

CITY OF WOODHAVEN  
COUNTY OF WAYNE, STATE OF MICHIGAN  
CITY COUNCIL MEETING OF FEBRUARY 17, 2015

Regular City Council Meeting of February 17, 2015 held at Woodhaven City Hall, 21869 West Road, Woodhaven, Michigan. The meeting was called to order at 7:00 p.m. by Mayor Patricia Odette

PRESENT: Mayor Patricia Odette, Council Members, Chris Papineau, Dan Duderstadt, Darrel Penix, Don Belcher

ABSENT: Council Members, Sharon Bono-Beaton, Randy Odette (both excused)

ALSO PRESENT: Kristie Keene, City Clerk, Jeff Harris, City Administrator, Jan Sikes, Fire Chief, Vince Price, Police Chief, J.P. Cacciaglia, DDA & Economic Development Director, Jeff Daigneau, Finance Director/Treasurer, Tim Rooney, Interim Recreation Director, Tim Neighbors, Director of Public Service and Water, John Hennessey, Hennessey Engineers, John Enos, Director of Building and Planning

15-016 Moved by Papineau, seconded by Duderstadt, to approve the Consent Calendar as presented:

- A. City Council Members Excused Absences.
- B. Approval of Council Meeting minutes of February 3, 2015.
- C. General Fund Obligations in the amount of \$79,513.58 be approved for payment.
- D. Major Highway Fund Obligations in the amount of \$4,811.38 be approved for payment.
- E. Local Highway Fund Obligations in the amount of \$18,840.44 be approved for payment.
- F. Community Activity Fund Obligations in the amount of \$100.00 be approved for payment.
- G. Building Department Fund Obligations in the amount of \$5,630.79 be approved for payment.
- H. Police Department Forfeiture Fund Obligations in the amount of \$5,561.52 be approved for payment.
- I. Debt Services Fund Obligations in the amount of \$218,109.38 be approved for payment.
- J. Water and Sewer Fund Obligations in the amount of \$6,296.57 be approved for payment.
- K. Motor Pool Fund Obligations in the amount of \$10,628.66 be approved for payment.

MOTION CARRIED UNANIMOUSLY.

Commissioner Raymond Basham, from Wayne County introduced himself to Mayor and Council.

15-017 Moved by Penix, seconded by Duderstadt, to approve the Farm Land Lease Agreement for parcel number 59-069-99-0007-700, beginning on May 1, 2015 ending at midnight on December 31, 2015, between the City of Woodhaven and Thomas V. Mator. MOTION CARRIED UNANIMOUSLY.

15-018 Moved by Mayor Patricia Odette, seconded by Penix, the following Resolution was offered:

**457 SUPPLEMENTAL RETIREMENT PLAN TO ALL FULL TIME EMPLOYEES THROUGH  
THE MUNICIPAL EMPLOYEES RETIREMENT SYSTEM.**

**WHEREAS**, the Municipal Employees Retirement Act of 1984, Section 36(2) (a), MCL 38.1536(2) (a) (MERS Plan Document (Section 36(2)(a)) authorizes the Municipal Employees' Retirement Board (the "Board") to "establish additional programs including but not limited to defined benefit, defined contribution, ancillary benefits, health and welfare benefits, and other postemployment benefit programs,"

and on November 8, 2011, the Municipal Employees' Retirement Board adopted the MERS 457 Deferred Compensation Plan.

**WHEREAS**, this Uniform Resolution has been approved by the Board under the authority of Section 36(2) (a), and the Board has authorized the MERS 457 Deferred Compensation Plan, which shall not be implemented unless in strict compliance with the terms and conditions of this Resolution.

**WHEREAS**, the Participating Employer, a participating "municipality" (as defined in Section 2b (2) in the Municipal Employees Retirement Act of 1984; MCL 38.1502b (2); Plan Document Section 2b (4)) or participating "court" (circuit, district or probate court as defined in Section 2a (4) – (6) of the Act, MCL 38.1502a(4) – (6); Plan Document Section 2a(4) – (6)) within the State of Michigan has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a deferred compensation plan;

**WHEREAS**, the Participating Employer has also determined that it wishes to encourage employees' saving for retirement by offering salary reduction contributions;

**WHEREAS**, the Participating Employer has reviewed the MERS 457 Supplemental Retirement Program ("Plan");

**WHEREAS**, the Participating Employer wishes to participate in the Plan to provide certain benefits to its Employees, reduce overall administrative costs, and afford attractive investment opportunities;

**WHEREAS**, the Participating Employer is an Employer as defined in the Plan;

**WHEREAS**, concurrent with this Resolution, and as a continuing obligation, this Governing Body has completed and approved, and submitted to MERS and the Board documents necessary for adoption and implementation of the Plan; and

**WHEREAS**, the Governing Body for and on behalf of the Participating Employer is authorized by law to adopt this Resolution approving the Participation Agreement on behalf of the Participating Employer. In the event any alteration of the terms or conditions stated in this Resolution is made or occurs, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the Plan and its trust reserves, and whose authority is non delegable, shall have no obligation or duty to continue to administer (or to have administered) the MERS 457 Supplemental Retirement Program for the Participating Employer.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body adopts the MERS 457 Supplemental Retirement Program as provided below.

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MERS Uniform 457 Supplemental Retirement Program Resolution

**I.** The Participating Employer adopts the Plan for its Employees.

**II.** The Participating Employer hereby adopts the terms of the Participation Agreement, which is attached hereto and made a part of this Resolution. The Participation Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participation Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board.

**III.** The Participating Employer shall abide by the terms of the Plan, including amendments to

the Plan made by the Board, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.

**IV.** The Participating Employer acknowledges that the Board is only responsible for the Plan and any other plans of the Employer administered by MERS and that the Board has no responsibility for other employee benefit plans maintained by the Employer that are not part of MERS.

**V.** The Participating Employer accepts the administrative services to be provided by MERS and any services provided by a Service Manager as delegated by the Board. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' accounts.

**VII.** The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.

**VIII.** The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Board to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

**IX.** This Resolution and the Participation Agreement shall be submitted to the Board for its approval. The Board shall determine whether the Resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Board may refuse to approve a Participation Agreement by an Employer that does not possess State statutory authority to participate in the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this Resolution and the Participation Agreement are adopted and executed in accordance with the requirements of applicable law.  
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**BE IT FINALLY RESOLVED:** This Resolution shall have no legal effect under the Plan until a certified copy of this adopting Resolution is filed with MERS, and MERS determines that all necessary requirements under the 457 Supplemental Retirement Program Plan and Trust, the Participation Agreement, and this Resolution have been met. All dates for implementation of the Plan shall be determined by MERS from the date of filing with MERS of this Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer. In the event an amendatory Resolution or other action by the municipality is required, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred by this Governing Body and MERS (and a third-party administrator, if applicable and necessary). The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

AYES: Mayor Patricia Odette, Papineau, Duderstadt, Penix, Belcher

NAYS: None

ABSENT: Councilman Randy Odette, Bono-Beaton

**RESOLUTION DECLARED ADOPTED.**

15-019 Moved by Mayor Patricia Odette, seconded by Papineau, to approve Wallace Tackett as the SHVUA Alternate. MOTION CARRIED UNANIMOUSLY.

15-020 Moved by Mayor Patricia Odette, seconded by Papineau, to approve Carlisle-Wortman Associates, Inc. to update the Woodhaven Parks and Recreation Master Plan for a total not to exceed \$4,800 from Account No. 101-693-802.602. MOTION CARRIED UNANIMOUSLY.

15-021 Moved by Mayor Patricia Odette, seconded by Penix, to approve the following appointment to the Downriver Community Conference and Mutual Aid:

Delegate: Council Member, Dan Duderstadt  
Alternate: Council Member, Darrel Penix

MOTION CARRIED UNANIMOUSLY.

15-022 Moved by Mayor Patricia Odette, seconded by Penix, to convene into Closed Session for discussion on Employment Agreements, Collective Bargaining Matters, and any other purposes allowed by law at 7:16 p.m. MOTION CARRIED UNANIMOUSLY.

15-023 Moved by Mayor Patricia Odette, seconded Penix, to reconvene into open Session at 7:44 p.m. MOTION CARRIED UNANIMOUSLY.

Mayor Patricia Odette adjourned the Woodhaven City Council Meeting at 7:44 p.m.

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Mayor Patricia Odette

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Kristie Keene, City Clerk