



CITY OF IONIA
CITY COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 2, 2016
CITY HALL
COUNCIL CHAMBER

OATH OF OFFICE

Prior to the start of the meeting, City Clerk Lynn Lafler administered the Oath of Office to Mayor Danial Balice.

CALL TO ORDER

Mayor Daniel Balice called the regular meeting of the City Council to order at 7:00 pm and led with the Pledge of Allegiance.

ROLL CALL

Roll revealed Councilmembers John Milewski, Jeff Winters, Gordon Kelley, Ted Paton, Tom Millard, Paul Lentz, Janice Gustafson and Mayor Balice present. Councilmember Kim Patrick was excused.

PUBLIC COMMENTS

Cheryl Dillahunty and Michelle Harkins addressed Council in regards to sidewalk snow and ice removal.

APPROVAL OF MINUTES

It was moved by Councilmember Millard, seconded by Councilmember Lentz to approve the January 5, 2016 regular meeting minutes.

By Voice Vote: MOTION CARRIED.

NEW BUSINESS

Authorize – Street Administrator to Certify 2015 Street Mileage Map

The City Manager reported that the Michigan Department of Transportation requires local road agencies to annually certify their street mileage. The miles certified are used to calculate the amount of revenue that each municipality receives for its street funds in the form of Gas and Weight Tax. The City Manager stated that no changes to the map are necessary this year with the number of major street miles remaining at 8.66 and the number of local street miles remaining at 17.85.

It was moved by Councilmember Paton, seconded by Councilmember Gustafson to authorize the Street Administrator to certify the 2015 Act 51 Street Mileage Map.

Roll Call Vote: Ayes: Milewski, Winters, Kelley, Paton, Millard, Gustafson, Lentz and Balice.
Nays: None
MOTION CARRIED

Accept – Bid for Bliss/Pleasant Alley/West Lytle Reconstruction Project

The City Manager reported that the City’s budget includes funds to reconstruct Bliss Street; Pleasant Alley (M-21 to West Lytle Street); and West Lytle Street during the 2016 construction season. This project is a companion project to the 2016 Cyrus Street reconstruction project. Work on all of the streets includes replacing the existing water, sanitary and storm sewer mains, curb, sidewalk and driveway approaches and street surface. Plans for this year’s project were recently finalized and utility permits secured. Project specifications were made available to interested bidders with bids opened on January 22nd. The following bids were received for this project:

CL Trucking & Excavating	\$820,859.25
Weick Brothers, Inc.	\$907,681.00
Montgomery Excavating	\$921,079.00
ET MacKenzie Company	\$1,187,397.50
Isabella Corporation	\$1,198,776.75

The City Manager provided a copy of the bid tabulation along with the letter from FTCH for Council review. After reviewing the bids, the City Manager recommended that the bid submitted by CL Trucking & Excavating be accepted.

It was moved by Councilmember Millard, seconded by Councilmember Milewski to accept the bid submitted by CL Trucking & Excavating for \$820,859.25 for completing the City’s 2016 Bliss/Pleasant Alley/West Lytle reconstruction project and authorize the City Manager to sign the necessary contract documents.

Roll Call Vote: Ayes: Winters, Kelley, Paton, Millard, Gustafson, Lentz, Milewski and Balice.
Nays: None
MOTION CARRIED

Approve – MDNR Project Development Agreement – Shattuck Park

The City Manager reported that the City was recently informed that its request for grant funding for improvements to Shattuck Park through the MDNR Recreation Passport Program was approved. Specifically, the City requested, and was granted, \$43,000 through the program contingent on a local project contribution of at least \$14,400. Proposed improvements to the park include new play equipment, basketball court, park amenities (bike rack, bench, picnic tables, etc). The City Manager stated that the next step in the grant approval process is to adopt a prepared Resolution which approves the project development agreement with the MDNR.

It was moved by Councilmember Paton, seconded by Councilmember Winters to adopt the following prepared Resolution regarding completing improvements to Shattuck Park utilizing grant funds through the MDNR Recreation Passport Grant Program.

RESOLVED that the City of Ionia, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Ionia does hereby specifically agree, but no by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide a minimum of fourteen thousand four hundred (\$14,400.00) dollars to match the grand authorized by the Department.
2. To maintain satisfactory financial accounts, documents, and records and to make them available to the Department for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

Roll Call Vote: Ayes: Kelley, Paton, Millard, Gustafson, Lentz, Milewski, Winters and Balice.

Nays: None

MOTION CARRIED

Approve – MDOT Right-of-Way Performance Resolution

The City Manager reported that annually the City applies for a right-of-way permit from the Michigan Department of Transportation (MDOT) for permission to perform specific municipal functions within MDOT's rights-of-way (namely, M-66 and M-21). These "functions" range from cleaning sanitary sewer mains or repairing fire hydrants to hanging decorative banners along the highway. The City Manager stated that as part of the permitting process, MDOT requires that the governing body of the local unit of government requesting the permit periodically adopt the standard MDOT Resolution which segregates liability and other responsibilities between MDOT and the local unit

It was moved by Councilmember Paton, seconded by Councilmember Gustafson to adopt the following prepared resolution regarding the use of the Michigan Department of Transportation highway rights-of-way in the Ionia area for utility maintenance and other purposes.

WHEREAS, the City of Ionia, hereinafter referred to as “City”, periodically applies to the Michigan Department of Transportation, hereinafter referred to as “MDOT”, for permits, referred to as “Permits”, to construct, operate, use and/or maintain utility or other facilities, or to conduct activities on, over, and under state trunkline right-of-way at various locations within and adjacent to its corporate limits.

NOW, THEREFORE, BE IT RESOLVED that in consideration of MDOT granting such Permit, the City agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.
2. This Agreement is not intended to increase either party’s liability for, or immunity from, tort claims.
3. This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
 - a. Any work performed for the City by a contractor shall be solely as a contractor for the City and not as a contractor or agent of MDOT. Any claims by any contractor or subcontractor shall be the sole responsibility of the City. MDOT shall not be subject to any obligations or liabilities by vendors and contractors of the City, or their subcontractors or any other person not a party to the Permit without its specific prior written consent and notwithstanding the issues of the Permit.
 - b. The City shall take no lawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgement being imposed against the State of Michigan, the Michigan Transportation Commission, MDOT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for MDOT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the Permit, it will be considered as a breach of the Permit thereby giving the State of Michigan, MDOT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including but not by way of limitation, a judgement for money damages.
 - c. It will, by its own volition and/or request by MDOT, promptly restore and/or correct physical or operating damages to any State trunkline right-of-way resulting from the installation, construction, operation and/or

maintenance of the City's facilities according to a Permit issued by MDOT.

- d. With respect to the activities authorized by the Permit, when the City requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Michigan Transportation Commission, MDOT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for MDOT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- e. The incorporation by MDOT of this Resolution as part of a Permit does not prevent MDOT from requiring additional performance security or insurance before issuance of the Permit.
- f. This Resolution shall continue in force from this date until cancelled by the City or MDOT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the City with regard to any Permit which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to MDOT for the necessary permit to work within State trunkline right-of-way on behalf of the City:

<u>Name</u>	<u>And/Or</u>	<u>Title</u>
Jason Eppler		City Manager
Gary Cunningham		Director, Department of Public Works
Chris Kenyon		Director, Department of Public Utilities
Steve Nichols/Kyle Patrick		City Engineer
Troy Thomas		Director, Department of Public Safety

Roll Call Vote: Ayes: Millard, Gustafson, Lentz, Milewski, Winters, Kelley, Paton and Balice.

Nays:

MOTION CARRIED

Discussion – Budget Preparation Assumptions

The City Manager reported that the preparation of the FY16-17 budget is underway with department directors developing their revenue projections and expenditure requests for the new fiscal year. The City Manager stated as staff works through the minutia, he along with the City's Finance Director are working on aspects of the budget development from a macro-view including projecting probable revenues and expenditures by fund for the new fiscal year. The City Manager stated that action taken by Council at the January meeting to amend the current budget assists with this process. The City Manager also stated that this was an opportunity to pause for a moment and see what trends or factors are impacting the City's finances. The City Manager reviewed information with Council regarding the City's finances. After discussion, no formal action was taken.

MAYOR AND COUNCILMEMBER COMMENTS

Balice: Thanked Robin Marhofer, who is retiring for her years of service to the City of Ionia as Finance Director. Also, provided Council with information regarding the City of Ionia's water system.

Gustafson: Stated the Ionia Chamber of Commerce annual event went very well.

Millard: Encouraged citizens to attend the Ionia Community Theater's "Lights Camera Auction at the Ionia Theater on Saturday, February 6, 2016. Also thanked Robin Marhofer for her years of service to the City of Ionia as Finance Director.

Kelley: Also thanked Robin Marhofer for her years of service. Also stated he appreciated all the information being provided by staff members in regards to the City of Ionia's water system.

Winters: Echoed Mayor Balice's comments in regards to thanking Robin Marhofer for her years of service to the City of Ionia as Finance Director.

Milewski: Thanked Robin Marhofer for her years of service to the City of Ionia as Finance Director. Also encourage citizens to attend the upcoming "I Am Kids Third Meal" program on Friday, February 5th from 6 – 10 PM at the Steele Street Hall in Ionia.

ADJOURNMENT

It was moved by Councilmember Winters, seconded by Councilmember Gustafson to adjourn the meeting at 8:30 pm.

By Voice Vote: MOTION CARRIED.

Respectfully submitted:

Lynn E. Lafler, Clerk