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# A G E N D A

## CITY COMMISSION MEETING

Monday, September 21, 2015

7:00 PM

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Announcements, Acknowledgments and Communications and Reports.
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 - Request City Commission Authorization to Repair Unsafe Sidewalks.
  - 9-B - Approve Purchases and Payment of Invoices.
10. Consent Agenda.
  - 10-A - Second Reading and Adoption of an Amendment to Fireworks Ordinance 20.640.
  - 10-B - Request from the Mount Clemens Goodfellows to Conduct Charitable Solicitations within Public Rights-of-Way on December 11 and 12, 2015.

11. City Manager's Report.

12. Commissioners' Comments.

13. 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

## CITY COMMISSION MEETING

County of Macomb  
State of Michigan

September 8, 2015  
Commission Chambers

A regular meeting of the Mount Clemens City Commission was held on Tuesday, September 8, 2015, 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 this meeting were Mayor Barb Dempsey and Commissioners Roger Bunton, Ronald Campbell, Lois Hill, Denise Mentzer and Joseph Rheker. Also in attendance were Steven Brown, City Manager, Michael Murray, City Attorney and Lisa Borgacz, 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 approve the agenda as presented. The motion passed unanimously.

**PUBLIC PARTICIPATION WAS CONDUCTED, ITEM 6.**

Commissioner Rheker arrived at 7:05 p.m.

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

**APPROVAL OF MINUTES WAS CONSIDERED, ITEM 8.**

Commissioner Bunton made a motion, supported by Commissioner Hill, to approve the minutes of the City Commission Regular meeting of August 17, 2015, as presented. The motion passed unanimously.

**INTRODUCTION AND FIRST READING OF AN AMENDMENT TO FIREWORKS ORDINANCE 20.640 WAS CONSIDERED, ITEM 9-A.**

Commissioner Mentzer made a motion, supported by Commissioner Rheker, to approve the introduction and first reading of a proposed amendment to Fireworks Ordinance 20.640 to add a definition for sky lanterns and ban the use of same within the City of Mount Clemens; and to set the second reading and adoption for September 21, 2015. The motion passed unanimously.

**ADOPTION OF A RESOLUTION SUPPORTING A CHARITABLE GAMING LICENSE FOR THE MOUNT CLEMENS BARRACUDA YOUTH FOOTBALL PROGRAM WAS CONSIDERED, ITEM 9-B.**

Commissioner Bunton made a motion, supported by Commissioner Hill, to adopt the Local Governing Body Resolution for Charitable Gaming Licenses for the Barracuda Youth Football program. The motion passed unanimously.

September 8, 2015

**REQUEST APPROVAL OF THE 2015 COLUMBUS DAY PARADE WAS CONSIDERED, ITEM 9-C.**

Commissioner Hill made a motion, supported by Commissioner Campbell, to approve the Columbus Day Parade on Saturday, October 10, 2015 from 9:00 a.m. to 1:00 p.m., including the closure of North Main Street and South Main Street from Robertson to Market Street. The motion passed unanimously.

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

Commissioner Bunton made a motion, supported by Commissioner Campbell, to approve purchases and payment of invoices as presented. The motion passed unanimously.

**THE CONSENT AGENDA WAS CONSIDERED, ITEM 10.**

Commissioner Hill made a motion, supported by Commissioner Bunton, to approve the consent agenda as presented:

In Item 10-A, the following appointments were approved:

Junia Querio was reappointed to the Beautification Advisory Committee for a 3-year term, which expires June 30, 2018.

Glenn Voorhess was appointed to the Board of Review for a 3-year term, which expires January 31, 2019.

Tracy Mitchell was appointed to the Board of Review as an Alternate for a partial term, which expires January 31, 2017.

Michael Schichtel was appointed to the Cable TV Commission for a 3-year term, which expires December 31, 2018.

David Weber was reappointed to the Construction Board of Appeals for a 3-year term, which expires June 30, 2018.

Paul DeMaster was reappointed to the Construction Board of Appeals for a 3-year term, which expires June 30, 2018.

Peter Williams was reappointed to the Harbor Commission for a 3-year term, which expires December 31, 2018.

Mary Beth Grant was appointed to the Historical Commission for a 3-year term, which expires June 30, 2018.

Patrick Rickert was reappointed to the Local Officer's Compensation Commission for a 5-year term, which expires June 30, 2020.

Jack Heitchue was reappointed to the Local Officer's Compensation Commission for a 5-year term, which expires June 30, 2020.

Gerald Innes was reappointed to the Planning Commission for a 3-year term, which expires June 30, 2018.

Patricia Marshall was appointed to the Retirement System Board of Trustees for a partial term, which expires January 31, 2018.

In Item 10-B, the second reading and adoption of an ordinance authorizing the Rezoning of Property located at 269 North Groesbeck and 295 North Groesbeck from MU Multi-Use to GC General Commercial, was approved.

In Item 10-C, a request to conduct the 5<sup>th</sup> Annual Chris Voiers Memorial 5K Walk and Run on September 27, 2015 from 10:00 a.m. to 11:00 a.m., was approved.

The motion passed unanimously.

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

**COMMISSIONERS' COMMENTS WERE RECEIVED, ITEM 12.**

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

The meeting was adjourned at 7:44 p.m.

Respectfully submitted,

---

Barb Dempsey, Mayor

---

Lisa Borgacz, City Clerk

September 8, 2015

**EXPLANATION OF AGENDA – September 21, 2015**

**Agenda Item No. 9-A**

**Request City Commission Authorization to Repair Unsafe Sidewalks**

Pursuant to Section 30.103 of the City Code, City Administration is requesting authorization to repair the unsafe sidewalks as identified in the attached report. The owners of all listed properties were sent 30-day notices on August 27, 2015, directing them to repair the sidewalk flags that had been marked by the City. This authorization will allow the City to repair the sidewalks, if not completed within the 30 days, with the costs of repair charged to the property owner.

**SUBMITTED BY:** Brian L. Tingley  
Community Development Director

Jeffrey D Wood  
Public Services Director

**RECOMMENDED MOTION:** Move to authorize and order the Director of Public Services to proceed with the repair of those sidewalks listed in the attached report, unless such repairs are performed by the property owner by September 27, 2015.

## 2015-2016 Sidewalk Repair

NUMBER	DIRECTION	STREET	# OF 4" FLAGS	# OF 6" FLAGS
158		Beyne	1	
205		Cass	4	
93		Lodewyck	4	
110		Lodewyck	4	
122		Lodewyck	2	
25		Miller	2	
9		Queen	2	
39		Queen	3	
151		Robertson	3	
183-185		Robertson	4	5
42		Sheridan	3	
46		Sheridan	3	
12		Smith	6	
147		South	5	
7		Roseview	3	
15		Roseview	3	
52		Ellwood	3	
251		Elizabeth	3	
26		Yeamans	1	
28		Yeamans	2	
11		Parkview	3	
186		North Ave.	3	
212		North Ave.	1	
69		High	8	
46		Clair	3	
116		Clair	9	
101		Clair	6	
190		Riverside	10	
222		Riverside	3	
248		Riverside	10	
78		Riverside	1	
13		Fifth	6	
38		Lawndale	3	
206		Crocker	2	
252		Crocker	1	
636		Huntington	4	
1499		Burlington	1	
999		Huntington	4	
140		Clinton	6	
149		Clinton	1	
160		Clinton	11	1
25		Stapleton	2	1
36		Stapleton	3	

## 2015-2016 Sidewalk Repair

NUMBER	DIRECTION	STREET	# OF 4" FLAGS	# OF 6" FLAGS
191		Jones	3	3
71		Welts	3	
193		Jones	5	
54		Lincoln	7	
97		Grand	5	
<b>Subtotal Flags</b>			<b>185</b>	<b>10</b>
<b>Total Estimated Flags</b>			<b>195</b>	

**EXPLANATION OF AGENDA – September 21, 2015**

**Agenda Item No. 9-B**

**APPROVE PURCHASES AND PAYMENT OF INVOICES**

VENDOR (PURCHASES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1. Compass Minerals America, Inc. 9900 West 10 <sup>th</sup> Street Suite 600 Overland, KS 66210	2015-2016 Estimated annual Requirement of Bulk Salt; Seasonal Back-up. STATE CONTRACT	Major Street & Trunkline Fund/ Winter Maintenance/ Road Maintenance Materials & Supplies	202-44649-782000	\$58.05/Ton For 1,200 Tons = \$69,660.00	\$35,000.00
		Local Street & Trunkline Fund/ Winter Maintenance/ Road Maintenance Materials & Supplies	203-44649-782000	Last year's Price \$77.15/ton	\$30,000.00

VENDOR (PURCHASES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
2.SLC Meter, LLC 10375 Dixie Highway Davisburg, MI 48350	On 01/21/14 and 07/21/14, the City Commission Awarded a bid to SLC as second low Bidder due to Unsatisfactory Performance by low Bidder. At this time, We are requesting to Extend the agreement For another year as Their performance has Been more than Satisfactory. Their Rate has increased to \$52.00/meter.	Sewer-Utilities Fund/ Transmission/ Contractual Services	590-53704-818000	\$20,306.00	\$112,487.37
		Water-Utilities Fund/ Transmission/ Contractual Services	591-53704-818000	\$20,306.00  781 meters X \$52.00 = \$40,612.00	\$119,515.18
3.Nickel & Saph, Inc. 44 Macomb Place Mount Clemens, MI 48043	2015-2016 Comprehensive Liability Coverage	General Fund	101-85100-928000	\$107,078.75	\$120,000.00
		Dial-A-Ride Fund	211-29000-928000	\$8,494.00	\$17,000.00
		Parking Fund	585-54600-928000	\$4,638.98	*\$3,650.00
		Sewer Fund	590-53703-928000	\$77,173.19	*\$67,340.00
		Water Fund	591-53703-928000	\$77,173.19	*\$67,340.00
		Sanitation Fund	596-52100-928000	\$1,159.75	*\$1,000.00
		Equipment Fund	661-44100-927000	\$65,118.00	*\$63,755.00
		Equipment Fund	661-44100-928000	\$10,887.97	*\$7,943.00

VENDOR (INVOICES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1.Stark's Service & Hardware, Inc. 328 Cass Avenue Mount Clemens, MI 48043	Equipment and Supplies purchased During the month of August, 2015	Various	Various	\$2,083.62	Various
2.SEMCOG Southeast Michigan Council of Governments 1001 Woodward Avenue Suite 1400 Detroit, MI 48226	Annual Membership 2015-2016	General Fund/ Community Promotions/ Memberships and Dues	101-17220-803000	\$2,231.00	\$3,160.00
3.Oudbier Instrument Company 4064 South Rolling Ridge Wayland, MI 49348	Check and calibrate Flow meters for the Wastewater Treatment Plant and Water Plant	Sewage-Utilities Fund/ Operation of Plant/ Contractual Services	590-53708-818000	\$780.00	\$75,586.09
		Water-Utilities Fund/ Operation of Plant/ Contractual Services	591-53708-818000	\$780.00	\$39,064.82

VENDOR (INVOICES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
4.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 August, 2015	General Fund/ Legal Services/ Legal Fees	101-26600-826000	\$9,063.44	\$119,226.94
		General Fund/ Legal Services/ Legal Fees-Labor	101-26600-826001	\$1,933.94	*\$1,726.25
		Dial-A-Ride Fund/ Legal Fees	211-29000-826000	\$103.06	*
		Sanitation Fund/ Legal Fees	596-52100-826000	\$145.50	\$10,000.00

\*Budget amendment to be made at a later date.

**SUBMITTED BY:** Marilyn Dluge, Finance Director/Treasurer

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

STATE OF MICHIGAN  
 DEPARTMENT OF TECHNOLOGY, MANAGEMENT AND BUDGET  
 PROCUREMENT  
 P.O. BOX 30026, LANSING, MI 48909  
 OR  
 525 W. ALLEGAN, LANSING, MI 48933

**CHANGE NOTICE NO. 8**  
 to  
**CONTRACT NO. 071B1300341**  
 between  
**THE STATE OF MICHIGAN**  
 and

NAME & ADDRESS OF CONTRACTOR	PRIMARY CONTACT	EMAIL
Compass Minerals America, Inc. 9900 West 10th Street, Suite 600 Overland, KS 66210	Doug G. Dyer	dyerd@compassminerals.com
	PHONE	CONTRACTOR'S TAX ID NO. (LAST FOUR DIGITS ONLY)
	(913) 344-9346	7632

STATE CONTACTS	AGENCY	NAME	PHONE	EMAIL
PROGRAM MANAGER / CCI	MDOT	Tim Croze	517-322-3385	Crozet@michigan.gov
CONTRACT ADMINISTRATOR	DTMB	Lymon C. Hunter, CPPB	517-284-7015	HunterL@michigan.gov

CONTRACT SUMMARY			
DESCRIPTION: Bulk Salt, Seasonal Back-Up – Michigan Department of Transportation			
INITIAL EFFECTIVE DATE	INITIAL EXPIRATION DATE	INITIAL AVAILABLE OPTIONS	EXPIRATION DATE BEFORE CHANGE(S) NOTED BELOW
September 1, 2011	August 31, 2016	2, one year	August 31, 2016
PAYMENT TERMS		DELIVERY TIMEFRAME	
½% 10 Net 30 Days		Per the attached terms and conditions	
ALTERNATE PAYMENT OPTIONS			EXTENDED PURCHASING
<input type="checkbox"/> P-card <input type="checkbox"/> Direct Voucher (DV) <input type="checkbox"/> Other			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
MINIMUM DELIVERY REQUIREMENTS			
N/A			

DESCRIPTION OF CHANGE NOTICE				
EXERCISE OPTION?	LENGTH OF OPTION	EXERCISE EXTENSION?	LENGTH OF EXTENSION	REVISED EXP. DATE
<input type="checkbox"/>		<input type="checkbox"/>		
CURRENT VALUE		VALUE OF CHANGE NOTICE	ESTIMATED AGGREGATE CONTRACT VALUE	
\$37,377,850.00		\$10,433,351.00	\$47,811,201.00	
DESCRIPTION: Effective August 1, 2015, the Drop Points for 2015/2016 Road Salt Year are per the attached spreadsheets. Contract is increased by \$10,433,351.00. All the terms, conditions, and specifications, are the same. Per vendor and agency agreement, DTMB Procurement approval and the approval of the State Administrative Board on June 30, 2011.				

2015 - 2016 - Seasonal Back Up Metro Region - Local Units of Government

Item	County	Org. Name	Drop Point Address	City	State	Zip	Org. Phone	Seasonal	Price
1	Macomb	ARMADA AREA SCHOOLS	23500 Center Road	Armada	MI	48005	(586) 784-2143	50	\$58.05
2	Macomb	ARMADA, VILLAGE OF	73300 Floral Street	Armada	Michigan	48005	(586) 784-9151	200	\$58.05
3	Macomb	CENTER LINE PUBLIC SCHOOLS	23901 Lawrence	Center Line	MI	48015	(586) 510-2090	50	\$58.05
4	Macomb	CHESTERFIELD TOWNSHIP	50177 Gratiot	Chesterfield	MI	48047	(586) 949-0400	50	\$58.05
5	Macomb	CHIPPEWA VALLEY SCHOOLS	42278 Romeo Plank Road	Clinton Township	MI	48038	(586) 723-2255	850	\$58.05
6	Macomb	CLINTON CHARTER TOWNSHIP	23200 Zuckero Dr.	Clinton Township	Michigan	48038	(586) 615-6984	25	\$58.05
7	Macomb	EAST DETROIT PUBLIC SCHOOLS	17116 Ten Mile Road	Eastpointe	MI	48021	(586) 533-3950	100	\$58.05
8	Macomb	FRASER PUBLIC SCHOOLS	33499 Klein Road	Fraser	Michigan	48026	(586) 439-7114	300	\$58.05
9	Macomb	FRASER, CITY OF	31250 KENDALL	FRASER	MI	48026	(586) 293-3100	700	\$58.05
10	Macomb	LANSE CREUSE PUBLIC SCHOOLS	24400 FV Pankow Blvd	Clinton Twp	MI	48036	(586) 783-6550	500	\$58.05
11	Macomb	MACOMB COMMUNITY COLLEGE	14500 E 12 Mile Rd	Warren	MI	48088	(586) 445-7308	150	\$58.05
12	Macomb	MACOMB COMMUNITY COLLEGE	44575 Garfield Rd	Clinton Township	MI	48038	(586) 445-7308	250	\$58.05
13	Macomb	MT. CLEMENS, CITY OF	95 ELDREDGE	MOUNT CLEMENS	MICHIGAN	48043	(586) 469-6818	1200	\$58.05
14	Macomb	RICHMOND, CITY OF	69129 Beebe Street	Richmond	Michigan	48062	(586) 727-7575	700	\$58.05
15	Macomb	ROMEO VILLAGE OF	70350 Powell Road	Armada	Michigan	48005	(586) 752-2684	350	\$58.05
16	Macomb	ROSEVILLE PUBLIC SCHOOLS	16250 Martin Road	Roseville	MI	48066	(586)445-5523	100	\$58.05
17	Macomb	UTICA COMMUNITY SCHOOLS	6600 18 Mile Road	Sterling Heights	MI	48314	(586)797-1190	1800	\$58.05
18	Macomb	UTICA COMMUNITY SCHOOLS	47250 Shelby Road	Utica	MI	48317	(586)797-1190	300	\$58.05
19	Macomb	UTICA, CITY OF	7001 Moscone	Utica	MI	48317	(586) 731-6110	650	\$58.05
20	Macomb	WARREN CONSOLIDATED SCHOOLS	31950 Mound Rd.	Warren	Michigan	48092	(586) 825-2400	1200	\$58.05
21	Macomb	WARREN WOODS PUBLIC	14846 Martin Rd	Warren	MI	48088		100	\$58.05

**CITY OF MOUNT CLEMENS**

Tabulation of sealed bids received and opened on Tuesday, July 23, 2013, for our estimated annual quantity of water meter replacement installations:

BIDDER	5/8" Meter (735)	Register Changes (262)	¾" Meter (7)	1" Meter (7)	Total
1.Great Lakes Municipal Services 1176 Cassaday Hope, MI 48628	\$22.50 \$16,537.50	\$22.50 \$5,895.00	\$22.50 \$157.50	\$22.50 \$157.50	\$22,747.50
2.H2O Utility Services 2198 North Sycamore Drive Burton, MI 48509	\$30.00 \$22,050.00	\$28.00 \$7,336.00	\$30.00 \$210.00	\$30.00 \$210.00	\$29,806.00
3.SLC Meter, LLC 10375 Dixie Highway Davisburg, MI 48350	\$27.95 \$20,543.25	\$25.99 \$6,809.38	\$27.95 \$195.65	\$27.95 \$195.65	\$27,743.93
4. Vanguard Utility Service, Inc. 1421 West 9 <sup>th</sup> Street Owensboro, KY 42301	\$87.62 \$64,400.70	\$87.62 \$22,956.44	\$87.62 \$613.34	\$87.62 \$613.34	\$88,583.82

Marilyn Dluge  
Finance Director/Treasurer



# NICKEL & SAPH, INC.

INSURANCE SINCE 1929

MAILING ADDRESS:

P.O. BOX 46907  
MT. CLEMENS, MI 48046-6907

OFFICE ADDRESS:

44 MACOMB PLACE  
MT. CLEMENS, MI 48043  
(586) 463-4573 • (810) 765-8885  
1-800-657-7373  
FAX: (586) 463-3135

September 17, 2015

Ms. Terese G. Lucci  
City of Mount Clemens  
One Crocker Boulevard  
Mount Clemens, MI 48043

Re: Property & Liability Insurance Renewal

Dear Ms. Lucci:

Enclosed, please accept our renewal binder from Atlantic Specialty Insurance Company. First, the annualized premiums by year for the past five (5) years have been:

2010 – \$216,467; 2011 - \$218,072; and 2012 - \$299,982; 2013 - \$283,013; and 2014 - \$292,060.

The annual renewal premium offered by Atlantic is \$299,724 including Terrorism Coverage.

The \$10,000 deductibles applicable to general liability, public officials', automobile liability, and employment practices liability claims have been retained. The Atlantic proposal reflects occurrence and aggregate liability limits of \$10,000,000. It is our opinion that the \$10,000,000 limits offered by Atlantic are sufficient limits for the City, particularly in light of the absence of direct policing services afforded by the community.

Again, Atlantic does not offered any property coverage for the City's docks or courtesy electrical outlets along the riverfront. Also, undefined or undesignated underground items will not be covered for property loss (coverage afforded for scheduled pump and lift stations but not for underground storm or sanitary sewer lines, etc.).

Please recall that prior to 2009, the City paid the prior carrier an annual premium of \$311,615. The \$311,615 reflected a program that required the City to satisfy a \$75,000 retention for covered liability claims in lieu of the current \$10,000 deductible required by Atlantic.

In addition to the coverages offered by Atlantic, the City secures separately, two (2) other policies:

Pollution Liability: The term premium presented three (3) years ago was \$27,102.83, including Surplus Lines Fees. This policy and premium reflects a three (3) year term. This current three (3) year term renewed on September 1, 2015. This is a Claims Made policy affording a Retroactive Date of September 1, 2009. Renewal applications for both the Water Treatment Plant and the Sewer Treatment Plant (and ancillary facilities away from the primary plants) have been received. The premium for the 2015 to 2019 term is \$27,111.83, including Surplus Lines fees.

Property Coverage for Bridges: The annual renewal premium is presented in an amount of \$24,829 plus a \$59 Broker Fee. The expiring gross annual premium was \$21,801. This policy affords \$4,000,000 in coverage on each of the two (2) City owned bridges – Crocker Blvd./Cass Ave. Bridge and Dickinson St./Market St. Bridge. In addition to these two (2) bridges, the Shady Side Park pedestrian bridge is insured for \$515,000.

Coverage for the bridges is afforded on an Actual Cash Value basis subject to the application of 80% coinsurance. A 2% deductible applies to covered claims with a minimum deductible of \$100,000 applicable to the vehicular bridges and a \$10,000 minimum applicable to the pedestrian bridge.

Enclosed, please find the Atlantic renewal binder. Atlantic is an admitted carrier (participates in the State of Michigan's Guarantee Fund) and is rated A X, Stable by A. M. Best. Please review this information and contact me with any questions or concerns. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen R. Saph Jr.", is written over the typed name.

Stephen R. Saph Jr.  
President

Enclosure

**EXPLANATION OF CONSENT AGENDA – September 21, 2015**

**Agenda Item No. 10-A**

**Second Reading and Adoption of an Amendment to Fireworks Ordinance 20.640**

At its meeting of September 8, 2015, the City Commission approved the introduction and first reading of an Amendment to Fireworks Ordinance 20.640 to add a definition for sky lanterns and ban the use of same within the City of Mount Clemens.

A summary of the Amendment to the Fireworks Ordinance has been prepared for publication as allowed in Charter Section 10.135. The summary has been prepared as a cost savings measure.

**SUBMITTED BY:** Steven M. Brown, City Manager

**RECOMMENDED MOTION:** Approve the second reading and adoption of Amendment to Fireworks Ordinance 20.640 as presented; and approve the ordinance summary for publication.

**AMENDMENT TO 20.640 - FIREWORKS CITY OF MOUNT CLEMENS, MICHIGAN**  
**eff. \_\_\_\_\_, 2015**

**Section 20.641 – Sec. 1 DEFINITIONS and Sec. 20.641 – Sec. 3.1 USE OF CONSUMER FIREWORKS PROHIBITED, are hereby amended to read as follows:**

**20.641 - Sec. 1 DEFINITIONS.**

As used in this ordinance, the following definitions shall apply:

- (1) "Act 256" means the Michigan Fireworks Safety Act, Act 256 of the Public Acts of Michigan of 2011, being MCL 28.451, et. seq., as it may be amended from time to time.
- (2) "Consumer fireworks" means that term as defined in Act 256.
- (3) "Firework" or "fireworks" means that term as defined in Act 256.
- (4) "National holiday" means that term as defined in Act 256, to-wit:  
New Year's Day; January 1;  
Birthday of Martin Luther King, Jr., the third Monday in January;  
George Washington's Birthday, the third Monday in February;  
Memorial Day, the last Monday in May;  
Independence Day, July 4;  
Labor Day, the first Monday in September;  
Columbus Day, the second Monday in October;  
Veteran's Day, November 11;  
Thanksgiving Day, the fourth Thursday in November; and  
Christmas Day, December 25; and any holidays as may be from time to time added, removed or changed under 5 USC Section 6103, or any replacement or amended legislation.
- (5) "Retailer" means that term as defined in Act 256.
- (6) "Wholesaler" means that term as defined in Act 256.
- (7) "Sky Lantern" means an unmanned, airborne floating device, which requires a candle or open flame which serves as a heat source to cause it to be propelled and lifted into the air. Sky lanterns include but are not limited to sky candles, fire balloons and airborne lanterns.

**20.643 - Sec. 3.1. USE OF CONSUMER FIREWORKS PROHIBITED.**

(A) No person shall ignite, discharge or use consumer fireworks in the City; except this prohibition shall not preclude any person from igniting, discharging or using consumer fireworks within the City during the hours of 8:00 a.m. to 12:00 a.m., on the day preceding, the day of, or the day after a national holiday, consistent with Act 256, except for New Year's Day, where the same may be ignited, discharged or used to 1:00 a.m.

(B) Sky Lanterns shall not be ignited, launched, released, discharged or used within the City.

All other provisions of this ordinance shall remain in full force and effect.

This ordinance shall take effect on its publication as required by law.

**INTRODUCTION AND FIRST READING:** September 8, 2015

**SECOND READING AND ADOPTION:** September 21, 2015

**EFFECTIVE DATE:** October 1, 2015

City of Mount Clemens,  
a Michigan Municipal Corporation

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Barb Dempsey, Mayor

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Lisa Borgacz, City Clerk

## **SUMMARY FOR PUBLICATION**

### **Amendment to the Fireworks Ordinance 20.640**

The City of Mount Clemens has adopted an amendment to 20.640 Fireworks Ordinance, to add a definition for sky lanterns and ban the use of same within the City of Mount Clemens.

**EXPLANATION OF CONSENT AGENDA – September 21, 2015**

**Agenda Item No. 10-B**

**Request from the Mount Clemens Goodfellows to Conduct Charitable Solicitations within Public Rights-of-Way on December 11 and 12, 2015**

The Mount Clemens Goodfellows are seeking permission to conduct their annual newspaper sale on December 11, 2015 from 9:00 a.m. to 5:00 p.m. and on December 12, 2015 from 9:00 a.m. to 3:00 p.m. in support of their “No Child Without A Christmas” campaign. Members of the Goodfellows would be located at the following intersections:

- Cass Avenue and Groesbeck
- Cass Avenue and NB/SB Gratiot
- Cass Avenue and Main Street
- Harrington and SB Gratiot
- Joy and NB/SB Gratiot
- Harper and Crocker

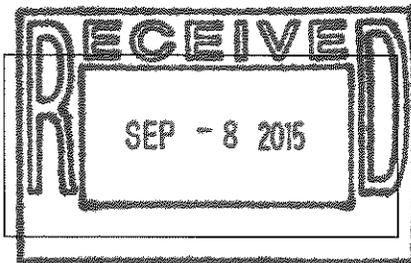
Fundraisers would be required to wear reflective vests while soliciting donations within the intersections. A Certificate of Liability insurance naming the City as an additional insured will be required as a condition of approval.

**SUBMITTED BY:** Brian L. Tingley  
Community Development Director

**RECOMMENDED MOTION:** Move to allow charitable solicitations by the Mount Clemens Goodfellows at the specified locations on December 11, 2015 from 9:00 a.m. to 5:00 p.m. and on December 12, 2015 from 9:00 a.m. to 3:00 p.m.



**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 ERECTED, SPECIFICATIONS ARE REQUIRED. ADDITIONAL PERMITS MAY BE REQUIRED FOR BUILDING, ELECTRICAL AND MECHANICAL, IF APPLICABLE.**

Sponsoring Organization's Legal Name: MOUNT CLEMENS GOODFELLOWS

Address: 177 MOROSS City MT. CLEMENS State MI Zip 48043

Phone: Office: \_\_\_\_\_ Cell: 586-556-2890 Email: DAVE.RIVARD@GMAIL.COM

Sponsoring Organization's Agent's Name: DAVE RIVARD

Address: 177 MOROSS City MOUNT CLEMENS State MI Zip 48043

Phone: Office: \_\_\_\_\_ Cell: 586-556-2890 Email: DAVE.RIVARD@GMAIL.COM

Event Name: GOODFELLOW NEWSPAPER SALE

Event Purpose: COLLECT DONATIONS

Event Location: ALL TRAFFIC LIGHT INTERSECTIONS WITHIN CITY LIMITS

Event Date: DECEMBER 11 & 12, 2015

Event Time(s): DEC. 11 9AM TO 5PM DEC. 12 9AM TO 3PM

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

MEMBER OF THE MOUNT CLEMENS GOODFELLOWS WILL BE SELLING PAPERS FOR DONATIONS ON THE ABOVE 2 DATES

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

WILL TENTS BE USED DURING THE EVENT? \_\_\_\_\_ YES  NO

WILL THE EVENT HAVE FOOD OR OTHER VENDORS? \_\_\_\_\_ YES  NO

\*\*\* ALL FOOD VENDORS MUST BE APPROVED BY THE MACOMB COUNTY HEALTH DEPARTMENT.

WILL ALCOHOL BE SERVED OR SOLD AT THE EVENT? \_\_\_\_\_ YES  NO

\*\*\*IF YES, PLEASE PROVIDE PROOF OF LIQUOR LIABILITY INSURANCE AND APPROVAL BY THE LCC

WILL ANY CITY SERVICES BE REQUIRED FOR THIS EVENT? \_\_\_\_\_ YES  NO

IF YES, DESCRIBE IN DETAIL THE TYPE OF SERVICES REQUESTED:

\*\*\*THE CITY MAY CHARGE THE ACUTAL COST OF PROVIDING THESE SERVICES FOR THE EVENT.

IS ANY SIGNAGE PROPOSED? \_\_\_\_\_ YES  NO

IF YES, NOTE LOCATIONS OF ANY SIGNS PROPOSED ON THE MAP PROVIDED WITH THIS APPLICATION.

CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that

- a) A Certificate of Insurance must be provided which names the City of Mount Clemens as an additional insured party on the policy.
- b) All food vendors must be approved by the Macomb County Health Department
- c) The approval of this Special Event may include additional requirements and/or limitations, based on the City's review of this application. The event will be operated in conformance with the approved guidelines from the City Commission. Such additional requirements may include but are not limited to the procurement of permits and/or inspections in regards to health services, electric or water services, fire issues, or a certificate of use from the building department. Please note: You should contact the Mount Clemens Fire Inspector regarding specific tent requirements well in advance of your event. A certificate of Flame Resistance for the Tent needs to be provided 10 days prior to the date of event/sales.

As the duly authorized agent of the sponsoring organization, I herby apply for the approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the City's Special Event Policy, the terms of the approval as given by the City Commission, all other City requirements, ordinances and other laws which apply to this Special Event.

David J. Rivaud  
Applicant's Signature

AUG 28, 2015  
Date

DAVID J. RIVAUD  
Printed Name of Applicant

<b>For City Use Only:</b>
Approved _____
Approved, with Conditions _____
Denied _____
Date of City Commission Decision _____



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/28/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Blanchard Agency 22955 21 Mile Road P. O. Box 606 Mt. Clemens MI 48046-0606		<b>CONTACT NAME:</b> Regina Miller <b>PHONE (A/C, No, Ext):</b> (586) 598-7300 <b>FAX (A/C, No):</b> (586) 598-7308 <b>E-MAIL ADDRESS:</b> jmiller@blanchardagency.com	
<b>INSURED</b> OLD & YOUNG NEWSBOYS GOODFELLOW ASSOC OF MT CLEMENS 93 KENDRICK ST MOUNT CLEMENS MI 48043-1611		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Frankenmuth Insurance <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		NAIC #	13986

**COVERAGES**

CERTIFICATE NUMBER: CL1582804998

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CPP6180855	1/7/2015	1/7/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

"The City of Mount Clemens, including all elected and appointed officials and employees of the City of Mount Clemens are named as additional insured relative to operations of insured.

**CERTIFICATE HOLDER****CANCELLATION**

tlucci@cityofmountclemens.

City of Mt. Clemens  
 One Crocker Boulevard  
 Mt. Clemens, MI 48043

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

David Meldrum/KM

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## EXPLANATION OF AGENDA – September 21, 2015

**TO:** The Honorable Mayor Barb Dempsey and  
All City Commissioners

**FROM:** Steven M. Brown, City Manager

**DATE:** September 17, 2015

**RE:** Report from the City Manager’s Office

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1. Career Opportunities with the City: City Administration has scheduled several interviews for next week (Finance Director/Treasurer candidates) while others will follow in relatively short order, based on availability of participants. We will be conducting interviews with a committee-based approach as detailed below:

- Finance Director/Treasurer – City Manager, Finance Director, DPS Director
- Human Resources Director – City Manager, City Clerk, City Attorney
- Economic Development Specialist – City Manager, Community Development Director, DDA Chair
- Planner – City Manager, Community Development Director

2. State of the City Address: Mayor Dempsey will be delivering the 2015 State of the City Address on Friday, October 9, 2015. The event is Presented by the Macomb County Chamber and is being held at Oakland University - Macomb at 20 S. Main in Downtown Mount Clemens. Doors open at 7:30 AM and the speech should begin at 8:15 AM.

There is a \$25 fee for members of the Macomb County Chamber or a \$35 fee for non-members.

Anyone interested in attending can contact Danielle Bare of the Macomb County Chamber at (586) 493-7600 or register by visiting the City website ([www.cityofmountclemens.com](http://www.cityofmountclemens.com)) and clicking on the registration link in the Announcements section of our Home Page.

3. Economic Development Survey/Information: SEMCOG recently released results from a survey of southeast Michigan residents regarding economic development in our region. Here are a few takeaways:

- 83 percent feel the economy is better than in 2010
- Vibrant central cities was the 3<sup>rd</sup> highest quality of life factor in terms of attracting and retaining employees
- success as a region is dependent on a variety of factors and the interaction of those factors is important as well

This information is encouraging since it bolsters the general belief that the economy is improving AND it shows that people do understand that central cities like Mount Clemens are critically important to the success of the region.

4. Process for Filling Commission Vacancy: As you know, Commissioner Gary Blash submitted his resignation July 27, 2015 and it was accepted by the Commission on August 3, 2015. The timing of the resignation drives the process for filling the resulting vacancy. Please see the following:

- The resignation occurred within 120 days of the next regular City Election (11/03/15)
  - City Charter Sec. 10.109 prohibits filling a vacancy by appointment if it occurs within 120 days of the next regular City Election
  - the Commission cannot fill this vacancy by appointment before the 11/03/15 regular City Election
- the intent of the Charter was that candidates would file petitions and run for such vacant office at the next regular City Election (11/03/15)
  - many changes in State Election law have occurred since the Charter's adoption
  - MCL 168.644e mandates that nominating petitions for all candidates for office shall be filed by "4:00 p.m. on the 15<sup>th</sup> Tuesday prior to the odd – year election."
  - this deadline for the 11/03/15 election passed on 07/21/15 and the resignation was not received until 07/27/15
  - petitions to fill this vacancy would not meet the foregoing state requirement in order to be on the ballot for the November 3, 2015 election

Therefore, neither the Commission nor would be candidates can act before the 11/03/15 election. After the 11/03/15 election, the Commission can fill the vacancy by appointment since the next regular City Election (11/07/17) will be more than 120 days away. The filling of the vacancy by appointment would require a majority vote of the remaining Commission members within 60 days.