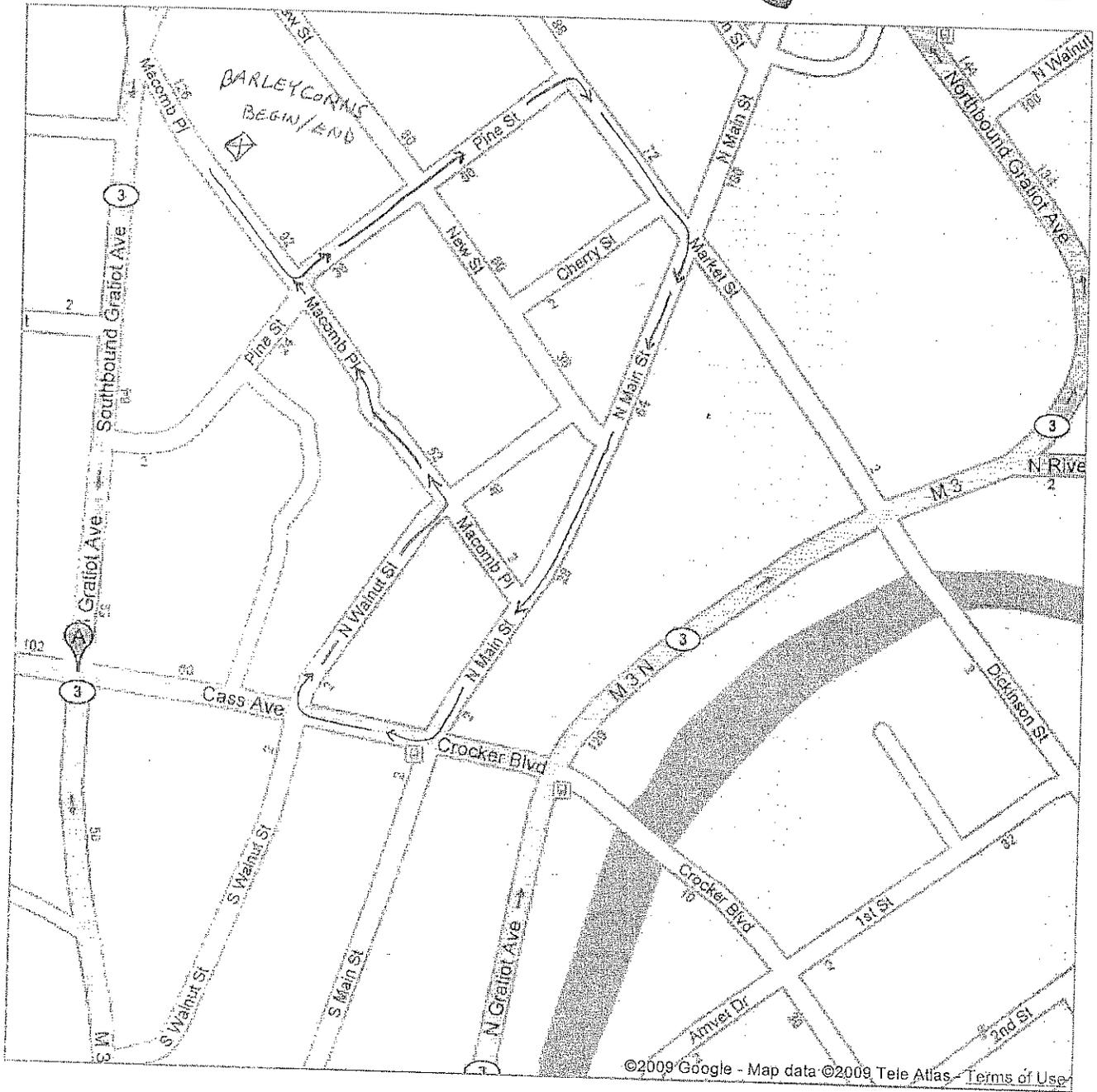


Address Mount Clemens, MI

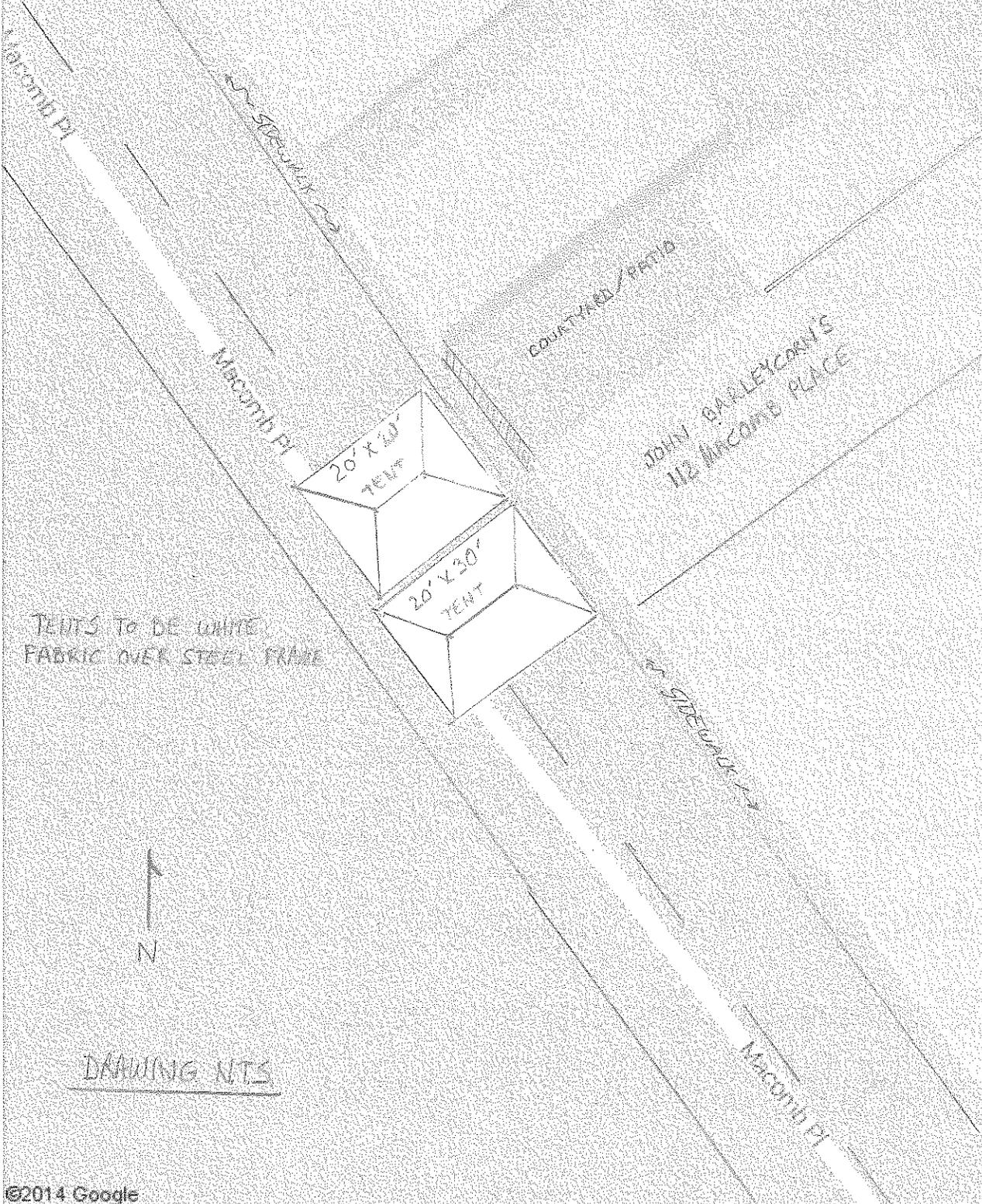
Get Google Maps on your phone



Text the word "GMAPS" to 466453



BARRICADE NEEDED BLOCKING OFF
MACOMB PLACE AT SOUTHBOUND GRAFIOT AVE



EXPLANATION OF AGENDA – June 16, 2014

TO: The Honorable Mayor Barb Dempsey and
All City Commissioners

FROM: Robert J. Bruner, Jr., Interim City Manager

DATE: June 12, 2014

RE: Report from the City Manager's Office

1. City-County Shared Public Services Initiatives: City and County staff met on June 4 to discuss sharing the following services.
 - a. Administrative Services: Nothing to report. More meetings are planned.
 - b. Animal Control: Nothing to report. More meetings are planned.
 - c. Assessing: The City already has an Independent Contractor Assessor, so the County probably cannot reduce the City's costs in the short-term. However, there may be an opportunity to bundle assessing with other administrative services in the future.
 - d. Information Technology: The County is adopting a new website platform that will allow it to host websites and provide content management tools for cities, villages and townships. City and County staff are meeting again on June 12 regarding the website platform. More meetings are planned regarding other aspects of information technology.
 - e. Parking: We have not yet met regarding the Shared Parking Plan, but plan to before the next City Commission meeting.

EXPLANATION OF AGENDA – June 16, 2014

Agenda Item No. 14-A

Request Approval of the July 1, 2013 – June 30, 2016 Firefighters Collective Bargaining Agreement

The City Administration and the Firefighter union have reached a tentative agreement on a three-year labor contract. The members of the Firefighters union ratified this agreement.

A copy of the contract is provided under separate cover for your review.

SUBMITTED BY: Robert J. Bruner, Jr.
Interim City Manager

RECOMMENDED MOTION: To approve the proposed July 1, 2013 ó June 30, 2016 Firefighters contract and authorize the execution of same.