

CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN,
HELD ON TUESDAY, SEPTEMBER 8, 2009 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, Coffey, Rudicil, Elmer Trombley, James Trombley

Excused: Councilmember Swift (Vacation)

Also Present: City Manager Workman, City Clerk Bratcher, Human Resources Director Hajkus, Police Chief Ginestet, Fire Chief Bosman, Finance Director Douglas Drysdale, Special Projects Coordinator Mark Drysdale, Purchasing Director Kuch, Recreation Director Dickman, Public Works Director Hunter, Director of Solid Waste Bobeck, Golf Course Director Ford, Code Enforcement Officer Lammers, Cornerstone Environmental Group Director Larky, Charles E. Raines Engineer Sabak, Attorney Pentiuik

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

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

AWARDS, PROCLAMATIONS AND PRESENTATIONS:

The Mayor recognized the following senior citizens for their participation in the 2009 24th Downriver Senior Olympics on August 3-7, 2009. Riverview received 27 medals.

Marilyn Bufalini	Mihoko Ceaser	Sally Clark	Frank Christensen	Kaye Davies
Claudia DeGrazia	Ted Dudek	Esther Ganos	Hank Hicks	Lois Householder
James Jennings	Don Kerr	Rita Laing	Mary Lavine	Jean Lippert
Kathy MacDonald	Kacuko Nicoll	Virgie O'Connor	Kathleen Rankin	Judy Roberts
Jim Schiller	Sandy Schiller	Millie Sims	Sharon Slovinac	Maureen Timar
Elmer Trombley	Eileen Wilson	William Wilson	Margaret Wlodkowski	

MINUTES:

Motion by Councilmember Blanchette, seconded by Councilmember Coffey, that the **Minutes** of the regular meeting of August 17, 2009, 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:

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, that Ms. **Heather Dunlop** be **reappointed** to the **Library** Commission for a five-year term set to expire July 31, 2014.

Carried unanimously.

Motion by Councilmember Rudicil, seconded by Councilmember Coffey, that Ms. **Virginia Kaucher** be **appointed** to the **Senior Recreation** Commission for a two-year term set to expire July 31, 2011.

Carried unanimously.

CONSENT AGENDA:

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

- Execution of the **Municipal Credit** and **Community Credit Contract** for Fiscal Year 2010 with Suburban Mobility Authority Regional Transportation (**SMART**).

- Change Order #1 to the sole source **Purchase and Installation of Water Meters and Radio Packs** from **Rio Supply, Inc.**, to include the addition of six 1.5" meters and one 3" compound meter in the amount of **\$4,691.47**.
- **Budget Amendments** as follows:

A.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2009/10 Water / Sewer Fund -- Sewer Dept:</u>				
Contractual Services	592-527.818.000	\$ 4,250.00	\$ 9,750.00	\$ 5,500.00
Operating Supplies	592-527-740.000	12,000.00	6,500.00	(5,500.00)
Net decrease (increase) to Fund Balance				\$ 0.00

JUSTIFICATION: To transfer funds within the department budget for repairs to the #3 pump at the Longsdorf Lift Station.

B.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2009/10 Water / Sewer Fund -- Sewer Dept:</u>				
Contractual Services - Sewer Auth	592-527.818.045	\$ 0.00	\$ 3,000.00	\$ 3,000.00
Net decrease (increase) to Fund Balance				\$ 3,000.00

JUSTIFICATION: To appropriate funds necessary for the creation of a new sewer utility authority. Fees would cover the preparation and publishing of Articles of Incorporation and By-Laws. Carried unanimously.

RESOLUTIONS:

Motion by Councilmember Rudicil, seconded by Councilmember Elmer Trombley, to adopt **Resolution No. 09-24** creating a **Utility Authority** for the **Downriver Wastewater System** and companion **Resolution No. 09-24A** Establishing a **Budget** for the new Downriver **Utility Authority** as follows:

RESOLUTION NO. 09-24
 CREATION OF A UTILITY AUTHORITY
 FOR THE DOWNRIVER WASTEWATER SYSTEM

WHEREAS, the Downriver Wastewater System (the "System") provides sewage treatment and conveyance for wastewater generated in thirteen communities (the "Downriver Communities"), including Allen Park, Belleville, Brownstown Township, Dearborn Heights, Ecorse, Lincoln Park, River Rouge, Riverview, Romulus, Southgate, Taylor, Van Buren Township and Wyandotte; and

WHEREAS, the System is currently operated by Wayne County pursuant to the Downriver Sewage Disposal System Contract (the "Contract") as amended, which was approved and placed into effect as of March 1, 1962; and

WHEREAS, the Contract has a 50-year term which will terminate on March 1, 2012; and

WHEREAS, the Downriver Communities have expressed interest in revising the terms and conditions under which the System is administered so as to ensure the lowest cost of operation, while still maintaining compliance with all state and federal environmental requirements and duties; and

WHEREAS, the Downriver Communities, since 1994, have invested over \$300 million in System improvements pursuant to a Federal Consent Decree, and have continued to invest over \$20 million more in upgrades to the System to improve efficiency and ensure environmental compliance; and

WHEREAS, the Downriver Communities have recently received a report from a consultant indicating that cost savings could potentially be realized through the establishment of a new Utility Authority which would assume ownership, operation and administration of the System after the Contract expires.

NOW THEREFORE, BE IT RESOLVED that the City of Riverview, one of the Downriver Communities, shall pursue the establishment of a Utility Authority pursuant to Act 233 of 1955 the "Sewage Disposal Authority Act" so as to preserve all options for ensuring that the System is operated as efficiently as possible once the current Contract expires; and

BE IT FURTHER RESOLVED that the primary purpose of the creation of a new Utility Authority is to facilitate negotiations with Wayne County as to the terms and conditions of a new service agreement, but should these negotiations fail to result in a mutually agreeable new service agreement, that the new Utility Authority would be the entity used to assume exclusive control over the management, administration, ownership and operation of the System, including the right to investigate and interview alternative System operators at any time following its creation.

BE IT FURTHER RESOLVED that the individuals who represent the City of Riverview on the Joint Management Committee (the "JMC") are hereby directed to pursue drafting all documents necessary for the creation of a new Downriver Utility Authority with final documents to be presented to the City Council for its approval.

BE IT FINALLY RESOLVED that this Resolution be transmitted to Wayne County CEO Robert A. Ficano, Wayne County Commission Chairman Edward Boike, Wayne County Commission Environment, Drains & Sewers Committee Chairman Tim Killeen, all Wayne County Commissioners representing the JMC member communities, Wayne County DPS Director James Jackson, the Downriver Community Conference, and the Conference of Western Wayne.

Yeas: Mayor Durand, Councilmembers Blanchette, Coffey, Rudicil, Elmer Trombley, James Trombley
Nays: None
Abstain: None
Absent: Councilmember Swift

Adopted this 8th day of September, 2009, by the Riverview City Council.

Tim Durand, Mayor
Carried unanimously.

Judith A. Bratcher, City Clerk

RESOLUTION NO. 09-24A
ESTABLISHMENT OF A BUDGET FOR THE CREATION
OF THE NEW DOWNRIVER UTILITY AUTHORITY

WHEREAS, the City of Riverview supports the creation of a new Utility Authority for the Downriver Wastewater System; and

WHEREAS, Articles of Incorporation and Bylaws must be prepared and published pursuant to the Sewage Disposal Authority Act (Public Act 233, 1955); and

WHEREAS, the member communities in the Downriver System have been asked to authorize funds to cover their share of the anticipated expenses associated with creating a new Utility Authority; and

WHEREAS, the legal and consulting costs incurred in the development and creation of a new Utility Authority are proposed to be invoiced to the individual Downriver communities who have agreed to participate in the creation of a new Utility Authority.

NOW THEREFORE, BE IT RESOLVED that the City of Riverview hereby authorizes a budget of up to \$3,000.00 to be used for its share of the costs of creating a new Utility Authority; and

BE IT FURTHER RESOLVED that the City of Riverview agrees to issue payment for its share of the costs of creating the new Utility Authority upon receipt of an invoice with supporting information describing the work performed and showing the proration of costs among the participating communities.

Yeas: Mayor Durand, Councilmembers Blanchette, Coffey, Rudicil, Elmer Trombley, James Trombley
Nays: None
Abstain: None
Absent: Councilmember Swift

Adopted this 8th day of September, 2009, by the Riverview City Council.

Tim Durand, Mayor
Carried unanimously.

Judith A. Bratcher, City Clerk

ADMINISTRATION:

Mayor Durand announced the **Homeland Security** grant for the acceptance of **vehicles** and **equipment** valued at **\$459,000.00** is removed from the Agenda to a Study Session for further discussion

Motion by Councilmember Elmer Trombley, seconded by Councilmember Coffey, Council accept the **COPS Hiring Recovery Program Grant** of **\$245,000.00** to cover the salary and benefits of one police officer for three years.
Carried unanimously.

ORDINANCES:

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, that the Clerk be authorized to give the **Second** Reading, by title only, of Proposed **Ordinance No. 624** - Noxious Weeds to reduce the **maximum grass** and **weed height**.
Carried unanimously.

The City Clerk gave the Second Reading, by title only:

PROPOSED ORDINANCE NO. 624
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY AMENDING SECTION 74-131 "DEFINED" AND SECTION 74-134 "NOTICE TO DESTROY" OF ARTICLE III, "NOXIOUS WEEDS" IN CHAPTER 74, "VEGETATION" TO REDUCE THE MAXIMUM GRASS AND WEED HEIGHT.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Amendment: That Section 74-131 "Defined" and Section 74-134 "Notice to Destroy" be amended to Article III of Chapter 74, "Vegetation" to hereafter read as follows:

Chapter 74. Vegetation
Article III. Noxious Weeds

Section 74-131. Defined.

The term "noxious weeds" shall include Canadian Thistle, doddars, mustard, wild carrot, bind weed, perennial sowthistle, hoary alyssum, ragweed, goldenrod, poison ivy, poison sumac, and any other weeds and grass over 8 inches for developed properties and 10 inches for vacant properties which may create a condition detrimental to the public health and welfare.

Section 74-134. Notice to Destroy.

It shall be the duty of the City Clerk to give general notice to the public of the requirements of this article by publishing a notice in the official city newspaper during the month of March of each year. This notice shall be substantially in the following form:

"To any owner of Lands Situated Within the City of Riverview, County of Wayne, and State of Michigan:"

"Notice is hereby given that all noxious weeds, as defined by the City Code, Section 74-131, growing and all dead grass and weeds over 8 inches for developed properties and 10 inches for vacant properties on any land within the City of Riverview, County of Wayne and State of Michigan, must be cut down, destroyed and removed, when and as frequently as growth exceeds maximum height between the months of May and October of any calendar year, to prevent such weeds from reaching a situation detrimental to the public health and welfare."

"Failure to comply with this notice in timely manner, by allowing such growth to exceed the maximum height of 8 inches for developed properties and 10 inches for vacant properties shall make any party so failing liable for the costs of cutting, destroying and removing said noxious weeds and dead grass and brush by said city, said costs to be levied and collected against said lands in the same manner as prescribed by the city Charter and City Code.

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, sentence, 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 August 17, 2009 shall be given a second reading on September 8, 2009, shall be adopted on September 8, 2009 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 8th day of September, 2009.

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 September 8, 2009.

Judith A. Bratcher, City Clerk

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, that Proposed **Ordinance No. 624** be **adopted**.
Carried unanimously.

Motion by Councilmember Elmer Trombley, seconded by Councilmember Coffey, that the Clerk be authorized to give the **Second** Reading, by title only, of Proposed **Ordinance No. 625** – Traffic & Vehicles to prohibit **Commercial Vehicles parking** in **residential** areas.
Carried unanimously.

The City Clerk gave the Second Reading, by title only:

PROPOSED ORDINANCE NO. 625

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE ADDITION OF SECTION 66-121 OF ARTICLE IV "STOPPING, STANDING AND PARKING", IN CHAPTER 66 "TRAFFIC AND VEHICLES", TO PROHIBIT THE PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS WITHIN THE CITY.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I: AMENDMENT: That Section 66-121, under Chapter 66, Traffic And Vehicles, Article IV. Stopping, Standing and Parking, is hereby created to hereafter read as follows:

Section 66-121. Commercial vehicles parking in residential districts.

- (a) A vehicle exceeding 3/4 ton load capacity not primarily intended for private passenger use may not be parked or stored outdoors in residential districts, except for loading or unloading. For purposes of this section, a bus shall be considered a commercial vehicle, except that a school bus is exempted from these provisions when parked or stored at a school facility.
- (b) Any person who shall violate this section shall be responsible for a municipal civil infraction.
- (c) The code enforcement officer for the city may act to enforce the provisions of this section along with any other law enforcement officer of the city.

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, sentence, 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 August 17, 2009, shall be given a second reading on September 8, 2009, shall be adopted on September 8, 2009, 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.

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Judith A. Bratcher, City Clerk

Motion by Councilmember James Trombley, seconded by Councilmember Elmer Trombley, that Proposed **Ordinance No. 625** be **adopted**.
Carried unanimously.

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, that the Clerk be authorized to give the **Second** Reading, by title only, of Proposed **Ordinance No. 626** – Offences to Prohibit **unauthorized dumping** of junk or debris within the city.
Carried unanimously.

The City Clerk gave the Second Reading, by title only:

PROPOSED ORDINANCE NO. 626

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE ADDITION OF SECTION 38-6 OF ARTICLE I, "IN GENERAL", IN CHAPTER 38 "OFFENSES", TO PROHIBIT THE UNAUTHORIZED DUMPING OF JUNK OR DEBRIS WITHIN THE CITY.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I: AMENDMENT: That Section 38-6, under Chapter 38, Offenses and Miscellaneous Provisions, Article I, In General, is hereby created to hereafter read as follows:

Section 38-6. Dumping prohibited.

- (a) It shall be unlawful for any person to knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw, leave or cause or permit the dumping, placing, throwing or leaving of any junk or debris on any public or private property or water or waterway within the city.
- (b) A person who violates this section shall be guilty of a misdemeanor.
- (c) As used in this section "junk" and "debris" means any and all rubbish, refuse, waste materials, trash, building materials, medical waste materials, hazardous waste materials, and other foreign substances of every kind and description.

- (d) The code enforcement officer for the city may act to enforce the provisions of this section along with any other law enforcement officer of the city.

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, sentence, 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 August 17, 2009, shall be given a second reading on September 8, 2009, shall be adopted on September 8, 2009, 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.

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Judith A. Bratcher, City Clerk

Motion by Councilmember Rudicil, seconded by Councilmember James Trombley, that Proposed **Ordinance No. 626** be **adopted**.
Carried unanimously.

Motion by Councilmember James Trombley, seconded by Councilmember Rudicil, that the Clerk be authorized to give the **Second** Reading, by title only, of Proposed **Ordinance No. 627** – Nuisances regarding **illegal dumping by non-property owners**.
Carried unanimously.

The City Clerk gave the Second Reading, by title only:

PROPOSED ORDINANCE NO. 627
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE REPEAL AND RE-ADOPTION OF SECTION 22-36 OF ARTICLE II “NUISANCES GENERALLY” IN CHAPTER 22 “ENVIRONMENT” TO PROVIDE AN ENFORCEMENT PROVISION TO THE SECTION.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. AMENDMENT: That Section 22-36, Abatement by city and assessment of costs, under Chapter 22, Environment, Article II, Nuisances Generally, is hereby repealed and re-adopted to hereafter read as follows:

Chapter 22
ENVIRONMENT

ARTICLE II, NUISANCES GENERALLY

Sec. 22-36. Violations; enforcement, abatement by city and assessment of costs.

- (a) Failure to comply with the notice in section 22-35, by the owner and/or occupant, by the abatement of the cause(s) of the nuisance within the time allowed, shall be a misdemeanor.

- (b) Whenever a person fails to abate a nuisance in accordance with the notice in section 22-35, the city shall do so and the cost thereof shall be charged against the owner as a special assessment under chapter 50, article V of this Code. Performance of such work by the city, or the owner or occupant of any premises, shall not relieve any person from the penalty prescribed above.

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 the 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 August 17, 2009, shall be given a second reading on September 8, 2009, shall be adopted September 8, 2009, 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 8th day of September, 2009.

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 September 8, 2009.

Judith A. Bratcher, City Clerk

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, that Proposed **Ordinance No. 627** be **adopted**.

Carried unanimously.

OTHER BUSINESS:

None.

CLOSED SESSION:

None.

ADJOURNMENT:

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

Carried unanimously.

Meeting **adjourned** at 8:14 p.m.

Tim Durand, Mayor

Judith A. Bratcher, City Clerk