

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

NOVEMBER 9, 1994

94-559 The meeting was called to order at 8:04 p.m., by Council Chairman Daniel S. Paletko.

Roll call showed the following:

Present: Councilman Kenneth R. Baron, Councilman Gary P. Blackburn, Councilman David C. Brunell, Councilwoman Margaret M. Horvath, Councilman Joseph V. Kosinski, Council Chairman Daniel S. Paletko.

Absent: Councilman Robert L. Brown.

Also Present: Administrative Assistant Zadikian, Corporation Counsel Berry-Harris, Corporation Counsel Assistant Heise, City Clerk Sheridan, Comptroller Barrow, Building & Engineering Director Salatka, Police Captain Webber, Fire Chief Lewis, Deputy Fire Chief Langlois.

The Pledge of Allegiance was led by newly elected Councilman Gregg Zulinski.

94-560 Motion by Councilman Baron, supported by Councilman Blackburn, that the Agenda for the Regular Meeting of November 11, 1994, be approved as submitted.

Motion adopted.

94-561 Motion by Councilman Brunell, supported by Councilman Kosinski, that the Minutes from the Regular Meeting of October 25, 1994, be approved as submitted.

Motion adopted.

94-562 Motion by Councilman Kosinski, supported by Councilman Blackburn, that Current Claims 6-1 through 6-13 be approved with the exclusion of claim 6-10 (Valley Park Sub Reconstruction) to be tabled to a Committee of the Whole Study Session.

1. E & N CEMENT - Pavement Repairs. Two (2) Inv's. dated 10/29/94. From A/C 101-440-880-000 (Road Repairs) \$24,419.64 and A/C 592-537-818-000 (Contractual Services) \$23,715.96. Water & Highway.
2. FLORENCE CEMENT CO. - Valley Park Sub Reconstruction. Cert. #4, dated 10/31/94. Job DHT 2328-09T. From A/C 203-203-880-300 (Street Construction) \$300,887.00. DPW-Highway.
3. MICHIGAN HUMANE SOCIETY - Animal Processing for September, 1994. Inv. 5187, dated 09/30/94. From A/C 101-200-806-000 (Animal Processing) \$1,784.00. General Govt.
4. MIDWEST CARDIOLOGY - Worker Comp Testing - S. Witt. Ck. req. dated 10/20/94. Vol. Firefighter - Heart Attack. From A/C 101-200-724-000 (Workers Comp.) \$2,102.00. General Govt.
5. PAINTER & RUTHENBERG - Roll-Off Service for September, 1994. Inv. 3390, dated 09/30/94. From A/C 101-200-810-000 (Sanitation) \$4,200.00. General Govt.
6. WADE-TRIM/ASSOCIATES - Assist City with CSO Permit Requirements. Inv. 44385, dated 07/11/94. Job 2344-02T. From A/C 592-536-817-000 (Professional & Consult) \$2,757.60. Water Dept.
7. WADE-TRIM/ASSOCIATES - DHT/Downriver SSES-RPT Update. Inv. 44500, dated 07/13/94; 44291, dated 06/14/94; #44502, dated 07/13/94; Inv. 44292, dated 06/14/94. Job 2311-04 and 2311-06. From A/C 592-536-817-000 (Professional & Consult) \$60,059.80. Water Dept.
8. WADE-TRIM/ASSOCIATES - Sewer Rehab Plans & Specs Downriver Local Improvements. Inv. 44163, dated 05/18/94; Inv. 44501, dated 07/13/94. Job DHT 2311-05T. From A/C 592-536-817-000 (Professional & Consult) \$11,782.80. Water Dept.

9. WADE-TRIM/ASSOCIATES - Smoke Testing North End. Inv. 44503, dated 07/13/94 and Inv. 44591, dated 08/10/94. Job 2392-01T. From A/C 592-536-817-000 (Professional & Consult) \$22,058.50. Water Dept.
11. WAYNE COUNTY - CHAPTER 20 DRAINS. 3rd and 4th Quarter ECPAD Oper. Maint. and Reserves. Inv. 36884, dated 10/06/94 and Inv. 36888, dated 10/06/94. From A/C 592-537-927-000 (Ecorse Creek Ret) \$104,362.58. Water Dept.
12. WAYNE COUNTY - DEPARTMENT OF ROADS - Traffic Signal Maint. for September, 1994. Inv. 80670, dated 10/19/94. From A/C 101-440-925-000 (Traffic Signal Maint.) \$2,796.26. DPW-Highway.
13. WAYNE COUNTY - D.P.W. - Downriver Sewage Disposal Excess Flow. Inv. 83937, dated 10/13/94. From A/C 592-537-929-000 (Sewage Disposal) \$54,140.99. Water Dept.

Motion adopted.

- 94-563 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the low bid from Varsity Ford, 3480 Jackson Road, PO Box 2507, Ann Arbor MI 48106-2507 for three (3) 3 to 4 Yard Dump Trucks with Snow Plowing Attachments (with trade-in) in the amount of \$71,599.00, and payment thereof, be approved, per Public Service Administrator Preston, communication dated October 31, 1994. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

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

Motion adopted.

- 94-564 Motion by Councilman Brunell, supported by Councilman Kosinski, that the communication from Mayor Canfield regarding the reappointment of James Williamson to the Demolition Board of Appeals, term to expire June, 1997 be received, contents noted and filed.

Motion adopted.

- 94-565 Motion by Councilman Brunell, supported by Councilman Kosinski, that the communication from Mayor Canfield regarding the appointment of Claudette Whitehead, Building & Engineering Department, being named the designated representative replacing Pete Simakas to the Demolition Board of Appeals, be received, contents noted and filed.

Motion adopted.

- 94-566 Motion by Councilman Blackburn, supported by Councilman Baron, that the communication from Treasurer Riley regarding credit card usage be received, contents noted and filed.

Motion adopted.

- 94-567 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves Wade-Trim/Associates Professional Services Agreement for the Downriver Sewer Rehabilitation Project per Corporation Counsel communication dated October 27, 1994. Further, that Mayor Canfield and City Clerk Sheridan be authorized to sign the agreement.

Motion adopted.

- 94-568 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the resolution regarding the revised millage rate be approved as follows:

WHEREAS, the Dearborn Heights City Council previously adopted millage rates for the debts and operation of the City; and

WHEREAS, a Federal Court ordered judgment levy regarding the Downriver Sewage Disposal System Bonds has been issued against Wayne County and thirteen (13) Cities and Townships within Wayne County; and

WHEREAS, the City of Dearborn Heights is one of the thirteen municipalities ordered to participate in the payment for the Downriver Sewage Disposal System debt; and

WHEREAS, Section 6093 of Public Act 236 of 1961, as amended, and applicable court orders, requires the City of Dearborn Heights to assess taxes on the taxable property within the City on December 1, 1994, sufficient to pay the judgment payment installment; and

WHEREAS, the Judgment Levy is \$184,358.67 and the State Equalized Value of the applicable tax base is 968,137,750:

NOW, THEREFORE, BE IT RESOLVED; that the Dearborn Heights City Council authorizes the levy of 0.20 mills be spread on the taxable property in Dearborn Heights on the December 1, 1994 tax roll, and that the L-4029 form for the 1994 Tax Rate Request be revised accordingly.

Further, that the Mayor and Clerk be authorized to sign.

Motion adopted.

94-569 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the communication from Fire Chief Lewis regarding a feasibility study for the proposed new fire station, be tabled to a Committee of the Whole Study Session.

Motion adopted.

94-570 Motion by Councilman Brunell, supported by Councilman Blackburn, that the City Council concurs with and approves Change Orders #21 and #22 to the Nagel Construction Company for the 1993 Sewer Cleaning Program, in the amounts of \$75,730.93 and \$25,803.47 respectively, per Public Service Administrator Preston, communication dated November 1, 1994. Further, that the Mayor be authorized to sign the Change Orders.

Motion adopted.

94-571 Motion by Councilman Baron, supported by Councilman Blackburn, that the communication from Fire Chief Lewis regarding retirement benefits for non-union employees, be referred to Corporation Counsel.

Motion adopted.

94-572 Motion by Councilman Brunell, supported by Councilman Blackburn that proposed Ordinance H-94-11 (Amendment to City Pension Ordinance), AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 2-249 PROVIDING FOR RETIREMENT BENEFITS FOR THE SPOUSES OF EMPLOYEES WHO RETIRE DUE TO A DISABILITY AFTER COMPLETING 25 YEARS OF ACTUAL SERVICE WITH THE CITY, be considered read for the first time.

Motion adopted.

94-573 Motion by Councilman Kosinski, supported by Councilman Baron, that the request from Fred and Barbara Chavis, for transfer of ownership of 1993 Class C licensed business from JDSC, INC to CHAVIS ENTERPRISES, INC., 24735 W Warren, Dearborn Heights, 48127, be approved, and the Liquor Control Commission be so notified.

Motion adopted.

94-574 Motion by Councilman Kosinski, supported by Councilman Brunell, that the request for renewal of 1994 business license for The Arena, 23914 Ford and the Rouge Park Bar, 16515 Outer Drive be approved. Further that the Water Department furnish the council with a complete history of the water billing for the Arena.

Motion adopted.

94-575 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the City Council concur with Corporation Counsel and approve the Amended and Restated Amendment No. 2 (Bond Financing) to Rouge River Nation Wet Weather Demonstration Project Grant Finance and Service Agreement and submit the following resolution:

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 County and the Local Unit have entered into a certain Finance and Service Agreement, dated as of June 14, 1994 (the "Basic Agreement"), as amended by Amendment No. 1 thereto and Addendum, dated as of June 14, 1994 (collectively, "Amendment No. 1"), and by Amendment No. 2 thereto, dated as of August 9, 1994 ("Amendment No. 2" and, collectively with the Basic Agreement and Amendment No. 1, the "Agreement"), for the financing, construction and operation of certain improvements to the Rouge Valley Wastewater Control System located in Dearborn Heights and described in Exhibit A attached hereto (the "CSO Basin Project") to meet the requirements of the NPDES Permit; and

WHEREAS, in Amendment No. 2, the Local Unit requested that the County issue bonds to finance a portion of the costs of the CSO Basin Project and set forth certain matters relative to such bonds; and

WHEREAS, the County has not yet issued any of such bonds; and

WHEREAS, as a result of recent action by the United States Congress, the County will receive additional federal grant funds to finance a portion of the costs of the CSO Basin Project; and

WHEREAS, as a result of such additional federal grant funds it is necessary to make certain changes in the financing of the CSO Basin Project as set forth in Amendment No. 2; and

WHEREAS, the Local Unit has determined the need to finance projects in addition to the CSO Basin Project, as described in Exhibit B attached hereto (the "Additional Rouge River Projects"); and

WHEREAS, Local Unit has determined that it is in its best interests to request the County to take the necessary steps under the provisions of Act 185, Public Acts of Michigan, 1957, as amended (Act 185") to issue bonds to finance the Additional Rouge River Projects; and

WHEREAS, it is necessary to amend the Agreement to provide for the issuance of bonds to finance the Additional Rouge River Projects; and

WHEREAS, the County and the Local Unit have determined that it is in the best interests of the County and the Local Unit to amend and restate Amendment No. 2 in its entirety in order to provide for the financing of the CSO Basin Project and the Additional Rouge River Projects.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Amended and Restated Amendment No. 2 to Rouge River National Wet Weather Demonstration Project Grant Finance and Service Agreement ("Amended and Restated Amendment No. 2") is hereby approved, and the Mayor and Clerk (each, an "Authorized Officer and collectively, the "Authorized Officers") are authorized and directed to execute Amended and Restated Amendment No. 2 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 contracts, leases or other agreements or take any action necessary or advisable, on behalf of the Local Unit in order to effectuate the purposes of the Agreement and/or Amended and Restated Amendment No. 2. 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, 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 Amended and Restated Amendment No. 2.

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

Motion adopted.

94-576 Motion by Councilman Blackburn, supported by Councilman Brunell, that the meeting be adjourned.

Motion adopted.

The meeting adjourned at 8:42 p.m.

HELENE S. SHERIDAN
CITY CLERK

DANIEL S. PALETKO, CHAIRMAN
CITY COUNCIL