

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

MAY 25, 2004

04-162 The meeting was called to order at 8:55 p.m. by Council Chair Elizabeth J. Agius.

Roll Call showed the following:

Present: Council Chair Elizabeth J. Agius, Councilwoman Janet S. Badalow, Councilman Kenneth R. Baron, Councilwoman Ann Brown, Councilman Bob Constan, Councilwoman Catherine L. Heise, Councilwoman Margaret M. Van Houten.

Absent: None.

Also Present: Mayor Paletko, Administrative Assistant Kramarz, Corporation Counsel Miotke, City Clerk Dudzinski, Deputy Clerk Pawlukiewicz, Treasurer Riley, Comptroller Barrow, Deputy Comptroller Macari, Assessor Riedel, Deputy Assessor Cooper, Building & Engineering Director Kissinger, Police Chief Gust, Recreation Director Grybel, Public Service Administrator Franzil, Community Development Director Jamal.

The Pledge of Allegiance was led by Exie Markowsky.

04-163 Motion by Councilwoman Van Houten, seconded by Councilman Constan, that the Agenda for the Regular Meeting of May 25, 2004, be approved with the addition of 13-C Resolution Ecorse Creek Advisory Group Study on Flooding.

Motion unanimously adopted.

04-164 Motion by Councilman Baron, seconded by Councilwoman Brown, that the Minutes from the Regular Meeting of May 11, 2004, be approved as submitted.

Motion unanimously adopted.

04-165 Motion by Councilman Baron, seconded by Councilman Constan, that Current Claims 6-1 through 6-16, be approved as submitted.

1. ACCUMED BILLING, INC. - Ambulance runs April 2004 - Inv. dated 05/03/04 from A/C 101-000-626-000 (Ambulance) \$6,132.90. Fire Dept.
2. BEST ASPHALT, INC. - Remove speed bumps - Inv. 15172, 15167, 15170, 15168 and 15169 from A/C 202-202-880-300 (Street Constr.) \$6,770.00 and A/C 592-537-818-000 (Cont. Serv.) \$17,647.50. DPW-Highway.
3. CENTRAL WAYNE COUNTY SANITATION AUTHORITY - Monthly Debt/Services May & April 2004 - Inv. dated 05/17/04 from A/C 101-200-810-000 (Sanitation) \$182,528.27. General Govt.
4. E & N CEMENT - Pavement Repairs - Inv. dated 05/17/04 from A/C 592-537-818-000 (Contract Serv.) \$47,446.36. Water Dept.
5. HEIGHTS TREE SERVICES - Tree Trimming/Removals - Inv. 38 dated 05/16/04 from A/C 101-440-820-000 (Trees) \$13,260.00. DPW-Highway.
6. JOHNSON CONTROL'S - Maint. Contract 05/01/04-07/31/04 - Inv. 52282225 dated 05/04/04 from A/C 101-265-818-000 (Contract Serv.) \$16,739.25. Bldg/Maint.
7. LIBERTY GROUP MICHIGAN, INC. - Liability Insurance for Festival - Inv. 3126 dated 05/07/04 from A/C 101-691-891-000 (Spirit Festival) \$4,720.00. Recreation.
8. MIKE BYRNE ADVERTISING, LLC - Dearborn Heights Today Newsletter - Inv. 1941 dated 04/29/04 from A/C 103-960-918-203 (Admin) \$9,098.20 and A/C 592-537-817-000 (Prof/Consult) \$2,000.00. CDBG.
9. NAGEL CONSTRUCTION - Sewer Cleaning Program - Inv. 1935 dated 05/14/04 from A/C 592-540-818-000 (Contract Serv.) \$12,163.53. Water Dept.
10. PLANTE & MORAN - Accounting Services April 2004 - Inv. 980233 dated 05/12/04 from A/C 101-200-817-000 (Prof/Consult) \$1,045.00 and A/C 592-536-817-000 (Prof/Consult) \$1,630.00. General Govt.
11. QUAD-TRAN OF MICHIGAN - Data Processing May 2004 - Inv. 4365 dated 04/30/04 from A/C 101-130-818-000 (Cont. Serv.) \$3,600.00; A/C 101-130-728-000 (Supplies) \$762.15 and A/C 101-200-728-000 (Supplies) \$1,560.29. Dist. Court.
12. SOMMERS, SCHWARTZ, SILVER & SCHWARTZ - Legal Services April 2004 - Water/Sewer - Inv. 180430 dated 05/06/04 from A/C 592-536-817-000 (Prof/Consult) \$3,927.00. Water Dept.
13. STANLEY'S ADVERTISING - Dearborn Heights Today Newsletter Delivery - Inv. 51094 dated 04-29/04 from A/C 103-960-918-203 (Admin) \$2,760.00. CDBG.
14. WADE-TRIM/ASSOCIATES - DHT/Downriver Technical Assistance - Inv. 82426 dated 04/26/04 from A/C 592-XXX-154-000 (Sewers) \$314.50. Water Dept.
15. WADE-TRIM/ASSOCIATES - Prepare 2003 Consumer Confidence Report - Inv. 82425 dated 04/26/04 from A/C 592-XXX-154-000 (Sewers) \$463.50. Water Dept.

16. WAYNE COUNTY ACCOUNTS RECEIVABLE - Traffic Signal Maint. February 2004 - Inv. 1000832 dated 04/14/04 from A/C 101-440-925-000 (Signal Maint.) \$4,064.75. DPW-Highway.

Motion unanimously adopted.

- 04-166** Motion by Councilwoman Badalow, seconded by Councilman Constan, that the communication from Mayor Paletko, dated May 19, 2004 regarding the reappointments of John Girolamo, John Preston, George Paron and Tom Wencel to the Planning Commission, terms to expire May 2007 and the appointment of Jihad Hachem, 26562 Wilson Drive, term to expire May 2007, be received, contents noted and filed. Mr. Hachem is replacing Richard Dziengowski.

Motion unanimously adopted.

- 04-167** Motion by Councilman Baron, seconded by Councilman Constan, that the City Council concurs with and approves the request from St. Sabina Church, 25605 Ann Arbor Trail, Dearborn Heights, MI 48127 to conduct their annual Festival Bike Parade on Saturday, June 26, 2004 at 12:00 noon, per Mayor Paletko, communication dated May 19, 2004. Further, that the Police and Fire to provide escort and assistance as needed.

Motion unanimously adopted.

- 04-168** Motion by Councilman Baron, seconded by Councilman Constan, that the City Council approve the purchase of a computer in an amount not-to-exceed \$655.00, and payment thereof, per City Clerk S. Judith Dudzinski, communication dated May 24, 2004.

Motion unanimously adopted.

- 04-169** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the City Council concurs with and approves the following banking institutions as official depositories of City funds as Charter Section 6.14 and Section 8.10 directs:

Bank One
Citigroup Global Markets
Comerica Bank
Community Bank of Dearborn
Dearborn Federal Savings Bank
Firth Third Bank
Flagstar Bank
National City Bank
Republic Bank
Standard Federal Bank

per, Treasurer Riley, communication dated May 19, 2004.

Motion unanimously adopted.

- 04-170** Motion by Councilman Baron, seconded by Councilman Constan, that the Resolution approving the continuation of the one (1) percent Administration Fee, be adopted as follows:

WHEREAS, the City of Dearborn Heights is authorized to collect a 1% Administration Fee, a.k.a. a collection 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 1% Administration Fee, a.k.a. a collection fee;

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, a.k.a. a collection fee, pursuant to MCL 211.44 with respect to taxes to be collected for the Summer 2004 and Winter 2004 only, with the stipulations that the imposition of any future Property Tax Administration Fee, a.k.a. a collection 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.

At this time Corporation Counsel suggested Council suspend the rules and take the Legal Opinion requested out of order.

- 04-171** Motion by Councilman Baron, seconded by Councilman Constan, to accept Legal Opinion # 94,

Constitutionality of Property Tax Administration Fee under Headlee Amendment prepared by Corporation Counsel Miotke, communication dated May 24, 2004.

AYES: Council Chair Agius, Councilman Baron, Councilwoman Brown, Councilman Constan, Councilwoman Heise, Councilwoman Van Houten.
NAYS: Councilwoman Badalow.
ABSENT: None.

Motion adopted.

Vote on the 1% Administrative Fee.

AYES: Council Chair Agius, Councilwoman Badalow, Councilman Baron, Councilwoman Brown, Councilman Constan, Councilwoman Van Houten.
NAYS: Councilwoman Heise.
ABSENT: None.

Motion adopted.

- 04-172** Motion by Councilman Baron, seconded by Councilman Constan, that the request from Mary Madison, 25726 Dartmouth, Dearborn Heights, MI 48125 to split and combine Lots 17, 18 and 19 in Fellraths Subdivision be approved and create the following legal descriptions:

Parcel 1 - Lot 17 also the west 15.5 feet of Lot 18 Fellraths Sub, T2S, R10E, L 39, P 19, WCR and:

Parcel 2 - Lot 18 except the west 15.5 feet thereof; also Lot 19 Fellraths Sub, T2S, R10E, L 39, P 19, WCR, per Deputy Assessor Cooper, communication dated May 17, 2004.

Motion unanimously adopted.

- 04-173** Motion by Councilwoman Van Houten, seconded by Councilman Constan, that the budget amendments to increase or decrease expenditures as outlined on Agenda Item 9-E, communication dated May 18, 2004 be approved. These amendments are needed to balance out accounts for year end.

Motion unanimously adopted.

- 04-174** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the City Council concurs with and approves the contract extension with American Appraisal Associates, 411 East Wisconsin Avenue, Suite 1900, P O Box 664, Milwaukee, Wisconsin 53201-0664 to update the City's Fixed Assets reports to comply with GABS 34, at the cost of \$1,800.00, per Comptroller Barrow, communication dated May 19, 2004. Further, that the Comptroller be authorized to sign the contract on behalf of the City. Funding has been budgeted in the 2003-2004 budget.

Motion unanimously adopted.

- 04-175** Motion by Councilwoman Van Houten, seconded by Councilwoman Brown, that the City Council concurs with and approves the request from the Spirit 2004 Festival Committee and prohibits the selling of products and/or services on the grounds of the Canfield Community Center and the area of Beech Daly Road that runs parallel with the festival grounds, during the Spirit 2004 Festival unless prior approval is granted by the Spirit 2004 Festival Committee per, Recreation Director Grybel, communication dated May 7, 2004.

Motion unanimously adopted.

- 04-176** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the City Council establish a public hearing on Tuesday, June 22, 2004 at 8:00 p.m. to hear objections, if any, to the adoption of the Residential Anti-Displacement and Temporary Relocation Assistance Plan.

Motion unanimously adopted.

- 04-177** Motion by Councilwoman Badalow, seconded by Councilman Baron, that the communication from Public Service Administrator Franzil, dated May 20, 2004 re: 2004 Street Crack Sealing Program Inspections be referred back to Administration.

Motion unanimously adopted.

- 04-178** Motion by Councilman Constan, seconded by Councilwoman Brown, that the City Council

concurs with and approves the request from Pvt. John Lyskawa Post to conduct their annual Memorial Day parade assembling at 9:30 a.m. in the parking lot and proceeding to St. Hedwig Cemetery.

Motion unanimously adopted.

- 04-179** Motion by Councilwoman Van Houten, seconded by Councilman Constan, that the City Council adopt the General Government Fiscal 2004-05 balanced budget in the amount of \$ 34,184,362.00 .

AYES: Council Chair Agius, Councilwoman Badalow, Councilman Baron, Councilwoman Brown, Councilman Constan, Councilwoman Van Houten.

NAYS: Councilwoman Heise.

ABSENT: None.

Motion adopted.

- 04-180** Motion by Councilman Constan, seconded by Councilwoman Badalow, that the tax levy for the 2004-05 fiscal year be set at 6.4965 mills.

Motion unanimously adopted.

- 04-181** Motion by Councilman Baron, seconded by Councilwoman Brown, that 2.2689 mills be levied to finance the voter approved Act 345 Fire and Police Pension Plan for fiscal year 2004-05 in the amount of \$ 2,975,377.00 .

Motion unanimously adopted.

- 04-182** Motion by Councilwoman Heise, seconded by Councilman Baron, that the City Council levy an additional 2.2946 mills on the Taxable Valuation for financing garbage and rubbish disposal for fiscal year 2004-05.

Motion unanimously adopted.

- 04-183** Motion by Councilwoman Badalow, seconded by Councilman Constan, that the City Council levy an additional 1.5282 mills on the Taxable Valuation of Public Safety, as approved by the voters of the City of Dearborn Heights for fiscal year 2004-05.

Motion unanimously adopted.

- 04-184** Motion by Councilwoman Brown, seconded by Councilman Constan, that the millage approved for solid waste disposal by the electorate in May, 2000, be levied at .7640 mill.

Motion unanimously adopted.

- 04-185** Motion by Councilwoman Van Houten, seconded by Councilwoman Brown, that the City Council approve the 2004-05 lump sum budget for the 20th District Court, in the amount of \$ 1,543,605.00 . Salaries not-to-exceed amount specified in the budget.

Motion unanimously adopted.

- 04-186** Motion by Councilman Constan, seconded by Councilman Baron, that the City Council levy an additional assessment of 2.5 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 unanimously adopted.

- 04-187** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the City Council levy an additional .9440 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 unanimously adopted.

- 04-188** Motion by Councilman Constan, seconded by Councilwoman Badalow, that the Resolution regarding flooding be included in Ecorse Creek Advisory Group Study be adopted as follows:

WHEREAS, the City of Dearborn Heights, Allen Park and Lincoln Park were hit with a fierce rain storm over the weekend of May 21st through May 23rd, 2004; and

WHEREAS, many streets, intersections, basements and in some cases homes, experienced massive flooding; and

WHEREAS, many residents experienced significant property and loss of personal possessions as a result of the flooding;

THEREFORE BE IT RESOLVED, the Mayor and the City Council are very interested in making sure the flooding which resulted from storm water be corrected so it does not happen again and petitions the Ecorse Creek Watershed Advisory Group to include in their study and conclusions the issue of flooding.

FURTHER BE IT RESOLVED, the City Clerk be asked to send a copy of this resolution to the Ecorse Creek Watershed Advisory Group and the Cities of Allen Park, Lincoln Park and Taylor.

Per, Mayor Paletko, communication dated May 25, 2004.

Motion unanimously adopted.

04-189 Motion by Councilwoman Van Houten, seconded by Councilman Constan, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 10:25 p.m.

S. JUDITH DUDZINSKI
CITY CLERK

MARIA E. LAWRENCE
COUNCIL/CLERK SECRETARY

ELIZABETH J. AGIUS, CHAIR
CITY COUNCIL