



Minutes - March 16, 2009

Wyandotte, Michigan March 16, 2009

Regular session of the City Council of the City of Wyandotte, the Honorable Mayor James R. DeSana presiding.

ROLL CALL

Present: Councilpersons Browning, Kolakowski, Peterson, Ptak, Sutka

Absent: Councilperson Fricke

COMMUNICATIONS MISCELLANEOUS

Mayor DeSana & Council,

I would like to thank Council Woman Sheri Sutherby Fricke for working with me on getting the city to purchase 4 Problem houses in the 1800 block of McKinley St and getting them knocked down. This was completed with her help and Mayor DeSana. We will no longer have to look at those 4 eye sores anymore and McKinley Street will once again be a nice well kept neighborhood. I would also like to thank the rest of our city officials for keeping Wyandotte a nice place to call home.

Please read this letter at the next city council meeting.

Thank you again,

William J. Mioduszewski
1838 McKinley Wyandotte, Mi 48192

March 7, 2009

Mayor James R. DeSana & Council City of Wyandotte
3131 Biddle Avenue, Wyandotte, MI 48192

Dear Mayor DeSana & Council,

For more than 50 years The Guidance Center has kept the needs of those we serve at the forefront of our minds as we achieve our mission to strengthen families and change lives. Throughout the last five decades we have maintained a collaborative relationship with our local communities, and most importantly, supported adults and children experiencing mental health difficulties and other challenges.

A group of concerned citizens and educators recognized the need for mental health services in our area and joined forces in 1958 to help form The Guidance Center. Since then, we have worked as a team to respond to the needs of children, adults and families in Southeast Michigan. Our clinical professionals use best practices and proven techniques in areas of prevention and treatment, as well as consultative services for teachers and administrators.

We have launched and maintained valuable services available at no cost to the community. The Guidance Center offers a Crisis Response Team that assists municipalities and businesses when a major crisis occurs, and the agency employs specialists who work with your children in classrooms on violence and substance abuse prevention. In addition, our SUDDs (Stop Underage Drinking Downriver) Coalition and a variety of other school-based programs positively impact our local youth.

In the midst of a challenging world, The Guidance Center's Family Resource Centers (FRC) are dedicated to providing a safe and comforting place for little ones and parents and in October 2008 alone 770 infants, toddlers and pre-schoolers throughout the Downriver communities participated in services at the FRCs. Additionally, The Guidance Center offers a continuum of activities and groups as part of our dedication to

Community Recovery classes that include education focused on mental health, money management, housing, healthy eating and wellness, stress and many other pertinent topics.

The attached report outlines the services our agency provides to your community. Last year The Guidance Center served nearly 19,500 people in Downriver and Southeast Michigan.

Your voluntary contribution of \$3,000 will make it possible for The Guidance Center to continue its commitment to help many people in your community including low-income residents, single moms or dads, teens in trouble or who have behavioral problems, those who have a developmental disability, people who experience illiteracy, and many other issues.

Fran Waszkiewicz, our representative who works with local communities, is available again to attend the council meeting when our proposal is presented so she may answer any questions you or the board may have about our services. Please contact Fran at 834-785-7705, ext. 7153 or fwaszkwicz@guidance-center.org and she will add your meeting to her schedule.

On behalf of our Board of Directors and staff, I thank you for in advance for considering your annual assessment as we partner to make our community a better place.

Sincerely,
Michael Lott
The Guidance Center
Chief Executive Officer
13101 Allen Road, Southgate, MI 48195

PERSONS IN THE AUDIENCE

Fred Pischke, Superintendent of Recreation, was present regarding Division 3 High School Hockey; installation of transformers at Memorial Park and the ice show this weekend at Yack Arena.

John/Wyandotte Jaycees, was present regarding the spaghetti dinner Sunday and the Easter Egg Hunt.

COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

March 6, 2009

Mayor and City Council City of Wyandotte
3131 Biddle Avenue Wyandotte, MI 48192

Dear Honorable Mayor and City Council:

Attached you will find a quote/invoice from Gorno Ford, Inc. for the purchase of three (3) 2009 Ford Crown Vics for use as Police Patrol Vehicles. As in recent years, Gorno Ford has been selected as the vendor for the State of Michigan police car purchases, and our quote is part of that bid award. If approved, these vehicles have already been budgeted for in our Police "Vehicles" account.

Thank you for your consideration in this matter.

Sincerely,

WYANDOTTE POLICE DEPARTMENT
Daniel J. Grant, Chief of Police

March 3, 2009

Mayor and City Council City of Wyandotte
3131 Biddle Avenue Wyandotte, MI 48192

Dear Honorable Mayor and City Council Members:

SUBJECT: TRAFFIC CONTROL ORDER 2009-002

The Traffic Bureau forwarded a recommendation for the installation of a "Handicap Parking" sign at 3510 14th St., Wyandotte, Michigan. This request met all the qualifications set forth by the Commission, therefore in concurrence with Sergeant Pouliot, this letter serves as a recommendation for Council support of Traffic Control Order 2009-002 as specified on said order.

If there are any additional questions, please feel free to contact my office at extension 4424.

Sincerely,
Daniel J. Grant, Chief of Police

Mayor James DeSana & City Council
City of Wyandotte, Michigan

March 12, 2009

Dear Mayor DeSana & City Council:

The Senior Alliance (TSA) has provided services to seniors in 34 communities in Southern and Western Wayne County including Wyandotte since 1980.

At the present time, Recreation Commissioner Margaret Loya represents the City of Wyandotte on this Board as an alternate. I wish to have Commissioner Loya represent the City of Wyandotte as a board member, and Frederick E. Pischke as the alternate.

Sincerely yours,
Frederick E. Pischke, Superintendent of Recreation

ITEM #6 REMOVED

March 10, 2009

The Honorable Mayor James R. DeSana And City Council
City Hall, Wyandotte, Michigan

Dear Mayor DeSana and City Council Members:

The Department of Engineering and Building has met with Frank's Lawn Maintenance and J & R Landscaping Maintenance Inc., in regards to extending their contracts for grass cutting work at various locations in the City of Wyandotte. Frank Mazzella, Owner of Frank's Lawn Maintenance and Joe Achilli, Owner of J & R Landscaping Maintenance Inc., have indicated in the attached Amendment to Contract that they can perform the 2009 Grass Cutting Program at the unit rates set forth in the contract with the City for the 2008 Grass Cutting Project, File #14448. The conditions of the contract extension would be set forth in the attached Amendment to Contract. Section 1.03.09 Contract Extension of the Contract Specifications allows extension of the Contract Specifications allows extension of the contract for an additional two (2) consecutive years when approved by the City Council and agreed to by the Contractor.

The undersigned recommends that these Amendments to Contract be approved.

Very truly yours,

Mark A. Kowalewski, City Engineer
March 11, 2009

The Honorable Mayor James R. DeSana And City Council
City Hall
Wyandotte, Michigan

Dear Mayor DeSana and City Council Members:

At the March 2, 2009, Council meeting you referred to the undersigned a request from Marygrove Awning

to install a 45' wide canopy over the already approved outdoor café at the Sports Brew Pub, 166 Maple, Wyandotte. Since, the outdoor café has already been approved and a Grant of License executed, the undersigned has revised said Grant of Licenses and Hold Harmless Agreement to include this canopy.

The undersigned recommends that the Mayor and City Clerk sign said Grant of License and that the Department of Legal Affairs record same.

Very truly yours,

Mark A. Kowalewski, City Engineer
William R. Look, Legal Department

March 13, 2009

To The Honorable Mayor, City Council and Elected Officials:

We are closing in fast on the Easter Holiday and the Wyandotte Jaycees would like to use Bishop Park and the Log Cabin on Friday, April 10 and Saturday April 11th, 2009 for the Wyandotte Jaycees Annual Easter Egg Hunt. This is one of Wyandotte's most prominent community events. We are asking for use of the Log Cabin on Friday evening for Easter Egg Stuffing and Bishop Park on Saturday for the Easter Egg Hunt, arriving to the park at 8am for set up to start the event at 11am sharp. We should be done and cleaned up by 1pm. We would like to cordially invite the Mayor and City Council to come out, participate, and enjoy the event with the members of the Wyandotte Community.

Thank you,

Mike Pengelly, Wyandotte Jaycees
P.O. Box 276, Wyandotte, MI 48192

AUTOMATIC REFERRALS

1. Request from WCCS Spring Fling Festival Chairman relative to the placement of signs on city-owned property. PERMISSION GRANTED provided a Hold Harmless is executed as prepared by the Department of Legal Affairs and all sign permits are procured in the Engineering Department.(ENGINEERING, POLICE, LEGAL)
2. Request to conduct the Wyandotte section of a 10-kilometer walk for hunger on Sunday, April 26, 2009, from 2:00 p.m. to 5:00 p.m. PERMISSION GRANTED provided a Hold Harmless is executed as prepared by the Department of Legal Affairs. (POLICE, FIRE, LEGAL)

REPORTS AND MINUTES

Financial Services Daily Cash Receipts \$4,454.28
Financial Services Daily Cash Receipts \$5,911.96
Police Commission Meeting February 24, 2009
Design Review Committee March 9, 2009
Fire Commission February 10, 2009

CITIZEN PARTICIPATION

None

RECESS

RECONVENING

ROLL CALL

Present: Councilpersons Browning, Kolakowski, Peterson, Ptak, Sutka

Absent: Councilperson Fricke

HEARING

NOTICE OF A HEARING OF OBJECTIONS TO THE

PROPOSED VACATION OF AN ALLEY IN THE CITY OF WYANDOTTE
THE 10 FOOT WIDE NORTH-SOUTH PUBLIC ALLEY WEST OF 1ST STREET
FROM MULBERRY STREET TO THE INTERSECTING EAST-WEST ALLEY SOUTH OF
MULBERRY STREET

No comments.

FINAL READING OF ORDINANCES

AN ORDINANCE ENTITLED

AN ORDINANCE TO RESCIND SECTION 16 ENTITLED "GRADING AND SOIL EROSION CONTROL" AND TO ADOPT A NEW SECTION 16 ENTITLED "SOIL EROSION AND SEDIMENTATION CONTROL"

CITY OF WYANDOTTE ORDAINS:

Section 1. Rescission of Sec. 16 Entitled "Grading and Soil Erosion Control" and Adoption of Sec. 16 "Soil Erosion and Sedimentation Control".

ARTICLE I. IN GENERAL

Sec.16.1 Legislative findings.

The city council hereby finds that the possibility that excessive quantities of soil may be eroding from certain areas that may undergo development for non-agricultural uses such as housing developments, industrial areas, recreational uses and public work construction. This erosion makes necessary costly repairs to gullies, washed-out fills, roads and embankments. The resulting sediment clogs storm sewers and road ditches, muddies streams, and leaves deposits of silts in lakes, streams, rivers, wetlands and reservoirs, and is considered a major water pollutant.

Sec. 16.2 Purposes.

The purpose of this chapter is to prevent soil erosion and off site sedimentation from earth change activities within the city by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience and general welfare of the community.

This chapter also incorporates by reference the rules promulgated under Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, 1994, Public Act 451, as amended, of the Michigan Compiled Laws (324.9101 et. seq.).

The city of Wyandotte, department of engineering and building is designated as the municipal enforcing agency (MEA) and shall administer and implement soil erosion and sedimentation control in compliance with this chapter, Part 91, as amended from time to time and all current rules, within the municipal limits of the city of Wyandotte.

Sec. 16-3 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Accelerated soil erosion: The increased loss of the land surface that occurs as a result of human activities.

Acceptable erosion and sediment control program: The activities of a county or local enforcing agency or authorized public agency that are conducted in accordance with the rules and Part 91 regarding staff training, developing and reviewing plans, issuing permits, conducting inspections, and initiating compliance and enforcement actions to effectively minimize erosion and off-site sedimentation.

Authorized public agency: A state agency or an agency of a local unit of government authorized under section 9110 of Part 91 to implement soil erosion and sedimentation control procedures with regard to earth changes undertaken by it.

Certification of completion: A signed certificate issued by the city engineer that the specific construction has been inspected and found to comply with all approved soil erosion and sedimentation control plans and specifications, and requirements of this chapter.

City engineer: The city engineer of the city or his/her duly authorized and designated representative in the department of engineering and building.

Earth change: A human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. Earth change does not include the practice of plowing and filling for crop production.

Erosion: The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.

Excavation or cut: Any act by which soil is cut into, dug, uncovered, removed, displaced or relocated, and shall include the conditions resulting therefrom.

Flood plain: That area which would be inundated by storm run-off or flood water equivalent to that which would occur with a rainfall or flood of one hundred (100) year recurrence frequency after total development of the watershed.

Grading: Any stripping, excavating, filling, stockpiling, or any combination thereof, and shall include the land in its excavated or filled condition.

Lake: The Great Lakes and all natural and artificial inland lakes or impoundments that have definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is equal to, or greater than, 1 acre. "Lake" does not include sediment basins and basins constructed for the sole purpose of storm water retention, cooling water, or treating polluted water.

Municipal enforcing agency: The City of Wyandotte Department of Engineering and Building.

Nonerosive velocity: The surface water velocity which is not conducive to the development of accelerated soil erosion.

Permanent soil erosion and sedimentation control measure: Those control measures which are installed or constructed to control soil erosion and sedimentation, and which are maintained after project completion.

Sediment: Any solid particulate matter, mineral or organic that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by the process of soil erosion and deposited elsewhere.

Soil erosion and Sedimentation Control (SESC) permit: A permit issued to authorize work to be performed under this Article.

Stabilization: The proper placing, grading and/or covering of soil or rock to ensure their resistance to erosion, sliding or other movement.

Stream: A river, creek, or other surface watercourse which may or may not be serving as a drain as defined in Act No. 40 of the Public Acts of 1956, as amended, being section 280.1 et seq. of the Michigan Compiled Laws, and which has definite banks, a bed, and visible evidence the continued flow or continued occurrence of water, including the connecting waters of the Great Lakes.

Stripping: Any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

Temporary soil erosion and sedimentation control measures: Interim control measures which are installed or constructed to control soil erosion and sedimentation and are not maintained after project completion.

Sec. 16-4 Site plan plat approval.

No site plan, plot plan or plat shall be approved unless said site plan, plot plan or plat shall include soil erosion and sediment control measures consistent with the requirements of this chapter and related land development regulations.

Sec. 16-5 Compliance required for occupancy.

No certificate of occupancy for any new building will be issued unless the applicant for said certificate shall have obtained a certification of completion indicating compliance with all soil erosion and sedimentation

control plans and specifications and completion of all permanent soil erosion control measures.

Sec. 16-6 General requirements.

- (a) Any earth changes shall be conducted in such a manner which will effectively reduce accelerated soil erosion and resulting sedimentation.
- (b) All persons engaged in earth changes shall design, implement and maintain acceptable soil erosion and sedimentation and control measures, in conformance with Part 91, the rules and regulations which may have been duly adopted for the purpose of reducing accelerated soil erosion and off site sedimentation.
- (c) All earth changes shall be designed, constructed and completed in such a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time.
- (d) Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change.
- (e) Any temporary or permanent facility designed and constructed for the conveyance of water around, through or from the earth change area shall be designed to limit the water flow to a non-erosive velocity.
- (f) Temporary soil erosion and sedimentation control measures shall be installed before or upon commencement of the earth change activity and the measures shall be maintained on a daily basis. Temporary soil erosion control measures shall be removed after earth change areas are stabilized and permanent soil erosion control measures are installed. The area shall be stabilized with permanent soil erosion control measures under approved standards and specifications as prescribed by R 323.1710.
- (g) Permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area shall be completed within five (5) calendar days after final grading or the final earth change has been completed. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented and the area is stabilized.

Sec. 16-7 Maintenance requirements.

Persons carrying out soil erosion and sediment control measures, and all subsequent owners of property concerning which such measures have been taken shall maintain all permanent erosion and sedimentation control measures.

Sec. 16-8 Minimum design standards for erosion and sediment control.

All soil erosion and sedimentation control plans and specifications, including extensions of previously approved plans, shall include provisions for erosion and sediment control in accordance with, but not limited to, the standards contained in the State of Michigan Department of Management and Budget Soil Erosion and Sedimentation Control Guidebook, dated February 2003, or subsequent versions of such standards, and comply with Part 91. Copies of said standards shall be available for inspection in the office of the city engineer.

Sec. 16-9 Modifications of approved plans.

All modifications of the approved soil erosion and sedimentation control plan must be submitted and approved by the city engineer. All necessary sustaining reports shall be submitted with any proposal to modify the approved SESC plan. No grading work in connection with any proposed modification shall be permitted without the approval of the city engineer.

Sec. 16-10 Certificate of completion.

Upon satisfactory execution of all approved soil erosion and sedimentation control plans and other requirements, the city engineer shall issue a certification of completion. If the city engineer finds any existing conditions not as stated in any application, approved plan, or permit he/she may refuse to approve further work until approval of a revised plan which will conform to the existing conditions.

Sec. 16-11 Failure to complete work.

In the event of failure to complete the work or failure to comply with all the requirements, conditions, and terms of a soil erosion and sedimentation control permit and approved plans, this chapter, Part 91, as

amended, and all current rules, the city engineer may order such work as is necessary to eliminate any danger to persons, property or water of the state and to leave the site in a safe condition, and he may authorize completion of all necessary temporary or permanent soil erosion control measures. The permittee and the surety executing the bond or persons issuing the instrument of credit or making the cash deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expense that may be incurred or expended by the city in causing any and all such work to be done. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.

Sec. 16-12 Enforcement.

The requirements of this chapter shall be enforced by the city engineer or his/her authorized representative. The city engineer shall inspect the work and shall require adequate inspection of compaction by a soil engineer or by a soil testing agency, approved by the city engineer, unless he determines that such inspection requirements may be waived due to the nonhazardous nature of the grading.

The city engineer or his/her duly authorized agents may enter at all reasonable times in or upon any private or public property for the purpose of inspecting and investigating conditions and practices which may be a violation of this chapter, or the latest rules of the Department of Environmental Quality, promulgated pursuant to Part 91, as amended, and all current rules.

The city engineer may seek to enforce a violation of this chapter by notifying the person who owns the land on which the violation is occurring by certified mail. The notice shall contain a description of the violation and what must be done to remedy the violation and shall specify a time to comply with this article.

Within five (5) days after a notice of violation has been issued under this section, a person who owns land subject to this chapter shall implement and maintain soil erosion and sedimentation control measures in conformance with this chapter.

Section 16-12.1 Penalties.

Any person violating any of the provisions of this chapter shall be responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$2,500.00.

Any person who knowingly violates the provisions of this Article, Part 91, as amended, and all current rules, or knowingly makes a false statement in an application for a soil erosion and sedimentation control permit or in a soil erosion and sedimentation control plan is responsible for the payment of a civil fine of not more than \$10,000.00 for each day of the violation.

Any person who knowingly violates the provisions of this Article, Part 91, as amended, and all current rules after receiving notification under Sec. 16-12, is responsible for the payment of a civil fine of not less than \$2,500.00 or more than \$25,000.00 for each day of violation.

A default in payment of a civil fine or costs ordered under this section or an installment of the fine or costs may be remedied by any means authorized under the Revised Judicature Act of 1961 PA 236, as amended, being section 600.101 et. esq. of the Michigan Compiled Laws.

In addition to a fine assessed under this section, a person who violates Part 91, as amended, and all current rules, or this chapter, is liable to the State of Michigan for damages for injury to, destruction of, or loss of natural resources resulting from the violation. The court may order a person who violates this part to restore the area or areas affected by the violation to their condition as existing immediately prior to the violation.

Lessees, contractors, or other individuals undertaking any earth changes, as well as the landowner and on-site authorized agent, are liable for civil penalties prescribed in this section.

Section 16-12.2 Enforcement Authority

The city engineer and his/her designees are hereby authorized to issue municipal civil infraction citations or notices of municipal civil infractions pursuant to Chapter 23.5.

Sec. 16-13 – 16.30 Reserved.

ARTICLE II. PERMIT

Sec 16.31 Required

Except as exempted by sections of this chapter, or by Part 91 of 1994 Public Act 451, as amended, no person shall do any grading, stripping, excavating or filling, nor undertake any earth change which disturbs one or more acres of land, or if the earth change is within 500 feet of the water's edge of a lake or stream unless he has a valid soil erosion and sedimentation control permit issued by the municipal enforcing agency.

Sec 16.32 Application

(a) A separate application shall be required for each soil erosion and sedimentation control permit. Plans, specifications and timing schedules shall be submitted with each application for a permit. The plans shall be prepared or approved and signed by a registered professional engineer, architect, landscape architect, or other person, who has experience in soil erosion and sedimentation control.

(b) The plans and specifications accompanying the soil erosion and sedimentation control permit application shall contain the following data:

- (1) A legal description of the site on which the work is to be performed.
- (2) A site plan at a scale of one inch to 200 feet of the site location and adjacent properties within 500 feet of the site property lines.
- (3) A soil survey or written description of the soil types of the exposed land area proposed for the earth change.
- (4) A detailed plan of the site at a scale of not more than one inch equals one hundred (100) feet prepared by a licensed land surveyor in the State of Michigan showing:

- a. Name, address and telephone number of the owner, developer and petitioner.
- b. A description and the location of the physical limits of each proposed earth change.
- c. A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
- d. A certified statement of the quantity of excavation and fill involved.
- e. Existing and proposed topography at a maximum of five (5) foot contour intervals.
- f. Location of any structure or natural feature on the site and on the land adjacent to the site and within fifty (50) feet of the site boundary line.
- g. Location of any proposed additional structures or development on the site.
- h. The location and description for installing and removing all proposed temporary soil erosion and sedimentation control measures.
- i. A description and location of all proposed permanent soil erosion and sedimentation control measures.
- j. Elevations, dimensions, location, extent and the slope of all proposed earth changes (including building and driveway grades).
- k. The estimated total cost of the required temporary and permanent soil erosion control measure.
- l. Plans of all existing and proposed dewatering facilities and drainage provisions, retaining walls, cribbing, planting, anti-erosion devices, or other temporary or permanent soil erosion control measures to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area of land tributary to the site and estimated runoff of the area served by any drains.
- m. A proposed program for continuous maintenances of all permanent soil erosion and sedimentation control measures that remain after project completion and designation of party responsibility for the maintenance. Continuous maintenance shall be part of any sales agreement or transfer of the property.
- n. Other information or data as may be required by the city engineer such as a soil investigation report which shall include, but not be limited to, data regarding the nature, distribution and supporting ability of existing soils and rock on the site.

(5) The municipal enforcing agency shall approve or disapprove an application for a soil erosion and sedimentation control permit within thirty (30) days of the filing of a complete application.

(6) All modifications or revisions to the approved plans, and any substantiating reports, shall be submitted and approved by the municipal enforcing agency prior to the implementation of such modifications or revisions.

Sec. 16-33 Fee

At the time of filing an application for a soil erosion and sedimentation control permit a non-refundable fee will be charged for plan review and site inspections. This fee will be determined by resolution by the city council and amended from time to time as recommended by the city engineer.

Sec. 16-34 Denial

Soil erosion and sedimentation control permits shall not be issued where:

- (1) The proposed work would cause hazards to the public safety and welfare; or
- (2) The work as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way or into any waterway or create an unreasonable hazard to person or property; or
- (3) The land area for which the earth change is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability or any other such hazard to persons or property; or
- (4) The land area for which the earth change is proposed may lie within the flood plain of any stream or watercourse (not specifically designated and delineated by the city as an area subject to floor hazard), unless a hydrologic report, prepared by a professional engineer, is submitted to certify that the proposed grading will have, in his opinion, no detrimental influence on the public welfare or upon the total development of the watershed.

Sec. 16-35 Bond

- (a) A soil erosion and sedimentation control permit shall not be issued unless the permittee shall first post with the municipal enforcing agency a bond executed by the owner and a corporate surety with authority to do business in this state as a surety.
- (b) The bond shall be in a form approved by the city attorney, payable to the city, and in the amount of the estimated total cost of all temporary or permanent soil erosion control measures. The total cost shall be estimated by the city engineer. The bond shall include penalty provisions for failure to complete the work on schedule as specified on the soil erosion and sedimentation control permit. These funds shall be used to install and complete the soil erosion/sedimentation control measures if the permittee fails to complete the work. In lieu of a surety bond, the applicant may file with the city a cash bond or an instrument of credit approved by the city attorney in the amount equal to that which would be required for the surety bond.
- (c) Every bond and instrument of credit shall include, and every cash deposit shall be made on, the conditions that the permittee shall comply with all of the provisions of this chapter and all of the terms and conditions of the soil erosion and sedimentation control permit, and shall complete all of the work contemplated under said permit within the time limit specified in the soil erosion and sedimentation control permit, or if no time limit is specified, within one hundred eighty (180) days after the date of the issuance of said permit.
- (d) A bond shall not be required by the city engineer for construction of accessory structures for a residential dwelling, construction of a minor addition to a residential dwelling, or if a bond is posted with the city in conjunction with a building permit.

Sec. 16-36 Extension of time

If the permittee is unable to complete the work within the specified time, he may, at least ten (10) days prior to the expiration of the soil erosion and sedimentation control permit, present in writing to the municipal enforcing agency a request for an extension of time, setting forth the reasons for the requested extension. In the event such an extension is warranted, the municipal enforcing agency may grant additional time for the completion of the work, but no such extension shall release the owner, permittee or the surety, from the requirements of this chapter, Part 91, the rules.

If the permittee fails to extend the permit as set forth above and allows the permit to expire, all work shall be ordered to stop by issuing a stop work order until the permit is properly extended. The permittee shall be bound to maintain all temporary and permanent soil erosion and sedimentation control measures during the stop work order in conformance with this chapter, Part 91, as amended, and all current rules.

The municipal enforcing agency may require submittal of a new soil erosion and sedimentation control plan and application if, in the opinion of the agency, the conditions of the original permit are no longer valid due to substantial changes in the site conditions.

Sec. 16-37 Responsibility of permittee

During soil erosion and sedimentation control operations, the permittee hereunder shall be responsible for:

- (1) The prevention of damage to any public utilities or services within the limits of grading and along any routes of travel of the equipment.
- (2) The prevention of damage to adjacent property. No person shall allow sediment to onto adjacent property or grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or any public or private property without supporting and protecting such property from settling, cracking or other damage which might result.

(3) Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of the permit and this chapter.

(4) The prompt removal of all soil, miscellaneous debris or other materials applied, dumped or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares during transit to and from the construction.

Sec. 16-38 Exceptions

No permits shall be required for the following:

(1) Plowing and tilling for crop production.

(2) Grading or an excavation below finished grade for basements, footings, retaining walls, or other structures on plots zoned residential of less than one acre, 43,560 square feet, and more than five hundred (500) feet from any lake, stream or drainage course.

(3) Exemption and waivers set forth in Part 91, Sections 9115 and 9115a, and Rule 1705.

Although no permits are required under this section, the operations and constructions exempted from obtaining permits must comply with the rules and regulations concerning soil erosion and sedimentation control specified in this chapter.

Section 2. Severability

All ordinances or part of Ordinances in conflict herein are hereby repealed, only to the extent necessary to give this Ordinance full force and effect.

In the event any portion of the Penalty section is determined by a court to be unenforceable, then the penalty shall be set at the maximum amount allowed by law.

Section 3. Effective date

This Ordinance shall take effect fifteen (15) days from the date of its passage by the Wyandotte City Council and this ordinance or a summary shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption.

On the question, "SHALL THIS ORDINANCE NOW PASS?" the following vote was recorded:

YEAS: Councilpersons Browning, Kolakowski, Peterson, Ptak, Sutka

NAYS: None

ABSENT: Councilperson Fricke

I hereby approve the adoption of the foregoing Ordinance this 16th day of March, 2009.

CERTIFICATION

We, the undersigned, James R. DeSana and William R. Griggs, respectively, the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the City Council of the City of Wyandotte, at a regular session on Monday, 16th day of March, 2009.

William R. Griggs, City Clerk James R. DeSana, Mayor

RESOLUTIONS

Wyandotte, Michigan March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the reading of the minutes of the previous meeting be dispensed with and the same stand APPROVED as recorded without objection.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

ROLL ATTACHED

Wyandotte, Michigan March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the communication from William J. Mioduszewski, 1838 McKinley relative to the improvements made on the 1800 block of McKinley is hereby received and placed on file.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
ROLL ATTACHED

Wyandotte, Michigan March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the communication from the Guidance Center dated March 7, 2009 requesting funding in the amount of \$3,000 for various projects is hereby referred to the Director of Financial and Administrative Services to explore possible funding sources.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
ROLL ATTACHED

Wyandotte, Michigan March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in the request of the Chief of Police to purchase three (3) 2009 Ford Crown Vics from Gorno Ford for use as Police Patrol Vehicles for an amount not to exceed \$72,555.00.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
YEAS: Councilmembers Browning, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the Chief of Police and Police and Fire Commission for the placement of "Handicap Parking" signs at 3510-14th Street. AND BE IT FURTHER RESOLVED that the Department of Public Service is directed to install same.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
ROLL ATTACHED

Wyandotte, Michigan March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the Superintendent of Recreation as set forth in his communication dated March 12, 2009 to appoint Commissioner Margaret Loya as a board Member of the Senior Alliance (TSA) and Frederick E. Pischke as

the alternate member to the board representing the City of Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
ROLL ATTACHED

Wyandotte, Michigan March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the City Engineer to amend the 2008 Grass Cutting Program File # 4448 contract with Frank's Lawn Maintenance and J & R Landscaping Maintenance Inc. to include the 2009 Grass Cutting Program as set forth in the Amendment to Contract for said work; AND BE IT FURTHER RESOLVED that the work will be funded from account # 492-200-850-520 and account # 101-448-825-480.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
YEAS: Councilmembers Browning, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer and Department of Legal Affairs, to grant the request from Marygrove Awning on behalf of the owner Terry Pantall to construct and install a canopy over the outdoor café at 166 Maple provided the Grant of License is executed by both parties and the Hold Harmless Agreement is executed by Terry Pantall; AND BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to sign said Grant of License.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
ROLL ATTACHED

Wyandotte, Michigan March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby GRANTS permission to the Jaycees to utilize Bishop Park and the Log Cabin on Friday, April 10 and Saturday, April 11th, 2009 for the annual Wyandotte Jaycees Easter Egg Hunt, set up at 8:00 a.m. event to commence at 11:00 a.m. sharp. AND BE IT FURTHER RESOLVED that copies of said communication be forwarded to the Museum, Police, Fire, DPS.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
ROLL ATTACHED

Wyandotte, Michigan Date: March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

At a regular session of the City Council of the City of Wyandotte.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYANDOTTE

WHEREAS, this Council by resolution has deemed it advisable and necessary for the health, welfare,

comfort and safety of the people of the City of Wyandotte, to vacate the hereinafter described land in the City of Wyandotte, County of Wayne, State of Michigan, as a public alley, more particularly described as:

The 10 foot wide north-south public alley west of 1st Street from Mulberry Street to the intersecting east-west alley south of Mulberry Street being the westerly ten (10) feet of lot number six (6), abutting Lot 5 and the remainder of Lot 6, both inclusive, Block 64 of Plat of Part of the City of Wyandotte, Wayne County, as recorded in Liber 2 of Plats, Page 36, Wayne County Records

WHEREAS, due notice has been given of the hearing of objections to said vacation; and

WHEREAS, said hearing having taken place in accordance with such notice, and objections having been offered, and this Council still being of the opinion that said vacation is advisable; now, therefore,

BE IT RESOLVED that the above described alley shall be and the same is hereby declared VACATED as a public alley, reserving to the City of Wyandotte, a Municipal Corporation of the State of Michigan, its successors and assigns forever and in perpetuity from the date hereof, an easement on, over, under, across, and within the ten (10) foot right-of-way of the above described alley for the purpose of constructing, operating, maintaining and repairing existing and future public utilities, sewers and drains, and that said City of Wyandotte, its contractors, employees, agents successors, assigns and lessees shall at all times have free ingress to and egress from said alley right-of-way, to construct, operate, maintain and repair said existing and future utility lines of every nature, and sewers and drains.

BE IT FURTHER RESOLVED that there is hereby reserved to the Michigan Bell Telephone Company, its successors and assigns, an easement on, over, under, across and within said ten (10) foot wide right-of-way for the purpose of constructing, erecting, operating, maintaining, and repairing its existing and future telephone communication system consisting of poles, lines, wires, cables and apparatus; and that said Michigan Bell Telephone Company, its contractors, employees, agents, successors and assigns shall at all times have full ingress to and egress from said ten (10) foot wide right-of-way for said purpose.

BE IT FURTHER RESOLVED that no structures, or any article or thing whatsoever shall be constructed or maintained on, over, under, across, or within the ten (10) foot right-of-way of the above described alley except the erection of fences by the abutting property owners and that in the exercise of the easement and ingress and egress rights heretofore reserved herein said City of Wyandotte shall not be liable for any injury or damage to, or disturbance of, nor shall it have any duty to pay for or replace, any animate or inanimate improvement on, over, under, across, or within said ten (10) foot right-of-way.

I move the adoption of the following resolution.

Councilperson Joseph Peterson
Supported by Todd Browning
YEAS: Councilpersons Browning, Kolakowski, Peterson, Ptak, Sutka
NAYS: None
ABSENT: Councilperson Fricke

Wyandotte, Michigan March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the City Engineer has expressed a desire to meet in closed session to discuss acquisition and or lease of real property. Now, therefore, be it resolved that this Body will meet in closed session immediately following the regularly scheduled Council meeting for the above stated purpose only.

I move the adoption of the foregoing resolution.
MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
YEAS: Councilmembers Browning, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan March 16, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the total bills and accounts in the amount of \$667,987.13 as presented

by the Mayor and City Clerk are hereby APPROVED for payment.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

YEAS: Councilmembers Browning, Kolakowski, Peterson, Ptak, Sutka

NAYS: None

ADJOURNMENT

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

That we adjourn

Carried unanimously.

Adjourned at 7:40 p.m.

March 16, 2009

William R. Griggs, City Clerk
