

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, January 23, 2006
City Hall Council Chambers
301 South Leroy Street

Meeting was called to order by Mayor Osborn at 7:30 P.M.

The invocation for the evening was the Lord's Prayer, followed by the Pledge of Allegiance.

Present: Angeluski, Hammond, King, Moffitt, North, Osborn, Rauch.

Absent: None.

Others Present: Michael Senyko, City Manager; Christopher Wren, Assistant City Manager; Stephen Schultz, Legal Counsel.

MINUTES

Moved by King, seconded by Rauch to approve the minutes of the January 3, 2006 Work Session and the January 9, 2006 regular meeting. Motion carried by voice vote.

ACCOUNTS PAYABLE

North commented on the Quarterly Water and Sewer billing from Genesee County, and felt that it was important for the public to have the opportunity to see just how much their water and sewer costs. North also had some questions about payment for training classes for the firefighters, and Senyko explained that the City initially pays for their classes and if they don't stay for at least a year, the tuition costs must be reimbursed to the City.

North questioned a billing from Peter Medor. Wren explained that the billing was for repair work that was done to the Gazebo nearly two years ago. Rauch explained that Medor was on the Gazebo committee. Angeluski questioned when the Gazebo Committee was formed and Osborn stated that it was approved by the Council four years prior. Angeluski has some other questions about the nature of how the City cooperates with Southern Lakes to complete projects, as well as how the workers are hired and who supervises them. Senyko and Osborn answered these questions to his satisfaction. Osborn suggested that Vince Paris provide a report to the Council concerning Southern Lakes projects in the City, and Rauch suggested that the Council have Les Bland, DPW Director, report to them, because he already reports to the Park Board concerning these activities.

King observed that the escrow accounts for the developers appear to be smaller than they used to be, given the scope of their projects. Senyko assured her that prior to inspections of these developments, the escrow must be paid to date and are updated regularly.

A motion was made by Hammond, seconded by North to authorize payment of invoices in the amount of \$319,607.84.

YEAS: Osborn, Rauch, Angeluski, Hammond, King, Moffitt, North.

NAYS:None.

ABSENT: None. Motion carried.

CORRESPONDENCE, MINUTES, & REPORTS

A motion was made by North and seconded by Moffitt to approve and place on file the following minutes:

- Minutes of the November 10, 2005 Oakwood Cemetery Board meeting.
- Minutes of the December 20, 2005 Downtown Development Authority meeting.

Motion carried by voice vote.

King also questioned when the new Park Board appointment would be coming before Council, and Senyko estimated that it would be during the month of February.

CITIZENS COMMENTS - None.

RESOLUTION 06-04:

Senyko delivered the background information for Resolution No. 06-04, which would enable City Clerk, Melinda Carrier, to purchase five additional years of service from MERS, making her eligible for retirement in 2010. The entire cost of this purchase will be borne by Carrier. North questioned how many years were required to become vested and Senyko responded that ten are necessary, however Carrier has already attained 15.

A motion was made by Hammond and seconded by Rauch to grant the request of Melinda Carrier to purchase five years of MERS service credit by adopting Resolution No. 06-04.

YEAS: Rauch, Angeluski, Hammond, King, Moffitt, North, Osborn.

NAYS:None.

ABSENT: None. Motion carried.

ENGINEERING SERVICES CONTRACT

Senyko delivered background information on the contract for engineering services as well as the revisions that were able to be negotiated with Hubbell, Roth & Clark (HRC). Senyko reviewed the items changed on pages 3 and 4 of the contract, as well as the updated rate schedule, which reflected that 2006 services will be charged at rates for 2005. North inquired about the rates for 2007 and 2008 and Senyko explained that HRC has the option to request an increase in much the same manner as Schulz could, for legal counsel. Schultz further stated that professional services contracts are always "at will", so the City is protected. North and King engaged in a conversation about whether mileage would be charged to the City over and above the fee rates and a representative of HRC stated that mileage prices are included in the fees. Osborn stated that the City has the ability to re-evaluate this contract at anytime.

Angeluski expressed his concerns about the transition to HRC, as well as the contract having a duration of three years. Angeluski would like to have seen the other two bids for some comparison and is concerned about the fee schedule and raising the rates in the future. Angeluski questioned if the

current engineering firm could be retained for a year until HRC has become more acquainted with the City. Senyko addressed the frozen wage rates for the first year of the contract and informed the Council that HRC was making a serious concession by doing this. Senyko also relayed that, given this concession, it was understandably fair for HRC not to address future wage increases at this time. Senyko also stated that retaining the services of the current engineering firm in addition to hiring a new one would be an unnecessary expense because he feels the City employees are very capable of making the transition to HRC a smooth one. Senyko also pointed out that in the City's Charter, the City Manager has the ability to retain the services of the former firm for a period of time, if their services are needed.

Rauch stated that the City has an engineer, on staff, to check agreement with other engineering plans, as well as assuring accuracy in dealing with the City's infrastructure. Rauch stated that the committee appointed to research the new engineering firm did their job very well and made a good selection. Rauch expressed his gratitude to the committee for taking the work load off of the Council and stated that he did not feel that duplication of engineering services was prudent or appropriate. Angeluski stated that it is important for the Council to review the recommendations of the committees so that improvements to the contract can be made.

North explored Angeluski's suggestion of having two engineering firms for the City with the possibility of having them bid against each other, which could benefit the City financially. Senyko stated that anything is an option, however, one of the complaints was that the City had too many engineering firms, so the intent was to find a firm that could handle all the facets that the City requires. Senyko also stated that he felt three years was a good length for the contract because it is a good growth period, and that having too many firms could cause confusion among the projects. North questioned if the LDFA and the DDA have the same firm and Senyko responded that they did not because the Boards and Commissions have the authority to choose their own firms. Senyko also added to his earlier comments that out of the 17 firms who bid for this contract, only one of them was the existing firm, so a transition period would be necessary for any of them. Hammond stated that he felt it would be best to keep things as simple as possible because it is much easier for the City Administration to deal with one firm.

Moffitt had some questions about how the firms that bid were selected, and Senyko described the bidding process and replied that smaller firms were not excluded from bidding whatsoever.

King stated that she had a hard time approving this contract as it is. King would like to see one engineering firm and one attorney for the entire City, however, she knows this is not possible. King feels that the transition to a new firm at this point would be too much of an issue right now, given the City's infrastructure. King suggested keeping one person on from Stantec to help aid in the transition and oversee it. Senyko stated that retaining Stantec would not be in the City's best financial interest and added that the switch to HRC would save the City a six figure dollar amount.

Osborn stated that she is disappointed with the Connector and Union Street improvements because they do not function the way they should and she is ready for a change.

Angeluski, again, expressed his concern for the increase in fees for HRC in the next couple of years. Senyko stated that there is a provision to terminate the contract, as well as the ability to re-bid the contract at anytime without necessarily terminating it.

Moffitt inquired about the ability to be notified who was working on what projects so that their

individual hourly rates could be considered. Moffitt disagrees with keeping Stantec on reserve through the transition period because it is not fair to the taxpayers. Moffitt also added that the City employees are well acquainted with the City's infrastructure and the City Engineer also has a priceless wealth of information concerning these matters.

Rauch stated that the technology in City Hall and the experience of the City staff will ease this transition nicely.

A motion was made by Hammond and seconded by Rauch to approve Hubbell, Roth & Clark, of Bloomfield Hills, to commence providing engineering services for a three year contract effective February 1, 2006 through January 31, 2009, authorize the attached fee schedule to become an appendix to the contract, and authorize the City Manager and City Clerk to execute any necessary documents pertaining to this matter, upon review of the finalized contract by the City Attorney. A second motion was made by Angeluski and seconded by King to amend the original motion to reduce the length of the contract with Hubbell, Roth & Clark to a two year term. A roll call vote was taken to consider the amendment.

YEAS: Angeluski, King, Moffitt, North.

NAYS: Hammond, Osborn, Rauch.

ABSENT: None. The original motion to accept the contract was amended to be a two year term.

A roll call vote was taken to decide on the original motion to accept the contract, as amended.

YEAS: Hammond, King, Moffitt, North, Osborn, Rauch, Angeluski.

NAYS: None.

ABSENT: None. Motion carried.

CHAMBER OF COMMERCE BANNER

Senyko delivered the information pertaining to the request of the Fenton Chamber of Commerce to display banners promoting the Fenton Community Expo. North stated that other banners were not coming down on time, and Osborn agreed that the banners are staying up long after their expiration date. King suggested that the Building Department should notify them. Senyko will follow up on this matter.

A motion was made by North and seconded by Rauch to approve the request of the Fenton Chamber of Commerce to install banners at 500 Main Street, 1000 W. Shiawassee and 1001 Silver Lake Road from February 20, 2006 to March 7, 2006 to promote the Fenton Community Expo. Motion carried by voice vote.

CALL TO AUDIENCE

Cherie Smith, of 200 Union Street, thanked the Council for considering and approving a new engineering firm.

CITY MANAGER'S REPORT

Senyko announced to the Council that he and Wren would be out of the office from Wednesday, January 25th through the morning of Friday, January 27th, due to a conference. Senyko reminded the Council that the Goal-setting Session will be at 6:00 PM on Monday, January 30th at City

Hall. Finally Senyko requested that Council share their availability with him so he can begin planning their retreat. A short discussion ensued between the Council members concerning what days would work the best.

COUNCIL MEMBER COMMENTS

Moffitt confirmed the February 6, 2006 deadline for internal applicants for the Fire Chief's position. Moffitt stated that the City needs to be very mindful of the budget and start tightening the belt in light of the current economic conditions.

Rauch inquired about the progress of the dam project. Hammond explained that their progress has been slowed due to the necessity of finding a new company to order the valves from, however, they should be on target soon. Rauch also commented that the "No Parking" sign near City Hall is not being enforced.

Angeluski expressed his concern for the future planning of the City because he does not feel that an expanded bar business upholds the desire to keep Fenton a nice, clean, and safe place to live.

King inquired about the method used to trim some of the trees, which was completed by the DPW. King felt that they were trimmed improperly. Senyko stated that the Park Board and the Beautification Commission are currently working on developing a policy for tree trimming. Wren added that, in order for the City to receive grant funding for the Ash tree replacement, there needs to be a tree replacement plan in place, as well as an arborist who is on call. King suggested that the DPW not complete any tree trimming until this new trimming policy is in place.

King stated that consultant for the DDA came and made a presentation to the Planning Commission and they were pleased with what they heard. King feels that there should be some action taken very soon concerning the striping on the road. Osborn stated that the DDA is already discussing this matter. Senyko further shared that everyone involved in this process seems to be in agreement that it needs to be done soon, however it is just a matter of when the best time is to complete the striping. King also stated that the street lights at the Connector are still too bright.

Angeluski announced that the VFW is holding a fish fry on Friday nights and all the proceeds go to benefit veterans and their children, in the event that they fall on hard times.

LEGAL COUNSEL REPORT - None.

MAYOR'S COMMENTS

Osborn inquired about the possibility of completing some Charter revisions, and would like to revisit this topic at a later time.

King inquired about completing a mid-year census and Senyko and Schultz explained that this is a very lengthy and costly project, but Senyko will look into the process of conducting the project.

King also requested that the Council consider getting new council member badges because she feels the current ones are too small.

Meeting adjourned at 8:58 PM.

Mayor Sue Osborn

Deputy City Clerk, Jennifer Wills