

## REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

**MAY 25, 2010**

**10-170** The meeting was called to order at 8:19 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:** Councilman Roy Pilot.

**Also Present:** City Clerk Dudzinski, Mayor Paletko, Treasurer Riley, Administrative Assistant Kramarz, Assessor McDermott, Building & Engineering Director Sobh, Community & Economic Development Director Amen, Comptroller Barrow, Corporation Counsel Miotke, Emergency Management Director Ankrapp, Deputy Fire Chief Zalucki, Human Resource Director Sobota-Perry, Library Director Mccaffery, Police Chief Gavin, Public Service Administrator Franzil, Deputy Recreation Director Constan.

The Pledge of Allegiance was led by Bob Ankrapp.

**10-171** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that the Agenda for the Regular Meeting of May 25, 2010, be approved as submitted.

Motion adopted.

**10-172** Motion by Councilman Berry, seconded by Councilwoman Badalow, that the Minutes from the Regular Meeting of May 11, 2010, be approved as submitted.

Motion adopted.

**10-173** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that Fund Transfers 6-A, 6-B and 6-C and Current Claims 6-1 through 6-22, be approved as submitted.

A. \$22,000.00 Transferred from District Court Fees (A/C 101-130-804-000) \$10,000.00 and District Court Repairs (A/C 101-130-932-000) \$12,000.00 to District Court Part Time (A/C 101-130-707-100) \$22,000.00.

B. \$6,000.00 Transferred from Fire Department Training (A/C 101-335-962-000) to Fire Department Overtime (A/C 101-335-709-000) to cover costs of training related overtime costs.

C. \$4,500.00 Transferred from Fire Department Training (A/C 101-335-962-000) \$2,500.00 and Fire Department Part Time (A/C 101-335-707-100) \$2,000.00 to Fire Department Repair and Maintenance (A/C 101-335-932-000) \$4,500.00.

1. A-LAND CONSTRUCTION, INC. – Water Main Sidewalk Repairs/Replacement – Inv. dated 5/07/10 from A/C 592-537-818-000 (Contract Services) \$2,055.00. Water Dept.

2. ACCUMED BILLING, INC. – Rescue Runs April 2010 – Inv. dated 5/01/10 from A/C 101-000-626-000 (Rescue Runs) \$7,498.20. Fire Dept.

3. CENTRAL WAYNE COUNTY SANITATION AUTHORITY – Operating & Disposal April 2010 – Inv. dated 4/30/10 from A/C 101-200-810-000 (Sanitation) \$65,144.51. General Govt.

4. CITY OF DEARBORN – Water/Sewage Charges 3<sup>rd</sup> Quarter Billing – Inv. 12003 dated 4/29/10 from A/C 592-537-928-000 (Water) \$1,829.93 and A/C 592-537-929-000 (Sewage) \$19,188.66. Water Dept.

5. COMPUTER TECHNOLOGIES, INC. – Data Processing – Inv. 70598 dated 4/30/10 and 70606 dated 5/07/10 from A/C 101-258-932-000 (Repair/Maint) \$3,850.00 and A/C 592-536-932-000 (Repair/Maint) \$1,615.00. Data Processing

6. E & N CEMENT – Pavement Repairs – Inv. dated 5/20/10 from A/C 592-537-818-000 (Contract Services) \$64,048.79. Water Dept.

7. EAST JORDAN IRON WORKS – Miscellaneous Water Main/Hydrant Supplies – Inv. 3258152 and 3528154 dated 4/22/10 from A/C 592-xxx-111-000 (Inventory) \$2,265.76. Water Dept.

8. EXOTIC AUTOMATION SUPPLY – Hydraulic Supplies for Water – Inv. 1434113 and 14134114 dated 4/16/10 from A/C 592-xxx-110-000 (Inventory) \$2,031.99. Water Dept.

9. HYDRODESIGNS – Cross Connection Program – Inv. 21627-IN dated 4/30/10 from A/C 592-536-817-000 (Prof/Consult) \$2,623.00. Water Dept.

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10. MC KENNA & ASSOCIATES – Professional Services Planning Commission – Inv. dated 5/06/10 – NSP State Admin – Inv. dated 5/07/10 from A/C 101-801-817-000 (Prof/Consult) \$3,608.75 and A/C 274-673-930-091 (NSP) \$7,266.02. Planning Commission/NSP
11. MICHIGAN MUNICIPAL LEAGUE – Unemployment Comp 1<sup>st</sup> Quarter 2010 – Ck. Req. Dated 4/05/10 from A/C 101-200-725-000 (Unemployment Comp.) \$33,170.14. See Budget Amendment. General Govt.
12. NAGEL CONSTRUCTION – Sewer Cleaning Program – Inv. 2769 dated 5/17/10 from A/C 592-540-818-030 (Contract Services) \$23,540.51. Water Dept.
13. NEW IMAGE BUILDING SERVICES, INC. – Building Cleaning May 2010 – Inv. 61319 dated 5/01/10 from A/C 738-738-818-000 (Contract Services) \$2,214.00. Libraries
14. PC OCCUPATIONAL HEALTH CENTER OF MICHIGAN – Workers Compensation Injury – Ck. Req. Dated 4/28/10 from A/C 101-200-724-000 (Work. Comp.) \$1,745.87. General Govt.
15. R & R FIRE TRUCK REPAIR – Service Fire Equipment – Inv. 37360 and 37361 dated 4/26/10 from A/C 101-335-932-000 (Repair/Maint) \$2,171.73. See Fund Transfer. Fire Dept.
16. RKA PETROLEUM – Diesel/Gasoline for Fire Dept. – Inv. 664917 and 665240 dated 4/13/10 and 666663 dated 4/26/10 from A/C 101-335-867-000 (Fuel) \$2,784.04. Fire Dept.
17. STATE OF MICHIGAN MDOT – Telegraph Road Bridges – Inv. AP 325769 and AP 325768 dated 5/14/10 from A/C 202-202-880-300 (Streets) \$3,294.95. Major Streets
18. SYSTEMP – Justice Center Repairs – Inv. 9854 dated 5/04/10 from A/C 101-300-818-000 (Contract Services) \$2,568.25 and A/C 101-130-932-000 (Repair/Maint) \$1,293.78. Police/Court
19. STATEWIDE SECURITY TRANSPORT – Prisoner Food & Lodging April 2010 – Inv. dated 5/12/10 from A/C 101-200-868-000 (Prisoners) \$4,173.20. General Govt.
20. WADE TRIM ASSOCIATES – Environmental Review & Action Plan – Inv. 100362 and 100363 dated 5/13/10 from A/C 103-960-918-209 (Admin) \$7,713.86. CDBG
21. WASTE MANAGEMENT – Roll Off Service April 2010 – Inv. 1717-2 and 1717-0 dated 5/01/10 from A/C 101-200-810-000 (Sanitation) \$3,535.71. General Govt.
22. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT – Excess Flow Rouge Valley April-June 2010 – Inv. 255960 dated 5/13/10 and ECPAD Operation Maintenance – Inv. 255954 dated 5/13/10 from A/C 592-537-929-000 (Sewage) \$253,536.51 and A/C 592-537-927-000 (Ecorse Creek) \$38,095.68. Water Dept.

Motion adopted.

- 10-174** Motion by Councilwoman Agius, seconded by Councilman Berry, that the City Council concurs with and approves designating Mayor Dan Paletko, Delegate and Krystina Kramarz, Alternate to the Downriver Utility Wastewater Authority, per Mayor Paletko, communication dated May 19, 2010.

Motion adopted.

- 10-175** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the City Council concurs with and approves the request from River Oaks Elementary School, 20755 Ann Arbor Trail, Dearborn Heights, MI 48127, to hold their Annual Clean Up Parade on Thursday, May 27, 2010 at 2:00 pm beginning out the back gate of the school playground, right onto River Oaks Drive, left on Old Colony and finishing with a left on Brookwood which leads back to the playground, per Mayor Paletko, communication dated May 13, 2010 and Youssef Mosallam, Principal, River Oaks Elementary. Further, that the Police and Fire any services that may be required.

Motion adopted.

- 10-176** Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that the City Council concurs with and approves the Taxpayer's Assignment of Right to Recovery as it relates to the pending suit against the State of Michigan for failure to fund activities and services required of the City under Article 9, Section 32 of the Michigan Constitution, per Mayor Paletko, communication dated May 18, 2010.

Motion adopted.

- 10-177** Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that the City Council concurs with and approves the Retainer Agreement between "the taxpayer" and "the attorney" against the State of Michigan regarding failure to fund activities and services required of the City under Article 9, Section 32 of the Michigan Constitution, per Mayor Paletko, communication dated May 18, 2010. Further, that the City Clerk be authorized to certify the Resolution on behalf of the City.

Motion adopted.

- 10-178** Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that the City Council concurs with and approves the "Resolution re: Taxpayer Involvement in Stormwater Litigation, as it relates to the pending suit against the State of Michigan for failure to fund activities and services required of the City under Article 9, Section 32 of the Michigan Constitution, per Mayor Paletko, communication dated May 18, 2010.

Motion adopted.

- 10-179** Motion by Councilwoman Van Houten, seconded by Councilman Berry, that the City Council concurs with and approves a three (3) Year Service Agreement with AccuMed Billing, Inc., PO Box 2122, Riverview, MI 48192, effective July 1, 2010 for the Dearborn Heights Fire Department, per Fire Chief Gurka, communication dated May 17, 2010. Further, that the Mayor be authorized to sign the agreement on behalf of the City.

Motion adopted.

- 10-180** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the disposal of twenty (20) old computers and twenty (20) old monitors assigned to the computer labs at both the Berwyn and Eton Senior Citizen Centers, per Recreation Director Grybel, communication dated May 13, 2010.

Motion adopted.

- 10-181** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the City Council concurs with and approves two (2) agreements for distribution of USDA TEFAP Commodity products with Wayne County for the Berwyn and Eton Sr. Citizen Centers, per Recreation Director Grybel, communication dated May 18, 2010. Further, that the Mayor be authorized to sign the agreements on behalf of the City.

Motion adopted.

- 10-182** Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the City Council concurs with and approved the Budget Amendment to cover the increase cost of the State Unemployment Fund as follows:

|                                              |                                          |
|----------------------------------------------|------------------------------------------|
| Increase Revenues<br>A/C 101-000-699-000     | Appropriate Fund Balance<br>\$22,000.00  |
| Increase Expenditures<br>A/C 101-200-725-000 | Unemployment Compensation<br>\$22,000.00 |

Per, Comptroller Barrow, communication dated May 18, 2010.

Motion adopted.

- 10-183** Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that: 1. The City hereby approves, adopts, and ratifies effective July 1, 2010 the FLEXIBLE BENEFITS PLAN document as the amended and restated plan document for the Cafeteria Plan for the City of Dearborn Heights that was previously approved and adopted pursuant to Motion 95-199. 2. The City also authorizes Mayor Daniel S. Paletko to sign and City Clerk S. Judith Dudzinski to witness the "EMPLOYER'S ACKNOWLEDGMENT" portion of the FLEXIBLE BENEFITS PLAN document on behalf of the City. 3. The City further approves, adopts, and ratifies effective July 1, 2010 the FLEXIBLE BENEFITS PLAN SUMMARY PLAN (including APPENDIX 1 and APPENDIX II to same) as the summary plan description for the cafeteria plan, per Corporation Counsel Miotke, communication dated May 4, 2010.

Motion adopted.

- 10-184** Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that the City approves the agreements between the City and Aflac to administer the cafeteria plan program, namely the REIMBURSEMENT SERVICES AGREEMENT (including Appendix A, Appendix B, and Exhibit A "BUSINESS ASSOCIATES AGREEMENT") and the AFLAC Reimbursement Services Agreement Card Service Appendix. Further, the City authorizes Mayor Daniel S. Paletko to sign on behalf of the City the REIMBURSEMENT SERVICES AGREEMENT, the BUSINESS ASSOCIATE AGREEMENT, and the AFLAC Reimbursement Services Agreement Card Service Appendix, per Corporation Counsel Miotke, communication dated May 4, 2010.

Minutes **MAY 25, 2010** Continued

Motion adopted.

- 10-185** Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that the City's duties as the Plan Administrator of the Cafeteria Plan for the City of Dearborn Heights will be administered by the City's Human Resource Department with the assistance of other City departments as may be appropriate, per Corporation Counsel Miotke, communication dated May 4, 2010.

Motion adopted.

- 10-186** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that Council Chairman Baron set up a Committee of the Whole Study Session to discuss the possible renewal of sanitation millage on June 1, 2010, per Treasurer Riley, communication dated May 19, 2010.

Motion adopted.

- 10-187** Motion by Councilman Berry, seconded by Councilwoman Badalow, that the communication from Fund for the Public Interest's request to do door-to-door canvassing in the City of Dearborn Heights the entire month of May, be received, contents noted and filed.

Motion adopted.

- 10-188** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that the business license renewals for Applebee's Restaurants, 26582 Ford and Carl E. Stitt Post #232, 23850 Military, be approved.

Motion adopted.

- 10-189** Motion by Councilwoman Agius, seconded by Councilwoman Horvath, that the City Council adopts the General Government Fiscal 2010-11 balanced budget in the amount of \$ 37,944,453.00.

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

Nays: Councilwoman Badalow.

Absent: Councilman Pilot.

Motion adopted.

- 10-190** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the tax levy for the 2010-11 fiscal year be set at 6.3240 mills.

Motion adopted.

- 10-191** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that 4.70 mills be levied to finance the voter approved Act 345 Fire and Police Pension Plan for fiscal year 2010-11 in the amount of \$ 5,633,000.00.

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

Nays: Councilwoman Badalow.

Absent: Councilman Pilot.

Motion adopted.

- 10-192** Motion by Councilman Berry, seconded by Councilwoman Badalow, that the City Council levy an additional 2.1329 mills on the Taxable Valuation for financing garbage and rubbish disposal for fiscal year 2010-11.

Motion adopted.

- 10-193** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the City Council levy an additional 1.4875 mills on the Taxable Valuation of Public Safety, as approved by the voters of the City of Dearborn Heights for fiscal year 2010-11.

Motion adopted

- 10-194** Motion by Councilman Berry, seconded by Councilwoman Badalow, that the millage approved for solid waste disposal by the electorate in May, 2000, be levied at .65 mills.

Motion adopted.

- 10-195** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that the City Council approve the 2010-11 lump sum budget for the 20th District Court, in the amount of \$1,998,908.00. Salaries not-to-exceed amount specified in the budget.

Motion adopted.

- 10-196** Motion by Councilwoman Badalow, seconded by Councilman Berry, that the City Council levy an additional assessment of 1.25 mills for the construction of federally mandated sewer system and combined sewer overflow improvements as approved by the voters of the City of Dearborn Heights.

Motion adopted.

- 10-197** Motion by Councilwoman Agius, seconded by Councilwoman Van Houten, that the City Council levy an additional .9188 mill to fund the City Department for Libraries including new improvements of library buildings as approved by the voters of the City of Dearborn Heights.

Motion adopted.

- 10-198** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the Resolution approving the Administrative Fee be adopted as follows:

**WHEREAS**, the City of Dearborn Heights is authorized to collect up to 1% Administration Fee, pursuant to MCL 211.44, provided the governing body of the City by resolution approves the authorization of the fee;

**WHEREAS**, the City Council of the City of Dearborn Heights believes that it is necessary to collect said Administration Fee for fiscal year 2010-2011, said collection rate need only be set at 1.0%.

**NOW THEREFORE BE IT RESOLVED** that the City of Dearborn Heights approves the imposition of and the Treasurer of the City of Dearborn Heights shall administer the imposition of a Property Tax Administration Fee, pursuant to MCL 211.44 with respect to taxes to be collected for the Summer 2010 and Winter 2010 only, with the stipulations that the imposition of any future Property Tax Administration Fee, will require a new resolution before it may be imposed and that the fee shall be used to offset costs incurred by the City of Dearborn Heights in assessing property values, collecting the property tax levies, and in the review and appeal processes

Motion adopted.

- 10-199** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that tabled CM 10-160, Advertise for Bids for monitors and computers be brought back on the table.

Motion adopted.

- 10-200** Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that the City Comptroller be authorized to advertise for bids, per specifications, for twenty two (22) computers and monitors, not-to-exceed \$33,000.00, for the 20<sup>th</sup> District Court, per the request of Court Administrator Zeppa, communication dated May 3, 2010. Funds are available in Capital Outlay A/C 130-981 (\$16,500.00) and Repair/Maintenance A/C 130-932 (\$16,500.00).

Motion adopted.

- 10-201** Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the meeting be adjourned

Motion adopted.

The meeting adjourned at 8:57 PM

**S. JUDITH DUDZINSKI**  
CITY CLERK

**KENNETH R. BARON**  
COUNCIL CHAIRMAN

**MARIA E. LAWRENCE**  
COUNCIL SECRETARY