

CITY OF WOODHAVEN
COUNTY OF WAYNE, STATE OF MICHIGAN
CITY COUNCIL MEETING OF DECEMBER 16, 2014

Regular City Council Meeting of December 16, 2014, 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, Mayor Pro-tem, Sharon Bono-Beaton, Council Members, Chris Papineau, Randy Odette, Dan Duderstadt, Jeffrey Harris, Darrel Penix

ALSO PRESENT: Kristie Keene, City Clerk, Mark Kibby, City Administrator, Pat Kruse, City Attorney, J.P. Cacciaglia, DDA & Economic Development Director, Tim Rooney, Interim Recreation Director, Tim Neighbors, Director of Public Service and Water, John Enos, Director of Building and Planning, John Hennessey, Hennessey Engineers

14-126 Moved by Papineau, seconded by Harris, to approve the Consent Calendar as presented:

- A. City Council Members Excused Absences.
- B. Approval of Council Meeting minutes of December 2, 2014.
- C. General Fund Obligations in the amount of \$221,506.30 be approved for payment.
- D. Major Street Fund Obligations in the amount of \$169,869.99 be approved for payment.
- E. Local Highway Fund Obligations in the amount of \$202,213.89 be approved for payment.
- F. Building Department Fund Obligations in the amount of \$5,308.50 be approved for payment.
- G. Police Department Forfeiture Fund Obligations in the amount of \$1,504.64 be approved for payment.
- H. Water and Sewer Fund Obligations in the amount of \$132,919.74 be approved for payment.
- I. Motor Pool Fund Obligations in the amount of \$10,558.65 be approved for payment.

MOTION CARRIED UNANIMOUSLY.

John Hennessey from Hennessey Engineers discussed the Westwood Road Extension and the possibilities it would have on the City's growth.

14-127 Moved by Councilman Randy Odette, seconded by Papineau, to authorize John Hennessey to proceed with an Alignment Plan not to exceed \$20,000 for the Westwood Road extension. MOTION CARRIED UNANIMOUSLY.

14-128 Moved by Bono-Beaton, seconded by Penix, to approve the South Huron Valley Utility Authority Consolidated Service Agreement. MOTION CARRIED UNANIMOUSLY.

14-129 Moved by Papineau, seconded by Councilman Randy Odette, to approve the iCompass Services Agreement subject to Attorney approval. MOTION CARRIED UNANIMOUSLY.

14-130 Moved by Mayor Patricia Odette, seconded by Harris, to notify Wayne County CDBG of the City's interest in serving on the 2015 CDBG Advisory Council and to appoint Council Member Sharon Bono-Beaton (Delegate) and Council Member Chris Papineau (Alternate) to Community Development Block Grant (CDBG) Advisory Council. MOTION CARRIED UNANIMOUSLY.

14-131 Moved by Mayor Patricia Odette, seconded by Penix, the following Resolution was offered:

City Council Mtg. Dec 16, 2014

**MODEL COMMUNITY RESOLUTION AUTHORIZING EXECUTION OF ANNUAL
MAINTENANCE PERMITS**

WHEREAS, the City of Woodhaven periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the “County”) for permits to conduct emergency repairs and annual maintenance work on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCLA 247.651 et seq, the County permits and regulates such activities and related temporary road closures;

NOW THEREFORE, in consideration of the County granting such Permit, the Community agrees and resolves that:

It will fulfill all permit requirements and will save harmless, represent and defend the County of Wayne and all of its officers, agents and employees:

From any and all claims and losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the Community as the result of the Community’s installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road; and

From and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney’s fees and related costs arising out of, under, or by reason of the Community’s installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road, except claims resulting from the direct negligence or willful acts or omissions of said County performing permit activities.

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors or any other person not a party to the Permit without its specific prior written consent and notwithstanding the issuance of the Permit.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its subcontractor’s behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this resolution as part of a Permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

The resolution shall stipulate that the requesting city, incorporated village or township shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

The resolution shall stipulate that the requesting city, incorporated village or township shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This resolution shall continue in force from this date until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the County of Wayne Department of Public Services Engineering Division Permit Office for the necessary permit to work within County road right-of-way or local roads on behalf of the Community, Timothy Neighbors, Director of Public Service and Water Department.

AYES: Harris, Penix, Mayor Patricia Odette, Councilman Randy Odette, Bono-Beaton, Papineau, Duderstadt

NAYS: None

ABSENT: None

RESOLUTION DECLARED ADOPTED.

14-132 Moved by Mayor Patricia Odette, seconded by Papineau, the following Resolution was offered:

MODEL COMMUNITY RESOLUTION AUTHORIZING EXECUTION OF ANNUAL PAVEMENT RESTORATION PERMIT

WHEREAS, the City of Woodhaven periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the “County”) for permits to conduct emergency repairs and annual maintenance work on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCLA 247.651 et seq, the County permits and regulates such activities and related temporary road closures;

NOW THEREFORE, in consideration of the County granting such Permit, the Community agrees and resolves that:

It will fulfill all permit requirements and save harmless, represent and defend the County of Wayne and all of its officers, agents and employees:

From any and all claims losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the Community as the result of the Community’s installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road; and

From and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road, except claims resulting from the direct negligence or willful acts or omissions of said County performing permit activities.

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors or any other person not a party to the Permit without its specific prior written consent and notwithstanding the issuance of the Permit.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its subcontractor's behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this resolution as part of a Permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

The resolution shall stipulate that the requesting city, incorporated village or township shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

The resolution shall stipulate that the requesting city, incorporated village or township shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This resolution shall continue in force from this date until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the County of Wayne Department of Public Services Engineering Division Permit Office for the necessary permit to work within County road right-of-way or local roads on behalf of the Community, Timothy Neighbors, Director of Public Service and Water Department.

AYES: Harris, Penix, Mayor Patricia Odette, Councilman Randy Odette, Bono-Beaton, Papineau, Duderstadt
NAYS: None
ABSENT: None

RESOLUTION DECLARED ADOPTED.

14-133 Moved by Mayor Patricia Odette, seconded by Bono-Beaton, the following Resolution was offered:

**MODEL COMMUNITY RESOLUTION AUTHORIZING EXECUTION OF
ANNUAL SPECIAL EVENTS PERMITS**

WHEREAS, the City of Woodhaven requests an annual permit from the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the “County”) to temporarily close a County road for a parade, event, celebration, block party or similar activity or, to erect a banner within the County road right-of-way, and the County road or road right-of-way is located entirely within the boundaries of the Community;

WHEREAS, pursuant to Act 200 of 1969, being MCLA 247.323 et seq, the County permits and regulates such activities and related temporary road closures;

NOW THEREFORE, in consideration of the County granting such an Annual Permit, the Community agrees and resolves that:

It will fulfill all permit requirements and save harmless, represent and defend the County of Wayne and all of its officers, agents and employees:

From any and all claims losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the Community as the result of the Community’s installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road; and

From and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney’s fees and related costs arising out of, under, or by reason of the Community’s installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road, except claims resulting from the direct negligence or willful acts or omissions of said County performing permit activities.

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors or any other person not a party to the Permit without its specific prior written consent and notwithstanding the issuance of the Permit.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

The resolution shall stipulate that the requesting city, incorporated village or township shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

The resolution shall stipulate that the requesting city, incorporated village or township shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This resolution shall continue in force from this date until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the County of Wayne Department of Public Services Engineering Division Permit Office for the necessary permit to work within County road right-of-way or local roads on behalf of the Community, Timothy Neighbors, Director of Public Service and Water Department.

AYES: Harris, Penix, Mayor Patricia Odette, Councilman Randy Odette, Bono-Beaton, Papineau, Duderstadt

NAYS: None

ABSENT: None

RESOLUTION DECLARED ADOPTED.

14-134 Moved by Mayor Patricia Odette, seconded by Penix, the following resolution was offered:

**COMMUNITY RESOLUTION
ACCEPTING
LONG TERM MAINTENANCE OF STORM WATER
MANAGEMENT SYSTEM**

WHEREAS, chapter 7 of the Wayne County Storm Water Management Ordinance (“Wayne County Ordinance”), requires storm water management systems to be maintained in perpetuity to ensure that the system functions properly as designed:

WHEREAS, Rule 1001 of the Wayne County Storm Water Management Administrative Rules (“Administrative Rules”) requires applicants for storm water construction approval to submit long-term maintenance plans as part of an application for storm water construction.

WHEREAS, Delaco Steel Corporation, (“Developer”) has applied to the Wayne County Department of Public Services for a storm water construction approval with respect to the a project named Delaco Steel Corporation Parking Lot Addition (“Project”) located at 25235 Hall Road south of Van horn Road and north of Vreeland Road in the City of Woodhaven, Wayne County, Michigan.

WHEREAS, Developer’s application for Storm Water Construction approval has been assigned permit review number R14-020.

WHEREAS, Developer submitted a plan to the County and the City of Woodhaven entitled

Delaco Steel Corp. (“Plan”) for long-term maintenance of the storm water management system(s) as the Project pursuant to Rule 801, which Plan has been tentatively approved by the County pending issuance of this resolution and has been accepted by the City of Woodhaven; and

WHEREAS, the City of Woodhaven has agreed to assume jurisdiction over and accepts responsibility for long term maintenance of storm water management system(s) at the Project Pursuant to the Wayne County Ordinance, the Administrative Rules, the Plan, and the storm water construction approval issued by Wayne County;

BE IT FURTHER RESOLVED, that approval be and is hereby granted, authorizing Mayor Patricia A. Odette to execute, on behalf of the City of Woodhaven, Permit No. M-47633 for long term maintenance of storm water management system issued by Wayne County for the Project.

AYES: Harris, Penix, Mayor Patricia Odette, Councilman Randy Odette, Bono-Beaton, Papineau, Duderstadt

NAYS: None

ABSENT: None

RESOLUTION DECLARED ADOPTED.

14-135 Moved by Mayor Patricia Odette, seconded by Councilman Randy Odette, the following resolution was offered:

**COMMUNITY RESOLUTION
ACCEPTING
LONG TERM MAINTENANCE OF STORM WATER
MANAGEMENT SYSTEM**

WHEREAS, chapter 7 of the Wayne County Storm Water Management Ordinance (“Wayne County Ordinance”), requires storm water management systems to be maintained in perpetuity to ensure that the system functions properly as designed:

WHEREAS, Rule 1001 of the Wayne County Storm Water Management Administrative Rules (“Administrative Rules”) requires applicants for storm water construction approval to submit long-term maintenance plans as part of an application for storm water construction.

WHEREAS, McInerney’s Chrysler Jeep. (“Developer”) has applied to the Wayne County Department of Public Services for a storm water construction approval with respect to the a project named McInerney’s Chrysler Jeep Parking Addition (“Project”) located at 23940 Allen Road south of West Road and north of Van Horn Road in the City of Woodhaven, Wayne County, Michigan.

WHEREAS, Developer’s application for Storm Water Construction approval has been assigned permit review number R14-183.

WHEREAS, Developer submitted a plan to the County and the City of Woodhaven entitled McInerney’s Chrysler Jeep Parking Addition (“Plan”) for long-term maintenance of the storm water management system(s) as the Project pursuant to Rule 801, which Plan has been tentatively approved by the County pending issuance of this resolution and has been accepted by the City of Woodhaven; and

WHEREAS, the City of Woodhaven has agreed to assume jurisdiction over and accepts

responsibility for long term maintenance of storm water management system(s) at the Project Pursuant to the Wayne County Ordinance, the Administrative Rules, the Plan, and the storm water construction approval issued by Wayne County;

BE IT FURTHER RESOLVED, that approval be and is hereby granted, authorizing Mayor Patricia A. Odette to execute, on behalf of the City of Woodhaven, Permit No. M-47750 for long term maintenance of storm water management system issued by Wayne County for the Project.

AYES: Harris, Penix, Mayor Patricia Odette, Councilman Randy Odette, Bono-Beaton, Papineau, Duderstadt

NAYS: None

ABSENT: None

RESOLUTION DECLARED ADOPTED.

14-136 Moved by Mayor Patricia Odette, seconded by Penix, to authorize Tim Neighbors, Director of Public Service and Water, to sign the Michigan Department of Transportation (MDOT) annual permit on behalf of the City and to adopt the following resolution:

**CITY OF WOODHAVEN
PERFORMANCE RESOLUTION**

RESOLVED WHEREAS, the City of Woodhaven, hereinafter referred to as the “CITY OF WOODHAVEN”, periodically applies to the Michigan Department of Transportation, hereinafter referred to as the “DEPARTMENT”, for permits, referred to as “PERMIT”, to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party’s liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving

the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

4. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or physical or operating damages to any State trunk line right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCIES facilities according to a PERMIT issued by the DEPARTMENT.

5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCIES requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunk line right of way on behalf of the GOVERNMENTAL AGENCY:

Mr. Tim Neighbors, Director of Public Service and Water

AYES: Mayor Patricia Odette, Penix, Councilman Randy Odette, Papineau, Harris, Duderstadt, Bono-Beaton

NAYS: None

ABSENT: None

RESOLUTION DECLARED ADOPTED.

Mayor Patricia Odette adjourned the Woodhaven City Council Meeting at 7:49 p.m.

Mayor Patricia Odette

Kristie Keene, City Clerk