

4-A

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

OCTOBER 25, 2011

APPROVED FOR
AGENDA OF

11-9-11

11-359 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, Councilman Ned Apigian, Councilwoman Janet S. Badalow, Council Chairman Kenneth R. Baron, Councilman Tom Berry, Councilwoman Margaret M. Horvath, Councilwoman Margaret M. Van Houten.

Absent: None.

Also Present: City Clerk Prusiewicz, Mayor Paletko, Treasurer Riley, Administrative Assistant Kramarz, Assessor McDermott, Building & Engineering Director Sobh, Community & Economic Development Director Amen, Comptroller Macari, Corporation Counsel Miotke, Emergency Management Director Ankrapp, Human Resource Director Sobota-Perry, Library Director McCaffery, Police Chief Gavin, Public Service Administrator Zimmer, Recreation Director Grybel.

APPROVED

MOTION #
11-381

The Pledge of Allegiance was led by City Beautiful Commission-Essay Contest Winners.

Presentation by City Beautiful Commission to the "Stronger Families/Stronger Communities Program-Dearborn Heights at 100!" essay contest winners.

11-360 Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the Agenda for the Regular Meeting of October 25, 2011, with Add-on Item 9-I and Add-on Item 9-J, be approved.

Motion unanimously adopted.

11-361 Motion by Councilman Berry, seconded by Councilwoman Horvath, that the Minutes from the Regular Meeting of October 11, 2011, be approved as submitted.

Motion unanimously adopted.

11-362 Motion by Councilwoman Agius, seconded by Councilwoman Horvath, that Current Claims 6-1 through 6-27, be approved as submitted.

1. ACCESS – Services provided for Dearborn Heights, Inv. for year ended Jun. 30, 2011 from A/C 103-960-937.210, Access, \$5,000.00. CDBG.
2. ACCUMED BILLING, INC. – Ambulance Billing for Sep. 2011, Inv. dated 10/01/11 from A/C 101-000-626.000, Ambulance Runs, \$10,074.80. Fire.
3. ARTISTIC LANDSCAPING – Grass & weed cutting charges, Various Invs. dated Sep. 2011 from A/C 101-200-963.000, Sidewalk/Weed, \$3,875.66. Bldg. Eng.
4. BELLE TIRE – Tire purchase and installation, Inv. 19880447, dated 09/12/11; Inv. 19884100, dated 09/12/11; Inv. 19891014, dated 09/14/11; Inv. 19928503, dated 09/22/11, from A/C 592-XXX-110.000. Repairs, \$2,457.00. Water.
5. BUDGET BLINDS – Blinds for City Recreation Buildings, Invs. 1616, 1617, 1618, and Inv. 1619, all dated 07/31/11 from A/C 103-960-963.210, Bldg. Imprvmnts, \$3,260.00. Com. Dev.

6. COMPUTER TECHNOLOGIES, INC. – Data Processing, Invs. 70966 & 70972 from A/C 101-258-932.000, Repairs, \$2,467.77 and A/C 592-536-932.000, Repairs, \$1,690.27. Data Processing.
7. CONFERENCE OF WESTERN WAYNE – CWW Membership dues FY 2012, Inv. 11-54, dated 09/21/11 from A/C 101-200-958.000, Dues, \$8,181.00. Gen. Gov't.
8. CONTROLLED F.O.R.C.E. – Level 1, Level 2 Instructor Re-Certification and Level 3 Instructor Re-Certification, Inv. 5309, dated 09/13/11 from A/C 101-300-962.010, Training Act 302, \$2,010.00. Police.
9. CUMMINGS, McCLOREY, DAVIS & ACHO – Labor matters, Aug. 2011, Loose Et Al vs. Dearborn Heights, Inv. 189216, dated 09/27/11; Inv. 189215, dated 09/27/11 from A/C 101-200-817.000, Prof/Consult., \$7,946.50 and A/C 101-XXX-067.999, Dues Frm Pens. Bd., \$3,847.50. Gen. Gov't.
10. E & N CEMENT – Pavement Repairs, Inv. dated 10/18/11 from A/C 592-537-818.000, Contr. Serv., \$102,985.30. Water.
11. HYDRO DESIGNS, INC. – Cross Connection Program, Inv. 24805-IN, dated 07/31/11; Inv. 25066-IN, dated 08/31/11; Inv. 25310-IN, dated 09/30/11 from A/C 592-536-817.000, Prof/Consult., \$7,869.00. Water.
12. MATT'S AUTO SERVICE – Vehicle Repairs Sep. 2011, Various Invs. Blkt. PO 12-77 from A/C 101-300-932.000, Repr/Maint Eqpt., \$4,927.00. Police.
13. MICHIGAN METER TECHNOLOGY – Meters and Parts, Various Invs, dated Sep. 2011 from A/C 592-111-002, Meter Parts, \$3,786.42. Water.
14. NAGEL CONSTRUCTION – Sewer Cleaning Program, Inv. 3026, dated 10/13/11 from A/C 592-540-818.030, Cleaning, \$17,632.47. Water.
15. PHYSIO-CONTROL, INC. – Inv. 412021240, dated 10/12/11, Annual Maint. Agreement PB16F641 from A/C 101-335-818.000, Contr. Serv., \$4,225.92. Fire.
16. PLANTE & MORAN – Prof. Serv., Inv. 652168, dated 09/23/11; Inv. 657436, dated 10/05/11 from A/C 101-200-817.000, Prof/Consult, \$74,695.00. Gen. Gov't.
17. QUAD-TRAN OF MICHIGAN – Data Processing for Sep. 2011, Postage Sep. 2011; Inv. 5826, dated 09/30/11; Inv. 5825, dated 09/30/11 from A/C 101-130-818.000, Contr/Serv., \$4,500.00; and A/C 101-200-728.000, Office Supplies, \$1,987.04; and A/C 101-130-728.000, Office Supplies, \$1,262.55. District Court.
18. R & R FIRE TRUCK REPAIR – Repairs to Fire Vehicles, Invs. dated Sep. 2011 from A/C 101-335-932.000, Repr/Maint Eqpt., \$7,523.44. Fire.
19. STATEWIDE SECURITY TRANSPORT – Prisoner Food & Lodging, Sep. 2011, Inv. 101108, 10/10/11 from A/C 101-200-868.000, Prisoner Lodging, \$6,063.20. Gen. Gov't.
20. SYSTEMP CORPORATION – Labor/Material replace condenser motor, Inv. 12614, dated 09/27/11 from A/C 101-300-818.000, Contr. Serv., \$549.49 and A/C 101-130-932.000, Rpr/Maint Eqpt., \$953.89. Police.
21. TEAM HCS – EAP Service, Sep.-Dec. 2011, Inv. 9956, dated 10/01/11 from A/C 101-200-818.000, Contr. Serv., \$2,400.00. Gen. Gov't.
22. W.L. BOWLES TRUCKING, INC. – Top Soil and Sand, Inv. 8156, dated 09/17/11 from A/C 592-111-002, Inventory-Piping, \$2,957.50. Water.
23. WADE TRIM & ASSOC. – CDBG ADA, Transition Plan, Inv. 102732, dated 09/15/11 from A/C 103-960-918.210, Administration, \$10,396.00. CDBG.
24. WADE TRIM & ASSOC – Prof. Serv. EECBG & CMI Grant for Aug. 2011 from A/C 274-673-930-600, EECBG Grant, \$2,833.75 and A/C 274-673 930-500, CMI Grant, \$4,606.25. Misc. Grants.
25. WADE TRIM & ASSOC – Prof. Serv., Various Invs., dated 09/16/11 from A/C 592-536-818.000, Contr. Serv., \$4,725.00. Water.

26. WAYNE COUNTY DEPT. OF ENVIRONMENT – Water O & M, Invs dated Mar. 2009 thru Sep. 2011 from A/C 592-XXX-202.200, Accts. Payable, \$1,072,515.98 and A/C 592-537-927.100, CSO Retention, \$107,582.58. Water.
27. WINDER POLICE EQUIPMENT – Equipment Installation. Blkt PO 12-124; Inv. 20112839, dated 09/28/11; Inv. 20112835, dated 09/28/11; Blkt. PO 11-791; Inv. 20112840, dated 09/28/11; Inv. 20112836, dated 09/28/11 from A/C 101-300-932.000, Repr/Maint. Eqpt., \$9,257.72. Police.

Motion unanimously adopted.

- 11-363** Motion by Councilwoman Van Houten, seconded by Councilman Berry, to receive, note, and file that Mr. Richard Coogan, 4475 McKinley, fill the vacancy on the Commission on Disability Concerns, previously held by Ms. Linda Butler, term to expire July, 2012. Further, to appoint Ms. Butler, 25745 Princeton, as an alternate on the commission, term to expire July, 2012. Per Mayor Paletko, communication dated October 4, 2011.

Motion unanimously adopted.

- 11-364** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the City Council concurs with and approves the request for Parcel Land Split through an Existing Building, located at 25036 Ford Rd., upon meeting the State Codes. Per Assessor McDermott, communication dated September 24, 2011.

- 11-365** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow that upon further review, the Parcel Land Split through an Existing Building, located at 25036 Ford Rd. be referred back to Administration.

Motion unanimously adopted.

- 11-366** Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the City Council concurs with and approves the request to change the mileage fee for ambulance service from \$10.50 per loaded mile to \$11.45 per loaded mile effective January 1, 2012. Per Fire Chief Gurka, communication dated October 12, 2011.

Motion unanimously adopted.

- 11-367** Motion by Councilman Apigian, seconded by Councilwoman Horvath, that the City Council concurs with and approves the payment of \$15,643.01, to Munn Tractor Sales, Inc., 3700 Lapeer Rd., Auburn Hills, MI 48326-1732, for major repairs to a backhoe. Per Public Service Administrator Zimmer, communication dated October 7, 2011.

Motion unanimously adopted.

- 11-368** Motion by Councilman Apigian, seconded by Councilwoman Horvath, that the City Council concurs with and approves the MDOT contract re: sidewalk installation at the northwest quadrant of US-24 and M-153, and approve the City's share. Also, to authorize the Mayor Paletko and City Clerk Prusiewicz to sign the contract on behalf of the City. Per Public Service Administrator Zimmer, communication dated October 17, 2011.

Motion unanimously adopted.

11-369 Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the City Council concurs with and approves the contract extension for E & N Cement Co., for repairs and replacement of concrete and structures. This three year contract is from July 1, 2012 thru June 30, 2015, at a 2% rate increase each year. Per Public Service Administrator Zimmer, communication dated October 17,2011.

Ayes: Councilwoman Agius, Councilman Apigian, Councilwoman Badalow, Council Chairman Baron, Councilwoman Horvath, Councilwoman Van Houten.

Nays: Councilman Berry.

Absent: None.

Motion adopted.

11-370 Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow that the City Council approves and ratifies the MICHIGAN DEPARTMENT OF TRANSPORTATION STATE TRUNKLINE MAINTENANCE CONTRACT, CITY OF DEARBORN HEIGHTS dated June 24, 2011 as the contract between the City and the Michigan Department of Transportation, and that further the City approves and ratifies the August 19, 2011 Letter of Understanding executed by Public Service Administrator Zimmer as APPENDIX F to the contract. Per Corporation Counsel Miotke, communication dated October 18, 2011.

Motion unanimously adopted.

11-371 Motion by Councilman Apigian, seconded by Councilman Berry, that the City Council concurs with and approves Payment Request #1 for \$26,625.00 from Capozzo and Sons Excavating, Inc., for the Van Houten Park Soccer Field Restoration Project. Funds out of CDBG. Per CEDD Director Amen, communication dated October 17, 2011.

Motion unanimously adopted.

11-372 Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that the City Council concurs with and approves Plante Moran Group Benefit Advisors as the Healthcare Consultants for the City. Further, authorize the Mayor to sign the proposed work plan. Per Human Resource Director Sobota-Perry, communication dated October 20, 2011.

Motion unanimously adopted.

11-373 Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten that the communication from the Local Officers Compensation Commission for a 10% reduction in all elected official salaries, be received, contents noted and filed. Per City Clerk Prusiewicz, communication dated October 25, 2011.

Motion unanimously adopted.

11-374 Motion by Councilwoman Badalow, seconded by Councilwoman Horvath, that the City Council concurs with and approves the new resolution with added language, approving the Application for Exemption of New Personal Property for 5R Processors, LTD. Per City Clerk Prusiewicz, communication dated October 25, 2011.

WHEREAS, 5R Processors, Ltd. has filed an Application for Exemption of New Personal Property (hereafter "Application") with the Clerk of the City of Dearborn Heights pursuant to Public Act Number 328 of 1998, as amended (hereafter "Act 328") with respect to property located at 2727 S. Beech Daly, Dearborn Heights, Michigan 48125 (hereafter "the subject property");

WHEREAS, the City Clerk has notified in writing the Assessor of the City of Dearborn Heights and the legislative bodies of each taxing unit that levies ad valorem property tax within the eligible district within the City of Dearborn Heights wherein the subject property is located so that they were afforded an opportunity to be heard at a public hearing to determine whether the Application should be approved or disapproved;

WHEREAS, said public hearing was held on the 23rd day of August, 2011 at a regularly scheduled meeting of the City Council;

WHEREAS, comments on granting the Application were heard and considered;

WHEREAS, the City of Dearborn Heights established a tax increment finance authority and district known as the Tax Increment Finance Authority of the City of Dearborn Heights (hereafter "the T.I.F.A.") on December 29, 1986, following a public hearing, as required by Public Act Number 450 of 1980;

WHEREAS, the T.I.F.A. is an "eligible district" pursuant to Act 328;

WHEREAS, the City of Dearborn Heights is an "eligible local assessing district" pursuant to Act 328;

WHEREAS, it is hereby found and determined by the City Council of the City of Dearborn Heights that 5R Processors, Ltd. is an "eligible business" pursuant to Act 328; and

WHEREAS, the new personal property was not placed in the facility within the qualified district prior to approval of the exemption by the City Council of the City of Dearborn Heights; and

WHEREAS, the taxable value of the property proposed to be exempt under PA 328 of 1998 considered together with the aggregate total taxable value of property previously exempt and currently in force under PA 328 of 1998, shall not have the effect of substantially impeding the operation of the City of Dearborn Heights or impairing the financial soundness of an affected taxing unit; and

WHEREAS the applicant 5R Processors Ltd. is not delinquent on any taxes related to the facility, including taxes owed on existing personal property; and

WHEREAS, the City Council of the City of Dearborn Heights has further determined that granting the Application of 5R Processors, Ltd. will reduce unemployment, promote economic growth, and increase capital investment in the City of Dearborn Heights and the T.I.F.A. district;

NOW, THEREFORE, BE IT RESOLVED that the Application for Exemption of New Personal Property of 5R Processors, Ltd. is hereby approved subject to all of the following conditions:
(1) The period of time for which the exemption of new personal property shall remain in effect shall be five (5) years, beginning December 31, 2011, and ending December 30, 2016.

(2) The Application and this Resolution must be approved by entities and officials of the State of Michigan as required by Act 328, specifically Section 211.9f(2) and (3) of the Michigan Compiled Laws.

(3) 5R Processors, Ltd. must enter into the Property Tax Abatement Agreement (hereafter "Agreement") with the City of Dearborn Heights that is approved below.

(4) The conditions set forth at paragraph 2 in the Agreement must be met and must continue to be met throughout the period applicable to the exemption.

BE IT FURTHER RESOLVED that the Property Tax Abatement Agreement between 5R Processors, Ltd. and the City of Dearborn Heights is approved and that Mayor Paletko and City Clerk Prusiewicz are authorized to execute the Agreement on behalf of the City of Dearborn Heights.

Motion unanimously adopted.

11-375 Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that Proposed Ordinance H-11-09, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTIONS 7-26 THROUGH 7-28 IN ORDER TO REPEAL THE ADOPTION OF THE MICHIGAN BUILDING CODE 2006 AND TO ADOPT THE MICHIGAN BUILDING CODE 2009 RELATING TO NON-RESIDENTIAL STRUCTURES, and

Proposed Ordinance H-11-10, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTIONS 7-29 THROUGH 7-31 IN ORDER TO ADOPT THE MICHIGAN RESIDENTIAL CODE 2009, be considered read for the second time, to become effective upon publication in the City's official newspaper as provided by law.

Motion unanimously adopted.

11-376 Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that Proposed Ordinance H-11-11, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTIONS 7-156 AND 7-157 IN ORDER TO ADOPT THE MICHIGAN PLUMBING CODE 2009, AND

Proposed Ordinance H-11-12, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTIONS 7-181 AND 7-182 IN ORDER TO ADOPT THE MICHIGAN MECHANICAL CODE 2009, be considered read for the first time.

Motion unanimously adopted.

11-377 Motion by Councilman Apigian, seconded by Councilwoman Badalow, that the business license for Fetzers on the Beech, 5127 S. Beech Daly, be approved.

Motion unanimously adopted.

11-378 Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 10:20 p.m.

**WALTER PRUSIEWICZ
CITY CLERK**

**KENNETH R. BARON
COUNCIL CHAIRMAN**

**EVE SCHAFFER
COUNCIL SECRETARY**