



A G E N D A

CITY COMMISSION MEETING

Monday, August 3, 2009

7:00 PM

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Announcement, Acknowledgments, and Communications and Reports.
5. Adoption of Agenda.
6. Public Comments.
7. Administrative Response to Issues or Questions Raised During Previous Meetings.
8. Approval of Minutes.
9. General Business
 - 9-A - Second Reading of the Dangerous Animals Ordinance.
 - 9-B - Second Reading of the Dangerous Animals Ordinance.
 - 9-C - Request City Commission Approval to Enter into a Contract between the City of Mount Clemens and Nickel and Saph, Inc., for Liability Insurance.
 - 9-D - Approve Purchases and Payment of Invoices.
10. Consent Agenda
 - 10-A - Request Authorization to Submit a Grant Application to the Michigan Department of Natural Resources for the Urban and Community Forestry Program Tree Planting Grant.

10-B - Request from Consumers Energy Company to Extend Their License for Environmental Testing and Remedial Activities at 95 Eldredge.

10-C - Request for Permission for Divine Restoration Ministries to Hold a Youth Ministry Service at MacArthur Park.

10-D - Request to Withdraw Approval of Video Tour Book Agreement.

11. City Manager's Report.

12. Commissioners' Comments.

13. Executive Session

To Discuss the City Manager Performance Evaluation.

The Executive Session has been requested by the City Manager.

14. 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 – August 3, 2009

Administrative Response to Issues or Questions Raised During Previous Meetings

1. A resident asked if the City has asked the Chief Animal Control Officer at the Macomb County Animal Shelter for her input on the Dangerous Animals Ordinance.

No.

2. A resident asked for the definition of “size” in regards to the draft Dangerous Animals Ordinance 35261 Sec. 1 Definitions, (1) (A).

The ordinance is designed to prohibit animals of such size that are clearly not suitable for the setting.

3. Referring to the draft Dangerous Animals Ordinance 35261 Sec. 1 Definitions, (1) (f) - a resident asked if a dog kills an animal in its own yard, is the dog considered dangerous.

No. A dog or animal is considered dangerous if it bites or causes injury to a person or another dog or animal, unless it is being provoked, tormented, or protecting a person, or it is on its own property or under the control of its owner.

4. A resident asked if the City will grandfather current pit bulls under the proposed ordinance.

No. If the ordinance is adopted, all owners currently possessing a dangerous animal will be required to comply with the ordinance.

EXPLANATION OF AGENDA – August 3, 2009

Second Reading of the Dangerous Animals Ordinance

At its meeting on July 6, 2009, the Commission approved the introduction and first reading of the Dangerous Animals Ordinance, with requested revisions. As a result thereof, the Dangerous Animals Ordinance, with revisions, is presented for second reading and final approval.

SUBMITTED BY:

Michael J. Murray, City Attorney
Jeffrey D. Wood, Public Services Director

RECOMMENDED MOTION:

Approve the second reading of the Dangerous Animals Ordinance, as presented, and approve the Ordinance Summary for Publication.

EXPLANATION OF AGENDA – August 3, 2009

Second Reading of the Dangerous Animals Ordinance

At its meeting on July 6, 2009, the Commission approved the introduction and first reading of the Dangerous Animals Ordinance, with requested revisions, including deletion of Breed Specific provisions. As a result thereof, the Dangerous Animals Ordinance, with revisions, is presented for second reading and final approval.

SUBMITTED BY: Michael J. Murray, City Attorney
Jeffrey D. Wood, Public Services Director

RECOMMENDED MOTION: Approve the second reading of the Dangerous Animals Ordinance, as presented, and approve the Ordinance Summary for Publication.

EXPLANATION OF AGENDA – August 3, 2009

Request City Commission Approval to Enter into a Contract between the City of Mount Clemens and Nickel and Saph, Inc., for Liability Insurance

On Friday, June 19, 2009, the City received responses to its Request for Proposals for Liability Insurance for the City of Mount Clemens. Proposals were submitted by the following firms:

Michigan Municipal League Liability and Property Pool, Ann Arbor
Michigan Municipal Risk Management Authority, Livonia
Nickel and Saph, Inc., Mount Clemens

At this time, City staff is recommending that the City accept the three-year proposal submitted by Nickel and Saph, Inc. The proposal submitted by Nickel and Saph, Inc., was the only one of the three which contained all of the requested information. The other two submittals failed to respond to specific submission requirements.

The City's 2008-2009 insurance premiums with Michigan Municipal Risk Management Authority was \$311,615 + deductibles with a \$75,000 SIR (Self-Insured Retention). The premium with Nickel and Saph, Inc., with coverage underwritten by Trident will be \$247,746 + liability deductibles of \$10,000/occurrence. This is a decrease of \$63,869 in premiums and the deductible savings can be up to \$65,000 per claim.

In addition to the above, Nickel and Saph, Inc., was our agent prior to 2003. City staff was very satisfied with their services; they are located here in Mount Clemens; and the underwriter will allow the City to select legal counsel for the defense of covered liability claims, which the other firms do not.

SUBMITTED BY: Douglas C. Anderson, City Manager
Marilyn Dluge, Finance Director/Treasurer

RECOMMENDED MOTION: Move to accept the Liability Insurance Proposal submitted by Nickel and Saph, Inc., and to authorize staff to execute any and all documents necessary to effectuate the same.

EXPLANATION OF AGENDA – August 3, 2009

APPROVE PURCHASES AND PAYMENT OF INVOICES

No purchases at this time.

| VENDOR (INVOICES) | DESCRIPTION | FUND/ DEPARTMENT/ APPROPRIATION | ACCOUNT NUMBER | AMOUNT | CURRENT BALANCE |
|---|---|--|-------------------|------------|--------------------|
| 1.Precision Transmission 159 North Avenue Mount Clemens, MI 48043 | Emergency Repairs To rebuild Transmission on Vehicle #132. | Motor Pool Fund/ Department of Public Services/ Vehicle Maintenance | 661-44100-939000 | \$1,739.00 | \$33,134.54 |

SUBMITTED BY: Marilyn Dluge, Finance Director/Treasurer

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

EXPLANATION OF CONSENT AGENDA – August 3, 2009

Request Authorization to Submit a Grant Application to the Michigan Department of Natural Resources for the Urban and Community Forestry Program Tree Planting Grant

On July 14, 2009, the Michigan Department of Natural Resources (DNR) made available a tree planting grant to communities throughout the State of Michigan. Communities must commit to a 50/50 match as a part of the grant criteria.

City staff is requesting permission to submit the attached grant using Local Street Funds as the funding match. We are seeking funding in the amount of \$4,000 from the DNR to purchase replacement trees lost due to age, deterioration, and/or disease. This grant award would be matched by an allocation of \$4,200 from the City for the remaining balance of the trees and installation costs.

The full grant application must be postmarked by August 31, 2009, to be eligible for consideration.

SUBMITTED BY: Jeffrey D. Wood
Public Services Director

RECOMMENDED MOTION: Approve the submission of the grant application to the Michigan Department of Natural Resources in the amount \$4,000 with an approximate local match not to exceed \$4,200.

EXPLANATION OF CONSENT AGENDA – August 3, 2009

Request from Consumers Energy Company to Extend Their License for Environmental Testing and Remedial Activities at 95 Eldredge

On June 1, 1998, Consumers Energy Company was granted a license for environmental testing for the purpose of conducting an investigation of the environmental condition of the land and the implementation of appropriate remediation activities at 95 Eldredge. Attached is an extension to refresh the license through August 3, 2010.

SUBMITTED BY: Douglas C. Anderson, City Manager

RECOMMENDED MOTION: Approve the request from Consumers Energy Company to extend their License for Environmental Testing and Remedial Activities through August 3, 2010.

EXPLANATION OF CONSENT AGENDA – August 3, 2009

Request for Permission for Divine Restoration Ministries to Hold a Youth Ministry Service at MacArthur Park

Divine Restoration Ministries is requesting permission to utilize MacArthur Park on August 15, 2009 from 10 a.m. to 3 p.m. to hold a Youth Ministry Service.

No additional City services will be required. Organizers have agreed to provide a Certificate of Insurance naming the City as an additional insured.

SUBMITTED BY: Bonnie M. McInerney, Director
Community Development Department

RECOMMENDED MOTION: Approve request from Divine Restoration Ministries to utilize MacArthur Park on August 15, 2009 from 10 a.m. to 3 p.m. to hold a Youth Ministry Service.

EXPLANATION OF CONSENT AGENDA – August 3, 2009

Request to Withdraw Approval of Video Tour Book Agreement

CGI Communications, Inc., has contacted the City of Mount Clemens and has requested to enter into a partnership to create streaming video applications on the City of Mount Clemens website. The City Commission approved the Video Tour Book Agreement on June 15, 2009. Since that time, this agreement was discussed at a work session. Based upon those discussions, Administration is recommending that the City not participate in this program at this time.

SUBMITTED BY: Bonnie M. McInerney, Director
Community Development Department

RECOMMENDED MOTION: To withdraw approval of the previously approved Video Tour Book Agreement between the City of Mount Clemens and CGI Communications, Inc.

EXPLANATION OF AGENDA – August 3, 2009

TO: The Honorable Mayor Barb Dempsey and
All City Commissioners

FROM: Douglas C. Anderson, City Manager

DATE: July 30, 2009

RE: Report from the City Manager's Office

1. City Commission Meetings: There will be a Joint City Commission/Planning Commission Work Session on Monday, August 3, 2009, at 5:30 p.m. to discuss the Gratiot Avenue Access Management Initiative. This Work Session will take place in the City Commission Chambers. The Regular City Commission meeting will begin at 7 p.m.
2. Reminder: The Daughters of Macomb will hold its 6th Annual Parade and Meeting on Thursday, August 6, 2009. The parade will begin at 9 a.m. on Main Street.
3. Special Events: Girls Night Out will also take place on Thursday, August 6, 2009, in Downtown Mount Clemens from 5:00 p.m. to 9:00 p.m. For more information, please contact the Downtown Development Authority at 586.469.4168.
4. Bath City Run/Walk: The 8th Annual Bath City Run/Walk will be held on Saturday, August 15, 2009. The race begins at 8 a.m. and starts at the Recreation Bowl (40 Crocker Boulevard). For more information, please call 586.469.4168 or 586.431.6788.

On a final note, I would like to wish all of the candidates good luck with the August 4th primary election.