

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

OCTOBER 27, 2009

09-395 The meeting was called to order at 8:05 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, Councilman Roy Pilot, Councilwoman Margaret M. Van Houten.

Absent: None.

Also Present: City Clerk Dudzinski, Mayor Paletko, Treasurer Riley, Administrative Assistant Kramarz, Assessor McDermott, Building & Engineering Director Sobh, Comptroller Barrow, Deputy Comptroller Macari, Corporation Counsel Miotke, Deputy Clerk Pawlukiewicz, Emergency Management Director Ankrapp, Fire Chief Gurka, Human Resource Director Sobota-Perry, Library Director Mccaffrey (arrived at 7:30 pm), Police Chief Gavin and Public Service Administrator Franzil.

The Pledge of Allegiance was led by Public Service Administrator Franzil.

09-396 Motion by Councilman Pilot, seconded by Councilwoman Agius, that the Agenda for the Regular Meeting of October 27, 2009, be approved as submitted.

Motion unanimously adopted.

09-397 Motion by Councilman Berry, seconded by Councilwoman Van Houten, that the Minutes from the Regular Meeting of October 13, 2009, be approved as submitted.

Motion unanimously adopted.

09-398 Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that Fund Transfer 6-A and Current Claims 6-1 through 6-26, be approved as submitted.

A. \$3,900.00 Transferred from Fire Dept. Training A/C 101-335-962-000 to Fire Dept. Overtime A/C 101-335-709-000 per the attached request.

1. ACCUMED BILLING, INC. – Rescue Billing for September 2009 – Inv. dated 10/05/09 from A/C 101-000-626-000 (Rescue Runs) \$5,241.57. Fire Dept.
2. CENTRAL WAYNE COUNTY SANITATION AUTHORITY – Admin & Disposal for September 2009 – Inv. 09/09 dated 09/30/09 from A/C 101-200-810-000 (Sanitation) \$69,932.56. General Govt.
3. COMPUTER TECHNOLOGIES, INC. – Data Processing – Inv. 70490 dated 10/09/09 and Inv. 70494 dated 10/16/09 from A/C 101-258-932-000 (Repair/Maint) \$2,942.50 and A/C 592-536-932-000 (Repair/Maint) \$3,395.00. Data Processing
4. CORNERSTONE BENEFITS, LLC – Quarterly Fee for Healthcare Consulting – Inv. 21001 dated 10/12/09 from A/C 101-200-817-000 (Prof/Consult.) \$10,000.00. General Govt.
5. E & N CEMENT – Pavement Repairs – Inv. dated 10/20/09 from A/C 592-537-818-000 (Contract Serv.) \$79,026.11. Water Dept.
6. EAGER BEAVER – Grass/Weed Cutting Services – Inv. dated 10/14/09 from A/C 101-200-963-000 (Grass/Weeds) \$1,740.56. General Govt.
7. ELECTIONS SYSTEMS & SOFTWARE – Coverage for November 3, 2009 Election – Inv. 724313 dated 10/07/09 from A/C 101-190-818-000 (Contract Serv.) \$4,504.42. Clerk/Elections
8. GARY MIOTKE – Legal Services for September 2009 – Inv. dated 10/20/09 from A/C 101-210-826-000 (Counsel Serv.) \$6,588.64. Corporation Counsel
9. GIARMARCO, MULLINS & HORTON – Legal Services for Water Dept. – Inv. 4 dated 10/12/09 from A/C 592-536-817-000 (Prof/Consult.) \$3,259.80. Water Dept.
10. HYDRODESIGNS, INC. – Cross Connection Program – Inv. 20494 dated 09/30/09 from A/C 592-536-817-000 (Prof/Consult.) \$2,623.00. Water Dept.
11. MAGICAL TOUCH – Grass/Weed Cutting Services – Inv. dated 10/08/09 from A/C 101-200-963-000 (Grass/Weeds) \$4,287.42. General Govt.
12. MICHIGAN TASER DISTRIBUTING – Cartridges & Extended Digital Power Magazines – Inv. 5113 dated 09/21/09 from A/C 101-300-744-000 (Ammo.) \$3,646.99. Police Dept.
13. NAGEL CONSTRUCTION – Sewer Cleaning Program – Inv. 2701 dated 10/16/09 from A/C 592-540-818-030 (Contract Serv.) \$12,525.04. Water Dept.
14. NEW IMAGE BUILDING SERVICES – Cleaning for October 2009 – Inv. 56507 dated 10/01/09 from A/C 738-738-818-000 (Contract Serv.) \$2,214.00. Libraries
15. OPOTA – Pursuit Termination Course – Inv. 9030 dated 07/07/09 from A/C 101-300-962-000 (Training) \$2,200.00. Police Dept.

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16. PLANTE & MORAN – Audit for June 30, 2009 and Accounting Services– Inv. 464183 dated 09/09/09 and Inv. 471996 dated 10/07/09 from A/C 101-200-817-000 (Prof/Consult.) \$25,115.00, A/C 592-536-817-000 (Prof/Consult.) \$12,095.00, A/C 103-960-918-209 (Admin.) \$1,000.00 and A/C 738-738-818-000 (Contract Serv.) \$300.00. General Govt.
17. PRIORITY ONE EMERGENCY – Removal & Replace Vehicle Equipment – Inv. 18701, 18749, 18912, 18913, 18914, 18915, 18916, 18917, 18918, 18919, 18907, 18908, 18909, 18910 and 18911 from A/C 101-300-932-000 (Repair Maint.) \$14,003.39. Police Dept.
18. SECREST, WARDLE, LYNCH... – Legal Services for August & September 2009 – Inv. dated 10/20/09 from A/C 101-210-826-000 (Counsel Serv.) \$9,793.00. Corporation Counsel
19. STATEWIDE SECURITY TRANSPORT – Prisoner Food & Lodging for September 2009 – Inv. dated 10/12/09 from A/C 101-200-868-000 (Prisoners) \$5,425.47. General Govt.
20. SYSTEMP TEMPERATURE SERVICES – Materials & Labor Heating/Cooling – Inv. 9078 dated 09/28/09 from A/C 101-300-818-000 (Contract Serv.) \$1,733.35. Police Dept.
21. THE EBCO COMPANY, LLC – Legal Folders & Tabs – Inv. 9131 dated 10/05/09, Inv. 9128 dated 10/01/09 and Inv. 9129 dated 10/01/09 from A/C 101-130-728-000 (Supplies) \$2,089.45. District Court
22. THE LIBRARY NETWORK – Monthly Subscriptions & Acquisitions – Inv. 4001 dated 10/07/09 and Inv. 69469 dated 09/30/09 from A/C 738-738-827-000 (Library Network) \$2,407.66 and A/C 738-738-981-000 (Cap. Outlay) \$13,047.71. Libraries
23. TRYBUSKI LANDSCAPING – Grass/Weed Cutting Program – Inv. dated 09/28 – 10/08/09 from A/C 101-200-963-000 (Grass/Weeds) \$4,638.62. General Govt.
24. WADE TRIM & ASSOC. – Young Center Rain Garden, 2009 Bridge Inspection, Eng. Assist Storm Water, Basement Flooding, Detroit Master Meters, Ecorse Creek, Construction Street Repair, Weddel Water Main, House Grade Review, Plot Plan – Inv. 99291 dated 10/09/09, Inv. 99292 dated 10/09/09, Inv. 99285 dated 10/09/09, Inv. 992984 dated 10/09/09, Inv. 99283 dated 10/09/09, Inv. 99153 dated 09/16/09, Inv. 99156 dated 09/24/09, Inv. 99249 dated 10/08/09, Inv. 99288 dated 10/09/09 and Inv. 99163 dated 09/24/09 from A/C 101-371-809-000 (Eng. Serv.) \$1,016.25, A/C 592-536-817-000 (Prof/Consult) \$33,896.50, A/C 202-202-880-300 (Streets) \$4,294.04, A/C 592-xxx-154-000 (Sewers) \$87.50, A/C 101-440-818-000 (Contract Serv.) \$6,060.00 and A/C 274-683-930-500 (CMI Grants) \$1,977.50. General Govt.
25. WASTE MANAGEMENT – Roll Off Service – Inv. 1717-8 dated 10/01/09, Inv. 1717-1 dated 10/01/09 and Inv. 1717-0 dated 10/01/09 from A/C 101-200-810-000 (Sanitation) \$5,270.86 General Govt.
26. WAYNE COUNTY – ACCOUNTS RECEIVABLE – Traffic Signal Maint. July, August, September – Inv. 1004357 dated 10/03/09, Inv. 1004408 dated 10/05/09 and Inv. 1004459 dated 10/06/09 from A/C 101-440-925-000 (Signal Maint.) \$14,551.14. DPW-Highway

Motion unanimously adopted.

- 09-399** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the Resolution to Support Senate Bill 725 regarding yard waste disposal in landfills for methane gas production be adopted as follows:

WHEREAS, The City of Dearborn Heights, supports Michigan's renewable energy policy under PA 295 that recognizes landfill gas energy projects as a qualifying resource for utilities to meet the standards set by the legislation; and

WHEREAS, The City of Dearborn Heights, supports Michigan's solid waste policy that recognizes solid waste as a resource that should be managed to promote ecological integrity, and improved quality of life in a way that fosters sustainability; and

WHEREAS, Senate Bill 725 has been introduced, which would amend 1994 PA 451 of the Natural Resources and Environmental Protection Act; and

WHEREAS, Senate Bill 725 as introduced states that if a landfill operating license designates the landfill as a landfill energy production facility, yard clipping may be disposed of at the landfill in landfill cells served by a landfill gas collection system for the purpose of furthering energy production; and

WHEREAS, To receive the designation in its operating license as a landfill energy production facility a landfill is required to; have a gas collection system in place before yard waste can be accepted in installation of which is documented in the landfill's operating record recover and beneficially utilize as an energy source not less than 70% of the annual gas production

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WHEREAS, Based on existing landfill energy-production facilities and modeling, adding yard waste to landfills can increase the creation of renewable energy; and

WHEREAS, According to the report "Examining Increased Renewable Energy Production from Landfill Gas in Michigan requiring 70% collection efficiency before allowing gas-to-energy landfills to accept yard waste would likely result in a net statewide reduction of emissions from landfills; and

WHEREAS, Landfill gas-to-energy projects provide dependable and steady base load power sources of renewable energy, and that these facilities can provide long term sources of energy; and

WHEREAS, Allowing energy production facilities to accept yard waste will have marginal impact on overall landfill capacity while generating significant amounts of energy; and

WHEREAS, A community or landfill is not required to landfill yard waste but may elect to introduce this measure as an option to handling and utilization of yard waste material; and

WHEREAS, Creating a renewable energy resource at a energy production facility can serve an equal or higher use of yard waste to serve the needs of the citizens of Michigan; and

WHEREAS, Senate Bill 725 represents a beneficial waste utilization technology of yard waste as energy recovery, thereby being consistent and fulfilling of the goals of the Michigan Energy Act; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Dearborn Heights supports Senate Bill 725, as introduced;

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to House of Representatives Speaker Andy Dillon, State Representative Bob Constan, State Senator Tupac Hunter, Downriver Community Conference (DCC), Conference of Western Wayne.

Motion unanimously adopted.

- 09-400** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the City Council concurs with and approves the appointment of Mr. Farhan Latif, 6944 Town Lane, to the Community and Cultural Relations Commission, term to expire December 2012.

Motion unanimously adopted.

- 09-401** Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that the City Council concurs with and approves the First Amendment to the Standard Agreement for Municipal Street Lighting between The Detroit Edison Company and the City of Dearborn Heights, for Military Park Subdivision, which incorporates CDBG required language for funding, in the amount of \$46,914.00 and payment thereof, per Mayor Paletko, communication dated October 21, 2009. Further, that the Mayor be authorized to sign the agreement on behalf of the City.

Motion unanimously adopted.

- Recorded
1-26-2010
New #10-028
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09-402 Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the City Council concurs with and approves the request from Crestwood School District to be included under the City's Storm Water Permit with the Department of Environmental Quality (DEQ) subject to Corporation Counsel Miotke's review and concurrence, per Mayor Paletko, communication dated October 21, 2009. Further, that upon Corporation Counsel Miotke's review, the Mayor be authorized to sign the final agreement on behalf of the City.

Motion unanimously adopted.

- 09-403** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that Corporation Counsel be authorized to prepare the necessary documents, including Proof of Service, for a Public Hearing to be held on Tuesday, December 8, 2009 by the Dearborn Heights City Council at the Administrative Offices, 6045 Fenton, Dearborn Heights, Michigan at 8:00 p.m. EST for the purpose of hearing objections, if any, to the request for the abandonment of SYLVIA STREET SOUTH OF ANNAPOLIS AND NORTH OF POWERS, 30 FEET WIDE, adjacent to Lots 53 thru 74 inclusive, Burnett Boulevard Subdivision as recorded in Liber 43 of Plats, Page 36, Wayne County Records.

Motion unanimously adopted.

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- 09-404** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the City Council concurs with and approves the Offer to Purchase from Trott & Trott, 31440 Northwestern Highway, Suite 200, Farmington Hills, MI 48334 for the purchase of city owned parcel, Lot 1482, known as parcel #33-054-01-1482-000, located on Colgate Street in the Amended Plat of Dearborn Point Subdivision, for \$2,500.00, per Assessor McDermott, communication dated October 8, 2009. City acknowledges receipt of \$250.00 good faith deposit. Purchaser to pay closing costs and Corporation Counsel Miotke to review all documents of said sale. Further, that Lots 1481 and 1482 will be required to be combined immediately following purchase.

Motion unanimously adopted.

- 09-405** Motion by Councilwoman Agius, seconded by Councilman Berry, that the City Council concurs with and approves the reappointment of Mayor Dan Paletko, to SEMCOG, as delegate, term to expire December 2010 per, Council Chairman Baron, communication dated October 15, 2009.

Motion unanimously adopted.

- 09-406** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the Offer to Purchase Real Estate for the sale of Lots 30, 31 and 32, Van Born Little Farms Subdivision to Union Caisson, Inc., in the amount of \$50,000.00 be approved as submitted by Corporation Counsel Miotke. Further, that Mayor Paletko is authorized to sign the Offer to Purchase Real Estate on behalf of the City after it is submitted by Union Caisson, Inc. and that Mayor Paletko is also authorized to sign all other documents approved by Corporation Counsel Miotke to consummate the sale and to close the transaction, per Corporation Counsel Miotke, communication dated October 20, 2009.

Motion unanimously adopted.

- 09-407** Motion by Councilwoman Badalow, seconded by Councilman Berry, that CM 09-350, Two Proposed Lease Assignment Agreements between the City and Md7 Capital Three, LLC., be rescinded, per Corporation Counsel Miotke, communication dated October 21, 2009.

Motion unanimously adopted.

- 09-408** Motion by Councilwoman Badalow, seconded by Councilman Berry, that the City Council approves the Lease Assignment Agreements between the City and Md7 Capital Three, LLC for the assignment of leases between the City and T-Mobile Central, LLC for sites at 1999 North Beech Daly Road and 5457 South Telegraph Road, as well as, the documents related to these assignments (namely Owner Letters, Lease Assignment Agreements (Short Form), and W-9 forms for each site), per communication from Corporation Counsel Miotke, dated October 21, 2009. Further, that the Mayor is authorized to sign the Lease Assignment Agreements and the documents related to these assignment agreements on behalf of the City, per Corporation Counsel Miotke, communication dated October 21, 2009.

Motion unanimously adopted.

- 09-409** Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the City Council accept the 2009 Annual JAG Grant (Justice Assistance Grant), in the amount of \$25,117.00, from Sheila Mulhern, Director of Grants Administration, Office of the Sheriff, 1231 St. Antoine, Detroit, MI 48226, per Police Chief Gavin, communication dated October 19, 2009. Further, that the Mayor be authorized to sign the 2009 Annual JAG Intergovernmental Agreement between the City of Dearborn Heights and the County of Wayne, which includes the 2009 Annual JAG Memorandum of Understanding on behalf of the City.

Motion unanimously adopted.

- 09-410** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that the City Council concurs with and approves the quote from ASAP Emergency Equipment, 217 Third Street, Onsted, MI 49265, a single source provider, for the installation of 27 in-car cameras and components in the amount not-to-exceed \$7,300.00 and payment thereof, per Police Chief Gavin, communication dated October 19, 2009. Funds for this purchase are budgeted in the Capital Outlay account.

Motion unanimously adopted.

- 09-411** Motion by Councilwoman Van Houten, seconded by Councilman Berry, that proposed Ordinance H-09-09, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS AMENDING CHAPTER 6 OF THE CITY CODE PERTAINING TO ANIMALS, ARTICLE

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VIII, REGULATIONS PERTAINING TO DANGEROUS OR VICIOUS ANIMALS, SECTION 6-162, DEFINITIONS, TO ESTABLISH THAT AN ANIMAL THAT LEAVES THE PROPERTY OF THE OWNER AND KILLS OR SERIOUSLY INJURES ANOTHER ANIMAL IS A DANGEROUS ANIMAL AND SECTION 6-163(b)(1) TO CORRECT CITATION ERRORS, be considered read for the second time and become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 09-412** Motion by Councilwoman Horvath, seconded by Councilman Pilot, that proposed Ordinance H-09-10, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 28-28 IN ORDER TO IMPROVE IT (Obligation to keep safe any sidewalk or apron, et al.), be considered read for the second time and become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 09-413** Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that the City Council concurs with and approves, upon review of the entire cafeteria plan by Corporation Counsel Miotke, the expansion of the existing Cafeteria Plan by adding Un-reimbursed Medical and Dependent Child Care as additional choices for employees of the City of Dearborn Heights, per David Whitfield, American Corporate Services, 29193 Northwestern Hwy., Suite 546, Southfield, MI 48034, communication dated October 6, 2009. These additional choices will be offered January 1, 2010, preceded by a 60 day enrollment period beginning November 1, 2009.

Motion unanimously adopted.

- 09-414** Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:15 PM.

S. JUDITH DUDZINSKI
CITY CLERK

KENNETH R. BARON
COUNCIL CHAIRMAN

MARIA E. LAWRENCE
COUNCIL SECRETARY