Revised Council Agenda

October 7, 2013 6:30 p.m.
Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Saginaw Fire Department to receive Proclamation designating October 6 - 12, 2013 as "Fire Prevention Week."

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

Management Update:

1. City Manager transition update, Darnell Earley, City Manager.

2. Interim City Manager position appointment, Darnell Earley, City Manager.

CONSENT AGENDA:

1. Approve the September 19, 2013 Special Single-Subject meeting and September 23, 2013 regular Council meeting minutes.

2. Approve a Cost Allocation Plan Agreement with Maximus, Inc. for a cost allocation plan to be utilized in Fiscal Years 2015, 2016, and 2017 for a three year total cost of $41,250.

3. Approve and authorize Employee Services to seek Request for Proposals for Executive Search firms to recruit City Manager candidates, in an amount not to exceed $25,000.

4. Approve a budget adjustment for Fiscal Year 2014 to increase the General Fund Revenue's Use of Fund Equity Account No. 101-0000-989.000 from $0 to $5,000 to allow for the donation by the City/School Liaison Advisory Committee to the First Ward Community Center. This increase in revenues will be offset by an increase to the City/School Liaison Division's Professional Services Account No. 101-0105-801.000 by the same amount.

5. Approve a purchase order to Beyond Technology for $2,286.30 for printer toner cartridges for the Saginaw Police Department.

6. Approve a purchase order to SQS, INC. d/b/a ERG Environmental Services for a total cost of $4,228 for fiscal years 2014 and 2015 for the environmental clean-up of lead on the small arms range for the Police Department.

7. Approve the Troubled Asset Relief Program Hardest Hit Grant Memorandum of Understanding with the Saginaw County Land Bank Authority for a term of two years.

8. Approve a purchase order to Custom Engineering, Inc. for $11,850 for two Trane rooftop HVAC units for the Maintenance and Service Division.

9. Approve a purchase order to First Class Building for $3,995 for painting at the Motor Pool Garage.

10. Approve the System Access User Agreement with the Michigan State Housing Development Authority for a term of two years.

11. Approve the Memorandum of Understanding with the Saginaw County Land Bank Authority and the Michigan Homeowner Assistance Nonprofit Housing Corporation for a term of two years.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARD AND COMMISSION MEMBERS:

1. Consideration of appointing Dawn Morrell to the City Planning Commission with a term to expire December 31, 2015.

2. Consideration of reappointing Lori Brown to the Brownfield Redevelopment Authority with a term to expire December 31, 2015.

3. Consideration of reappointing Susanna Sheltraw to the Human Planning Commission with a term to expire October 7, 2015.

4. Consideration of reappointing William Ewald to the Saginaw Arts and Enrichment Commission with a term to expire June 30, 2016.

5. Consideration of appointing Charles Haller, Jr. to the Saginaw Economic Development Corporation with a term to expire June 30, 2016.

Revised Council Agenda

October 7, 2013 6:30 p.m.
Council Chamber

INTRODUCTION OF ORDINANCES:

1. An Ordinance to add §92.21, “Outdoor and Open Burning,” to Chapter 92, “Fire Protection and Public Safety,” of Title IX, “General Regulations,” of the City of Saginaw Code of Ordinances, O-1.

2. An Ordinance to amend subsection (J), “Section 307 (page 35) Chapter 3,” of § 92.20, “International Fire Code,” “Adopted; Fire Code Amendments,” of Chapter 92, “Fire Protection and Public Safety,” of Title IX, “General Regulations,” of the City of Saginaw Code of Ordinances, O-1.

3. An Ordinance to amend subsection (A), “Open Burning,” of § 50.10, “On-Site Burning,” of Chapter 50, “Solid Waste,” of Title V, “Public Works,” of the City of Saginaw Code of Ordinances O-1.

CONSIDERATION AND PASSING OF ORDINANCES:

RESOLUTIONS:

1. Adopt the resolution to authorize the use of Receiving Boards for all future Elections.

UNFINISHED BUSINESS:

1. City Manager position.

MOTIONS AND MISCELLANEOUS BUSINESS:

ADJOURN:

Darnell Earley
City Manager

IF YOU ARE DISABLED AND NEED ACCOMMODATION TO PROVIDE YOU WITH AN OPPORTUNITY TO PARTICIPATE OR OBSERVE IN PROGRAMS, SERVICES, OR ACTIVITIES, PLEASE CALL THE SAGINAW CITY CLERK, 1315 S. WASHINGTON AVENUE, 989.759.1480.

CITY OF SAGINAW
PROCLAMATION

WHEREAS, the National Fire Protection Association (NFPA) reported that in the past five years**,** U.S. fire departments have responded to 370,000 home structure fires annually. These fires caused 13,910 civilian injuries, 2,520 civilian deaths, and $7.2 billion in direct property damage each year; and

WHEREAS, nearly 20 percent of all home fire deaths resulted from fires that began in the kitchen. Cooking is reported as the leading cause of all home fires and home fire injuries, with unattended cooking reported as the common factor in over 34% of these home fires; and

WHEREAS, the National Fire Protection Association has established "Fire Prevention Week" to create greater awareness and innovation in fire protection and prevention. As a result, countless lives have been saved each year; and

WHEREAS, the 2013 Fire Prevention Week theme, "Prevent Kitchen Fires" effectively serves to protect all families from the danger of kitchen fires and to remind us all of the simple actions we can take to stay safer while cooking in our homes; now

THEREFORE, I, Greg Branch, Mayor of the City of Saginaw, do hereby proclaim the week of October 6-12, 2013 as

"FIRE PREVENTION WEEK"

throughout the City of Saginaw, and I urge all residents of this city to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2013, and to support the many public safety activities and efforts of the City of Saginaw Fire Department.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 7th day of October in the year of our Lord two thousand thirteen.

Gregory L. Branch, Mayor

Councilpersons
Dennis Browning, Mayor Pro Tem
Annie Boensch, Norman Braddock, Larry Coulouris,
Daniel Fitzpatrick, Floyd Kloc, Amos O'Neal,
Andrew Wendt

October 7, 2013

Darnell Earley, City Manager

SPECIAL SINGLE-SUBJECT MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD THURSDAY, SEPTEMBER 19, 2013, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Council Member Fitzpatrick offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Branch called the meeting to order. Council Members present: Floyd Kloc, Amos O'Neal, Daniel Fitzpatrick, Mayor Pro Tem Dennis Browning, Andrew Wendt, Norman Braddock, Annie Boensch and Mayor Greg Branch - 8. Council Member absent: Larry Coulouris - 1.

PERSONAL APPEARANCES

City Clerk Janet Santos stated that the single personal appearance contacted the City and stated that he was not able to appear before Council.

MOTIONS AND MISCELLANEOUS BUSINESS

Moved by Mayor Pro Tem Browning, seconded by Council Member Fitzpatrick to suspend the Rules of Order, per Section 16, and allow discussion regarding the City Manager position. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Braddock, seconded by Council Member O'Neal to appoint Dr. Odail Thorns as City Manager effective on the date that the City Manager is no longer with the City. Discussion held.

Moved by Council Member Fitzpatrick, seconded by Council Member Kloc to recess at 7:00 p.m. to allow the City Clerk to verify City Charter, Sections 25 and 27 amendments. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Braddock, seconded by Council Member Kloc to reconvene at 7:07 p.m. 8 ayes, 0 nays, 1 absent. Motion approved.

Mayor Branch reported that City Charter, Sections 25 and 27 amendments were approved by the voters on November 3, 2009, that requires "a 2/3 majority vote of the elected, appointed and seated members of Council," which means 6 votes of Council , as verified by the City Clerk. Council continued discussion.

Council Member Boensch left the meeting at 7:49 p.m. and returned at 7:50 p.m. Council Member Wendt left the meeting at 7:54 p.m. and returned at 7:55 p.m.

Moved by Council Member Braddock, seconded by Council Member Wendt to amend the main motion by adding "Interim" to clarify the City Manager position appointment.

As advised by City Attorney Andre Borrello, Council consent was given that the main motion is implicit that the appointment of an Interim City Manager is for an indefinite term in compliance with the City Charter, Section 25.

Mayor Branch called for the vote on the amendment. 8 ayes, 0 nays, 1 absent. Motion approved.

Mayor Branch asked City Clerk Santos to conduct a roll call vote on the main motion. Roll call:
Ayes: O'Neal, Fitzpatrick, Wendt, Braddock, Boensch
Nays: Mayor Pro Tem Browning, Kloc, Mayor Branch
Absent: Coulouris
Abstain: None
Motion denied.

Council continued discussion. Council consented for the Mayor to meet with the City Manager and propose a written agreement to change his last day to September 30, 2013.

Moved by Council Member Kloc, seconded by Council Member Boensch to schedule a Committee of the Whole meeting, prior to the September 23, 2013 Regular Council meeting, topic to be the City Manager position, and to include the City Manger's recommendation and invite potential candidates to attend. Discussion held.

Moved by Council Member Kloc, seconded by Council Member Braddock to amend the main motion to change from "Committee of the Whole" to the "regular meeting agenda under Unfinished Business." Discussion continued.

Mayor Branch called for the vote on the motion amendment. 8 ayes, 0 nays, 1 absent. Motion approved.

Council Member Braddock left the meeting at 8:48 p.m.

Moved by Council Member O'Neal to amend the main motion to change the meeting date from September 23, 2013 to a special meeting on September 25, 2013. No support was offered. Discussion continued. Council Member O'Neal withdrew his motion.

Moved by Council Member Boensch, seconded by Mayor Pro Tem Browning to amend the main motion to change the September 23, 2013 Unfinished Business item regarding the City Manager position to the October 7, 2013 regular meeting. 7 ayes, 0 nays, 2 absent. Motion approved.

Mayor Branch called for the vote on the main motion. 7 ayes, 0 nays, 2 absent. Motion approved.

ADJOURNMENT

Moved by Mayor Pro Tem Browning, seconded by Council Member Kloc to adjourn the meeting at 9:07 p.m. 7 ayes, 0 nays, 2 absent. Motion carried.

Janet Santos, CMC/MMC
City Clerk

REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, SEPTEMBER 23, 2013, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Browning offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Branch called the meeting to order. Council Members present: Floyd Kloc, Larry Coulouris, Mayor Pro Tem Dennis Browning, Norman Braddock, Annie Boensch and Mayor Greg Branch - 6. Council Members absent: Amos O'Neal, Daniel Fitzpatrick and Andrew Wendt - 3.

ANNOUNCEMENTS

City Clerk Janet Santos made the following announcements:

- the City's Waste Convenience Station will be open Saturday, October 12 from 10:00 a.m. to 2:00 p.m.;
- October 7 is the last day to register to vote in the November 5 City Election;
- Ballots for the November 5 City Election are available for absentee voting; and
- a reminder of City ordinances that political signs shall be removed within 7 days of the election and are not allowed in the public right-of-way.

Council Member Wendt entered the meeting at 6:32 p.m. during announcements.

Council Member Boensch read a proclamation declaring September 22-28, 2013 as "National Employer Support of the Guard and Reserve Week." Gary Aten, Michigan Committee of ESGR, accepted the proclamation and thanked the Council for the recognition.

Council Member Braddock read a proclamation to honor Henry Nickleberry, former Mayor and Council Member. Family members accepted the proclamation and thanked the Council for the recognition.

PERSONAL APPEARANCES

The following persons addressed the Council: Johnny Sanders, Monique Lamar-Silvia, Inez Williams, Ed Brown and Christina Jones.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Mayor Pro Tem Browning, Wendt, Braddock, Boensch, Kloc and Mayor Branch.

REPORTS FROM CITY MANAGER

Management Update

Deputy City Manager/CFO Tim Morales introduced Employee Services Director Dennis Jordan. Mr. Jordan presented search history and an overview used in a City Manager search.

Consent Agenda

1. Approve the September 9, 2013 regular council meeting minutes.

2. Approve a purchase order to Ricoh USA for $132,595 for a five-year equipment lease.

3. Approve the Fire Cost Reimbursement Fee Schedule as amended, effective July 1, 2013.

4. Approve the grant agreements from the Saginaw Community Foundation for $10,000 and the Dow Corning Foundation for $8,000 on behalf of the Downtown Development Authority in conjunction with the Facade Improvement Program. Further, approve a budget adjustment for FY 2014 to increase the DDA Fund Facade Improvement Revenue Account No. 243-0000-540.006 from $0 to $18,000.

5. Approve a purchase order to Rock Products for $8,000 for ready-mix concrete for the Right of Way Division - Streets Section.

6. Approve a purchase order to Mercury Associates, Inc. for $29,400 for fleet management consulting services.

7. Approve a purchase order to Utility Services Authority, LLC for $55,742.50 for emergency replacement of the Eighth Street water main between Sears and Carlisle Streets in the Great Lakes State Bay Rail Yard.

8. Approve the resolution authorizing the Downtown Saginaw Association the use of amplifying equipment for the Fall In Art Market and Festival event to be held on September 28, 2013, from 12:00 p.m. to 6:00 p.m. at Morley Plaza.

9. Approve a purchase order to Imaginit Technologies for $8,906.50 for specialized training for Engineering and Technical Services.

10. Approve a purchase order to Detroit Salt Co. for $38,770 for 1,000 tons of salt for the Maintenance Division.

11. Approve a purchase order to Etna Supply for $3,720 for 30 Sensus Accustream replacement water meters for the Maintenance and Service Division.

12. Approve to increase blanket purchase order #49224 to Martin Chevrolet for $10,000 for vehicle parts and supplies for the Garage Division.

13. Approve a purchase order to Joseph Day Company for $13,500 for the City Hall boiler repair. Further, approve a budget adjustment for FY 2014 to increase the General Fund Revenue Insurance Proceeds Account No. 101-0000-696.000 from $0 to $5,300.

14. Approve the purchase order to JWC Environmental, a sole source, for $20,224.90 for repair parts for the Wastewater Treatment Division.

15. Approve the purchase order to Waterworks Systems and Equipment Co., a sole source, for $3,404 for stock parts for the Wastewater Treatment Division.

Council Action:
Moved by Council Member Kloc, seconded by Mayor Pro Tem Browning to approve consent agenda items 1 through 3, and 5 through 15 as presented. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Kloc, seconded by Council Member Braddock to approve consent agenda item 4 as presented. Mayor Branch asked the Clerk to conduct a roll call vote.

Ayes:	Mayor Pro Tem Browning, Wendt, Braddock, Boensch, Kloc, Mayor Branch
Nays:	Coulouris
Absent:	O'Neal, Fitzpatrick
Abstain:	None

Motion approved.

REPORTS FROM BOARDS; COMMISSIONS AND COMMITTEES, AND APPOINTMENT OF BOARD AND COMMISSION MEMBERS

There were no reports or appointments presented.

INTRODUCTION OF ORDINANCES

City Clerk Janet Santos announced that the ordinance for introduction was removed prior to the meeting pending further review.

CONSIDERATION AND PASSING OF ORDINANCES

Moved by Council Member Braddock, seconded by Council Member Boensch to adopt an Ordinance to amend §151.095 "Findings and Purpose," §151.096 "Definitions," §151.097 "Non-owner Occupied Property - Prohibited Conduct," §151.098 "Non-owner Occupied Property – Registry," §151.099 "Unoccupied Property Registry," §151.100 "Violation/Abatement," and §151.101 "Fees," of Chapter 151 "Housing Regulations," Title XV "Land Usage," of the City of Saginaw Code of Ordinances O-1.
7 ayes, 0 nays, 2 absent. Motion approved.

MOTIONS AND MISCELLANEOUS BUSINESS

Council consented to have Employee Services assist with preparation of a question list for the October 7, 2013 "Unfinished Business," City Manager position.

ADJOURNMENT

Moved by Council Member Braddock, seconded by Council Member Kloc to adjourn the meeting at 7:56 p.m. 7 ayes, 0 nays, 2 absent. Motion approved.

Janet Santos, CMC/MMC
City Clerk

This page is intentionally left blank.

COUNCIL COMMUNICATION CC- 2

From: Darnell Earley, City Manager

Subject: Cost Allocation Plan – Maximus, Inc.

Prepared by: Tim Morales, Deputy City Manager/Chief Financial Officer

Manager's Recommendation:

I recommend approval of a City-Wide Cost Allocation Plan Agreement between the City of Saginaw ("City") and Maximus, Inc. This agreement provides for the preparation of a cost allocation plan that will be utilized in fiscal years 2015, 2016, and 2017. The plans would be based on actual expenditures for the years ending June 30, 2013, June 30, 2014, and June 30, 2015. The total cost for the three year agreement will be $41,250, payable upon completion of each annual plan at a rate of $13,750 per year. The proposed fee represents a decrease from the previous year's fee and remains the same for all three years of the contract.

The agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

A Cost Allocation Plan (CAP) is an allocation of indirect costs to programs, activities, and/or cost objectives; the CAP promotes fair and equitable sharing of indirect costs, allows a local unit to recognize the "full" cost of service, allows for better management of resources, and allocates certain general fund costs to other funds. Essentially, the CAP allows the City to charge other funds for general fund services such as accounting, payroll, purchasing, human resources, general management, etc. These expenses are charged to other funds, such as water and sewer, and the result is revenue returned to the general fund. The City has contracted with Maximus to prepare the CAP since 2008; Maximus is one of the leaders in CAP preparation in Michigan and throughout the region.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted and available in the General Fund–Department of Fiscal Services – Administration Division, Professional Services Account No. 101-1740-801.000 for this purchase.

Council Action:

Moved by Council Member_____, seconded by Council Member _____to approve the recommendation from the City Manager.

COUNCIL COMMUNICATION CC- 3

From: Darnell Earley, City Manager

Subject: Authorization for City Manager Search

Prepared by: Dennis Jordan, Director of Employee Services

Manager's Recommendation:

I am recommending that the City Council authorize the Director of Employee Services to issue a request for proposal to Executive Search firms for the purpose of recruiting a City Manager for a fee not to exceed $25,000.

Justification:

With the retirement of the City Manager, Darnell Earley, effective October 11, 2013, Employee Services will require the authorization from City Council to request proposals from several Executive Search firms that specialize in Public Sector City Manager/ Administrator recruitment. Once proposals are received by the City, interviews will be scheduled with the Council as a "Committee of the Whole". Based on the vendor proposals, presentations and interviews, Council will then select one of the Executive Search firms to conduct the search for the City Manager vacancy.

The funds are available in the General Fund's Office of Employee Services Professional Services Account No 101-1725-801.000 ($13,659), Sewer Operations and Maintenance Fund - Administration Division's Professional Services Account No. 590-4810-801.000 ($5,103), and Water Operations and Maintenance Fund - Administration Division's Professional Services Account No. 591-4710-801.000 ($6,238).

Council Action:

Moved by Council Member_____, seconded by Council Member _____to approve the recommendation from the City Manager.

COUNCIL COMMUNICATION CC- 4

From: Darnell Earley, City Manager

Subject: City/School Liaison Fund Budget Adjustment

Prepared by: Vicki L. Davis, Office of the City Manager

Manager's Recommendation:

It is recommended that the FY 2014 General Fund Revenue's Use of Fund Equity Account No. 101-0000-989.000 be increased from $0 to $5,000. This increase is due to the approval of donations by the City/School Liaison Advisory Committee to the First Ward Community Center during the Liaison Committee's July 18, 2013 meeting. This increase in revenues will be offset by an increase to the City/School Liaison Division's Professional Services Account No. 101-0105-801.000 by the same amount.

Justification:

On July 18, 2013, the City/School Liaison Advisory Committee approved a $5,000 donation to First Ward Community Center. This donation is part of the on-going support from the City and School Board to assist First Ward Community Center with activities such as First Ward's Summer Basketball League. The FY 2014 Approved Budget does not include funds for this advisory committee; however, there is a fund balance from previous years. This budget adjustment establishes the committee's budget for Fiscal Year 2014 using the fund balance.

Council Action:

Moved by Council Member_____, seconded by Council Member _____to approve the recommendation from the City Manager.

COUNCIL COMMUNICATION CC – 5

From: Darnell Earley, City Manager

Subject: Toner Cartridges

Prepared by: Sienna Rendon, Community Public Safety – Police

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Beyond Technology of Centennial, CO, the low bidder, in the amount of $2,286.30 for the purchase of various toner cartridges for the Saginaw Police Department.

Justification:

On September 10, 2013, (6) qualified vendors submitted bids in response to the City of Saginaw's request for Proposal #1164-13 for the purchase of various toner cartridges for several different printers at the Saginaw Police Department. Bids were submitted in an itemized manner, listing costs per toner and in quantities of (3) and (4).

The following is a tabulation of the bids received:

VENDOR	TOTAL BID
Choice Office Products Saginaw, MI	$2,788.23
All Lines Technology Warrendale, PA	$2,683.86
Global EOV/ED Solutions Fletcher, OH	$2,631.75
Integrity Business Solutions Warren, MI	$2,604.75
Digital Dolphin Supplies Redondo Beach, CA	$2,446.20
Beyond Technology Centennial, CO	$2,286.30

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Community Public Safety Office's Office Supplies Account No. 101-3510-740.000.

Council Action:

Moved by Council Member_____, seconded by Council Member _____to approve the recommendation from the City Manager.

COUNCIL COMMUNICATION CC- 6

From: Darnell Earley, City Manager

Subject: Clean-up of Small Arms Range

Prepared by: Sienna Rendon, Community Public Safety – Police

Manager's Recommendation:

I recommend that a purchase order be approved and issued to SQS, INC. d/b/a ERG Environmental Services of Livonia, MI, the low bidder, in the amount of $4,228 for a period of two years ($2,114 /year) for the annual clean-up of the small arms range.

Justification:

On September 17, 2013, (2) qualified vendors submitted bids in response to the City of Saginaw's request for Proposal #1160-13 for the environmental clean-up of lead in the Saginaw Police Department Small Arms Range. Lead is a hazardous material and a known health risk. Lead is managed under OSHA standards *Sec. 1910.1025 Lead.* For the protection of department employees, it is imperative that the gun range is cleaned professionally on an annual basis.

The following is a tabulation of the bids received:

Vendor	Cleaning 2013-2014	Cleaning 2014-2015	Total Bid for 2 years
Best Technology Systems Plainfield, IL	$4,975.00	$4,975.00	$9,950.00
SQS, INC. d/b/a ERG Environmental Services Livonia, MI	$2,114.00	$2,114.00	$4,228.00

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Community Public Safety – Police, Police Administration Division's Operating Services Account No. 101-3512-805.000.

Council Action:

Moved by Council Member_____, seconded by Council Member _____to approve the recommendation from the City Manager.

COUNCIL COMMUNICATION CC- 7

From: Darnell Earley, City Manager

Subject: Troubled Asset Relief Program Hardest Hit Grant Memorandum of Understanding between the City of Saginaw and the Saginaw County Land Bank Authority

Prepared By: M. Allen, Department of Development

Manager's Recommendation:

I recommend approval of the Troubled Asset Relief Program Hardest Hit Grant ("TARP") Memorandum of Understanding ("MOU") between the City of Saginaw and the Saginaw County Land Bank Authority. The term of the MOU is for two (2) years. The MOU is subject to my approval as to substance and the City Attorney as to form. Further, it is recommended that City Council authorize the City Manager and/or his designee be authorized to sign the MOU on behalf of the City. Moreover, it is recommended that the City Manager and/or his designee be authorized to execute any other documents related to the administration of the grant.

Justification:

The City of Saginaw ("City") and the Saginaw County Land Bank Authority ("SCLBA") secured TARP funds provided by the Michigan State Housing Development Authority ("MSHDA") for blight elimination. Specifically, the City and SCLBA secured funds in the amount of $11,196,194. The parties, acting in partnership, will demolish up to 950 blighted residential properties in various neighborhoods throughout the City.

The parties were advised by MSHDA that there must be an MOU, which sets forth the responsibilities of the City and the SCLBA. Pursuant to the terms of the MOU, the SCLBA is responsible for the acquisition, ownership and maintenance of properties. In addition, it is responsible for paying all taxes and costs associated with title and realtor expenses. Furthermore, the proceeds from the sale of SCLBA vacant and side lots will be retained by it. Per the MOU, the parties will utilize the services of the demolition contractor procured by the City. In addition, the City's procured demolition services are considered a pass through expense that will be paid by the SCLBA.

Each property acquired with TARP funds will receive a $750 maintenance stipend. The SCLBA will place the stipend into a separate account. A committee consisting of the SCLBA Chairperson and Land Bank Manager and the City's Chief Inspector and Block Grant Administrator will maintain the account. In

addition, pursuant to the terms of the MOU, the Chief Inspector is designated as the City's liaison and the Land Bank Manager is the liaison for the SCLBA.

Furthermore, funds in the amount of $500 or 10% of project related costs can be utilized for administrative costs. The SCLBA and the City will each receive 50% percent of these funds to offset administrative costs. Approval of the MOU will establish the relationship between the parties for the execution of these funds.

Council Action:

Moved by Council Member_____, seconded by Council Member _____to approve the recommendation from the City Manager.

COUNCIL COMMUNICATION CC- 8

From: Darnell Earley, City Manager

Subject: Replacement Rooftop Furnace and Air Conditioning Units

Prepared by: John Premo, Public Services Department

Manager's Recommendation:

I recommend the low bid be accepted and that a purchase order be approved and issued to Custom Engineering, Inc. in the amount of $11,850 for two replacement Trane rooftop HVAC units for the Maintenance and Service Division.

Justification:

On September 10, 2013, bids were received for two replacement Trane rooftop HVAC units for the Maintenance and Service Division. In January and February of this year, the Maintenance and Service Division experienced failures on two of the four 20 year old units that serve the front office portion of the main building. These units were replaced on an emergency basis in February 2013. At the same time, Spicer Engineering was given the task of determining where the roof on the main building was leaking. This required an evaluation of the rooftop HVAC units by a local heating and air conditioning contractor, A.C .Klopf. It was during their evaluation that the second HVAC unit was discovered to have a broken heat exchanger. Ultimately, Spicer concluded in their study that the remaining two units have also deteriorated to the point of needing replacement as well and the curbing they rested on was the source of the leakage.

The following is a tabulation of the bids received:

Vendor	Cost (Lump Sum)
Custom Engineering, Inc. Linwood, Michigan	$11,850
A.C. Klopf Saginaw, Michigan	$12,482
Hayes Mechanical Saginaw, Michigan (out-city)	$14,041
Smillie Plumbing & Heating Freeland, Michigan	$14,600
Remer Plumbing & Heating Saginaw, Michigan	$26,145

Custom Engineering meets all requirements of §14.23, “Vendors,” of Purchasing, Contracting, and Selling Procedure,” of Chapter 14, “Finance and Purchasing,” of Title 1, “General Provisions” of the Saginaw Code of Ordinances O-1.

Funds are budgeted in the Sewer Meter Operation and Maintenance Fund, Maintenance and Service Division’s Repairs and Replacements Account No. 590-4820-974.000 ($5,925), and Water Meter Operation and Maintenance Fund, Maintenance and Service Division’s Repairs and Replacements Account No. 591-4720-974.000 ($5,925).

Council Action:

Moved by Council Member_____, seconded by Council Member _____to approve the recommendation from the City Manager.

COUNCIL COMMUNICATION CC- 9

From: Darnell Earley, City Manager

Subject: Public Works Painting

Prepared by: Bruce Caradine, Public Services Department

Manager's Recommendation:

I recommend the low bid be accepted and that a purchase order be approved and issued to First Class Building of Saginaw at the bid price amount of $3,995 for painting services at the Public Works Building Motor Pool Garage.

Justification:

On August 10, 2013, the City received three (3) bids for painting the Public Works Building Motor Pool Garage area. Currently, the Motor Pool Garage area has dark brown colored walls 12' up from the floor. This makes it difficult to get ample light reflection to repair vehicles. Along with using local task lighting, painting the current walls white in these areas will increase reflective light levels.

The following is a tabulation of the bids received:

Vendor	Areas To Be Painted	Cost (Lump Sum)
First Class Building	Tool Crib Area	$2,955
Saginaw, MI (out-city)	Orange Wall	$1,040
	Total Cost	$3,995
Lucas Precise Painting	Tool Crib Area	$4,700
Farmington Hills, MI	Orange Wall	$1,950
	Total Cost	$6,650
Larkin's Painters	Tool Crib Area	$5,190
Saginaw, MI (out-city)	Orange Wall	$2,500
	Total Cost	$7,690

First Class Building meets all the requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted in the Public Works Building Fund's General Repairs Account No. 641-4439-930-000.

Council Action:

Moved by Council Member_____, seconded by Council Member _____to approve the recommendation from the City Manager.

COUNCIL COMMUNICATION CC-10

From: Darnell Earley, City Manager

Subject: Michigan State Housing Development Authority Hardest Hit Access Grant Program System Access User Agreement

Prepared By: M. Allen, Department of Neighborhood Services

Manager's Recommendation:

I recommend approval of the System Access User Agreement ("User Agreement") between the City of Saginaw ("City") and the Michigan State Housing Development Authority ("MSHDA"). The term is for two (2) years. I have approved the User Agreement as to substance and the City Attorney has approved as to form. Further, it is recommended that City Council authorize the Mayor and/or his designee to sign the User Agreement on behalf of the City.

Justification:

MSHDA requires all municipalities that receive TARP funds to enter data regarding the demolition of properties into the MATT System. As a result, all municipalities are required to execute a User Agreement. Furthermore, the User Agreement states that the highest elected official of the municipality is required to sign it.

Council Action:

Moved by Council Member_____, seconded by Council Member _____to approve the recommendation from the City Manager.

COUNCIL COMMUNICATION CC- 11

From: Darnell Earley, City Manager

Subject: Memorandum of Understanding Between the City of Saginaw, Saginaw County Land Bank Authority and the Michigan Homeowner Assistance Nonprofit Housing Corporation

Prepared By: M. Allen, Department of Neighborhood Services

Manager's Recommendation:

I recommend approval of the Memorandum of Understanding ("MOU") between the City of Saginaw ("City"), Saginaw County Land Bank Authority ("SCLBA") and the Michigan Homeowner Assistance Nonprofit Housing Corporation ("MHANHC"). The term of the MOU is for two (2) years. I have approved the MOU as to substance and the City Attorney has approved as to form. Further, it is recommended that City Council authorize the City Manager and/or his designee to sign the MOU on behalf of the City.

Justification:

The MHANHC works with the Michigan State Housing Development Authority in administering and allocating funds for the Hardest Hit Grant Program (TARP). All government agencies that receive TARP funds are required to execute a MOU with the MHANHC. Pursuant to the terms of the MOU, the City submitted a list of eligible blighted properties to MHANHC that can be demolished. In addition, the MOU states that the SCLBA is responsible for demolishing the properties. Furthermore, the MOU states that if all eligible properties are demolished and if the City has not exhausted the TARP funds, MHANHC will confer with the City regarding the demolition of additional blighted properties. Further, if the City cannot expend all of the funds by the end of the program, the remaining funds are subject to reallocation.

Council Action:

Moved by Council Member_____, seconded by Council Member _____to approve the recommendation from the City Manager.

COUNCIL COMMUNICATION INTRO O- 1

From: Darnell Earley, City Manager

Subject: Outdoor and Open Burning New Ordinance

Prepared by: Janet Santos, City Clerk

Manager's Recommendation:

I recommend approval to add §92.21, "Outdoor and Open Burning," to Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1.

Justification:

Requests have been presented by citizens, council members and fire department personnel, asking for an ordinance that allows the use of patio style wood burners and devices, such as chimneas, and for other regulated outdoor and open burning within the City. Existing ordinances prohibits open fires within the City, while allowing open wood burning barbeques and pit or wood-burner fires, as long as food is being cooked over the fire.

An Ordinance has been prepared that allows reasonable outdoor and open burning with regulations, provides for inspection by City fire personnel prior to use, issuance of a permit following inspection approval and payment of the required fee. This ordinance is compatible with ordinances §50.10, "On-Site Burning," and §92.20, "International Fire Code," "Adopted; Fire Code Amendments," upon the adoption of each applicable amendment.

This ordinance is modeled after the 2006 model ordinance for Outdoor and Open Burning, "A Guide for Michigan Counties, Cities, Villages and Townships," promulgated by the Michigan Department of Environmental Quality. This model is successfully used throughout many municipalities.

In addition to legal counsel and City administration, this ordinance has been reviewed by representatives of the City Fire Department and Fire Union. I have reviewed it for content and the City Attorney for substance. It appears under the regular order of business.

Council Action:

This Council Communication is for explanation purposes of the ordinance to be introduced and enacted according to City Charter, Section 22, titled "Ordinances."

ORDINANCE INTRODUCTION INTRO O-1

Moved by Council Member _____, seconded by Council Member _____ to introduce an ordinance entitled and reading as follows:

A NEW ORDINANCE TO ADD § 92.21, “OUTDOOR AND OPEN BURNING,” TO CHAPTER 92, "FIRE PROTECTION AND PUBLIC SAFETY," OF TITLE IX, “GENERAL REGULATIONS,” OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under Charter provision.

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced October 7, 2013, entitled and reading as follows, be taken up and enacted:

A NEW ORDINANCE TO ADD § 92.21, “OUTDOOR AND OPEN BURNING,” TO CHAPTER 92, "FIRE PROTECTION AND PUBLIC SAFETY," OF TITLE IX, “GENERAL REGULATIONS,” OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. § 92.21, “Outdoor and Open Burning,” is hereby added to Chapter 92, “Fire Protection and Public Safety,” of Title IX, “General Regulations,” of the City of Saginaw Code of Ordinances, O-1, and shall read as follows:

§92.21 OUTDOOR AND OPEN BURNING

(A) Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Saginaw by regulating the air pollution and fire hazards of open burning and outdoor burning.

(B) Title. This ordinance shall be known as the “City of Saginaw Outdoor and Open Burning Ordinance.”

(C) Applicability. This ordinance applies to all outdoor burning and open burning within the City of Saginaw.

1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(D) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(E) Definitions.

1. "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure

treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

2. “Construction and demolition waste” means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

3. "Fire Chief" means the Chief of the City of Saginaw Fire Department or other person designated by the City Manager.

4. “Municipality” means a county, township, city, or village.

5. “Nuisance” means a foul or obnoxious odor, the emission of smoke that obstructs vehicle or pedestrian traffic on a nearby public road, sidewalk, or walkway; the emission of smoke that interferes unreasonably with the peaceful enjoyment of the adjacent properties, or any other by-product of outdoor or open burning that creates a nuisance as defined by §94.01 by the Saginaw Code of Ordinances.

6. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler, patio wood burning unit or approved fire pit.

7. "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

8. "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

9. “Patio wood-burning unit” means a chimnea, patio warmer, fire pit, or other portable wood-burning device used for outdoor recreation and/or heating.

10. “Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

11. “Fire pit” means a brick, masonry, cement or stone constructed fireplace or metal fire ring for open burning the upper surface of which is not more than eighteen (18) inches above the surrounding grade, with an inside bottom surface that is not more than six (6) inches below the surrounding grade, and with an inside dimension where combustion

can take place that is not more than nine (9) square feet of area at either the top or bottom.

(F) General prohibition on outdoor burning and open burning. Open burning and outdoor burning are prohibited in the City of Saginaw unless the burning is specifically permitted by this ordinance.

(G) Agricultural burning. Open burning of weeds, brush, and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

(H) Prescribed burning.

1. "Prescribed Burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

2. Fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with Part 515 of the Natural Resources and Environmental Protection Act, MCL 324.51501 et seq.

3. The owner of the property where the prescribed burn is to occur shall first obtain a permit as required in Section (L) of this ordinance.

(I) Outdoor wood-fired boilers. An outdoor wood-fired boiler may be installed and used in the City of Saginaw only in accordance with all of the following provisions:

1. The outdoor wood-fired boiler shall be installed and used only in an area zoned for R-1A use and consistent with other zoning requirements.

2. The outdoor wood-fired boiler shall not be used to burn refuse.

3. The outdoor wood-fired boiler shall be located at least 100 feet from the nearest building which is not on the same property as the outdoor wood-fired boiler and at least 25 feet from the nearest building which is on the same property.

4. The outdoor wood-fired boiler shall have a chimney that extends at least 10 feet above the ground surface. If there are any residences within 300 feet of the outdoor wood-fired boiler, the chimney shall also extend at least as high above the ground surface as the height of the roof of the tallest of such residences. The Fire Chief may

approve a lesser height on a case-by-case basis if necessary to comply with the boiler's manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance for adjacent neighbors.

5. The owner of the outdoor wood-fired boiler shall obtain an annual permit from the Fire Chief in accordance with Section (L) of this ordinance.

(J) Patio wood-burning units. A patio wood-burning unit may be installed and used in the City of Saginaw only in accordance with all of the following provisions:

1. The patio wood-burning unit shall not be used to burn refuse.

2. The patio wood-burning unit shall burn only clean wood.

3. The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.

4. The patio wood-burning unit shall not cause a nuisance to neighbors.

5. The owner of the property where the patio wood-burning unit is used has obtained a permit as required in Section (L) of this ordinance.

6. A fire contained in an approved patio wood burning unit shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

(K) Fire suppression training. Notwithstanding sections (F) and (G) of this ordinance, structures and other materials may be burned for fire suppression training only in accordance with appropriate fire department policies and procedures.

(L) Burning Permits.

1. No person shall start or maintain any outdoor burning or open burning covered under this section without a permit issued by the Fire Chief.

2. No person shall use a patio wood-burning unit without first having obtained a one-time patio wood-burning unit permit issued by the Fire

Chief. The fee for each one-time burning permit shall be $50.00 and the permit shall only allow use of the unit for which it is issued and shall apply only to the use of that patio wood-burning unit on the property for which it was issued.

3. The owner or occupant of the property shall obtain an annual burning permit for each wood-fired boiler as appropriate and as required by section (I) 5 before using the outdoor wood-fired boiler. The fee for each annual burning permit shall be $25.00. An annual permit expires on June 1st of each year.

4. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open or outdoor burning.

5. A permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.

6. Any violation of the conditions of a permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the permit shall void the permit.

7. Before conducting an outdoor burning or open burning or using a patio wood-burning unit, the property owner, or other person needing a permit, shall contact the fire chief for an inspection of the property and/or any outdoor burning appliance to obtain the required permit. A permit will not be issued until an inspection has been conducted by the fire Chief or their designee.

(M) Liability. A person utilizing or maintaining a fire as an outdoor or open burn shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(N) Right of entry and inspection.

1. The Fire Chief or any authorized person who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

2. Any person applying for a permit for a patio wood-burning unit shall permit inspection by the Fire Chief or any authorized person of the unit and the location where it will be located for compliance with this Ordinance before using the unit.

(O) Enforcement and penalties.

1. The Fire Chief or any authorized officer, agent, employee or representative of the City of Saginaw is authorized to enforce the provisions of this ordinance.

2. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and as provided by Chapter 37 of the City of Saginaw CODE OF ORDINANCES, which shall be punishable by civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense within 3-year period*	Warning	$100.00
2nd Offense within 3-year period*	$100.00	$500.00
3rd Offense within 3-year period*	$250.00	$500.00
4th or More Offense within 3-year period*	$500.00	$500.00

**Determined on the basis of the date of commission of the offense(s).*

3. The responsible party, upon determination of responsibility for a violation, shall also be assessed an additional penalty of $5.00 for each day each violation is allowed to continue after written notice of the violation has been served on the violator by posting on the property or by first class mail return receipt requested.

4. The violator shall also be ordered to pay costs which may include all expenses, direct and indirect, which the City of Saginaw has incurred in connection with each municipal infraction. In no case, however, shall costs of less than $50.00, nor more than $500.00, be ordered for each violation. In addition, the City of Saginaw shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

This ordinance shall become effective October 31, 2013.
Enacted: October 21, 2013.

Yeas:
Nays:
Absent:
Abstain:
Motion Carried.

ORDINANCE DECLARED ADOPTED

_____
Gregory L. Branch
Mayor

_____
Janet Santos, CMC/MMC
City Clerk

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

_____
Janet Santos, CMC/MMC
City Clerk

COUNCIL COMMUNICATION INTRO O- 2

From: Darnell Earley, City Manager

Subject: Adopted; Fire Code Ordinance Amendment

Prepared by: Janet Santos, City Clerk

Manager's Recommendation:

I recommend approval that subsection (J), "Section 307 (page 35) Chapter 3," of § 92.20, "International Fire Code," "Adopted; Fire Code Amendments," of Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1, be amended.

Justification:

Requests have been presented by citizens, council members and fire department personnel, asking the regulated use allowance of outdoor and open burning. An Ordinance has been prepared that specifically amends subsection (J), "Section 307 (page 35) Chapter 3," of §92.20, to allow open burning to kindle in conjunction with ordinance §92.21, "Outdoor and Open Burning." This ordinance amendment will provide compatibility between ordinance §50.10, "On-Site Burning," and §92.21, "Outdoor and Open Burning."

This ordinance has been reviewed by me for content and the City Attorney for substance. It appears under the regular order of business.

Council Action:

This Council Communication is for explanation purposes of the ordinance to be introduced and enacted according to City Charter, Section 22, titled "Ordinances."

ORDINANCE INTRODUCTION INTRO O-2

Moved by Council Member _____, seconded by Council Member _____ to introduce an ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND SUBSECTION (J), “SECTION 307 (PAGE 35) CHAPTER 3,” OF § 92.20, “INTERNATIONAL FIRE CODE,” “ADOPTED; FIRE CODE AMENDMENTS,” OF CHAPTER 92, "FIRE PROTECTION AND PUBLIC SAFETY," OF TITLE IX, “GENERAL REGULATIONS,” OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under Charter provision.

ORDINANCE INTRO O- 2

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced October 7, 2013, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND SUBSECTION (J), "SECTION 307 (PAGE 35) CHAPTER 3," OF § 92.20, "INTERNATIONAL FIRE CODE," "ADOPTED; FIRE CODE AMENDMENTS," OF CHAPTER 92, "FIRE PROTECTION AND PUBLIC SAFETY," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Subsection (J), "Section 307 (page 35) Chapter 3," of § 92.20, "International Fire Code," "Adopted; Fire Code Amendments," of Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 92.20 ADOPTED; FIRE CODE AMENDMENTS.

(J) Section 307 (page 35) Chapter 3 is amended to read as follows:

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning~~.~~, except as provided in ordinance § 92.21.

This ordinance shall become effective October 31, 2013.
Enacted: October 21, 2013.

Yeas:
Nays:
Absent:
Abstain:
Motion Carried.

Gregory L. Branch
Mayor

Janet Santos, CMC/MMC
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk

COUNCIL COMMUNICATION INTRO O- 3

From: Darnell Earley, City Manager

Subject: On-Site Burning Ordinance Amendment

Prepared by: Janet Santos, City Clerk

Manager's Recommendation:

I recommend approval that subsection (A), "Open Burning," of § 50.10, "On-Site Burning," of Chapter 50, "Solid Waste," of Title V, "Public Works," of the City of Saginaw Code of Ordinances, O-1, be amended.

Justification:

Requests have been presented by citizens, council members and fire department personnel, asking the regulated use allowance of outdoor and open burning. An Ordinance has been prepared that specifically amends §50.10 (A) "Open Burning," to provide for open burning of refuse in an R-1A zone if all conditions are met as specified in ordinance §92.21 "Outdoor and Open Burning." This ordinance amendment will provide compatibility between ordinance §92.20, "International Fire Code," "Adopted Fire Code Amendments," and §92.21, "Outdoor and Open Burning."

This ordinance amendment has been reviewed by me for content and the City Attorney for substance. It appears under the regular order of business.

Council Action:

This Council Communication is for explanation purposes of the ordinance to be introduced and enacted according to City Charter, Section 22, titled "Ordinances."

ORDINANCE INTRODUCTION INTRO O- 3

Moved by Council Member _____, seconded by Council Member _____ to introduce an ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND SUBSECTION (A), “OPEN BURNING,” OF § 50.10, “ON-SITE BURNING,” OF CHAPTER 50, "SOLID WASTE," OF TITLE V, “PUBLIC WORKS,” OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under Charter provision.

ORDINANCE INTRO O- 3

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced October 7, 2013, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND SUBSECTION (A), “OPEN BURNING,” OF § 50.10, “ON-SITE BURNING,” OF CHAPTER 50, "SOLID WASTE," OF TITLE V, “PUBLIC WORKS,” OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Subsection (A), “Open burning,” of § 50.10, “On-Site Burning,” of Chapter 50, “Solid Waste,” of Title V, “Public Works,” of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 50.10 ON-SITE BURNING.

(A) *Open burning.* Open burning of refuse in the City is specifically prohibited, except as provided in ordinance §92.21. Any person found guilty of such act shall be subject to the penalties as set forth in § 50.99.

This ordinance shall become effective October 31, 2013.
Enacted: October 21, 2013.

Yeas:
Nays:
Absent:
Abstain:
Motion Carried.

_____ _____
Gregory L. Branch Janet Santos, CMC/MMC
Mayor City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

_____
Janet Santos, CMC/MMC
City Clerk

RESOLUTION R- 1

AUTHORIZE THE USE OF RECEIVING BOARDS

Moved by Council Member _____, seconded by _____to adopt the following resolution:

WHEREAS, the City of Saginaw conducts City, State and Federal general and special elections as allowed by law; and

WHEREAS, each of the City's precincts at the close of the polls, prepare the necessary paperwork to be sealed in a transfer container, seal the ballots in the ballot box, and deliver the materials to the City Clerk's Office; and

WHEREAS, under Michigan law, MCL 168.679a, the legislative body of a City, by resolution, can authorize the Election Commissioners of the City to appoint receiving boards to accept and open the sealed containers for review and verification in accordance with MCL 168.679a.

NOW, THEREFORE, BE IT RESOLVED that the Election Commissioners for the City of Saginaw, which consists of the Chief of Police, City Attorney and City Clerk, are hereby authorized to appoint the necessary receiving boards to receive the materials, such as transfer containers, memory packs, electronic poll book flash drives, AutoMark flash cards and ballot boxes, from the precincts at the close of the polls for all future elections; and

BE IT FURTHER RESOLVED that in accordance with MCL 168.679a, each board will consist of an equal number, or as near as possible, of inspectors from each major political party.

BE IT FURTHER RESOLVED that the receiving boards will be authorized to open the sealed containers to verify: 1) that the number of ballots issued equals the number of voters in the poll book and on the ballot summary; 2) confirm that the ballot box has been properly sealed for each precinct and that nothing other then ballots are contained within; and 3) verify that all necessary documents have been properly signed by the election inspectors of each precinct.

BE IT FURTHER RESOLVED that the receiving board, with the election inspectors, shall together take the necessary steps to correct any discrepancies, making notation of such correction in the poll book and shall notify the clerk of the corrective action taken. Upon review and correction, if necessary, the receiving board shall properly reseal the ballot boxes and seal the envelopes.

Ayes:
Nays:
Absent:
Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 7, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

_____
Janet Santos, CMC/MMC
City Clerk