

REGULAR MEETING OF THE RIVERVIEW CITY COUNCIL
CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN,
HELD ON MONDAY, AUGUST 6, 2007 A.D.,
IN THE COUNCIL CHAMBERS OF
THE PETER ROTTEVEEL MUNICIPAL BUILDING
14100 CIVIC PARK DRIVE, RIVERVIEW, MICHIGAN 48193-7689

The meeting was called to order at **7:30** p.m.

Presiding: Mayor Durand

Present: Councilmembers Blanchette, Rudicil, Swift, Elmer Trombley, James Trombley

Excused: Councilmember Coffey (Working)

Also Present: City Manager Workman, City Clerk Bratcher, Human Resources Director Hajkus, Police Chief Ginestet, Fire Chief Bosman, Fire Marshal Jensen, Finance Director D. Drysdale, Acting Community Development Director M. Drysdale, Public Works Director Hunter, Director of Solid Waste Bobeck, Assessor/Purchasing Director Kuch, Recreation Director Dickman, IT Director Harper, Acting Golf Course Director Ford, Library Director Borger, Wade-Trim Engineer Eskin, Attorney Pentiuik

The **Pledge of Allegiance** was led by Councilmember Blanchette.

The **Invocation** was given by Councilmember Elmer Trombley.

AWARDS, PROCLAMATIONS AND PRESENTATIONS:

The Mayor presented a retirement gift to Mr. **Dave Santo** in recognition of his **thirty-two years of employment** with the Department of Public Works.

The Mayor presented **Certificates** of Recognition to the following **Commission Members**:

Mr. **Robert Rankin** (posthumously) for his service to the City and the community. Mr. Rankin served on the Board of Zoning Appeals from August 21, 1989 to July 31, 2000 and the Planning Commission from February 5, 1990 to June 29, 2007.

Ms. **Wanda Pawlowksi** for her service on the Library Commission from April 1, 1996 to July 31, 2007.

Mr. **Charles Sims** (posthumously) for his service on the Parks and Recreation Commission where he served from August 2, 2004 to July 11, 2007.

Mr. **Norman Campbell** for his service on the Library Commission from February 16, 1999 to July 31, 2007.

MINUTES:

Motion by Councilmember Rudicil, seconded by Councilmember Elmer Trombley, that the **Minutes** of the Regular Meeting of **July 16, 2007** along with the condensed version for publication be **approved** as presented.

Carried unanimously.

PUBLIC HEARINGS:

None.

PUBLIC COMMENTS:

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

ORGANIZATIONAL BUSINESS:

None.

CONSENT AGENDA:

Motion by Councilmember James Trombley, seconded by Councilmember Swift, that the following items on the **Consent Agenda** be approved.

- Award **Bid** and execute three-year **agreements** for **Special Waste Analytical Testing** to **Environmental Quality Laboratories, Inc.**, as primary, and to **Fibertec Environmental Services** as secondary; subject to future appropriations, they being the lowest bids meeting specifications.
- Award **Bid** and execute **lease/purchase agreements** with **Ford Credit** for the cooperative purchase for **three vehicles** from **Gorno Ford** for a total lease price of **\$47,832.00**; subject to approval of agreement by City Attorney and to future budget appropriations.
- **Change Order No. 2** with **ProLine Asphalt** in the amount of **\$18,072.51** for Local Road Maintenance Project representing the **final** quantities for Civic Park Drive
- **Budget Amendments** as follows:

A.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2007/08 General Fund -- Fire Dept:				
Fire Hose	101-336-975.000	\$ 0.00	\$ 2,000.00	\$ 2,000.00
Net decrease (increase) to Fund Balance				\$ 2,000.00

Justification: To carry forward funds for the purchase of fire hose for the Fire Dept. This amount was originally approved by the City Council at the June 4, 2007 meeting but the funds not spent prior to year-end.

B.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2007/08 CDBG Fund -- Revenues:				
CDBG 2006 Program Revenue	275-000-665.006	\$ 25,000.00	\$ 40,710.33	\$ 15,710.33
2007/08 CDBG Fund -- Projects:				
Master Plan Update	275-712-974.040	\$ 0.00	\$ 15,710.33	\$ 15,710.33
Net decrease (increase) to Fund Balance				\$ 0.00

Justification: To carry forward funds for the Master Plan Update, to be funded by the Community Development Block Grant (CDBG).

Carried unanimously.

RESOLUTIONS:

Motion by Councilmember Elmer Trombley, seconded by Councilmember Swift, that the following **Resolution No. 07-16** Approving **Contract** for the **Financing of Improvements** to the **Wayne County Downriver Sewage Disposal System** be adopted.

1RESOLUTION NO. 07-16
CITY OF RIVERVIEW
COUNTY OF WAYNE, MICHIGAN

WHEREAS, the Downriver Community has determined that it is necessary for the public health, safety and welfare of the Downriver Community for there to be acquired, constructed and financed certain improvements to the Downriver Sewage Disposal System (the "System") as described on the attached Exhibit A (the "Projects"); and

WHEREAS, Act 185, Public Acts of Michigan, 1957, as amended ("Act 185") authorizes the County of Wayne, Michigan ("Wayne") to improve the System; and

WHEREAS, by the terms of Act 185, Wayne, the Downriver Community, and the other municipalities which are part of the System (collectively, the "Downriver Communities") are authorized to enter into a contract for the improvements to the System and the payment of the cost thereof by the Downriver Communities, with interest, and Wayne is then authorized, pursuant to appropriate action by its Board of Commissioners, to issue bonds of Wayne to provide up to all of the funds necessary therefor, secured primarily by the full faith and credit contractual obligations of up to all of the Downriver Communities and secondarily by the full faith and credit pledge of Wayne if duly authorized by appropriate resolution of its Board of Commissioners, or to make advances on behalf of certain of the Downriver Communities pursuant to Act 185 ("Advances"); and

WHEREAS, Act 185 provides the most practicable and economic method and means for

acquiring and financing the Projects, and financing under Act 185 is expected to result in the lowest cost for the money necessary to be borrowed for such purpose; and

WHEREAS, plans and an estimate of costs for the Projects have been prepared by or on behalf of Wayne, and the estimate of the total cost for the Projects is approximately \$4,300,000, of which Wayne intends to finance through one or more series of bonds in an amount not to exceed such amount, and, to the extent that Wayne may not issue bonds for any portion of such amount, by Advances made by Wayne pursuant to Act 185; and

WHEREAS, Wayne and the Downriver Community desire to enter into a contract to which the other Downriver Communities are also a party, as provided by Act 185, pursuant to which Wayne will issue its bonds to provide funds in the amount of not to exceed \$4,300,000 to pay up to all of the costs of the Projects through the issuance of bonds pursuant to a bond authorizing resolution to be adopted by Wayne (the "Bonds"), and in addition, to the extent that Wayne may not issue bonds for any portion of such amount, Wayne may make Advances of funds pursuant to Act 185 to pay the costs of a portion of the Projects on behalf of certain Downriver Communities, subject to their agreement to repay such funds;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Approval of Acquisition and Construction of the Projects. The Downriver Community hereby approves the acquisition and construction of the Projects by Wayne.
2. Approval of Contract. The Downriver Community hereby approves the form of contract for the improvements to the System attached hereto as Exhibit B (the "Contract") between the Downriver Community, the other Downriver Communities, and Wayne. The Mayor and the Clerk are hereby authorized and directed to execute and deliver the Contract in substantially the form attached hereto, with such modifications thereto as determined necessary or appropriate by the Mayor and the Clerk, for and on behalf of the Downriver Community.
3. Approval of the Bond Issuance; Advancement of Funds.
 - (a) Subject to paragraph hereof, the Downriver Community hereby requests that Wayne issue bonds pursuant to Act 185 and Act 34, Public Acts of Michigan, 2001, as amended, in one or more series, as Wayne shall determine to be necessary, in an amount not to exceed \$4,300,000, for the purpose of financing the Projects. The bonds may be sold by Wayne through the Michigan Local Government Loan Program ("LGLP") of the Michigan Municipal Bond Authority ("MMBA"), or to such other purchaser as Wayne shall determine or in part to through the LGLP and the MMBA and in part to another purchaser.
 - (b) In the event that on account of any applicable law or regulation Wayne is not permitted to issue its bonds pursuant to paragraph to finance the Downriver Community's local share of the costs of the Projects, the Downriver Community agrees that upon the making of Advances by Wayne of funds sufficient to pay the Downriver Community's local share of such costs, the Downriver Community will repay such funds to Wayne pursuant to the terms of the Contract.
4. Installment Payments. The obligation of the Downriver Community to pay its local share of the principal of, premium, if any, and interest on the Bonds or principal of and interest on the Advance pursuant to the terms of the Contract, is fully recognized and confirmed. The Downriver Community hereby agrees to make such payments to Wayne from the sources described in the Contract in accordance with the terms set forth in the Contract and the payment schedule with respect to the Bonds or the Advances which shall be provided by Wayne to the Downriver Community.
5. Authorization to Take Other Actions. The Mayor, the Clerk and all other officials of the Downriver Community are hereby authorized and directed to take all other actions and execute such other documents as they may consider necessary or appropriate in accordance with this resolution including, without limitation: (i) filing, as applicable, a qualifying statement and/or an application for prior written approval or such other document(s) with the Michigan Department of Treasury as may be required pursuant to Act 34, and paying any related fees in connection with any of the foregoing, and taking any other actions necessary or desirable under Act 34 for the Department of Treasury's approval of the issuance of any of Wayne's Bonds to finance the Projects, and the form of notice required by law; (ii) executing and delivering any

documents and providing such information as may be required by Wayne or in connection with the LGLP, if applicable, or by applicable law or regulation, in such form as may be required by Wayne or the MMBA, if applicable, or by applicable law or regulation, together with such other documents as may be necessary or appropriate in connection therewith, including, if required, information concerning the Downriver Community for inclusion in a preliminary official statement and a final official statement with respect to the Bonds, the circulation and dissemination of which are hereby approved, and if required a continuing disclosure agreement meeting the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended; and (iii) cooperating with Wayne, the Department of Treasury, the MMBA, rating agencies, bond insurers, if any, and other parties to issue Wayne's Bonds timely and in accordance with all the terms and conditions of Act 185, Act 34 and the requirements of the LGLP, as applicable.

6. Declaration of Intent to be Reimbursed and Allocation Under Section 265(b)(3)(C)(iii) of the Code. The Downriver Community affirms and declares its official intent to finance its local share of the cost of the Projects with bonds that have been issued or will be issued by Wayne in a maximum principal amount not to exceed \$4,300,000, which local share amount shall be allocated to the Downriver Community for purposes of Section 265(b)(3)(C)(iii) of the Internal Revenue Code of 1986, as amended. The Downriver Community further affirms and declares that it reasonably expects to be reimbursed by Wayne, without interest, for advances made by it towards the cost of the Projects. The Downriver Community, at the present time, has determined that there are no funds from sources other than the bonds anticipated herein that are reasonably expected to be reserved, allocated on a long term basis or otherwise set aside by it, or by any member of a controlled group (as defined in Treasury Regulation § 1.150-1(e)) in which it is a member, if any, pursuant to its budget or financial policies with respect to the expenditures for the Projects expected to be reimbursed from the proceeds of the bonds. This paragraph shall not be applicable if Wayne does not issue any tax-exempt bonds to finance the Downriver Community's local share of the costs of the Projects.

7. Other Resolutions Rescinded. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

RESOLUTION DECLARED ADOPTED.

Judith A. Bratcher, Clerk

Carried unanimously

Motion by Councilmember Elmer Trombley, seconded by Councilmember Rudicil, that **Resolution No. 07-17** - Establishing the **Water, Sewer and Sewer Debt Rates** and **Meter Charges** for the period beginning **September 1, 2007**, be **adopted**.

1RESOLUTION NO. 07-17

ESTABLISHING FEES FOR WATER AND SEWER RATES AND METER CHARGES AS FEES TO BE ESTABLISHED BY CITY COUNCIL RESOLUTION

Whereas, the City Council desires to establish Water and Sewer Rates and Meter Charges as fees to be established by city council resolution to be implemented for the City of Riverview

Whereas, the respective Department Heads have proposed the fees, and

Whereas, the City Council determines the proposed Fees to be required to meet the operational and capital needs for the effected Riverview Departments, and

Whereas, Section 26-13 of the Riverview City Charter provides for the City Council to establish the listed Fees by City Council Resolution, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVERVIEW, MICHIGAN, AS FOLLOWS:

The City Council hereby approves the proposed Fee Schedule as follows:
Water and sewer rates and meter charges.

Prior rates for periods through August 31, 2007 remain in effect.

(a) Water rates. The rates and charges to be collected from consumers of water shall be such as specified in the following schedule. Water rate per thousand gallons delivered to the consumer shall be based on 1,000 gallons per each metering period effective September 1, 2007 shall be:

- (1) For customers billed monthly:
 - a. For the first 4,000,000 gallons per monthly billing cycle, the rate shall be \$2.61 per thousand gallons.
 - b. For any amount in excess of the first 4,000,000 gallons per monthly billing cycle, the rate shall be \$1.42 per thousand gallons.
- (2) For customers billed quarterly:
 - c. For the first 12,000,000 gallons per quarterly billing cycle, the rate shall be \$2.61 per thousand gallons.
 - d. For any amount in excess of the first 12,000,000 gallons per quarterly billing cycle, the rate shall be \$1.42 per thousand gallons.

(b) Water meter service charges. The fees required by section 70-35 shall be as follows:

(1) Residential/consumers of water in the city shall pay the following meter service charges for each three-calendar-month period:

Meter size:

5/8"	\$2.75
3/4"	\$3.83
1"	\$3.08
1-1/2"	\$5.85
2"	\$10.53

(2) Industrial and high volume commercial consumers of water in the city shall pay the following meter service charge for each calendar month:

Meter size:

5/8"	\$1.03
1"	\$1.28
1-1/2"	\$1.95
2"	\$3.51
2" Compound	\$7.39
3"	\$10.72
4"	\$14.61
6"	\$31.20
8"	\$46.00

(c) Sewer rates. A sewage disposal charge to be collected at the rate of, per 1,000 gallons of water delivered to the consumer, effective September 1, 2007 shall be as follows:

(1) For customers billed monthly:

- a. For the first 6,000,000 gallons per monthly billing cycle, the rate shall be \$2.18 for operations and an additional \$0.62 for federal court mandate remedial costs, per thousand gallons.
- b. For any amount of excess of the first 6,000,000 gallons per monthly billing cycles, the rate shall be \$1.79 per thousand gallons.

(2) For customers billed quarterly:

- c. For the first 18,000,000 gallons per quarterly billing cycle, the rate shall be \$2.18 for operations and an additional \$0.62 for federal court mandated remedial costs, per thousand gallons.
- d. For any amount in excess of eighteen million (18,000,000) gallons per quarterly billing cycle, the rate shall be \$1.79 per thousand gallons.

(d) Non-residential user fee: A charge to be collected at the rate of \$0.21 per 1,000 gallons of water delivered. For the purpose of this section, residential units are defined as any structure designed and used for year-round habitation where average occupancy by the same person or persons was longer than two (2) consecutive months during the previous year; non-residential units will include any sewer premises which does not meet this description.

(e) Sewer capital improvement fee. The fee as required by section 70-36 shall be as follows:

- (1) Water and sewer capital improvement fee every three months: \$10.00
- (f) Capital charges. The fees as required by section 70-37 shall be as follows:
 - (1) Water capital charge, per connection . . . \$500.00
 - (2) Sewer capital charge, per connection . . . \$500.00
- (g) Tap-in fees. The fees as required by section 70-38 shall be as follows:
 - (1) Water or sewer tap-ins, where provided by the city, shall be 120 percent of the actual cost.
- (h) Restoration of suspended service. See DPW Service Fees
- (i) Environmental surcharge for roof drainage: The environmental surcharge for failure to comply with provisions regulating connection of roof drains with sewer system shall be, per quarter, \$50.00.
- (j) Sewer use determination: In calculating the sewer usage, the customer's water use shall constitute the minimum quantity of sewer usage for the corresponding billing cycle. Any metered sewer flows that are determined to be in excess of the customer's water use for the billing cycle shall also be charged the sewer rate set forth above.
- (k) Billing cycle determination. High volume customers shall be billed on a monthly cycle, and all other shall be billed on a quarterly cycle unless the customer seeks and obtains the approval of the city manager for placement on a monthly cycle with city council notification.
- (l) Exclusive water service. The water and sewer service provided by the city shall be the exclusive supply for such service. Effective January 1, 2002, it was deemed unlawful for any person within the city to have a water or sewer service connection with any other service provider without the express prior consent of the City Council of the city.

Adopted by City Council on August 6, 2007.

Tim Durand, Mayor

Ayes: Mayor Durand, Councilmembers: Blanchette, Rudicil, Swift, Elmer Trombley
 Nays: Councilmember James Trombley
 Motion carried.

ADMINISTRATION:

Motion by Councilmember James Trombley, seconded by Councilmember Rudicil, authorize the **Purchase and Installation** of various sized **Water Meters** and **Radio Packs** through **S.L.C. Meter Service, Inc.**, in the amount of **\$168,912.08** as a sale source purchase.
 Carried unanimously.

Motion by Councilmember Swift, seconded by Councilmember James Trombley, to award **Bid** Purchase of three **Vehicles** to **Gorno Ford** in the amount of **\$82,985.00** for the Police Department.
 Carried unanimously.

ORDINANCES:

Motion by Councilmember Blanchette, seconded by Councilmember Rudicil, that the City Council be authorized to give the **First Reading**, by title only, of Proposed **Ordinance No. 609 Traffic Control Orders** (TCO) Numbered 389 through 416.
 Carried unanimously.

PROPOSED ORDINANCE NO. 609

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF RIVERVIEW TO AMEND SECTION 66-3 TO RATIFY AND APPROVE TRAFFIC CONTROL ORDERS NUMBERED 389 THROUGH 416, INCLUSIVE,

AS FILED WITH THE CITY CLERK.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Section 66-3 is hereby amended to include Traffic Control Orders number 389 through number 416 inclusive to hereafter read as follows:

Section 66-3. Traffic-control orders. All traffic-control devices and signs over which the City of Riverview retains jurisdiction, as listed in traffic-control orders through Traffic-Control Order Number 416, as filed with the City Clerk, are hereby adopted, approved and codified in conformance with Section 2.53 of the Uniform Traffic Code. This codification is made pursuant to MCL 117.5b, MSA 5.2084(2).

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 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 _____, 2007, shall be given a second reading on _____, 2007, shall be adopted on _____, 2007, 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 _____ day of August, 2007.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on _____, 2007.

Judith A. Bratcher, City Clerk

OTHER BUSINESS:

None.

CLOSED SESSION:

Mayor Durand announced that the **Closed Session item** was **removed** from the **agenda**.

ADJOURNMENT:

Motion by Councilmember Elmer Trombley, seconded by Councilmember Rudicil, that the meeting be **adjourned**.

Carried unanimously.

Meeting **adjourned** at 7:59 p.m.

Tim Durand, Mayor

Judith A. Bratcher, City Clerk