

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

APRIL 12, 1994

94-162 The meeting was called to order at 8:13 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, 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 Blackburn.

Mayor Canfield, Council Chairman Paletko, and Police Chief DiPrima presented Council Citations Awards to Lieutenant James Izeluk, Sergeant Gary Tomkiewicz, Sergeant Robert Niemczewski, and Sergeant Ronald Elliott of the Dearborn Heights Police Department; and Lieutenant William Anderson of the Detroit Police Department, for their efforts in apprehending the primary suspect in the robbery/murder at the Burger King on December 28, 1993.

Mayor Canfield and Council Chairman Paletko presented Council Resolutions to Mike Gierucki and Stephen Earl of the East-West Ambassadors Baseball Program.

94-163 Motion by Councilman Kosinski, supported by Councilman Brown, that the Agenda for the Regular Meeting of April 12, 1994, be approved as corrected with the addition of Item 14 Members of the Public and Item 15 Adjournment.

Motion unanimously adopted.

94-164 Motion by Councilman Brunell, supported by Councilman Blackburn, that the Minutes from the Regular Meeting of March 22, 1994, be approved as submitted.

Motion unanimously adopted.

94-165 Motion by Councilman Kosinski, supported by Councilman Blackburn, that Current Claims 6-1 through 6-24 be approved as submitted.

1. CENTRAL WAYNE COUNTY SANITATION AUTH - Materials delivered March 1994, Inv. 4/1/94. From A/C 101-200-810 (Sanitation) \$111,734.26. Gen. Govt.
2. DEARBORN HEIGHTS BUILDING AUTHORITY - Recreation Center Water Main & Sewer Inspection. Inv. 43594, 3/18/94, Job DHT 2368-02T. From A/C 274-673-757-093 (State Grant Recreation) \$727.00. Bldg. & Eng.
3. GARDEN CITY HOSPITAL - Workers Comp Injury for Lutz & West, Ck. req. 3/16/94. From A/C 101-200-724-000 (Workers Compensation) \$2,879.56. Gen. Govt.
4. MACOMB COMMUNITY COLLEGE - Firefighters orientation & evaluation, Inv. 16600, 3/2/94. From A/C 101-335-818-000 (Contractual Service) \$2,555.00. Fire Dept.

5. NAGEL CONSTRUCTION CO. - 1993 Sewer Cleaning Program Sanitary & Storm Sewers, Cert. 1, 4/1/94; Cert. 2, 4/1/94. From A/C 101-440-880 (Road Repairs) \$13,880.61 and A/C 592-540-818 (Contractual Service) \$15,540.02. DPW-Water.
6. PAINTER & RUTHENBERG - Roll off service for March 94, Inv. 740, 4/1/94. From A/C 101-200-810 (Sanitation) \$2,800.00. DPW-Highway.
7. PLANTE & MORAN - Professional services for Feb. 94, Inv. 17784-266880, 3/16/94. From A/C 592-536-817 (Professional & Consult) \$1,365.00. Water.
8. QUAD-TRAN OF MICHIGAN - Data processing service for March 94, Inv. 1261, 2/28/94. From A/C 101-130-818 (Contractual Service) \$2,569.02. District Court.
9. ROUGE RIVER WATERSHED COUNCIL - Membership dues for 93-94 Fiscal Year, Inv. 1/26/94. From A/C 101-200-958 (Dues Membership) \$1,350.00. Gen. Govt.
10. SINACOLA MIDWEST, INC. - Hillcrest Water Main Project - Cert. 2, 3/28/94, Job DHT 2365-03T. From A/C 103-960-925-093 (Water Main) \$20,862.21 (Enc). Comm. Dev.
11. THOMPSON McCULLEY CO. - 1993 Street Resurfacing Program, Cert. 4, 3/24/94, Job DHT 2328-06T. From A/C 203-203-880-300 (Road Repairs) \$39,871.71. DPW-Highway.
12. WADE TRIM & ASSOCIATES - 1993 Bridge Improvements, Inv. 42795, 10/14/93, Job DHT 2313-20T. From A/C 103-960-946-093 (Bridge Improvements) \$686.20 (Enc). Comm. Dev.
13. WADE TRIM & ASSOCIATES - 1993 Bridge Improvements, Inv. 43722, 3/14/94, Job DHT 2313-20T. From A/C 103-960-946-093 (Bridge Improvements) \$751.00 (Enc). Comm. Dev.
14. WADE TRIM & ASSOCIATES - 1993 Sanitary Sewer Cleaning Program, Inv. 43720, 3/14/94, Job DHT 2224-21. From A/C 592-540-818 (Contractual Service) \$1,996.00. Water.
15. WADE TRIM & ASSOCIATES - 1993 Sewer Cleaning Program Sanitary & Storm Sewers, Inv. 43798, 4/1/94; Inv. 43797, 4/1/94. From A/C 101-440-880 (Road Repairs) \$8,643.56 and A/C 592-540-818 (Contractual Service) \$990.80. DPW-Water.
16. WADE TRIM & ASSOCIATES - 1993 Street Resurfacing Program, Inv. 43789, 3/24/94, Job DHT 2328-05T. From A/C 203-203-880-300 (Road Repairs) \$1,188.18. DPW-Highway.
17. WADE TRIM & ASSOCIATES - Assist City with CSO permit requirements, Inv. 43723, 3/14/94. From A/C 592-536-817 (Professional & Consult) \$2,035.00. Water.
18. WADE TRIM & ASSOCIATES - Beechwood Condos Water Main, Inv. 43724, 3/14/94, Job DHT 2348-02. From A/C 592-XXX-255 (Jobs in Progress) \$220.00. Bldg. & Eng.
19. WADE TRIM & ASSOCIATES - DHTS FY 94-95 CDBG Prog Assistance, Inv. 43758, 3/17/94, Job DHT 6671-01A. From A/C 103-960-918-093 (Administration) \$2,805.50. Comm Dev.
20. WADE TRIM & ASSOCIATES - Grainger's Water Main, Inv. 43748, 3/16/94, Job DHT 2353-02T. From A/C 592-XXX-255 (Jobs in Progress) \$368.40. Bldg. & Eng.
21. WADE TRIM & ASSOCIATES - NH/RV Project Local Improvements Segment III, Inv. 43613, 3/10/94, Job DHT 2214-17/23. From A/C 592-537-973 (Sewers Capital Outlay) \$2,867.56. Water.
22. WADE TRIM & ASSOCIATES - Outer Drive Water Main Improvements, Inv. 42797, 10/14/93, Job DHT 2361-03T. From A/C 592-540-981 (Capital Outlay) \$1,926.60. Water.
23. WADE TRIM & ASSOCIATES - Pelham Rd. plans & specs; Inv. 42997, 11/11/93; Inv. 43104, 12/9/93; Inv. 43794, 3/30/94. From A/C 202-202-880-300 (Road Repairs) \$3,384.09. DPW-Highway.
24. WADE TRIM & ASSOCIATES - Plans & spec. Valley Park Sub., Inv. 43636, 3/10/94, Job DHT 2328-07T. From A/C 203-203-880-300 (Road Repairs) \$20,102.50. DPW-Highway.

Motion unanimously adopted.

94-166 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the City Comptroller be authorized to advertise for bids, per specifications, for the City's Legal Printing for 1994-95, to be effective on May 1, 1994, per the request of Comptroller Barrow, communication dated April 5, 1994.

Motion unanimously adopted.

94-167 Motion by Councilman Brunell, supported by Councilman Blackburn, that the City Comptroller be authorized to advertise for bids, per specifications, for 50% Recycled Computer Stock Paper 20#, not to exceed 150 boxes, per the request of Comptroller Barrow, communication dated April 5, 1994.

Motion unanimously adopted.

94-168 Motion by Councilman Kosinski, supported by Councilman Brunell, that the City Comptroller be authorized to advertise for bids, per attached specifications, for Miscellaneous Insurances: Dental, optical, life, and sick & accident, to bid as a single item, per the request of Comptroller Barrow, communication dated April 5, 1994.

Motion unanimously adopted.

94-169 Motion by Councilman Brown, supported by Councilman Baron, that the City Comptroller be authorized to advertise for bids, per specifications, for demolition bids for 5361 Williams/Residential/All Buildings, per the request of Building & Engineering Director Salatka, communication dated March 21, 1994.

Motion unanimously adopted.

94-170 Motion by Councilman Brown, supported by Councilman Blackburn, that the request for demolition bids for 5445 Robinson/Residential/All Buildings, be referred back to Administration.

Motion unanimously adopted.

94-171 Motion by Councilman Brown, supported by Councilwoman Horvath, that the bid from Colonial Fireworks Company, 6480 Tomer Road, Clayton, MI 49235 for the 1994 Fireworks Display in the amount of \$14,000.00, be approved, with a detailed proposal attached to the contract, and proof of insurance provided on the day of the event for verification. Further, that the Mayor and City Clerk be authorized to sign the contract, per Recreation Director Grybel, communication dated April 6, 1994.

Motion unanimously adopted.

94-172 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the low bid from F.L. Jursik Truck Equipment Company, 245 Victor, Highland Park, MI, 48203-3180 for Three Dump Body's and Hoist Replacements for a total amount of \$22,248.00, (Water Department, 2 units, \$14,832.00, A/C 592-537-981 and Highway Department, 1 unit, \$7,416.00, A/C 101-440-932) and payment thereof, be approved, per Public Service Administrator Preston, communication dated March 28, 1994. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Motion unanimously adopted.

94-173 Motion by Councilman Kosinski, supported by Councilman Baron, that the low bid from CATS Company (Computer Applications & Technical Services) 1040 E. Maple Rd., Troy, MI, 48083 for One (1) AMIGA 4000 Computer with Video Software in the amount of \$4,790.00, and payment thereof, be approved, per Community Development Director Oliverio, communication dated March 24, 1994. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Motion unanimously adopted.

94-174 Motion by Councilwoman Horvath, supported by Councilman Kosinski, that the City Council concurs with and approves authorizing Wade-Trim/Associates to complete design work on the Downriver Local Improvements Sewer Rehabilitation project for a cost not-to-exceed \$20,000.00, which will be charged to SRF funding, per Mayor Canfield, communication dated April 5, 1994.

Motion unanimously adopted.

94-175 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the City Council concurs with and approves authorizing Wade-Trim/Associates to conduct smoke testing in the area of Dearborn Heights (downriver system) not previously tested for an amount not-to-exceed \$70,000.00 to be charged to the Water Budget, per Mayor Canfield, communication dated April 5, 1994.

Motion unanimously adopted.

94-176 Motion by Councilman Brunell, supported by Councilman Blackburn, that the City Council concurs with and approves Plante & Moran conducting an audit of the City's current user fees and charges, at a rate of \$80.00 per hour with the total amount not-to-exceed \$20,000.00, per Mayor Canfield, communication dated April 6, 1994.

Motion unanimously adopted.

94-177 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the City Council concurs with and approves the following resolution supporting the Grand Traverse County -vs- State of Michigan lawsuit that preserves our entitlement to State funds should the 20th District Court's expenses exceed its revenues at some future date:

WHEREAS the State of Michigan has been obligated since 1988 to provide full state funding for the trial court operations through MCL 600.9947(1);

WHEREAS the State of Michigan has amended MCL 600.9947(1) through 1993 PA 189 so that the statute now obligates the State to annually finance 31.5% of the trial court expenses funded offset by 31.5% of the certain state payments received by the trial courts and 31.5% of certain revenue generated by the trial courts and retained by the funding unit;

WHEREAS the City of Dearborn Heights has joined 80 Michigan counties and a majority of the other local units of government which presently fund the trial courts in a lawsuit to compel the State to fulfill its obligations under MCL 600.9947(1) as well as to find a permanent statewide funding solution for the trial courts;

WHEREAS the Michigan Court of Appeals has held that this statute imposes a binding financial commitment on the State of Michigan, obligates the State of Michigan to appropriate the amounts specified in this statute directly to the trial courts, and that local units of government have no damage remedy if they fund the state's portion of trial court operational costs even in the absence of the state's failure to follow MCL 600.9947(1);

NOW, THEREFORE, BE IT RESOLVED that the City of Dearborn Heights remains committed to finding a permanent state-wide solution to the inequities and insufficiencies of the current system of trial court financing and that neither the terms of this Resolution nor its continued financing of a part of trial court operations should be viewed as a voluntary payment nor as a waiver of any of its constitutional claims that the State is obligated to fully finance the trial courts;

BE IT FURTHER RESOLVED that the Dearborn Heights City Clerk is instructed to forward a copy of this Resolution to Governor Engler, its representative contingent in the State Legislature, the State Court Administrator, and legal counsel for the trial court funding class.

Motion unanimously adopted.

- 94-178 Motion by Councilman Brown, supported by Councilman Blackburn, that the City Council concurs with and approves reappointing Maurine Merrow to the Commission on Aging, term to expire April 30, 1997, per Mayor Canfield, communication dated March 4, 1994.

Motion unanimously adopted.

- 94-179 Motion by Councilwoman Horvath, supported by Councilman Blackburn, that the City Council concurs with and approves naming the new community center the RICHARD A. YOUNG RECREATION CENTER, per Mayor Canfield, communication dated April 6, 1994.

Motion unanimously adopted.

- 94-180 Motion by Councilman Kosinski, supported by Councilman Brunell, that the City Council concurs with and approves referring the following items to file: 93-204, Change Order Request #2; and 94-102, Interlocal and Intergovernmental Agreement - Beech Daly Project, per Council Chairman Paletko, communication dated April 5, 1994

Motion unanimously adopted.

- 94-181 Motion by Councilman Brown, supported by Councilman Blackburn, that the City Council re-adopt the following motion from the September 15, 1993, Regular City Council Meeting:

93-435 Motion by Councilwoman Ruth A. Canfield, supported by Councilman Robert L. Brown, that Corporation Counsel and the City Engineering Firm (Wade-Trim/Associates) meet with Michigan Department of Natural Resources to negotiate modifications of the permit to allow for separation of sewers.

AYES: Councilman Gary P. Blackburn, Councilman Robert L. Brown, Councilwoman Ruth A. Canfield, Councilman Joseph V. Kosinski, Councilman Thomas W. Miles, Council Chairman Daniel S. Paletko.

NAYS: Councilman David C. Brunell.

ABSENT: None.

Motion adopted.

AYES: Councilman Baron, Councilman Blackburn, Councilman Brown, Council Chairman Paletko.

NAYS: Councilman Brunell, Councilwoman Horvath, Councilman Kosinski.

ABSENT: None.

Motion adopted.

4/26/94 Maria C. Lawrence
4/26/94 Joyce A. Robbins,
Deputy Clerk

- 94-182 Motion by Councilman Kosinski, supported by Councilman Brown, that the City Council approves the Pelham Road Resurfacing Contract # 93-2318, from Michigan Department of Transportation, and the \$80,000.00 payment for Dearborn Heights' share of construction. Further that Mayor Ruth A. Canfield and City Clerk Helene S. Sheridan sign the contract, per Public Service Administrator Preston, communication dated March 29, 1994.

Motion unanimously adopted.

- 94-183 Motion by Councilman Brown, supported by Councilman Blackburn, that the City Council authorizes the Mayor to sign the library public photocopier lease agreement with Copi-Tek, contract in effect from May 21, 1994 through May 20, 1999, per Recreation Director Grybel, communication dated April 4, 1994.

Motion unanimously adopted.

- 94-184 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves the specifications for Fitness Center Equipment at the New Community Recreation Center, attached to Recreation Director Grybel's communication dated April 5, 1994. Further, to forward a copy of this motion to the Dearborn Heights Building Authority for their concurrence.

Motion unanimously adopted.

- 94-185 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves the specifications for Interior Furniture at the New Community Recreation Center, attached to Recreation Director Grybel's communication dated April 5, 1994. Further, to forward a copy of this motion to the Dearborn Heights Building Authority for their concurrence.

Motion unanimously adopted.

- 94-186 Motion by Councilman Brown, supported by Councilman Kosinski, that the City Council concurs with and approves the Traffic Signal Agreement (Beech Daly and Penn) with Wayne County and authorizes the Mayor and City Clerk to sign the Agreement, per Community Development Director Oliverio, communication dated March 28, 1994.

Motion unanimously adopted.

- 94-187 Motion by Councilman Brown, supported by Councilman Blackburn, that the proposed ordinance amendment regarding prohibiting the feeding of sea gulls and pigeons, and restricting the number of bird feeders on residential property be referred to Corporation Counsel for drafting of the proper ordinance, per Deputy Police Chief Jednacz, communication dated March 24, 1994.

AYES: Councilman Baron, Councilman Blackburn, Councilman Brown, Councilwoman Horvath, Councilman Kosinski, Council Chairman Paletko.

NAYS: Councilman Brunell.

ABSENT: None.

Motion adopted.

- 94-188 Motion by Councilman Kosinski, supported by Councilman Baron, that the City Council concurs with and approves the request from River Oaks Elementary School to hold a parade on Tuesday, June 14, 1994, from 11:30 a.m. to approximately 12:30 p.m., with police escort, per Deputy Police Chief Jednacz, communication dated April 5, 1994.

Motion unanimously adopted.

- 94-189 Motion by Councilman Brunell, supported by Councilman Brown, that the City Council concurs with and approves the request from Christine Bergeron of St. Sebastian Church to hold a Spring Festival Parade on Saturday, May 21, 1994, at 11:00 a.m., with police escort on the streets of Dearborn Heights, per Deputy Police Chief Jednacz, communication dated April 5, 1994.

Motion unanimously adopted.

- 94-190 Motion by Councilman Brown, supported by Councilman Blackburn, that the City Council concurs with and approves a budget amendment to cover additional expenses this year for workers compensation injuries as follows:

Decrease Expenses	Contra Fringe Benefits
101-200-994-000	\$40,000.00
Increase Expenses	Workers Compensation
101-200-724-000	\$40,000.00

Per Comptroller Barrow, communication dated April 5, 1994.

Motion unanimously adopted.

- 94-191 Motion by Councilman Kosinski, supported by Councilman Brown, that the resolution from Berrien County supporting House Bill 5087, amending the Jail Reimbursement Act of 1984, be received, contents noted and filed.

Motion unanimously adopted.

- 94-192 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves Michigan Department of Transportation Contract No. 93-2370 for modernization of traffic signals along Beech-Daly Road in the cities of Inkster and Dearborn Heights, and further authorizes the Mayor and City Clerk to sign the contract. There is no cost to the City for the traffic signal improvements.

Motion unanimously adopted.

- 94-193 Motion by Councilman Brunell, supported by Councilwoman Horvath, that the City Council concurs with and approves granting a full retirement with an age waiver of four months for Craig Dersa of the Dearborn Heights Police Department effective July 31, 1994, per Dearborn Heights Police Supervisors Association President Gust, communication dated March 13, 1994.

Motion unanimously adopted.

- 94-194 Motion by Councilman Brunell, supported by Councilman Kosinski, that the City Council concurs with and approves the request from Donald Rivard, Dearborn Heights Lions Club White Cane Chairman, proclaiming April 30th through May 7th as "White Cane Week", White Canes will be sold at locations throughout the City.

Motion unanimously adopted.

- 94-195 Motion by Councilman Kosinski, supported by Councilman Baron, that the City Council concurs with and approves the request from the Polish Army Veterans' Association, Post No. 78, to hold the annual "Blue Flower" Polish Poppy Collection on Friday, June 17 and Saturday, June 18 in public areas. The proceeds benefit the "Polish Invalid Veterans' Fund".

Motion unanimously adopted.

94-196 Motion by Councilman Kosinski, supported by Councilman Brunell, that the City Council concurs with and approves the request from the Moroz-Pietrowski V.F.W. Post #9973 to sell poppies on May 12 through May 14, at locations listed in Post Commander John Majka's communication.

Motion unanimously adopted.

94-197 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves the removal of Traffic Control Device No. T-16 "No Parking Sign", East side of Pardee, North of Van Born, in front of 5675 Pardee, as the sign no longer serves any purpose, per Captain Seipenko, Administrative Services Division.

Motion unanimously adopted.

94-198 Motion by Councilman Kosinski, supported by Councilman Brunell, that the request for renewal of the 1994 business licenses for Monte Carlo Inn, 5127 S. Beech Daly, be approved.

Motion unanimously adopted.

94-199 Motion by Councilman Blackburn, supported by Councilman Brunell, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:30 p.m.

HELENE S. SHERIDAN
CITY CLERK

DANIEL S. PALETKO, CHAIRMAN
CITY COUNCIL