

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

SEPTEMBER 8, 2009

09-339 The meeting was called to order at 8:08 p.m. by Council Chairman Kenneth R. Baron.

Roll Call showed the following:

Present: Councilwoman Elizabeth J. Agius, Councilwoman Janet S. Badalow, Council Chairman Kenneth R. Baron, Councilman Tom Berry, Councilwoman Margaret M. Horvath, Councilwoman Margaret M. Van Houten.

Absent: None.

Also Present: City Clerk Dudzinski, Mayor Paletko, Administrative Assistant Kramarz, Assessor McDermott, Building & Engineering Director Sobh, Comptroller Barrow, Corporation Counsel Miotke, Deputy Clerk Pawlukiewicz, Emergency Management Director Ankrapp, Fire Chief Gurka, Human Resource Director Sobota-Perry, Library Director Mccaffrey, Police Chief Gavin, Public Service Administrator Franzil, Recreation Director Grybel.

The Pledge of Allegiance was led by the Council vacancy nominees present, Darlene Kreish, Ed Mylenek and Roy Pilot.

09-340 Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the Agenda for the Regular Meeting of September 8, 2009, be approved as submitted.

Motion adopted.

09-341 Motion by Councilman Berry, seconded by Councilwoman Horvath, that the Minutes from the Regular Meeting of August 25, 2009, be approved as submitted.

Motion adopted.

09-342 Motion by Councilwoman Agius, seconded by Councilman Berry, that Current Claims 6-1 through 6-24, be approved as submitted.

1. BELFOR PROPERTY RESTORATION – Built Cover for Pool Mayfair/Berwyn – Inv. 12138-2 dated 08/17/09 and 12081-2 dated 06/08/09 from A/C 101-371-818-010 (Contract Services) \$5,351.75. Building Engineering
2. BEST ASPHALT – Asphalt Work on Midway – Inv. 16865 dated 08/31/09 from A/C 101-440-880-000 (Road Repairs) \$25,700.00. DPW-Highway
3. CENTRAL WAYNE COUNTY SANITATION AUTHORITY – July 2009 Disposal and Administration – Inv. dated 07/31/09 from A/C 101-200-810-000 (Sanitation) \$68,399.06. General Govt.
4. COMERICA INSURANCE SERVICES – Workers Compensation – Inv. 35265 dated 08/21/09 from A/C 101-200-724-000 (Work. Comp.) \$7,500.00. General Govt.
5. COMPUTER TECHNOLOGIES, INC. – Data Processing – Inv. 70467 dated 08/21/09 and 70468 dated 08/28/09 from A/C 101-258-932-000 (Repair/Maint) \$2,762.50 and A/C 592-536-932-000 (Repair/Maint) \$5,482.50. Data Processing
6. CUMMINGS, MC CLOREY, DAVIS & ACHO – Sewer Claims, Medicare Lawsuit, Labor Matters – Inv. 170404, 170419, 170403 dated 08/18/09 and 170448, 170446 and 170447 dated 08/21/09 from A/C 101-200-817-000 (Prof/Consult) \$10,122.30 and A/C 592-536-817-000 (Prof/Consult) \$2,020.50. General Govt.
7. E & N CEMENT – Pavement Repairs – (2) Invoices dated 09/01/09 from A/C 101-440-880-000 (Road Repairs) \$48,876.67 and A/C 592-537-818-000 (Contract Services) \$26,363.22. DPW-Water
8. EAGER BEAVER – Grass/Weed Cutting Services – Inv. dated 08/25/09 and 08/31/09 from A/C 101-000-963-000 (Weeds) \$5,629.46. Building Engineering
9. GARY MIOTKE – Legal Services August 2009 – Inv. dated 09/02/09 from A/C 101-210-826-000 (Counsel Services) \$5,856.00. Corporation Counsel
10. INFINISOURCE – Cobra Services Renewal – Inv. 2402 dated 08/18/09 from A/C 101-200-817-000 (Prof/Consult) \$2,290.00. General Govt.
11. JOHNSON CONTROLS – Service Agreement for HVAC – Inv. 62376860 and 62376877 dated 08/03/09 from A/C 101-265-818-000 (Contract Services) \$12,985.00. Building Maint
12. LANZO LINING SERVICES – Sewer Lining – Inv. dated 06/10/09 from A/C 592-540-818-040 (Contract Services) \$15,243.32. Water Dept.
13. MAGICAL TOUCH – Grass/Weed Cutting Services – Inv. dated 08/24/09 and 08/30/09 from A/C 101-000-963-000 (Weeds) \$13,280.23. Building Engineering
14. NAGEL CONSTRUCTION – Sewer Cleaning Program – Inv. 2675 dated 08/28/09 from A/C 592-540-818-030 (Contract Services) \$19,644.77. Water Dept.
15. OAKWOOD HOSPITAL – Workers Compensation Injury – Ck. Req. dated 08/03/09 from A/C 101-200-724-000 (Work Comp.) \$1,880.29. General Govt.

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16. POWERPHONE, INC. – Seminar for Emergency Dispatch Skills – Inv. 24582 dated 06/25/09 from A/C 101-300-962-010 (Training) \$1,745.00. Police Dept.
17. SECREST, WARDLE, LYNCH... Legal Services July 2009 – Inv. dated 09/02/09 from A/C 101-210-826-000 (Counsel Services) \$6,021.00. Corporation Counsel
18. TRYBUSKI LANDSCAPING – Grass/Weed Cutting Services – Inv. dated 08/03/09 - 08/14/09 from A/C 101-000-963-000 (Weeds) \$7,770.53. Building Engineering
19. US BANK – 1999 Land Bonds Justice Center – Fire Station Bonds due 10/01/09 from A/C 105-105-998-500 (Bonds) \$214,300.00 and A/C 101-101-996-004 (Fire Bonds) \$162,643.75. General Govt.
20. WADE TRIM ASSOCIATES – Kroger Fuel Center – Inv. 98920 dated 08/19/09 from A/C 592-xxx-255-000 (Jobs in Progress) \$3,792.93. Water Dept.
21. WAYNE COUNTY ACCOUNTS RECEIVABLE – Traffic Signal Maint April & May 2009 – Inv. 1004255 dated 08/20/09 and 10042404 dated 08/14/09 from A/C 101-440-925-000 (Signals) \$10,104.14. DPW-Highway
22. WAYNE COUNTY – DEPARTMENT OF ENVIRONMENT – Downriver Excess Flow 09/09 – Inv. 251822 dated 09/01/09 from A/C 592-537-929-000 (Sewage) \$27,309.00. Water Dept.
23. WAYNE COUNTY – DEPARTMENT OF ENVIRONMENT – Interest Due SRF Bonds – Inv. 252591 dated 08/28/09 from A/C 592-905-993-004 (SRF Interest) \$7,926.39. Water Dept.
24. W.L. BOWLES TRUCKING – Fill Sand & Top Soil Water Main Breaks – Inv. 7682, 7681, 7683 dated 08/26/09 from A/C 592-xxx-111-002 (Inventory) \$4,475.00. Water Dept.

Motion adopted.

- 09-343** Motion by Councilwoman Badalow, seconded by Councilwoman Horvath, that the "Resolution re: Creation of a Utility Authority for the Downriver Wastewater System" be adopted as follows:

WHEREAS, the Downriver Wastewater System (the "System") provides sewage treatment and conveyance for wastewater generated in thirteen communities (the "Downriver Communities"), including Allen Park, Belleville, Brownstown Township, Dearborn Heights, Ecorse, Lincoln Park, River Rouge, Riverview, Romulus, Southgate, Taylor, Van Buren Township, and Wyandotte, and:

WHEREAS, the System is currently operated by Wayne County pursuant to the Downriver Sewage Disposal System Contract (the Contract") as amended, which was approved and placed in effect as of March 1, 1962, and;

WHEREAS, the Contract has a 50 year term which will terminate on March 1, 2010, and;

WHEREAS, the Downriver Communities have expressed interest in revising the terms and conditions under which the System is administered so as to ensure the lowest cost of operation, while still maintaining compliance with all state and federal environmental requirements and duties, and;

WHEREAS, the Downriver Communities, since 1994, have invested over \$300 million in System improvements pursuant to a Federal Consent Decree, and have continued to invest over \$20 million more in upgrades to the System to improve efficiency and ensure environmental compliance, and;

WHEREAS, the Downriver Communities have recently received a report from a consultant indicating that cost savings could potentially be realized through the establishment of a new Utility Authority which would assume ownership, operation and administration of the System after the Contract expires, and;

NOW THEREFORE BE IT RESOLVED, that the City of Dearborn Heights, one of the Downriver Communities, shall pursue the establishment of a Utility Authority pursuant to Act 233 of 1955 the "Sewage Disposal Authority Act" as as to preserve all options for ensuring that the System is operated as efficiently as possible once the current Contract expires, and;

BE IT FURTHER RESOLVED, that the primary purpose of the creation of a new Utility Authority is to facilitate negotiations with Wayne County as to the terms and conditions of a new service agreement, but should these negotiations fail to result in a mutually agreeable new service agreement, that the new Utility Authority would be the entity used to assume exclusive control over the management, administration, ownership and operation of the System, including the right to investigate and interview alternative System operators at any time following its creation.

BE IT FURTHER RESOLVED, that the individuals who represent the City of Dearborn Heights on the Joint Management Committee (the "JMC") are hereby directed to pursue drafting all documents necessary for the creation of a new Downriver Utility Authority with final documents to be presented to the Dearborn Heights City Council for its approval.

BE IT FURTHER RESOLVED, that this Resolution be transmitted to Wayne County CEO Robert A. Ficano, Wayne County Commission Chairman Edward Boike, Wayne County Commission Environment, Drains & Sewers Committee Chairman Tim Killeen, all Wayne County Commissioners representing the JMC member communities, Wayne County DPS Director James Jackson, the Downriver Community Conference, and the Conference of Western Wayne.

Motion adopted.

- 09-344** Motion by Councilwoman Badalow, seconded by Councilwoman Horvath, the "Resolution re: Creation of a Utility Authority for the Downriver Wastewater System" be adopted as follows:

WHEREAS, the City of Dearborn Heights supports the creation of a new Utility Authority for the Downriver Wastewater System, and;

WHEREAS, Articles of Incorporation and Bylaws must be prepared and published pursuant to the Sewage Disposal Authority Act (Public Act 233, 1955), and;

WHEREAS, the member communities in the Downriver System have been asked to authorize funds to cover their share of the anticipated expenses associated with creating a new Utility Authority, and;

WHEREAS, the legal and consulting costs incurred in the development and creation of a new Utility Authority are proposed to be invoiced to the individual Downriver communities who have agreed to participate in the creation of a new Utility Authority;

NOW THEREFORE BE IT RESOLVED, that the City of Dearborn Heights hereby authorizes a budget of up to \$3,000.00 to be used for its share of the costs of creating a new Utility Authority, and;

BE IT FURTHER RESOLVED, that the City of Dearborn Heights agrees to issue payment for its share of the costs of creating the new Utility Authority upon receipt of an invoice with supporting information describing the work performed and showing the proration of costs among the participating communities.

Per, Mayor Paletko, communication presented on the September 8, 2009 Council agenda.

Motion adopted.

- 09-345** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that the City Council concurs with and approves the request from St. Linus Catholic Church, 6466 Evangeline, Dearborn Heights, MI 48127 to hold their Festival Bike and Blade Parade on Friday, September 11, 2009 commencing at 5:00 pm at the entrance to the church on Hass proceeding west toward Evangeline, north on Evangeline to Richardson, east on Richardson to Gulley and south on Gulley back to the church, per Mayor Paletko, communication dated August 20, 2009. Further, that the Police and Fire Departments provide escort and assistance.

Motion adopted.

- 09-346** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the City Council nominate all the candidates who responded to the council vacancy publication, Mario Fundarski, Darlene Kreish, Domenic Lauria, Edward Mylenek and Roy Pilot.

Council Chairman Baron asked the City Clerk for a Roll Call vote:

Council Chair Baron – Roy Pilot

Councilwoman Horvath – Roy Pilot

Councilwoman Agius – Roy Pilot

Councilwoman Badalow – Roy Pilot

Councilwoman Van Houten – Roy Pilot

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Councilman Berry – Roy Pilot

Motion adopted.

Council Chairman Baron congratulated Roy Pilot on his unanimous appointment to fill the unexpired term of Bob Brown.

- 09-347** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that the communication from Council Chairman Baron, dated September 2, 2009 re: Appointment to the General Government Pension Board, be tabled.

Ayes: Councilwoman Agius, Council Chairman Baron, Councilman Berry, Councilwoman Horvath, Councilwoman Van Houten.

Nays: Councilwoman Badalow.

Absent: None.

Motion adopted.

- 09-348** Motion by Councilwoman Agius, seconded by Councilman Berry, that the City Council concurs with and approves the three years (3) AT&T Master Agreement for the purchase of T-1 managed internet service and encoder to enable PEG video for AT&T U-verse customers, per Administrative Assistant Kramarz, communication dated September 2, 2009. This approval is subject to two (2) rebates \$4,000.00 signing bonus and the waiving of the installation fee of \$1,495.00. Total cost of \$6,690.00 will be reimbursed from the 1% PEG account along with a monthly service fee of \$589.00. Further, that Mayor Paletko be authorized to sign the agreement on behalf of the City.

Motion adopted.

- 09-349** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the City Council concurs with and approves Certificate for Payment #4 and Change Order #14 with Century Cement Company, Inc., 12600 Sibley Road, Riverview, MI 48192 for the 2008-09 Street Repair Program, in the amount of \$158,141.38, and payment thereof, per Public Service Administrator Franzil, communication dated August 25, 2009 and Wade Trim Associates Daniel Brooks, communication dated August 24, 2009. Further, that the Mayor be authorized to sign the documents on behalf of the City. Change Order #14 is a credit of \$1,696.56 which reflects reconciling contract quantities for work done on John Daly from Sheahan to Canfield Circle.

Motion adopted.

- Rescinded 10-27-09
new motion #
09-408 mel*
- 09-350** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the City Council concurs with and approves two (2) proposed Lease Assignment Agreements between the City and Md7 Capital Three, LLC ("Md7") for the assignment of leases between the City and T-Mobile Central, LLC ("T-Mobile") for sites at 1999 N Beech Daly Road and 5457 S Telegraph Roads, and related documents namely Owner Letters, Lease Assignment Agreements (Short Form), and W-9 forms for each site, per Corporation Counsel Miotke, communication dated September 2, 2009. Further, that the Mayor and Corporation Council make a last attempt at the reduction of the number of years proposed and that the Mayor be authorized to sign the documents on behalf of the City.

Ayes: Councilwoman Agius, Councilwoman Badalow, Council Chairman Baron, Councilman Berry, Councilwoman Horvath.

Nays: Councilwoman Van Houten.

Absent: None.

Motion adopted.

- 09-351** Motion by Councilman Berry, seconded by Councilwoman Horvath, that the City Council concurs with and approves the trade or sale of the following weapons to CMP:

Beretta 380 cal. black, B62314Y; S & W 9mm stainless, TCE5989; S & W 45 cal. Stainless, TAN6287; Walther 380 black, 236234; Hi Standard 22 cal. black, 1635307, Derringer 22 cal. nickel, 2239143; Beretta 380 cal. black, D205254; Beretta 380 cal. black D93952Y; Beretta 9 mm black, B683612 and Glock 40 cal. Black, AYT338, per Police Chief Gavin, communication dated September 2, 2009.

Motion adopted.

- 09-352** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the City Council concurs with and approves the proposal from Best Technology Systems Inc., 12024 S Aero Drive, Plainfield, IL 60585-8796, to clean the firearms range at the cost

of \$6,485.00, and payment thereof, per Police Chief Gavin, communication dated September 2, 2009. Quote includes the removal of hazardous material upon completion.

Motion adopted.

- 09-353** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the Application for Solicitation License from the Dearborn Heights Kiwanis Club to conduct their annual fund raiser on Friday and Saturday, September 11 and 12, 2009 at the corner of Telegraph and Ford Roads.

Motion adopted.

- 09-354** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the business license renewal for Donovan VFW #7910, 25620 Van Born, be approved.

Motion adopted.

- 09-355** Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the meeting be adjourned.

Motion adopted.

The meeting adjourned at 8:59 PM

S. JUDITH DUDZINSKI
CITY CLERK

KENNETH R. BARON
COUNCIL CHAIRMAN

MARIA E. LAWRENCE
COUNCIL SECRETARY