

REGULAR MEETING OF THE RIVERVIEW CITY COUNCIL  
CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN,  
HELD ON FEBRUARY 22, 2005 A.D., IN THE  
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
14100 CIVIC PARK DRIVE, RIVERVIEW, MICHIGAN 48192-7689

The meeting was called to order at 7:32 p.m.

Presiding: Mayor Durand

Present: Councilmembers Capezza, Coffey, Elmer Trombley, James Trombley

Excused: Councilmembers Blanchette, Priskorn

Also Present: City Manager Workman, City Clerk Bratcher, Human Resources Director Hajkus, Police Chief Knight, Fire Chief Hale, Finance Director Drysdale, Director of Public Works Perry, Community Development Director Couch, Recreation Director Dickman, Golf Course Superintendent Ford, IT Coordinator Harper, Acting Assessor/Purchasing Director Anderson, Special Projects Director M. Drysdale, Wade Trim Engineer Eskin, EMCON Engineer Larkey, Attorney Pentiuik

The **Pledge of Allegiance** was led by Councilmember Elmer Trombley and Daniel Enrich from Boy Scout Troop 1654.

The **Invocation** was given by Councilmember Capezza.

**AWARDS, PROCLAMATIONS AND PRESENTATIONS:**

None.

**MINUTES:**

Motion by Councilmember Coffey, seconded by Councilmember James Trombley, that the **Minutes** of the regular meeting of **February 7, 2005** along with the condensed version for publication be **approved** as presented.

Carried unanimously.

**PUBLIC HEARINGS:**

At the Regular City Council Meeting of February 7, 2005, a **Public Hearing** was called by Councilmembers Blanchette and James Trombley to receive public comments and suggestions for consideration in the funding allocations for the **2005/2006** Community Development Block Grant (**CDBG**) **Funding** Application from the City of Riverview to Wayne County.

Mayor Durand declared the Public Hearing opened at 7:37 p.m.

Community Development Director Couch gave a brief synopsis of the program.

Mayor Durand asked if anyone wished to speak. Mr. Charles Bakhaus spoke.

Motion by Councilmember Elmer Trombley, seconded by Councilmember Coffey, that the **Public Hearing** on the funding allocations for the 2005/2006 Community Block Grant Funding Application be **closed**.

Carried unanimously.

Public Hearing closed at 7:45 p.m.

Motion by Councilmember Coffey, seconded by Councilmember Capezza, that **Council Policy** No. 1 Section 20 (A) (8) be **waived** due to time constraints, to take immediate action.

Carried unanimously.

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, to **approve** projects as presented and submit the two proposed **Resolutions** to Wayne County.

Carried unanimously.

ADA Swing Set Compliance	\$ 5,000
Senior Programming	\$10,000
Downriver Guidance Clinic	\$ 4,000
Demolition of Structures/Blight	\$12,200
Master Plan Amendment	\$10,000
Feasibility Study – ADA Existing Golf Course Club House	\$15,000
Smoke/Fire Alarm Program	\$20,000
Restroom Door Push Buttons-Senior Center	\$10,000
Administration	\$11,800
Housing Rehabilitation	Competitive
<hr/>	
Total Funding Request	\$118,000

Proposal Two Based Upon \$100,000 Funding Level

ADA Accessible Doors at Golf Club House	\$20,000
ADA Swing Set Compliance	\$ 5,000
Senior Programming	\$10,000
Downriver Guidance Clinic	\$ 4,000
Demolition of Structures/Blight	\$ -0-
Master Plan Amendment	\$ 6,000
Feasibility Study- ADA Existing Golf Course Club House	\$15,000
Smoke/Fire Alarm Program	\$10,000
Restroom Door Push Buttons-Senior Center	\$10,000
Administration	\$10,000
Housing Rehabilitation	Competitive
<hr/>	
Total Funding Request	\$100,000

**PUBLIC COMMENTS:**

At this time, Mayor Durand asked if anyone wished to address the City Council.

**ORGANIZATIONAL BUSINESS:**

Motion by Councilmember Elmer Trombley, seconded by Councilmember James Trombley, that Mr. **Frank Christensen** be **re-appointed** to the Riverview **Building Authority** for a six-year term to expire February 20, 2011.

Carried unanimously.

**CONSENT AGENDA:**

Councilmember James Trombley requested **Riverview/Trenton Partnering Initiative** be **removed** from the Consent Agenda.

Councilmember Capezza requested the Change in **Authorization** Fee for Shaw EMCON/OWT, Inc. be **removed** from the Consent Agenda.

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, that the following items on the **Consent Agenda** be **approved**:

- Bid Award and Execution of Agreement for **Tire Service** and Repairs to **OTR Tire Co, Inc.** for a three-year agreement for an estimated cost of **\$5,000.00** for the Land Preserve.
- Bid Award and Execution of Agreements for **Limestone** with **Freeport Aggregate, Inc.** for a bid price of \$6.30 per ton for 21-AC and \$6.05 per ton for 3/8” down and **Osburn Industries, Inc.**, for a bid price of \$7.00 per ton for 21-AC and \$6.70 per ton for 3/8” down for the Land Preserve.
- Bid Award and Execution of Agreements with **Express Personal Services** for a rate of \$10.50 per hour for three years of agreement and **Labor Ready** for a rate of \$10.95 per hour for the first year, \$11.25 per hour for year two and \$11.95 per hour for the year three for **Temporary Labor** for the Land Preserve.
- One Year Extension of Cooperative **Office Supply** Contract with **Office Depot** for estimated annual amount of \$35,000.00.
- **Waived Ethics Ordinance** to allow the Staff to attend a dinner meeting with Smith Barney on February 24, 2005 and with National City on March 8, 2005, relative to the pension system.
- **Change Order** No. 1 with **McKenna Associates, Inc.** for the **Zoning Ordinance** update project in the amount of an increase of **\$3,255.75** for Community Development.

- **Change Order** No. 3 with **Six-S, Inc.**, for the 2004/2006 Local Road Repair Program in the amount of a decrease of **\$29.26**.
- **Budget Amendments** as follows:

A.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2004/05 General Fund – Revenues:				
Gas, Oil & Repair Reimb – Golf	101-000-640.051	\$ 7,971.00	\$ 8,861.00	\$ 890.00
Gas, Oil & Repair Reimb – Water/Sewer	101-000-640.061	29,755.00	33,015.00	3,260.00
Gas, Oil & Repair Reimb – LP	101-000-640.071	19,148.00	21,518.00	2,370.00
Increase/(Decrease)				\$ 6,520.00
2004/05 General Fund – Motor Vehicles:				
Gas, Oil & Maintenance	101-443-775.000	\$68,856.00	\$98,856.00	\$30,000.00
Increase/(Decrease)				\$30,000.00

B.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2004/05 CIEF Fund:				
Zoning Ordinance Update	402-901-827.031	\$9,163.50	\$12,423.50	\$3,260.00
Increase/(Decrease)				\$3,260.00

C.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2004/05 CIEF Fund:				
County Drain Maintenance	402-901-972.020	\$0.00	\$2,130.00	\$2,130.00
Increase/(Decrease)				\$2,130.00

D.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2004/05 Land Preserve Fund:				
Global Positioning Equipment	596-526-974.576	\$140,000.00	\$117,851.00	\$ (22,149.00)
Articulating Truck	596-526-974.700	385,000.00	368,900.00	(16,100.00)
Wheel Loader	596-526-974.750	365,000.00	286,830.00	(78,170.00)
Increase/(Decrease)				\$(116,419.00)

E.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2004/05 Major Streets Fund:				
Salaries – Winter	202-478-725.000	\$ 6,260.00	\$ 9,260.00	\$ 3,000.00
Salaries – Maintenance	202-463-725.000	29,070.00	26,070.00	(3,000.00)
Equipment Rental – Winter	202-478-945.000	7,295.00	10,295.00	3,000.00
Equipment Rental – Maintenance	202-463-945.000	45,750.00	42,750.00	(3,000.00)
Increase/(Decrease)				\$0.00
2004/05 Local Streets Fund:				
Salaries – Winter	203-478-725.000	\$13,260.00	\$22,260.00	\$ 9,000.00
Salaries – Maintenance	203-463-725.000	67,320.00	58,320.00	(9,000.00)
Equipment Rental – Winter	203-478-945.000	12,432.00	20,432.00	8,000.00
Equipment Rental – Maintenance	203-463-945.000	94,250.00	86,250.00	(8,000.00)
Increase/(Decrease)				\$0.00

Carried unanimously.

Motion by Councilmember Capezza, seconded by Elmer Trombley, to **reject** and renegotiate after further discussion, the **Riverview/Trenton Partnering** Initiative Proposal.

Ayes: Councilmember Capezza

Nays: Mayor Durand, Councilmembers Coffey, Elmer Trombley, James Trombley

Motion failed.

Motion by Councilmember James Trombley, seconded by Councilmember Coffey to **table** the **Riverview/Trenton Partnering** Initiative Proposal to a Study Session **pending further review** by the City Manager.

Carried unanimously.

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, to approve change in **Authorization Fee** for Cell 4 Slope Cap Construction to Shaw EMCON/OWT, Inc., in the amount of \$9,400.00.

Ayes: Mayor Durand, Councilmembers Coffey, Elmer Trombley.

Nays: Councilmember James Trombley, Capezza

Motion failed.

**RESOLUTIONS:**

None.

**ADMINISTRATION:**

Motion by Mayor Durand, seconded by Councilmember Elmer Trombley, that Council **Reject** the recommendation of the **Local Officers Compensation** Board for a 6% **increase** in compensation for the Mayor and Council.

Carried unanimously.

Motion by Councilmember Coffey, seconded by Councilmember James Trombley, to approve **Change Order** No. 1 with **De Angelis Landscape, Inc.**, for the **Cell 4 Slope Cap Construction** in the amount of a **decrease** of **(\$53, 580.27)** for the Land Preserve.

Carried unanimously.

Motion by Councilmember James Trombley, seconded by Councilmember Elmer Trombley, to approve **Change Order** No. 20 with **G.V. Cement Contracting** for Street Sectioning/Sidewalk replacement Program in the amount of an increase of **\$58,078.49**.

Carried unanimously.

**ORDINANCES:**

Motion by Councilmember James Trombley, seconded by Councilmember Elmer Trombley, to approve **Second Reading**, by title only of Proposed **Ordinance No. 582**.

Carried unanimously.

Clerk gave Second Reading, by title only of Proposed Ordinance No. 582.

PROPOSED ORDINANCE NO. 582

AN ORDINANCE TO AMEND THE CITY OF RIVERVIEW CODE OF ORDINANCES BY THE ADOPTION OF A NEW SUBSECTION (c) TO SECTION 2-296, "MEMBERSHIP; TERMINATION OF MEMBERSHIP" UNDER SUBDIVISION III., MEMBERSHIP AND SERVICE REQUIREMENTS, DIVISION 2. RETIREMENT SYSTEM, OF ARTICLE IV., EMPLOYEE BENEFITS, IN CHAPTER 2., ADMINISTRATION, TO EXCLUDE CERTAIN NEW EMPLOYEES FROM PARTICIPATION IN THE RETIREMENT SYSTEM.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Adoption: That Section 2-296, "Membership; Termination of Membership" shall be amended by the adoption of a new subsection (c) so as to hereafter read as follows:

Chapter 2. Administration  
Article IV. Employee Benefits  
Division 2. Retirement System  
Subdivision III. Membership and Service Requirements

Section 2-296. Membership; Termination of Membership.

(a) [unchanged]

(b) [unchanged]

(c) Unless otherwise provided for in collective bargaining agreements, all new employees hired on or after July 1, 2004 shall be excluded from participation in the retirement system, notwithstanding anything herein to the contrary including the definition of "membership" contained in section 2-246.

ARTICLE II. Penalty: A person violating this ordinance shall be guilty of a misdemeanor and punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentences, phrases or portions of the Ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Reading and Publication: This Ordinance shall be given a first reading on February 7, 2005, shall be given a second reading on February 22, 2005, shall be adopted on February 22, 2005, and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk’s office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 22<sup>nd</sup> day of February, 2005.

Motion by Councilmember James Trombley, seconded by Mayor Durand, that Proposed **Ordinance No. 582** be **adopted**.  
Carried unanimously.

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, to approve **Second Reading**, by title only of Proposed **Ordinance No. 583**, with amended language to indicate per day and per location on the fee schedule.  
Carried unanimously.

City Clerk gave Second Reading, by title only of Proposed Ordinance No. 583.

PROPOSED ORDINANCE NO. 583

AN ORDINANCE TO AMEND CHAPTER 26 “FEES” BY THE REPEAL AND RE-ADOPTION OF SECTION 26-7 AS IT RELATES TO TRANSIENT MERCHANTS.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Adoption That Section 26-7, City Clerk’s Business Fees – Miscellaneous is hereby repealed and re-adopted to hereafter read as follows:

Section 26-7. City clerk’s business fees; miscellaneous.

Transient Merchants:	\$300.00 per day - per location
Investigative fee	\$ 75.00 per person
Fingerprinting	\$ 15.00 per person
ID Cards	\$ 3.00 per person
Surety Bond pursuant to Section 14-579	

(All other fees in Section 26-7 are unchanged.)

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this ordinance be held in any manner invalid by any court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentences, phrases or portions of the ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Reading and Publication: This Ordinance shall be given a first reading on February 7, 2005, shall be given a second reading on February 22, 2005, shall be adopted on February 22, 2005, and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk's office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 22<sup>nd</sup> day of February, 2005.

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, that Proposed **Ordinance No. 583**, with amended language, be **adopted**.  
Carried unanimously.

**OTHER BUSINESS:**

Motion by Councilmember James Trombley, seconded by Councilmember Elmer Trombley, that Councilmember **Coffey** be appointed to the **Ad Hoc Riverview Highlands** Facilities Committee.  
Carried unanimously.

**CLOSED SESSION:**

Motion by Councilmember Coffey, seconded by Councilmember James Trombley, that Council recess into **Closed Session** to discuss Pending Litigation.  
Carried unanimously.

Recessed at 8:42 p.m. Council Reconvened at 9:00 p.m.

Roll Call:

Present: Mayor Durand, Councilmembers Capezza, Coffey, Elmer Trombley, James Trombley

Excused: Councilmembers Blanchette, Priskorn

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, that Council concur with the recommendation of MMRMA legal counsel relative to the **basement flooding litigation**, which is a component of the **sewer litigation** case, as outlined in Closed Session.  
Carried unanimously.

**ADJOURNMENT:**

Motion by Councilmember Elmer Trombley, seconded by Councilmember James Trombley, that the **meeting** be **adjourned**.  
Carried unanimously.

Meeting **adjourned** at 9:02 p.m.

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Tim Durand, Mayor

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Judith A. Bratcher, City Clerk