

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

MARCH 8, 1994

- 94-116 The meeting was called to order at 8:02 p.m., by Council Chairman Daniel S. Paletko.

Roll call showed the following:

Present: Councilman Kenneth R. Baron, Councilman Robert L. Brown, Councilwoman Margaret M. Horvath, Councilman Joseph V. Kosinski, Council Chairman Daniel S. Paletko.

Absent: Councilman Gary P. Blackburn, Councilman David C. Brunell.

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, Deputy Police Chief Jednacz, Fire Chief Lewis, Recreation Director Grybel, Public Service Administrator Preston, Community Development Director Oliverio.

The Pledge of Allegiance was led by Councilman Baron.

- 94-117 Motion by Councilman Kosinski, supported by Councilman Baron, that the Agenda for the Regular Meeting of March 8, 1994, be approved as submitted.

Motion adopted.

- 94-118 Motion by Councilwoman Horvath, supported by Councilman Kosinski, that the Minutes from the Regular Meeting of February 22, 1994, be approved as submitted.

Motion adopted.

- 94-119 Motion by Councilman Brown, supported by Councilman Kosinski, that the Minutes from the Special Meeting of March 1, 1994, be approved as submitted.

Motion adopted.

- 94-120 Motion by Councilman Kosinski, supported by Councilman Brown, that Current Claims 6-1 through 6-20 be approved as submitted.

1. 360 SERVICES - Preprinted homestead exemption forms & insert, Inv. 1010908, 2/17/94. From A/C 101-209-818-000 (Contractual Services) \$2,472.98. Assessor.
2. ARCOM CONSTRUCTION CO - Certificate No. 5, 2/14/94, Job No. DHT 2212-36. From A/C 103-960-925-092 (Watermain) \$13,798.97 (Enc.) Community Dev.
3. COURT FUNDING LITIGATION ESCROW A/C - City cost to litigate state funding of district courts, Inv. 1/31/94. From A/C 101-200-817-000 (Professional & Consult) \$424.35. Gen. Govt.
4. DEARBORN HEIGHTS BUILDING AUTHORITY - Architectural service for new community center, Inv. 5121, 1/31/94. From A/C 274-673-757-093 (State GNT Recreation Center) \$2,904.90. Recreation.
5. DEARBORN HEIGHTS BUILDING AUTHORITY - Contractor invoice for new recreation center, Cert. 6, 1/25/94. From A/C 274-673-757-093 (State GNT Recreation Center) \$65,487.00. Recreation.
6. M.M.R.M.A. - To cover deficit fund balance at M.M.R.M.A., Inv. 1595, 2/14/94. From A/C 101-200-911-000 (Insurance) \$33,764.84. Gen. Govt.
7. NAGEL CONSTRUCTION CO. - 1988 Sewer Cleaning Program, Cert. No. 1, 2/22/94, Job No. DHT 2224-21I. From A/C 592-540-818-000 (Contractual Services) \$40,115.04. Water Dept.

8. PLANTE & MORAN - Acct service for January 1994. Inv. 17784-261946, 2/14/94 From A/C 101-200-817-000 (Professional & Consult) \$420.00 and Inv. 17784-262110, 2/14/94 From A/C 592-536-817-000 (Professional & Consult) \$2,685.00. Gen. Govt.
9. PLANTE & MORAN - Downriver litigation services, Inv. 13985-251570, 11/24/93. From A/C 592-536-817-000 (Professional & Consult) \$601.92. Water Dept.
10. RAIDERS/REDSKINS - 1993 youth football allotments, ck. req. 2/16/94. From A/C 101-691-887-000 (Recreation Programs) \$7,450.00. Recreation.
11. WADE TRIM & ASSOC - 1988 Sewer Cleaning Program, Inv. 43570, 2/25/94, Job No. DHT 2224-20I. From A/C 592-540-818-000 (Contractual Services) \$15,133.09. Water Dept.
12. WADE TRIM & ASSOC - 1993 Sanitary Sewer Cleaning Program, Inv. 43589, 2/16/94, Job No. DHT 2224-21. From A/C 592-540-818-000 (Contractual Services) \$1,739.50. Water Dept.
13. WADE TRIM & ASSOC - 1993 bridge improvements, Inv. 43591, 2/16/94, Job No. DHT 2313-20T. From A/C 103-960-946-093 (Bridge Improvements) \$2,757.60. (Enc.) Community Dev.
14. WADE TRIM & ASSOC - Assist with CSO permit requirements, Inv. 43592, 2/16/94, Job No. DHT 2344-02T. From A/C 592-536-817-000 (Professional & Consult) \$2,849.50. Water Dept.
15. WADE TRIM & ASSOC - Bridge removals & replacements, Inv. 43597, 2/16/94, Job No. DHT 2313-11. From A/C 103-960-946-092 (Bridge Removals) \$314.00. (Enc.) Community Dev.
16. WADE TRIM & ASSOC. - Downriver SSES-RPT update, Inv. 43446, 2/8/94, Job No. DHT 2311-04. From A/C 592-536-818-000 (Contractual Services) \$2,051.00. Water Dept.
17. WADE TRIM & ASSOC. - NH/RV Project Local Improvements Segment III, Inv. 43440, 2/10/94, Job No. DHT 2214-17/23. From A/C 592-537-973-000 (Sewers Capital Outlay) \$7,690.93. Water Dept.
18. WADE TRIM & ASSOC - Valley Park Subdivision reconstruction, Inv. 43541, 2/11/94, Job No. DHT 2328-07T. From A/C 203-203-880-300 (Street Construction) \$20,981.80. DPW-Highway.
19. WADE TRIM & ASSOC - Watermain construction Grainger's, Inv. 43593, 2/16/94, Job No. DHT 2353-02T. From A/C 592-XXX-255-000 (Jobs in Progress) \$551.40. Bldg. & Eng.
20. WAYNE OAKLAND LIBRARY FEDERATION - Annual adjusted billing for 1992-93, Inv. A5499, 1/31/94. From A/C 101-738-827-100 (W.O.L.F.) \$17,638.37. Recreation.

Motion adopted.

- 94-121 Motion by Councilman Kosinski, supported by Councilman Baron, that the City Comptroller be authorized to advertise for bids, per specifications, for the demolition of 4915 Gertrude/Residential/All Buildings, per the request of Building & Engineering Director Salatka, communication dated March 1, 1994.

Motion adopted.

- 94-122 Motion by Councilman Brown, supported by Councilman Kosinski, that the City Comptroller be authorized to advertise for bids, per specifications, for the demolition of 26549 Pennie/Residential/All Buildings, per the request of Building & Engineering Director Salatka, communication dated March 1, 1994.

Motion adopted.

94-123 Motion by Councilman Kosinski, supported by Councilman Brown, that the City Council concurs with and approves Change Order No. 1 for the Hillcrest Water Main Replacement Project for a net increase of \$11,614.95, and authorizes the Mayor to sign.

Motion adopted.

94-124 Motion by Councilman Brown, supported by Councilwoman Horvath, that the City Council concurs with and approves the appointment of Ken Said of 5351 Merrick, to the Board of Review, term expiring July 31, 1994. This will complete the unexpired term of John Fellrath who resigned. Per Mayor Canfield, communication dated February 22, 1994.

Motion adopted.

94-125 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the City Council concurs with and approves the Msgr. Hunt Council of the Knights of Columbus annual Tootsie Roll Drive. The fund raising drive is on March 25, 26 and 27, 1994. Per Mayor Canfield, communication dated March 1, 1994.

Motion adopted.

94-126 Motion by Councilwoman Horvath, supported by Councilman Brown, that the City Council concurs with and approves naming Councilman David C. Brunell as the Local Officials Legislative Coordinator for the Michigan Municipal League, per Councilman Paletko, communication dated March 2, 1994.

Motion adopted.

94-127 Motion by Councilman Brown, supported by Councilman Kosinski, that the City Council concurs with and approves a Public Hearing to be held on May 10, 1994, at 7:30 p.m. for consideration of the proposed 1994-95 City Budget.

Motion adopted.

94-128 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the City Council concurs with and approves a budget amendment re: the homestead affidavit forms as follows:

Increase Revenues
101-000-699-000

Appro from Fund Balance
\$3,563.00

Increase Expenses
101-209-818-000

Assessor Contractual Services
\$3,563.00

Per Comptroller Barrow, communication dated March 2, 1994.

Motion adopted.

94-129 Motion by Councilman Brown, supported by Councilman Baron, that the City Council refer to Corporation Counsel the proposed wording change in Sec. 36-86 - Dividing platted lots, item (4). Per Assessor Welch, communication dated March 2, 1994.

Motion adopted.

94-130 Motion by Councilman Kosinski, supported by Councilman Brown, that the City Council concurs with and approves awarding a Council Citation to Mr. Dennis McIntosh for his heroic actions on February 15, 1994, per Deputy Police Chief Jednacz, communication dated February 28, 1994.

Motion adopted.

94-131 Motion by Councilman Brown, supported by Councilman Kosinski, that proposed Ordinance H-94-1, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTION 28-62 PROVIDING FOR SNOW AND ICE REMOVAL, be considered read for the first time.

Motion adopted.

94-132 Motion by Councilman Kosinski, supported by Councilman Brown, that the following resolution regarding Drain Bonds for the Drainage District for Ecorse Creek Pollution Abatement Drain No. 1, in Wayne County, be adopted.

WHEREAS, pursuant to Chapter 20, Act No. 40, Public Acts of Michigan, 1956, as amended ("Act"), the Drainage District for Ecorse Creek Pollution Abatement Drain No. 1 ("Issuer") has financed part of the cost of constructing the Ecorse Creek Pollution Abatement Drain No. 1 for the benefit of the City of Dearborn Heights ("City") and others through the issuance and sale of the Issuer's Drain Bonds dated November 1, 1978 ("Prior Bonds") in the original principal amount of \$10,600,000;

WHEREAS, the Issuer issued the Prior Bonds in anticipation of the collection of certain special assessments and interest thereon assessed against the City which are an unlimited tax general obligation of the City;

WHEREAS, a portion of the Prior Bonds remain outstanding and bear interest at various rates substantially above prevailing market interest rates for comparable bonds issued currently;

WHEREAS, the Act authorizes the Issuer to issue bonds for the purpose of advance refunding the Prior Bonds, and the Issuer has received a proposal from First of Michigan Corporation (the "Senior Underwriter") to advance refund the outstanding Prior Bonds by issuing and selling to the Michigan Municipal Bond Authority (the "Authority") an issue of refunding bonds (the "Refunding Bonds") for that purpose;

WHEREAS, the City has now determined that it is desirable and in its best interests that the Issuer advance refund wholly or partially the outstanding Prior Bonds for the purpose of reducing the City's annual special assessments related to the bond debt service requirements; and

WHEREAS, to obtain the funds with which to purchase the Issuer's Refunding Bonds, the Authority expects to issue and sell its own bonds through a public offering which may entail, among other things, disclosure about the City in a Preliminary Official Statement and a final Official Statement of the Authority (collectively, the "Authority's Official Statement"); and it is appropriate to authorize one or more officials of the City, for and on behalf of the City, to approve and to provide customary certifications regarding such disclosure;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. This City Council deems it in the best interests of the City to advance refund the outstanding Prior Bonds, through the Issuer's issuance of Refunding Bonds in accordance with the Act.

2. Any one or more of the Mayor and the City Clerk of the City (or in their absence, their deputies) is authorized, for and on behalf of the City, to sign any certificate that may be reasonably requested by the Authority, the Senior Underwriter or their counsel to evidence his or her approval, and the accuracy, of any information about the City contained in the Authority's Official Statement.

3. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed.

4. This resolution shall become effective immediately upon its adoption.

Motion adopted.

94-133 Motion by Councilman Kosinski, supported by Councilman Baron, that the following resolution regarding North Huron Valley/Rouge Valley Wastewater Control System Bond, 1989 Series for the Drainage District for Ecorse Creek Pollution Abatement Drain No. 1, in Wayne County, be adopted.

WHEREAS, pursuant to Act No. 185, Public Acts of Michigan, 1957, as amended (the "Act"), the County of Wayne (the "County") has financed the acquisition and construction of a sewage disposal system for the benefit of the City of Dearborn Heights ("this Local Unit") and other municipalities through the issuance and sale of the County's Wayne County North Huron Valley - Rouge Valley Wastewater Control System Bonds, 1989 Series (Limited Tax General Obligation) dated March 23, 1989 (the "Prior Bonds") in the original principal amount of \$7,675,000;

WHEREAS, in connection with the issuance of the Prior Bonds, this Local Unit entered into the Wayne County-Oakland County Construction, Finance and Service Agreement dated March 29, 1988, as amended by Amendment to Wayne County-Oakland County Construction, Finance and Service Agreement dated November 1, 1988 with the County, the Cities of Garden City, Inkster, Livonia, Northville, Plymouth, Romulus, Wayne and Westland and the Townships of Redford and Van Buren (the "Contract"), which remains in full force and effect;

WHEREAS, pursuant to the Contract, this Local Unit is obligated to make contractual payments to the County at times and in amounts sufficient to provide moneys for payment of this Local Unit's share of principal and interest, when due, on the Prior Bonds, as a limited tax general obligation of this Local Unit;

WHEREAS, a portion of the Prior Bonds remain outstanding and bear interest at various rates substantially above prevailing market interest rates for comparable bonds issued currently;

WHEREAS, the Act authorizes the County to issue bonds for the purpose of advance refunding the Prior Bonds, and the County has received a proposal from First of Michigan Corporation (the "Senior Underwriter") to advance refund the outstanding Prior Bonds by issuing and selling to the Michigan Municipal Bond Authority (the "Authority") an issue of refunding bonds (the "Refunding Bonds") for that purpose;

WHEREAS, this Local Unit has now determined that it is desirable and in its best interests that the County advance refund wholly or partially the outstanding Prior Bonds for the purpose of reducing the annual debt service requirements for which this Local Unit is liable under the Contract, as it shall be amended by the amendment referred to below;

WHEREAS, prior to the issuance of the Refunding Bonds, the County must receive approval of such bonds from the Michigan Department of Treasury, and in order to receive such approval it is necessary, among other things, that this Local Unit file an appropriate application for approval to the Michigan Department of Treasury; and

WHEREAS, to obtain the funds with which to purchase the County's Refunding Bonds, the Authority expects to issue and sell its own bonds through a public offering which may entail, among other things, disclosure about this Local Unit in a Preliminary Official Statement and a final Official Statement of the Authority (collectively, the "Authority's Official Statement"); and it is appropriate to authorize one or more officials of this Local Unit, for and on behalf of this Local Unit, to approve and to provide customary certifications regarding such disclosure;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. This City Council deems it in the best interests of this Local Unit to advance refund the outstanding Prior Bonds, through the County's issuance of Refunding Bonds in accordance with the Act.
2. This Local Unit is authorized to enter into an amendment to the Contract (the "Amendment") for the purpose of revising the specified amount of its required future contractual payments based on the debt service requirements on the Refunding Bonds rather than on the Prior Bonds, provided that the Amendment results in interest cost savings and reduced debt service requirements for this Local Unit; and the Mayor and City Clerk of this Local Unit or their deputies in their absence (the "Authorized Officers") are authorized to execute and deliver the Amendment for and on behalf of this Local Unit.
3. The City Council of this Local Unit ratifies and confirms its covenant in the Contract, as amended, to levy ad valorem taxes against all taxable property in this Local Unit to the extent necessary to meet the obligations of this Local Unit thereunder.
4. The Amendment shall become binding and effective upon the approval thereof by resolution of the Board of Commissioners of the County and execution thereof by the County by its Board of Public Works.
5. Any Authorized Officer is authorized, for and on behalf of this Local Unit, to notify the Michigan Department of Treasury of this Local Unit's intent to enter into the Amendment and to request an order of approval for the Refunding Bonds and the incurrence of this Local Unit's revised contractual payment obligations pursuant to the Amendment.
6. Any Authorized Officer is authorized, for and on behalf of this Local Unit, to sign any certificate that may be reasonably requested by the Authority, The Senior Underwriter or their counsel to evidence his or her approval, and the accuracy, of any information about this Local Unit contained in the Authority's Official Statement.
7. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed.
8. This resolution shall become effective immediately upon its adoption.

Motion adopted.

- 94-134 Motion by Councilman Kosinski, supported by Councilman Brown, that the request for the vacation of an alley north of Warren Avenue between Highview and Gulley be rejected.

Motion adopted.

- 94-135 Motion by Councilman Kosinski, supported by Councilman Brown, that the request for renewal of the 1994 business licenses for Pork & Bean Company, 24140 Ford; Rose Garden Restaurant, 5680 N. Telegraph; and Heartbreakers, 8470 N. Telegraph, be approved.

Motion adopted.

- 94-136 Motion by Councilman Kosinski, supported by Councilman Brown, that the meeting be adjourned.

Motion adopted.

The meeting adjourned at 8:43 p.m.

HELENE S. SHERIDAN
CITY CLERK

DANIEL S. PALETKO, CHAIRMAN
CITY COUNCIL