

REGULAR MEETING OF THE RIVERVIEW CITY COUNCIL
CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN,
HELD ON MONDAY, DECEMBER 3, 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 **7:31** p.m.

Presiding: Mayor Durand

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

Also Present: City Manager Workman, City Clerk Bratcher, Human Resources Director Hajkus, Police Chief Ginestet, Fire Chief Bosman, Finance Director D. Drysdale, Acting Community Development Director M. Drysdale, Public Works Supervisor Phillips, Director of Solid Waste Bobeck, Assessor/Purchasing Director Kuch, Recreation Director Dickman, IT Director Harper, Cornerstone Environmental Group Project Manager Larky, Charles E. Raines Engineer Sabak, Attorney Pentiuik

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

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

AWARDS, PROCLAMATIONS AND PRESENTATIONS:

Motion by Councilmember Elmer Trombley, seconded by Councilmember James Trombley, that the donation in the amount of \$2,700.00 from the **Riverview Democratic Club** for the purchase of a new **Keyboard/Organ** be accepted. Further, use of the Keyboard/Organ is to be exclusively by the Riverview Senior Club.

Carried unanimously.

MINUTES:

Motion by Councilmember Coffey, seconded by Councilmember Swift, that the **Minutes** of the Regular Meeting of **November 19, 2007**, along with the condensed version for publication be **approved** as presented.

Carried unanimously.

PUBLIC HEARINGS:

At the regular City Council meeting of November 19, 2007 a **Public Hearing** was called to consider the Proposed **2008-2009 Community Development Block Grant (CDBG) Budget**.

Mayor Durand declared the Public Hearing open at **7:47 p.m.**

The following person addressed Council at the CDBG Public Hearing:

Mr. Charles Bakhaus, 17950 Fort Street

Motion by Councilmember Elmer Trombley, seconded by Councilmember Coffey, that the Public Hearing be **closed**.

Carried unanimously.

Public Hearing closed at **7:54 p.m.**

PUBLIC COMMENTS:

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

ORGANIZATIONAL BUSINESS:

None.

CONSENT AGENDA:

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

- **Waive** Council Policy No. 1, **Section 20-8**, to defer Council action to the next meeting. Further, **adopt** the eligible Program Year **2008-09** Community Development Block Grant (**CDBG**) **Program** Activity Objectives and Allocations and authorize publication of the Program Year **2008-09 CDBG Final Statement of Objectives**:

Senior Services	\$ 13,290
Guidance Center	\$ 4,000
Road Improvements	\$ 64,610
Administration	\$ 9,100
<u>Housing Rehabilitation</u>	<u>\$ 35,000</u>
Estimated Total	\$126,000

- Approve **Change Order No. 1** for **2007 Street Section CDBG Project** with **G. V. Cement Contracting Company** in the amount of **\$28,414.38**.
- Waive formal procurement process and authorize the purchase of **replacement Transducers** from **EPG Companies, Inc.**, in the amount of **\$11,634.00** for the Land Preserve.
- **Budget Amendment** as follows:

A.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 General Fund -- Finance Dept:</u>				
Computer Supplies	101-253-740.150	\$ 3,500.00	\$ 4,500.00	\$ 1,000.00
Consulting Services	101-253-818.155	6,000.00	5,000.00	(1,000.00)
Net decrease (increase) to Fund Balance				\$ 0.00

JUSTIFICATION: To transfer funds for printer supplies.

B.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 General Fund -- Revenues:</u>				
Donations	101-000-697.500	\$ 0.00	\$ 2,700.00	\$ 2,700.00
Sale of Assets	101-000-670.030	750.00	2,045.00	1,295.00
<u>2007/08 General Fund -- Recreation:</u>				
Senior Citizen Supplies	101-751-740.171	\$ 4,500.00	\$ 8,495.00	\$ 3,995.00
Net decrease (increase) to Fund Balance				\$ 0.00

JUSTIFICATION: To appropriate funds for the purchase of a new keyboard/organ for the Riverview Senior Club. Funding for this purchase will come from a donation by the Riverview Democratic Club, and the trade-in value of the old keyboard/organ.

C.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 Local Streets Fund:</u>				
Civic Park Re-Surfacing	203-451-980.044	\$ 8,025.76	\$ 22,619.44	\$ 14,593.68
Net decrease (increase) to Fund Balance				\$ 14,593.68

JUSTIFICATION: To carry forward unspent funds related to the re-surfacing of Civic Park Drive. The amount above was encumbered on a purchase order at year-end, but not spent and went back into fund balance.

D.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 Cable & Telecommunications Fund:</u>				
Legal Fees	243-535-818.013	\$ 3,000.00	\$ 6,000.00	\$ 3,000.00
Net decrease (increase) to Fund Balance				\$ 3,000.00

JUSTIFICATION: To appropriate additional funds due to the recent legislation passed by the State of Michigan regarding cable franchises.

E.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 Land Preserve Fund:</u>				
Methane Operations & Maint	596-526-816.700	\$ 136,375.00	\$ 155,972.64	\$ 19,597.64
Net decrease (increase) to Fund Balance				\$ 19,597.64

JUSTIFICATION: This amendment is necessary to carry forward funds for the methane wellfield operations and maintenance. These funds were encumbered at year-end, but invoices were not received until recently.

F.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 Land Preserve Fund:</u>				
Methane Gas Collection	596-526-994.083	\$ 2,999.05	\$ 34,412.22	\$ 31,413.17
Net decrease (increase) to Fund Balance				\$ 31,413.17

JUSTIFICATION: To carry forward funds for the methane gas collection u-trap project. These funds were encumbered at year-end, but invoices were not received until recently.

G.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 CDBG Fund:</u>				
CDBG Street Repairs	275-712-818.021	\$ 63,190.00	\$ 108,490.53	\$ 45,300.53
Net decrease (increase) to Fund Balance				\$ 45,300.53

JUSTIFICATION: To carry forward funds for the street repairs to be paid with CDBG grant funds. These funds were re-programmed from other CDBG projects that had funding available; the re-programming of these funds was approved by Council in August 2007.

H.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 Land Preserve Fund:</u>				
Leachate Transducers	596-526-980.910	\$ 0.00	\$ 11,634.00	\$ 11,634.00
Leachate System Line Cleaning	596-526-980.900	50,000.00	38,366.00	(11,634.00)
Net decrease (increase) to Fund Balance				\$ 0.00

JUSTIFICATION: To appropriate funds for the purchase of leachate system transducers. Carried unanimously.

RESOLUTIONS:

See Below.

ADMINISTRATION:

None.

ORDINANCES:

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, to **Authorize the First Reading**, by title only, of Proposed **Ordinance No. 611** regarding the Riverview **Employees Retirement System**.

Carried unanimously.

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

ORDINANCE NO. 611

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE REPEAL AND RE-ADOPTION OF SUBSECTIONS (a)(4) AND (a)(5) OF SECTION 267 "COMPOSITION" TO CLARIFY THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE RIVERVIEW EMPLOYEES RETIREMENT SECTION; AND THE ADOPTION OF A NEW SUBSECTION (f) UNDER SECTION 2-386 "REFUND OF ACCUMULATED CONTRIBUTIONS" TO PROVIDE FOR REFUNDS OF UNVESTED MEMBERS; COLLECTIVELY UNDER CHAPTER 2 "ADMINISTRATIONS" ARTICLE VI "EMPLOYEE BENEFITS," DIVISION 2 "RETIREMENT SYSTEM."

OTHER BUSINESS:

Motion by Councilmember Rudicil, seconded by Councilmember Swift, that **Adoption of Resolution 07-22** requesting an **extension of the comment period** pertaining to **MDEQ's NPDES Wastewater Discharge General Permit No. MIG61000** be approved.

RESOLUTION 07-22

A RESOLUTION REQUESTING AN EXTENSION OF THE COMMENT PERIOD PERTAINING TO MDEQ'S NPDES WASTEWATER DISCHARGE GENERAL PERMIT, NO. MIG61000.

WHEREAS, the Michigan Department of Environmental Quality (MDEQ) has proposed a new storm water general permit regulating storm water discharges from municipal separate storm sewer systems in ostensible compliance with the Federal Water Pollution Control Act; and

WHEREAS, said permit will impose new and expanded requirements on the City, will create confusion between the enforcement authority of the City, County, State and federal government, will add another redundant layer of bureaucracy, be overly prescriptive, needlessly costly, and will require municipalities to perform excessive self reporting based on sampling procedures that do not have wide-spread support from the professional community; and

WHEREAS, said permit will also create an unfunded state mandate contrary the Michigan Constitution, Article IX, section 29 which provides that

A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the legislature or any state agency or units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs; and

WHEREAS, the City of Riverview has already invested millions of dollars to eliminate sewage from area waterways; and

WHEREAS, to the extent that the MDEQ is simply implementing federal environmental law and policy, said implementation creates an unfunded federal mandate; and

WHEREAS, Michigan has previously requested that the state's federal delegation appear before the state legislature to discuss unfunded mandates and other federally imposed requirements; and

WHEREAS, municipal government budgets across the state are strained and these added duties constitute mandates on City departments that cannot be financially absorbed;

NOW THEREFORE BE IT RESOLVED that because of the threat of unconstitutional action, the complex nature of the permit information, and the need to become fully apprised of the issues involved, the City of Riverview requests a 90-day extension on the comment period beyond the current deadline of December 12, 2007; but should that be denied, that the MDEQ regard and accept this resolution in opposition to the proposed permit for the reasons stated and resolved herein;

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to forward this resolution on behalf of the City to Governor Jennifer Granholm, Senator Debbie Stabenow, Senator Carl Levin and Representative John Conyers, Jr., as well as State Representative Barbara Farrah, and Senator Raymond Basham; the Michigan Department of Environmental Quality (MDEQ) and the Oakland County Drain Commissioner's office.

BE IT FURTHER RESOLVED that the City calls upon its federal Representative and Senators, to defend the State's municipalities against unfunded federal mandates and resist the efforts of federal environmental agencies to unconstitutionally pass those burdens to the State of Michigan and its municipalities contrary to the principles of federalism and separation of powers expressed in *Printz v. United States*, 521 U.S. 898 (1997); and also determine if the EPA has satisfied the provisions of 2 U.S.C. §§1533, 1534 or 1535 of the Unfunded Mandates Reform Act of 1995.

BE IT FURTHER RESOLVED that the City calls upon its State Representative and State Senator, to request the opinion of the Michigan Attorney General regarding this unfunded mandate; and further to uphold the State Constitutional prohibition on unfunded mandates and investigate the efforts of state environmental agencies to unconstitutionally pass those burdens to Michigan municipalities, particularly at a time when Municipal economic resources are stretched to the breaking point.

YEAS: Mayor Durand, Councilmembers Blanchette, Coffey, Rudicil, Swift, Elmer Trombley, James Trombley

NAYS: None

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City of Riverview, in the County of Wayne, Michigan at a regular meeting duly called and held on the 3rd day of December, 2007, the original of which resolution is on file in my office, and that notice of said meeting was given, and the meeting was held and the minutes filed in accordance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976, as amended.

Judith A. Bratcher, City Clerk

Carried unanimously.

Motion by Councilmember Rudicil, seconded by Councilmember Swift, that the **Ethics Ordinance** be **waived** in order for staff to attend the **Christmas Open House** sponsored by the City Engineer to be held on December 13, 2007.

Carried unanimously.

CLOSED SESSION:

Motion by Councilmember Rudicil, seconded by Councilmember Coffey, to recess into **Closed Session** to discuss **Pending Litigation**.

Carried unanimously.

The Council **recessed** into Closed Session at **8:35 p.m.**

The Council **reconvened** at **8:50 p.m**

Roll Call:

Present: Mayor Durand, Councilmembers Blanchette, Coffey, Rudicil, Swift, Elmer Trombley, James Trombley

Attorney Pentiuk stated that based on discussion in Closed Session in the matter of **Marshall vs. City Riverview** that no action is required.

ADJOURNMENT:

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

Carried unanimously.

Meeting **adjourned** at **8:52 p.m.**

Tim Durand, Mayor

Judith A. Bratcher, City Clerk