

CITY OF WOODHAVEN  
COUNTY OF WAYNE, STATE OF MICHIGAN  
CITY COUNCIL MEETING OF JANUARY 5, 2016

Regular City Council Meeting of January 5, 2016 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, Randy Odette, Chris Papineau, Janet Sikes, Sharon Bono-Beaton, Darrel Penix

ABSENT: Council Member, Dan Duderstadt (excused)

ALSO PRESENT: Kristie Keene, City Clerk, Jeff Harris, City Administrator, Pat Kruse, City Attorney, Mike Clark, Fire Chief, Tim Neighbors, Director of Public Service and Water, J.P. Cacciaglia, DDA & Economic Development Director, Tim Rooney, Recreation Director, Jeff Daigneau, Finance Director/Treasurer

16-001 Moved by Papineau, seconded by Councilman Randy Odette, to approve the Consent Calendar as presented:

- A. City Council Members Excused Absences.
- B. Approval of Council Meeting minutes of December 15, 2015.
- C. General Fund Obligations in the amount of \$73,592.37 be approved for payment.
- D. Local Highway Fund Obligations in the amount of \$33,343.42 be approved for payment.
- E. Major Street Fund Obligations in the amount of \$24,254.90 be approved for payment.
- F. Community Activity Fund Obligations in the amount of \$625.90 be approved for payment.
- G. Garbage and Rubbish Fund Obligations in the amount of \$50,492.29 be approved for payment.
- H. Building Department Fund Obligations in the amount of \$8,474.89 be approved for payment.
- I. Police Department Forfeiture Fund Obligations in the amount of \$695.00 be approved for payment.
- J. Water and Sewer Fund Obligations in the amount of \$45,465.52 be approved for payment.
- K. Trust and Agency Fund Obligations in the amount of \$19,432.00 be approved for payment.
- L. Motor Pool Fund Obligations in the amount of \$3,587.20 be approved for payment.
- M. Street Paving Fund Obligations in the amount of \$130,462.07 be approved for payment.
- N. Recreational Vehicle Fund Obligations in the amount of \$6.16 be approved for payment.

MOTION CARRIED UNANIMOUSLY.

Tim Rooney, Recreation Director gave Recognition to the Home Decorating Contest Winners for 2015.

16-002 Moved by Bono-Beaton, seconded by Penix, the follow resolution was offered:

**RESOLUTION OF CITY COUNCIL ADOPTING  
REVISED SECTION 10 AND COMPLIANCE WITH CONSENT AGREEMENT OF IGA  
BETWEEN COUNTY OF WAYNE AND CITY OF WOODHAVEN**

**WHEREAS**, the City and the County entered into an IGA in FY 2014-2015;

**WHEREAS**, the Wayne County required certain revisions to the IGA between the City of Woodhaven and the County as set forth in the attached Exhibit A;

**NOW THEREFORE, THE CITY OF WOODHAVEN CITY COUNCIL RESOLVES:**

1. Section 10 of the 2014-2015 IGA between the City of Woodhaven and Wayne County is deleted and replaced with Section 10 as set forth in the attached Exhibit A.
2. In addition, the language in the attached Exhibit A entitled "COMPLIANCE WITH CONSENT AGREEMENT" is adopted.

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

NAYS: None

ABSENT: Duderstadt

**RESOLUTION DECLARED ADOPTED.**

16-003 Moved by Mayor, Patricia Odette, seconded by Papineau, 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, Sikes, Bono-Beaton

NAYS: None

ABSENT: Duderstadt

**RESOLUTION DECLARED ADOPTED.**

Mayor Patricia Odette adjourned the Woodhaven City Council Meeting at 7:18 p.m.

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Patricia Odette, Mayor

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Kristie Keene, City Clerk