REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

JULY 26, 1994

94-383 The meeting was called to order at 8:06 p.m., by Council Chairman Daniel S. Paletko.

Roll call showed the following:

Present:	Councilman Kenneth R. Baron, Councilman Gary P. Blackburn, Councilman Robert L. Brown, Councilman David C. Brunell, Councilwoman Margaret M. Horvath, Councilman Joseph V. Kosinski, Council Chairman Daniel S. Paletko.
Absent:	None.
Also Present:	Mayor Canfield, Administrative Assistant Zadikian, Corporation Counsel Berry-Harris, Corporation Counsel Assistant Heise, City Clerk Sheridan, Deputy Clerk Robbins, Treasurer Riley II, Comptroller Barrow, Assessor Welch, Building & Engineering Director Salatka, Personnel Director Sullivan, Police Chief DiPrima, Fire Chief Lewis, Recreation Director Grybel, Public Service Administrator Preston, Community Development Director Oliverio.

The Pledge of Allegiance was led by Councilman Kenneth R. Baron.

94-384 Motion by Councilman Brown, supported by Councilman Blackburn, that the Agenda for the Regular Meeting of July 27, 1994, be approved with the removal of Current Claim 6-3 (Corporation Counsel Laura Berry-Harris incorrect claim). Further, that Agenda Items 13-D and 13-E be moved to the forefront.

Motion unanimously adopted.

94-385 Motion by Councilman Brunell, supported by Councilman Blackburn, to add-on item 13-F (River Oaks Estates and Neighboring Community Organization communication re: Retaining a law firm to separate sewers) and be move to the forefront.

Motion unanimously adopted.

94-386 Motion by Councilman Brunell, supported by Councilman Blackburn, to adopt Amendment #2 re: the Rouge River National Wet Weather Demonstration Project Grant Finance and Service Agreement between Wayne County and the City of Dearborn Heights Resolution as follows:

WHEREAS, the State of Michigan Water Resources Commission has issued NPDES Permit Nos. MI0051489, MI0051837, MI0051811 and MI0051462 (collectively, the "NPDES Permit") requiring the County of Wayne, Michigan (the "County") and the Local Unit to develop a combined sewer overflow control and treatment program with respect to the Rouge Valley Wastewater Control System; and

WHEREAS, the Local Unit had heretofore anticipated receiving funding under the Michigan Water Pollution Control Revolving Fund ("SRF") to finance a portion of certain wastewater system improvements in order to meet the requirements of the NPDES Permit, consisting generally of an approximately 2.7 million gallon retention basin, pumping station and control building, together with a combined sewer overflow collector sewer system consisting of the construction of approximately 4,320 feet of collector sewer (the "Project"); and

WHEREAS, the Local Unit and the County are in the process of exploring various financing alternatives for the Project in light of the uncertainty of SRF funding; and

WHEREAS, it is necessary that the Local Unit and the County take action at this time in order to be able to meet the condition of the NPDES Permit; and

WHEREAS, the County and the Local Unit have negotiated a certain Amendment No. 2 to Rouge River National Wet Weather Demonstration Project Grant Finance and Service Agreement (the "Second Supplemental Agreement"), providing for various alternatives for financing the Project, a copy of which Second Supplemental Agreement is on file with the Clerk of the Local Unit; and

WHEREAS, the Project is necessary to protect and preserve the public health;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Second Supplemental Agreement is hereby approved, and the Mayor and Clerk (each, an "Authorized Officer and collectively, the "Authorized Officers") are authorized and directed to execute the Second Supplemental Agreement for and on behalf of the Local Unit.

2. The Authorized Officers or either of them is hereby authorized to execute any documents or enter into any agreements or take any action necessary, on behalf of the Local Unit in order to effectuate the purposes of the Second Supplemental Agreement. Such authorization shall include, without limitation, the submission to the Michigan Department of Treasury of the Local Unit's application for prior approval of bonds or an application for an exception from prior approval in connection with the issuance of one or more series of bonds by the County on behalf of the Local Unit or by the Local Unit itself and the execution of documents required in connection with the sale of any bonds to the Michigan Municipal Bond Authority or another purchaser, all as provided in the Second Supplemental Agreement.

3. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Councilman Baron, Councilman Blackburn, Councilman Brunell, Councilwoman Horvath, Councilman Kosinski.
NAYS: Councilman Brown, Council Chairman Paletko.
ABSENT: None.

Motion adopted.

94-387 Motion by Councilman Brunell, supported by Councilwoman Horvath, that the City Council concurs with and approves the following resolution regarding the award of Construction Contract No. 3 between the City of Dearborn Heights/Wayne County CSO Project as follows:

WHEREAS bids were received by Wayne County Department of Purchasing on July 13, 1994, for the Rouge River Wet Weather Combined Sewer Overflow Project, Contract No. 3 - Retention Basin, and Contract No. 4 - Collector Sewers, for the City of Dearborn Heights, and;

WHEREAS the Contract No. 3 bid submitted by Kajima Engineering and Construction in the amount of $17,712,210, was the confirmed low bid, and;

WHEREAS the City of Dearborn Heights has received and reviewed the bid tabulations and the Engineer's Recommendations relative to the Contract No. 3 bid,

THEREFORE, be it resolved that the City of Dearborn Heights confirms that it agrees to Wayne County accepting the Contract No. 3 bid of Kajima Engineering and Construction in the amount of $17,712,210, contingent upon receiving sufficient funding from the State Revolving Fund Program through the Michigan Department of Natural Resources (MDNR) and through local share financing bond sale.

BE IT FURTHER RESOLVED, the the City agrees to Wayne County issuance of an award letter to the aforementioned successful and confirmed low bidder contingent upon State Revolving Fund Program funding and local share bond sale.

BE IT FURTHER RESOLVED, that should Wayne County award Contract No. 3 to the second low bidder, Barton Malow Company in the amount of $17,746,400, the City agrees to similarly accept the County's decision.

BE IT ALSO RESOLVED, that the City, relative to Section No. 18 of the previously adopted Finance and Service Agreement with Wayne County, hereby appoints the Mayor as the City's representative for the purpose of reviewing copies of bulletins and change orders to Contract No. 3 and providing timely recommendations to the County.

AYES: Councilman Baron, Councilman Blackburn, Councilman Brunell, Councilwoman Horvath, Councilman Kosinski.
NAYS: Councilman Brown, Council Chairman Paletko.
ABSENT: None.

Motion adopted.

94-388 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the City Council concur with and approve the resolution regarding the award of Construction Contract No. 4 for the City of Dearborn Heights/Wayne County CSO Project as follows:

WHEREAS bids were received by Wayne County Department of Purchasing on July 13, 1994, for the Rouge River Wet Weather Combined Sewer Overflow Project, Contract No. 3 - Retention Basin, and Contract No. 4 - Collector Sewers, for the City of Dearborn Heights, and;

WHEREAS the Contract No. 4 bid submitted by Lanzo Construction Company in the amount of $966,040, was the confirmed low bid, and;

WHEREAS the City of Dearborn Heights has received and reviewed the bid tabulations and the engineer's Recommendations relative to the Contract No. 4 bid,

THEREFORE, be it resolved that the City of Dearborn Heights confirms that it agrees to Wayne County accepting the Contract No. 4 bid of Lanzo Construction Company in the amount of $966,040, contingent upon receiving sufficient funding from the State Revolving Fund Program through the Michigan Department of Natural Resources (MDNR) and through local share financing bond sale.

BE IT FURTHER RESOLVED, that the City agrees to Wayne County issuance of an award letter to the aforementioned successful and confirmed low bidder contingent upon State Revolving Fund Program funding and local share bond sale.

BE IT ALSO RESOLVED, that the City, relative to Section No. 18 of the previously adopted Finance and Service Agreement with Wayne County, hereby appoints the Mayor as the City's representative for the purpose of reviewing copies of bulletins and change orders to Contract No. 4 and providing timely recommendations to the County.

AYES: Councilman Baron, Councilman Blackburn, Councilman Brunell, Councilwoman Horvath, Councilman Kosinski.
NAYS: Councilman Brown, Council Chairman Paletko.
ABSENT: None.

Motion adopted.

94-389 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves the resolution regarding the Debarment Form for SRF Projects.

BE IT RESOLVED, that the Mayor is hereby designated to execute the "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" required as part of the State Revolving Fund Application process for the City of Dearborn Heights SRF Projects.

AYES: Councilman Baron, Councilman Blackburn, Councilman Brown, Councilman Brunell, Councilwoman Horvath, Councilman Kosinski, Council Chairman Paletko.
NAYS: None.
ABSENT: None.

Motion unanimously adopted.

94-390 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council reject the request from the River Oaks Estates and Neighboring Community Organization to retain a law firm specializing in environmental law to initiate legal action to stop the retention basin project for the City of Dearborn Heights.

AYES: Councilman Baron, Councilman Blackburn, Councilman Brown, Councilman Brunell, Councilwoman Horvath, Councilman Kosinski, Council Chairman Paletko.
NAYS: None.
ABSENT: None.

Motion unanimously adopted.

94-391 Motion by Councilman Brown, supported by Councilman Baron, that the Minutes from the Regular Meeting of July 12, 1994, be approved as submitted.

Motion unanimously adopted.

94-392 Motion by Councilman Brown, supported by Councilman Blackburn, that Current Claims 6-1 through 6-11 be approved with the deletion of Current Claim 6-3.

1. E & N Cement - Pavement Repairs. (2) Inv's. dated 7-18-94. From A/C 101-440-880-000 (Road Repairs) $8,464.91 and A/C 592-537-818-000 (Contractual Serv.) $7,297.07. DPW & Water.
2. GARY MIOTKE - Legal Services for June, 1994. Inv. dated 7-15-94. From A/C 101-XXX-202-094 (Accounts Payable). $2,408.00. Corporation Counsel.
4. MICHIGAN MUNICIPAL LEAGUE - Unemployment Comp., 2nd. quarter. Ck. req. dated 7-18-94. From A/C 101-XXX-202-094 (Accounts Payable) $1,485.91 and A/C 592-XXX-202-094 (Accounts Payable) $154.80. General Govt.
5. M.M.R.M.A. - 1st Installment for 1994-1995 Liability Insurance. Inv. 56076-1, dated 7-7-94. From A/C 101-200-911-000 (Insurance) $301,990.00. General Govt.
6. PAINTER & RUTHENBERG - Roll Off Service for June and Newsprint Pickups. (2) Inv's. 2202 and 112 dated 7-1-94. From A/C 101-XXX-202-094 (Accounts Payable) $6,752.50. General Govt.
7. QUAD TRAN OF MICHIGAN - Data Processing Service for July, 1994. Inv. 1398, dated 6-30-94. From A/C 101-130-818-000 (Contractual Serv) $2,569.02. District Court.
8. WADE TRIM/ASSOC. - CDBG Program Assistance. Inv. 44238, dated 7-5-94. Job DHT 6671-01A. From A/C 103-960-918-093 (Administration) $5,335.60. Community Devel.
9. WADE TRIM/ASSOC. - Eton Senior Center Paving. Inv. 44386, dated 7-11-94. Job DHT 2364-03T. From A/C 103-960-922-093 (Eton Center Park) $553.70 ENC. Community Devel.
10. WESTLAND TREE SERVICE - Tree Trimming and Removals. Inv. dated 7-16-94. From A/C 101-440-820-000 (Tree Trimming and Removals) $4,472.86. DPW-Highway.
11. XEROX CORP. - Copier Maintenance Billing. Inv. 042385964, dated 7-1-94. From A/C 103-960-918-093 (Administration) $1,722.00. Community Devel.
12. LAURA BERRY-HARRIS - Legal Services for June, 1994. Two Inv's. dated July 15, 1994. From A/C 101-XXX-202-094 (Accounts Payable) $8,377.00 and A/C 101-XXX-202-094 (Accounts Payable) $1,602.25. Corporation Counsel.

Motion unanimously adopted.

94-393 Motion by Councilman Kosinski, supported by Councilman Brown, that the City Comptroller be authorized to advertise for bids, per specifications, for one (1) LX 565 New Holland Skid Steer Loader (or equal), per the request of Public Service Administrator Preston, communication dated July 18, 1994. This purchase should be charged to Building/Grounds Capital Outlay #101-265-981-000.

Motion unanimously adopted.

94-394 Motion by Councilman Brunell, supported by Councilman Blackburn, that the City Comptroller be authorized to advertise for bids, per specifications, for one (1) Rescue Squad/Ambulance vehicle, per the request of Fire Chief Lewis, communication dated July 15, 1994.

Motion unanimously adopted.

94-395 Motion by Councilman Kosinski, supported by Councilman Brown, that the City Comptroller be authorized to advertise for bids, per specifications, for the demolition of 4945 Pelham, residential garage only; 4518 Syracuse, residential garage only; 4866 Southfield, residential garage only; and 5764 Nightingale, residential/all buildings, per the request of Building & Engineering Director Salatka, communication dated July 18, 1994. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Deleted CM 94-481 9-13-94 mel

Motion unanimously adopted.

94-396 Motion by Councilman Brunell, supported by Councilman Blackburn, that the low bid from Ellefson & Sons Building Company, 4492 Vassar, Dearborn Heights, MI 48125 for the demolition of all buildings located at 6010 N Gulley in the amount of $4,360.00, and payment thereof, be approved, per Building & Engineering Director Salatka, communication dated July 13, 1994. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Motion unanimously adopted.

94-397 Motion by Councilman Kosinski, supported by Councilman Baron, that the low bid from Florence Cement Company, Inc., 1970 Brinston, Troy, MI for Valley Park Street Reconstruction in the amount of $2,329,694.00, and payment thereof, be approved. Testing and contingencies and designing not included in contract amount, per Public Service Administrator Preston, communication dated July 20, 1994. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Motion unanimously adopted.

94-398 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the low bid from Kim Construction Company, Inc., 3142 Holeman, Steger, IL 60475 for the Downriver Wastewater Collection System 1994 Sanitary Sewer Rehabilitation project in the amount of $126,105.00, and payment thereof, be approved, per Public Service Administrator Preston, communication dated July 20, 1994. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

RESCINDED 12/13/94 CM 94-609 MEL

Motion unanimously adopted.

94-399 Motion by Councilwoman Horvath, supported by Councilman Kosinski, that the bid from Phil's Landscaping Service, 7724 Rosemont, Detroit, MI 48228 for grass and weed cutting service for non-city owned property be approved, per Comptroller Barrow, communication dated July 20, 1994. Further, this approval is contingent on the City receiving the insurance requirements that are needed.

Motion unanimously adopted.

94-400 Motion by Councilman Brown, supported by Councilman Kosinski, that the low bid from Computer Technologies, Inc., 2145 Crooks, Suite 40, Troy, MI 48084 for network hardware and related software and installation in the amount of $4,270.00, and payment thereof, be approved, per Assessor Welch, communication dated July 14, 1994.

Motion unanimously adopted.

94-401 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves the Wayne County Downriver Sewage Disposal System Bonds Fall and Winter State Revolving Fund Resolution as follows:

WHEREAS, the City Council of the Downriver Community passed resolution number 94-401, dated July 26, 1994 (the "Resolution"), approving, ratifying and confirming the Financing Plan and Final Judgment (the "Judgment") and authorizing and directing the Mayor and Clerk to execute and deliver the same to Wayne for and on behalf of this Downriver Community. Capitalized terms not otherwise defined herein shall have the meanings given them in the Resolution; and

WHEREAS, Wayne, in accordance with law, including but not limited to Act 185 and Act 320, has noticed for entry Supplement #1 to the Judgment (the "Supplement #1 Judgment") in the Federal Court Action, requiring that certain Improvements to the System (the "Supplement #1 Improvements") be planned, designed, acquired, constructed and financed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Approval of the Supplement #1 Judgment. The Mayor and the Clerk are hereby authorized and directed to execute and deliver the Supplement #1 Judgment in substantially the form attached hereto for and on behalf of the Downriver Community.

2. Declaration of Intent to be Reimbursed. The Downriver Community declares its official intent to finance its Local Share of the cost of the Supplement #1 Improvements with bonds issued by Wayne in a maximum principal amount not to exceed the "Project Total" column set forth on the row(s) for such Downriver Community on Exhibit C1 to the Supplement #1 Judgment, which amount(s) shall be allocated to the Downriver Community for purposes of Section 265(b)(3)(C)(iii) of the Internal Revenue Code of 1986, as amended. The Downriver Community further declares that it reasonably expects to be reimbursed by Wayne, without interest, for advances made by it towards the cost of the Supplement #1 Improvements. The Downriver Community, at the present time, has determined that there are no funds from sources other than the bonds anticipated herein that are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by it, or by any member of a controlled group (as defined in Treasury Regulation 1.150-1(e)) in which it is a member, if any, pursuant to its budget or financial policies with respect to the expenditures for the Supplement #1 Improvements expected to be reimbursed from the proceeds of the bonds.

3. Authorization to Take Other Actions. The Mayor, the Clerk and all other officials of the Downriver Community shall take all other actions and execute such other documents, necessary or appropriate including, without limitation, a Delegation Agreement and Supplement Agreement(s) with Wayne, if required, and applications to the Department of Treasury for the Department of Treasury's approval of the issuance of Wayne's bonds and the form of notice required by law, or in the alternative an application to the Department of Treasury for an order of exception from prior approval and to pay the fee in connection therewith, and shall cooperate with Wayne, the Department of Treasury, Rating Agencies and other parties to issue Wayne's bonds timely and in accordance with all the terms and conditions of the Supplement #1 Judgment.

4. Other Resolutions Rescinded. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Further, that the Supplemental Agreement and Supplement #1 Financing Plan and Final Judgment be approved and Mayor Canfield and Clerk Sheridan sign the documents, per Mayor Canfield, communication dated July 20, 1994.

Motion unanimously adopted.

94-402 Motion by Councilman Brown, supported by Councilman Blackburn, that the City Council concurs with Council Chairman Paletko to authorize the Treasurer to investigate the possibility of residents using credit cards for City business.

Motion unanimously adopted.

94-403 Motion by Councilman Brown, supported by Councilman Blackburn, that the City Council concurs with and approves a fund transfer and budget amendment for the Richard Young Recreation Center Budget as follows:

FROM:	RECREATION SALARIES	#101-691-706-000	$ 55,403.00
	RECREATION FRINGES	#101-691-726-000	$ 24,000.00
TO:	YOUNG REC CEN SALARIES	#101-692-706-000	$ 55,403.00
	YOUNG REC CEN FRINGES	#101-692-726-000	$ 24,000.00

Further, that a Budget Amendment be approved as follows:

REVENUES:

YOUNG REC CEN REVENUES	#103-000-706-000	$128,350.00
APP FROM FUND BALANCE	#101-000-699-000	$ 28,489.00

EXPENSES:

ALL OTHER EXPENSES LIST ON BUDGET	$153,839.00

per Comptroller Barrow, communication dated July 19, 1994.

Motion unanimously adopted.

94-404 Motion by Councilman Kosinski, supported by Councilman Brown, that the City Council concurs with and approves a lease agreement with the Xerox Corporation for a Model #5021ZTA Copier Machine for the Richard A. Young Recreation Center in the amount of $148.90 per month for four years (all parts and maintenance included). The agreement includes a Xerox Model #7024 Plain Paper Facsimile Machine, at no cost to the City and that this offer is the same agreement offered to the State of Michigan. Further, that the Mayor be authorized to sign the agreement per, Recreation Director Grybel, communication dated July 19, 1994.

Motion unanimously adopted.

94-405 Motion by Councilman Brunell, supported by Councilman Kosinski, that the City Council concurs with and approves the Central Park Drive & Canfield Community Center Parking Lot Re-Paving Project with the Michigan Department of Natural Resources grant in the amount of $215,000.00 and our 25% match of $75,000.00, total amount of project is $290,000.00 per, Recreation Director Grybel, communication dated July 20, 1994. Further, that Mayor Canfield and Clerk Sheridan sign the agreements with the MDNR. Also, that Wade-Trim/Associates be authorized to prepare the specifications and bid packages and begin the bidding process to ensure commencement of this project no later than Spring of 1995.

Motion unanimously adopted.

94-406 Motion by Councilman Brunell, supported by Councilman Blackburn, that proposed Ordinance H-93-5, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY REPEALING SECTION 13-3 AND ADDING NEW SECTION 13-3 OF CHAPTER 13 OF SAID CODE PROVIDING FOR REGULATION OF RESIDENTIAL FENCE LOCATION AND HEIGHTS, BY REPEALING SECTION 13-4 (DIAGRAM ONLY) AND ADDING NEW SECTION 13-4 (DIAGRAM ONLY) OF CHAPTER 13 OF SAID CODE PROVIDING FOR A FENCE DIAGRAM FOR RESIDENTIAL LOTS, AND BY REPEALING SECTION 13-5 AND ADDING NEW SECTION 13-5 OF CHAPTER 13 OF SAID CODE PROVIDING FOR FENCING MATERIAL FOR RESIDENTIAL AND COMMERCIAL LOTS, be considered read for the second time, to become effective upon publication in the City's official newspaper as provided by law.

Motion unanimously adopted.

94-407 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the City Council concurs with the Planning Commission, Case # PC-94-02, and approves the rezoning of Lots 273 and 274, GREATER DETROIT CITY PARK SUB, from M-1 light industrial to RMA multiple family residential district, communication dated July 18, 1994.

Motion unanimously adopted.

94-408 Motion by Councilman Kosinski, supported by Councilman Blackburn that the City Council concurs with the Planning Commission, Case # PC-94-03, and deny the rezoning of Lot 6, (except east 300 feet), DEARBORN SUPERVISOR'S PLAT NO. 1. and Lot 7, and part of West 1/2 of Section 7, from R-1A single family residential to RMA multiple family residential district, communication dated July 18, 1994.

Motion unanimously adopted.

94-409 Motion by Councilman Brown, supported by Councilman Blackburn, that the communication from citizen, Mike Voden, regarding House Bill 52-76 (Commercial Injection Wells) be referred to Mayor Canfield.

Motion unanimously adopted.

94-410 Motion by Councilman Kosinski, supported by Councilman Brown, that the request for renewal of the 1994 business license for the Polish Legion American Veterans #16, 25222 Warren and Red Lobster Inn #124, 6850 N Telegraph, be approved.

Motion unanimously adopted.

94-411 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 11:18 p.m.

HELENE S. SHERIDAN
CITY CLERK

DANIEL S. PALETKO, CHAIRMAN
CITY COUNCIL