

REGULAR MEETING OF THE RIVERVIEW CITY COUNCIL
CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN
HELD ON TUESDAY, JANUARY 17, 2023 A.D.
IN THE COUNCIL CHAMBERS OF
THE PETER ROTTEVEEL MUNICIPAL BUILDING
14100 CIVIC PARK DRIVE, RIVERVIEW, MICHIGAN 48193-7600

The meeting was called to order at 7:00 p.m.

Presiding: Mayor Swift

Present: Councilmembers Blanchette, Gunaga, O'Neil, Robbins, Workman

Excused: Councilmember Norton (Personal Business)

Also Present: City Manager Dobek, City Clerk Hutchison, Police Chief Allen, Fire Chief Lammers, Human Resources Director Mayerich, Land Preserve Director Sisk, Information and Technology Director Harper, Parks and Recreation Director Dickman, Department of Public Works Director Webb, Golf Course Director Kettler, Carlisle Wortman Community Development Director Scurto, Attorney Pentiuik

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

The **Invocation** was given by Councilmember O'Neil.

AWARDS AND PRESENTATIONS AND PROCLAMATIONS:

None.

MINUTES:

Motion by Councilmember Robbins, seconded by Councilmember Blanchette, that the **Minutes** of the Regular Meeting of **January 3, 2023**, and the condensed version for publication, be **Approved**.
Carried unanimously.

PUBLIC HEARINGS:

None.

PUBLIC COMMENTS:

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

ORGANIZATIONAL BUSINESS:

None.

CONSENT AGENDA:

Motion by Councilmember Blanchette, seconded by Councilmember Workman, that the Consent Agenda be Approved as follows:

- Authorization for Additional Funding of **\$13,000.00** for the previously awarded Cooperative Bid Purchase for One (1) **2023 GAPVAX Sewer Truck** be Approved.
- Authorization for the Three-year (3) Extension of the Current Contract for **City Wide Advertising** with **Go Big Multimedia, LLC**, through **February 25, 2026**.
- Ratify **Emergency Sewage Pump Repair** for the **Fordline Lift Station** with **Kennedy Industries** for a total cost of **\$10,790.00**.

Carried unanimously.

RESOLUTIONS:

Motion by Councilmember Workman, seconded by Councilmember Gunaga, that **Resolution 23-03, Adopt Resolution Authorizing PNC Letter of Credit**, be Adopted.

RESOLUTION NO. 23-03
RESOLUTION AUTHORIZING PNC LETTER OF CREDIT

WHEREAS, the City of Riverview (the "City") owns and operates the Riverview Land Preserve, a Michigan Type II (nonhazardous) solid waste landfill facility located at 20863 Grange Road, Riverview, Michigan (the "Landfill"), licensed under Part 115 of the Natural Resources and Environmental Protection Act, PA 451 of 1994 (MCL 324.11501 et seq.), as amended ("NREPA"); and

WHEREAS, the City is required by NREPA to provide financial assurance to cover certain costs in the event of the closure of the Landfill; and

WHEREAS, the City desires to obtain a letter of credit from PNC Bank, National Association ("PNC Bank") in order to satisfy its obligations under NREPA.

NOW, THEREFORE, be it resolved by the City Council of the City of Riverview:

1. The City Council hereby determines that it is in the best interest of the City to acquire a standby letter of credit from PNC Bank in an amount of up to \$23,000,000 (the "Letter of Credit") for the benefit of the Michigan Department of Environment, Great Lakes and Energy, upon the terms and subject to the conditions set forth in PNC Bank's proposal to the City dated December 7, 2022, the terms of which are hereby approved.

2. The Mayor or the City Manager of the City (each an "Authorized Officer") are each independently authorized to submit an Application for Irrevocable Standby Letter of Credit to PNC Bank and to enter into, execute and deliver a Reimbursement Agreement, Fee Agreement, Pledge Agreement and such other documents as may be required by PNC Bank (collectively, the "Bank Documents") as a condition for issuance of the Letter of Credit, including future amendments, extensions and renewals thereof, on terms to be approved by the Authorized Officer.

3. The City shall annually include in its budget and provide sufficient monies each year from its general fund as a first budget obligation for the payment of its obligations under the Bank Documents. The City Council hereby irrevocably pledges the limited tax, full faith and credit of the City as security for the timely payment of its obligations to PNC Bank under the Bank Documents. As further security for the timely payment of the City's obligations to PNC Bank under the Bank Documents, the City Council also hereby authorizes the pledge of and placement of a lien on the Financial Assurance Escrow and the Riverview MI Perpetual Care fund of the City, and such other accounts that PNC Bank may determine from time to time are necessary for it to be secure, as approved by an Authorized Officer.

4. The Mayor, City Clerk and the other Authorized Officers are each independently authorized to take any actions and execute such certificates, instruments, and other documents as may be required by law or may be necessary or convenient to implement this Resolution and to effectuate the issuance of the Letter of Credit by PNC Bank as contemplated herein.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same hereby are, rescinded.

Upon a vote for the adoption of said Resolution, the vote was:

YEAS: Mayor Swift, Councilmembers Blanchette, Gunaga, O'Neil, Robbins, Workman
 NAYS: None.
 ABSENT: Councilmember Norton

The Resolution was thereupon declared adopted.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Riverview, State of Michigan, at a meeting held on January 17, 2023, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of

1976, including in the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

Dated: January 17, 2023

Cynthia M. Hutchison
City Clerk

Motion by Councilmember Workman, seconded by Councilmember Robbins, that Resolution No. 23-04 to Approve the Deficit Elimination Plan for the Land Preserve Fund, as required by the State of Michigan Department of Treasury, be Adopted.

**CITY OF RIVERVIEW
RESOLUTION NO. 23-04
RESOLUTION TO ADOPT RIVERVIEW LAND PRESERVE
DEFICIT ELIMINATION PLAN**

WHEREAS, City of Riverview’s Land Preserve Fund has a -\$28,509,963 net deficit on June 30, 2022; and

WHEREAS, 1971 PA 140 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury.

NOW, THEREFORE, IT IS RESOLVED that the City of Riverview’s City Council adopts the following as the City of Riverview’s Land Preserve Fund Deficit Elimination Plan:

	2023	2024	2025	2026	2027
Tipping Fees	\$ 11,960,000	\$ 11,900,200	\$ 11,781,198	\$ 11,663,386	\$ 11,546,752
Canadian Transfer Loads	708,750	1,417,500	1,417,500	1,417,500	1,417,500
Local Hauler	305,000	305,000	305,000	305,000	305,000
RNG Royalties	-	1,300,000	1,900,000	2,100,000	2,121,000
Other Revenue	294,900	303,747	312,859	322,245	331,913
Escrow Fund withdrawl	2,100,000	-	-	-	-
Proceeds from Sale of Capital Assets	-	2,000,000	-	-	-
Revenue	15,368,650	17,226,447	15,716,557	15,808,131	15,722,165
Wages	(1,550,000)	(1,596,500)	(1,644,395)	(1,693,727)	(1,744,539)
Taxes	(118,575)	(122,132)	(125,796)	(129,570)	(133,457)
Health Insurance	(239,083)	(260,600)	(284,055)	(298,257)	(307,205)
Other Benefits	(488,735)	(503,397)	(518,499)	(534,054)	(550,076)
Workers Comp	(60,000)	(61,800)	(63,654)	(65,564)	(67,531)
Retirement	(972,375)	(1,001,546)	(1,031,593)	(1,062,540)	(1,094,417)
Unemployment	(145)	(149)	(154)	(158)	(163)
Supplies	(171,200)	(176,336)	(181,626)	(187,075)	(192,687)
Utilities	(183,410)	(188,912)	(194,580)	(200,417)	(206,430)
Other Services and Charges	(2,753,509)	(2,836,114)	(2,921,198)	(3,008,834)	(3,099,099)
Dues & Memberships	(16,000)	(16,480)	(16,974)	(17,484)	(18,008)
Insurance	(206,707)	(212,908)	(219,295)	(225,874)	(232,651)
Capital Outlay - Equipment Replacement	(51,000)	-	(750,000)	(1,500,000)	(1,700,000)
Capital Outlay - Escrow	(4,594,000)	(900,000)	(750,000)	(750,000)	(750,000)
RNG Royalties - OPEB Trust Payment	-	(200,000)	(200,000)	(200,000)	(200,000)
Maintenance	(1,755,170)	(1,807,825)	(1,862,060)	(1,917,922)	(1,975,459)
Professional Services	(712,610)	(733,988)	(756,008)	(778,688)	(802,049)
JP Morgan Equipment Lease	(1,114,837)	(1,010,140)	(124,575)	-	-
Repay Water/Sewer Fund	-	(729,469)	(729,469)	(729,469)	(729,469)
PNC EGLE Escrow Line of Credit funding	(139,625)	(126,500)	(126,500)	(126,500)	(126,500)
Expenditures	(15,126,981)	(12,484,799)	(12,500,430)	(13,426,133)	(13,929,738)
Transfer out - General Fund	(1,180,000)	(1,000,000)	(1,000,000)	(500,000)	(500,000)
Transfer Out - CIP	(300,000)	-	-	-	-
Expenditures	(1,480,000)	(1,000,000)	(1,000,000)	(500,000)	(500,000)
Net Revenue/Expense	\$ (1,238,331)	\$ 3,741,648	\$ 2,216,127	\$ 1,881,998	\$ 1,292,427

Explanation:

Revenue

- Canadian Transfer Loads – the City has two contracts currently awaiting approval for the land preserve to begin receiving Canadian trash in fiscal year 2023. This new revenue stream is expected to generate approximately \$6.3 million for the years 2023 – 2027.
- Local Hauler loads – the City also expects to enter into contracts with local haulers for trash. This new revenue stream is expected to generate approximately \$1.5 million for the years 2023-2027.
- RNG Royalties – the City is currently underway with plans for building gas wells within the land preserve to capture methane gas for sale. This new revenue stream is expected to generate approximately \$7.4 million dollars for the years 2023-2027.
- Other Revenue – there was a onetime reimbursement of expenditures that was received in 2022 that is not expected in 2023-2027.
- Escrow Fund withdrawal – the City is expected to make a final withdrawal out of its internal escrow fund to support capital expenditures underway in 2023 in the amount of \$2.1 million.
- Sale of capital assets – the City is actively exploring options to sell a cell tower in fiscal year 2024. Proceeds from this sale are expected to be \$2,000,000.

Expenditures

- Wages & Taxes – the land preserve has two employees that have announced retirement for fiscal year 2023. The City does not expect to refill these positions.
- Health Insurance – the City anticipates increases in costs of 3% in fiscal year 2023 and 9% in subsequent years.
- Other benefits – union, travel, and education costs are expected to increase in 2023.
- Worker’s Compensation – 2022 workers compensation expense was abnormally low. 2023 is expected to be consistent with previous years.
- Retirement – the 2023 OPEB employer contribution will increase approximately \$133,000 over the 2022 contribution. Future increases are projected at 3% annually.
- Dues and memberships - a renewal of a landfill permit in 2023 is expected for approximately \$8,000.
- Supplies – an increase in odor control supplies are expected in 2023, which will result in an increase of approximately \$65,000 over 2022.
- Utilities – Water costs are expected to increase due to significant capital outlay.
- Other Services and charges – new contracts with rate increase for various services and charges. In addition, additional testing, seeding, and rental of equipment is expected in 2023.
- Insurance – general liability insurance cost is expected to increase in 2023.
- Capital Outlay Equipment Replacement– for 2023, the construction of cell 7, gas system expansion, and the Leachate pretreatment system are underway to open cell 7 as part of phase 4 of the project. After 2023, minimal additional capital outlay is expected.
- Capital Outlay Escrow – Costs are based on drilling costs necessary to bring in the additional RNG Royalty revenue.
- RNG Royalties OPEB trust payment – a portion of the new RNG royalty revenue is expected to be transferred to the OPEB trust.
- Maintenance – maintenance of current equipment costs is expected to increase in 2023 to extend the useful life of current equipment.
- Professional Service – engineering services are expected to increase over 2022 levels due to planned capital outlay.
- Repay Water/Sewer Fund – the land preserve currently has a payable to the Water & Sewer fund that the City intends to pay back as shown in the forecast.
- PNC EGLE Escrow Line of Credit Funding – the City has been instructed by EGLE to fund an escrow for post closure costs. The City has entered a line of credit funding with PNC bank.
- Transfer out to general fund – transfers to the general fund are no longer sustainable for the land preserve fund. Therefore, they will be decreased significantly in fiscal years 2025 to 2026.
- Transfer out to capital improvement fund – transfer to the capital improvement fund is no longer sustainable for the land preserve fund. Therefore, they will be reduced to zero by fiscal year 2024.

BE IT FURTHER RESOLVED that the City of Riverview’s City Clerk submits the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

AYES: Mayor Swift, Councilmembers Blanchette, Gunaga, O’Neil, Robbins, Workman

NAYS: None.

EXCUSED: Councilmember Norton

ADOPTED this 17th day of January, 2023.

ATTEST:

Andrew M. Swift, Mayor

I, Cynthia M. Hutchison, duly authorized City Clerk of the City of Riverview, do hereby certify the foregoing Resolution is a true copy of a resolution adopted by the Riverview City Council at their regular meeting of January 17, 2023.

(S E A L)

Cynthia M. Hutchison, City Clerk

Motion by Councilmember Gunaga, seconded by Councilmember Robbins, that the Amendment to the Resolution for the City of Riverview Commission, Board and Committee 2023 Calendar Year Meeting Schedule Pursuant to ACT 267 “Open Meetings ACT” P.A. 1976, be Adopted.

BOARD/COMMISSION/COMMITTEE	MEETING DATE/DAY	TAKES PLACE	TIME
Ad Hoc Audit Committee *City Council Conference Room	2nd Monday December	Annually	6:00 PM
Ad Hoc Civic Engr. Committee – *City Mgrs. Conference Room	TBD	6 mos prior to City Engineer contract expiration date	
Ad Hoc Environmental Engr. Committee *City Mgrs. Conference Room	TBD	6 mos prior to Env Engr contract expiration date	6:00 PM
Ad Hoc Land Preserve Committee *City Mgrs. Conference Room	2nd Monday	Monthly	6:00 PM
Ad Hoc Public Safety Committee *City Mgrs. Conference Room	As Needed	TBD	TBD
Beautification Commission *City Services Conference Room	2nd Tuesday	Monthly	6:00 PM
Board of Review *Council Chambers/City Services Conference Room	February 21 -Organization March 6 - Valuation Appeals March 20 - Valuation Appeals July 18 - Corrections December 12 - Corrections		6:00 PM 1:00-9:00 PM 12:00-6:00 PM 6:00 PM 6:00 PM
Board of Zoning Appeals *Council Chambers	2nd Thursday	Monthly	7:30 PM
Building Authority *City Services Conference Room	May & October Currently Inactive		7:00 PM
City Planning Commission *Council Chambers	1st & 3rd Thursdays	Bi-monthly	7:30 PM
Economic Development Corp. /Brownfield Redevelopment Auth. *City Mgrs. Conference Room	4th Monday February, April, June, August, October (Annual) December TBD	Even months and one Annual	6:00 PM
Election Commission *Council Conference Room	1st Monday of Month prior to election	Prior to each Election	6:45 PM
Election Coordinating Committee Council Conference Room	Currently inactive	Bi-Annual Odd Years Only	10:00 AM
Land Preserve Committee Meeting *City Council Conference Room	2nd Monday	Monthly	5:30 PM
Library Commission *Library Conference Room	3rd Thursday	Monthly (Except July/Aug/Dec)	6:00 PM

Local Officers Compensation Commission *City Services Conf. Rm.	January 25, 2023	Bi-Annual Odd Years Only	11:00 AM
Recreation Commission *City Services Conference Room	1st Wednesday	Monthly	7:00 PM
Retirement Board of Trustees *Council Conference Room	4th Thursday, except November. December = 2nd Thursday	Monthly	4:00 PM
Riverview Historical Commission	(Currently inactive)		
Senior Recreation Commission	(Currently inactive)		
Taylor Act 179 Authority	1st Wednesday in Mar	Annually	7:30 PM
Veterans Memorial Committee	TBD	TBD	TBD

Carried unanimously.

Motion by Councilmember O'Neil, seconded by Councilmember Robbins, that the "Amended Performance Resolution and Performance and Indemnification Commitment for Government Bodies for the State of Michigan (MDOT) Annual Permit for Work on State Highways, be Adopted.

Michigan Department
of Transportation
2207B (05/21)

RESOLUTION NO. 23-05
PERFORMANCE RESOLUTION FOR MUNICIPALITIES

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the City of Riverview, Wayne County hereinafter referred to as the "MUNICIPALITY," 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 utilities 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 MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution 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. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the

PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.

4. The MUNICIPALITY 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.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY 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.
7. 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.
8. This Resolution shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken. restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

Director of Department of Public Works: Jeff Webb

Supervisor of Department of Public Works: Ron Tabor

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the Riverview City Council of the City of Riverview of Wayne County at a Regular meeting held on the 17th day of January A.D. 2023.

Cynthia M. Hutchison, City Clerk

ADMINISTRATION:

None.

ORDINANCES:

None.

OTHER BUSINESS:

Motion by Councilmember Workman, seconded by Councilmember Blanchette, that the Confirmation of the Promotion of Mr. Kevin Sisk to Land Preserve Director, be Approved.

Carried unanimously.

CLOSED SESSION:

None.

ADJOURNMENT:

Motion by Councilmember Blanchette, seconded by Councilmember Gunaga, that the meeting be adjourned.

Carried unanimously.

The meeting adjourned at 8:09 p.m.

Andrew M. Swift, Mayor

Cynthia M. Hutchison, City Clerk