1. Council Meeting Agenda

   Documents:

   10-16-18 AGENDA.PDF

2. City Council Packet

   Documents:

   OCTOBER 16, 2018 CITY COUNCIL MEETING PACKET.PDF

CITY OF YPSILANTI
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, OCTOBER 16, 2018
7:00 p.m.

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Bashert	P A	Council Member Robb	P A
Mayor Pro-Tem Brown	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Edmonds	P A
Council Member Richardson	P A		

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. AGENDA APPROVAL –

VI. INTRODUCTIONS

VII. PRESENTATIONS –

VIII. AUDIENCE PARTICIPATION –

IX. REMARKS BY THE MAYOR –

X. CONSENT AGENDA – Resolution No. 2018-256

1. Resolution No. 2018-257, approving minutes of September 25, 2018 and October 2, 2018.
2. Resolution No. 2018-258, recognizing High Scope Educational Research Foundation as a nonprofit organization operating in the community for the purpose of a charitable gaming license.

XI. ORDINANCES – FIRST READING

Ordinance No. 1327

1. Ordinance to amend the Ypsilanti City Code as necessary to make the possession of marihuana paraphernalia a municipal civil infraction, and to make certain Article VI of the Code is consistent with State law and other provisions of the City Code.

   A. Resolution No. 2018-259, determination
   B. Open Public Hearing

C. Resolution No. 2018-260, close public hearing

Ordinance No. 1328

2. Ordinance to add **a** New Article VII to Chapter 2 – Administration of the City of Ypsilanti Code of Ordinances to be titled "Departments of the City" and to add new divisions thereto; and to create the Department of Finance and Treasury, create the position of Finance Director/Treasurer, establish the functions of the Department, provide for the prescription of Departmental Rules and Regulations, and permit the appointment of a Deputy and designation of an Acting Director.

   A. Resolution No. 2018-261, determination
   B. Open Public Hearing
   C. Resolution No. 2018-262, close public hearing

XII. **<u>RESOLUTIONS/MOTIONS/DISCUSSIONS</u> –**

1. Resolution No. 2018-263, increasing the Mayor and City Council compensation by 2%.

2. Resolution No. 2018-264, authorizing the Fire Department to apply for the 2018 Assistance to Firefighters Grant (AFG).

3. Resolution No. 2018-265, supporting The Energy Freedom Package, House Bills 5861-5865.

4. Resolution No. 2018-266, approving audit engagement letter.

5. Resolution No. 2018-267, supporting the application for a CLG grant.

6. Resolution No. 2018-268, approving a non-resident appointment to Ypsilanti Housing Commission.

7. Resolution No. 2018-269, accepting the SAFER Grant EMW-2017-FH-00212, in the amount of $1,082,316.

8. Resolution No. 2018-270, approving the Fire Department to accept the 2017 AFG SCBA Grant.

9. Discussion on PA 152 of 2011 Healthcare Cost Contributions for 2019.

10. Resolution No. 2018-271, approving 2019 Road Repairs Design Proposal from OHM.

XX. **<u>LIAISON REPORTS</u> –**

A. SEMCOG Update
B. Washtenaw Area Transportation Study
C. Urban County
D. Ypsilanti Downtown Development Authority
E. Ypsilanti Youth Safety Collaboration
F. Friends of Rutherford Pool
G. Housing Equity Leadership Team

XXI. **<u>COUNCIL PROPOSED BUSINESS</u> –**

XXII. <u>COMMUNICATIONS FROM THE MAYOR</u> –

Nomination:

<u>Sustainability Commission</u>

Christian Cannon (replacing Natalie Sampson)
418 Burton Ct.
Ypsilanti, MI 48197
Term exp. 5/1/2020

XXIII. <u>COMMUNICATIONS FROM THE CITY MANAGER</u> –

XXIV. <u>COMMUNICATIONS</u> –

XX. <u>AUDIENCE PARTICIPATION</u> –

XXI. <u>REMARKS FROM THE MAYOR</u> –

XXII. <u>ADJOURNMENT</u> –

Resolution No. 2018-272, adjourning the City Council meeting.

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Council Member Murdock	P A	Mayor Edmonds	P A
Council Member Richardson	P A		

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Sustainability Commission

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418 Burton Ct.
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Term exp. 5/1/2020

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XX. AUDIENCE PARTICIPATION –

XXI. REMARKS FROM THE MAYOR –

XXII. ADJOURNMENT –

Resolution No. 2018-272, adjourning the City Council meeting.

Resolution No. 2018-256
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2018-257, approving minutes of September 25, 2018 and October 2, 2018.

2. Resolution No. 2018-258, recognizing High Scope Educational Research Foundation as a nonprofit organization operating in the community for the purpose of a charitable gaming license.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2018 - 258
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of September 25 and October 2, 2018 be approved.

OFFERED BY: ______________________________

SUPPORTED BY:______________________________

YES: NO: ABSENT: VOTE:

Draft

CITY OF YPSILANTI
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, SEPTEMBER 25, 2018
6:30 p.m.

I. CALL TO ORDER –

The meeting was called to order at 6:30 p.m.

II. ROLL CALL –

Council Member Bashert		Present	Council Member Robb	Present
Mayor Pro-Tem Brown		Present	Council Member Vogt	Present
Council Member Murdock		Present	Mayor Edmonds	Absent
Council Member Richardson	(6:37)	Present		

Council Member Vogt moved, seconded by Council Member Murdock to excuse the absence of Mayor Edmonds.

On a voice vote, the motion carried, and the absence was excused.

III. INVOCATION –

Mayor Pro-Tem Brown asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. AGENDA APPROVAL –

Council Member Vogt moved, seconded by Council Member Bashert to approve the agenda.

On a voice vote, the motion carried, and the agenda was approved as submitted.

VI. CLOSED SESSION – 6:30-7:00 p.m.

Closed session to discuss collective bargaining, Tentative Agreement from AFSCME, pursuant to OMA 15.268, Section (8)(c)

Council Member Vogt moved, seconded by Council Member Bashert to adjourn to Closed Session.

On a roll call, the vote to adjourn to Closed Session was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Absent	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Edmonds, Richardson) VOTE: Carried

The meeting adjourned to Closed Session at 6:35 p.m.

The meeting reconvened to Open Session at 7:00 p.m.

VII. INTRODUCTIONS

None

VIII. PRESENTATIONS –

None

IX. AUDIENCE PARTICIPATION –

1. Sue Melke, 330 Chidester, stated a month ago she asked the status of constructing picnic tables for city parks.

2. Ashton Marr, EMU, stated she is in attendance for a class and asked for contact information to provide her professor.

X. REMARKS BY THE MAYOR –

XI. ORDINANCE – FIRST READING –

Ordinance No. 1326

Ordinance to amend the Ypsilanti City Code as necessary to adopt the 2018 edition of the International Property Maintenance Code, to make additions, insertions, and changes to the 2018 Edition of that Code, and to set forth the penalties.

A. Resolution No. 2018-241, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 18 OF THE YPSILANTI CITY CODE, ENTITLED "BUILDINGS AND BUILDING REGULATIONS," BY AMENDING ARTICLE V, "PROPERTY MAINTENANCE CODE," SECTION 18-91 "ADOPTION," TO REPLACE THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AND BY AMENDING SECTION 18-92 "ADDITIONS, INSERTIONS AND CHANGES," BY DELETING THE PREVIOUS ADDITIONS, INSERTIONS AND CHANGES AS NECESSARY AND MAKING ADDITIONS, INSERTIONS AND CHANGES TO THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO SET FORTH THE PENALTIES" be approved on First Reading.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Bashert

Assistant City Attorney Dan DuChene provided an overview to why this has been submitted for approval.

Council Member Robb stated additions have been made and asked for clarification of those additions to the code. He provided an example that every day a person is in violation of the code they can be written a ticket. He asked if every day a resident does not mow their lawn would they be written a ticket each day. Mr. DuChene responded he would need to research that possibility, but he believes that is the current process. Mr. Robb asked why this would be added if that is the current process. Mr. DuChene responded this update is concerning the Property Maintenance Code, which is included in City Code. Mr. Robb asked if it is possible all of this additions are in the code. Mr. DuChene responded that is possible, but indicated he did not provide substantive input so it may include new updates. Mr. Robb asked if anything new is being added to the code. City Attorney John Barr clarified state law allows a city to adopt standard codes such as the Motor Vehicle Code, Property Maintenance Code (PMC), and Building Maintenance Code. Assistant City Attorney Jesse O'Jack monitors the PMC carefully to ensure City Code is in line with that code. He offered to have Mr. O'Jack present to provide information on the update, but assured Council Mr. O'Jack has completed updates such as these a number of times. Mr. Robb responded he does not believe Mr. O'Jack would need to be present, but if he could draft a memo indicating what is new in the code. Mr. Barr responded in the affirmative.

Council Member Murdock stated Council received a memo regarding Radon and asked for clarification. Mr. DuChene responded there have been previous suggestions that a regulation could be codified requiring Radon testing and radiation testing for certain parts of the city. His thought at the time is the PMC would be where to include this regulation. After discussion with Mr. O'Jack and Building Department Manager Frank Daniels he now believes it should be included in the tenant's rights section of the code, or the Certificate of Compliance section. Mr. O'Jack and Mr. Daniels suggested the tenant test for Radon and provide the Building Department with results for further action. Mr. Murdock responded that would place the responsibility with the tenants. Mr. DuChene replied the other possibility would be to require the property owner complete the testing, but it is uncertain that would produce reliable results. Council Member Richardson stated the city should require a landlord to complete Radon tests. Mr. DuChene replied there are ways to skew the tests, and he is not certain requiring the landlord complete the test would have the intended affect. Ms. Richardson stated if the tenant completes the test the landlord should be required to pay for the test. Mr. Murdock stated Ann Arbor requires basement apartments be tested because they are most at risk for Radon.

B. Open public hearing

None

C. Resolution No. 2018-242, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a public hearing on an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 18 OF THE YPSILANTI CITY CODE, ENTITLED "BUILDINGS AND BUILDING REGULATIONS," BY AMENDING ARTICLE V, "PROPERTY MAINTENANCE CODE," SECTION 18-91 "ADOPTION," TO REPLACE THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AND BY AMENDING SECTION 18-92 "ADDITIONS, INSERTIONS AND CHANGES," BY DELETING THE PREVIOUS ADDITIONS, INSERTIONS AND CHANGES AS NECESSARY AND MAKING ADDITIONS, INSERTIONS AND CHANGES TO THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO SET FORTH THE PENALTIES" be officially closed.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Murdock

On a voice vote, the motion carried, and the public hearing was closed.

On a roll call, the vote to approved Resolution No. 2018-241 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-243, approving minutes of August 28 and August 29, 2018 meetings.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of August 28th and August 29th 2018 be approved.

OFFERED BY: Council Member Bashert
SECONDED BY: Council Member Richardson

Council Member Richardson stated she has some edits and will supply them to the City Clerk.

On a roll call, the vote to approved Resolution No. 2018-241 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	No	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 5 NO: 1 (Murdock) ABSENT: 1 (Edmonds) VOTE: Carried

2. Resolution No. 2018-244, approving service agreement with iCompass for agenda management and video streaming software solutions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council adopted Resolution No. 2018-237 on September 11, 2018, which authorized City staff to negotiate an agreement with iCompass Technologies, Inc. for the purchase of an agenda management and video streaming software solution and to present City Council with such an agreement for approval; and

WHEREAS, accordingly, staff has negotiated the attached agreement pursuant to this authorization and direction;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Clerk are authorized to sign and execute the attached agreement with iCompass on behalf of the City of Ypsilanti, subject to review and approval of the City Attorney.

OFFERED BY: Council Member Robb
SECONDED BY: Council Member Vogt

City Clerk Frances McMullan provided an overview to why this resolution has been submitted for approval.

On a roll call, the vote to approved Resolution No. 2018-241 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

3. Resolution No. 2018-246, approving fireworks display permit to allow the display of fireworks on September 29, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Andrew Espenshade of ACE Pyro, LLC, on behalf of the Eastern Michigan University Athletic Department has applied for a fireworks permit to allow a fireworks display at Eastern Michigan University on the baseball field parking lot located East of the Rynerson Stadium. The fireworks is scheduled on September 29, 2018 at approximately 9:00pm just after the football game; and

WHEREAS, ACE Pyro, LLC will operate the display and has obtained public liability insurance in the amount of $10,000,000 and has added the City of Ypsilanti as an additional insured.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the Fireworks Display Permit to allow the requested display of fireworks on, September 29, 2018, subject to the inspection and approval of the Ypsilanti Fire Department.

OFFERED BY: Council Member Bashert
SECONDED BY: Council Member Richardson

Fire Chief Max Anthouard provided an overview to why this resolution is being submitted for approval.

Council Member Vogt asked if any complaints were submitted from previous fireworks displays. Chief Anthouard responded no. Council Member Bashert responded she has received a couple, and explained some people like fireworks and some do not. Mr. Vogt stated he enjoys fireworks, but has received several complaints and as a result will be voting against this resolution.

On a roll call, the vote to approved Resolution No. 2018-246 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	No	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	No
Council Member Bashert	Yes		

VOTE:

YES: 4 NO: 2 (Vogt, Murdock) ABSENT: 1 (Edmonds) VOTE: Carried

4. Resolution No. 2018-248, approving Bell-Kramer Budget Adjustment

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti desired to provide a 12 month vapor intrusion assessment of the residential properties located in the Bell Kramer neighborhood north of the former City-owned landfill as recommended by the Michigan Department of Environmental Quality; and

WHEREAS, The City of Ypsilanti desires to have subsurface soil gas sampling and indoor air quality monitored for a year as recommended by DEQ to determine what, if any, mitigation may be required; and

WHEREAS, it is the desire of the City of Ypsilanti to complete this study.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council appropriates funding in the amount of $15,500 to complete the Bell Kramer Neighborhood Environmental Testing Study.

OFFERED BY: Council Member Richardson
SECONDED BY: Council Member Murdock

Economic Development Director Joe Meyers provided an overview to why this resolution has been submitted for approval.

Council Member Robb stated if these funds were not appropriated this year is does not matter what was appropriated last year. Mr. Meyers responded he understands. Mr. Robb stated this is not in the budget and the funds will come from the General Fund. Mr. Meyers responded in the affirmative. Mr. Robb stated the city is in a deficit and asked if there are any offsets for these funds. Mr. Meyers responded it could come from contractual services, but that would decrease funding to the parking strategy and implementation. Council Member Richardson asked what account staff proposes the funds be allocated. Mr. Meyers responded he is not certain. Mr. Robb stated the city had a surplus and it whittled that money away, and he cannot support this unless there are offsets. He explained this is the first time during his tenure on Council the city had a surplus and now it is in a deficit. He would like to stop that practice prior to his leaving Council, and this should be paid with funds the city has currently budgeted.

Council Member Robb moved, seconded by Council Member Richardson to use the funds previously budgeted for the Ypsilanti Parking strategy to fund the $15, 500 for the Bell Kramer Neighborhood Environmental Testing Study.

Council Member Bashert interjected Council budgeted for a parking strategy not a parking study.

Council Member Robb moved a friendly amendment to amend the motion to parking strategy.

Council Member Richardson accepted the friendly amendment.

Council Member Vogt agreed with the sentiment, but would prefer the offset come from elsewhere in the budget. Mayor Pro-Tem Brown asked where he suggests these funds should come.

Mr. Meyers stated Council increased the contractual services budget from $30,000 to $60,000 to ensure the parking strategy is completed.

Council Member Bashert prefers the funds not come from the parking strategy. Mr. Meyers stated there is a Council meeting next week and he can provide offsets for these funds. Ms. Bashert stated Council recently created a Housing Fund, and that could be used for this. She explained the test promoted housing ownership, and there can be an argument to use that fund.

Council Member Robb withdrew his motion.

Council Member Robb moved, seconded by Council Member Vogt to allocate the $15,500 from the Housing Trust Fund.

Council Member Murdock suggested the funds be allocated from what was budgeted for the Penn Dam Study. Council Member Bashert responded the Penn Dam has nothing to do with supporting home ownership. Council Member Vogt interjected any funding set aside for the dam is a necessity. It might not be imminent but it is a necessity. Mr. Murdock withdrew his suggestion, and stated Council Member Robb and other members of Council have requested a synopsis of the allocations made since the approval of the budget. He suggested using fund balance to cover the cost for the Bell-Kramer study until Council is provided updated budget information. He stated it is unwise to try to balance the budget prior to having that knowledge. Council Member Robb interjected there is a budget deficit of $12,934. Mr. Murdock responded it would be nice if those numbers were shared with Council.

Council Member Richardson stated she would like this sent back to staff to determine where the funds would be allocated from and bring it to Council for approval.

Council Member Richardson moved, Seconded by Council Member Murdock to send Resolution No. 2018-248 back to staff to select budget offsets for the $15,500.

On a roll call, the vote to send Resolution No. 2018-241 back to staff for review was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

Mr. Barr requested a resolution be approved to remove Resolution No. 2018-247 from the agenda and place it on the next Council Agenda.

Council Member Richardson moved, seconded by Council Member Bashert to remove Resolution No. 2018-247 from the agenda and place it on the October 2, 2018 Council Agenda

On a roll call, the vote to remove Resolution No. 2018-247 from the agenda and place it on the October 2, 2018 Council Agenda was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

~~5. Resolution No. 2018-247, approving AFSCME 2017-2022 Collective Bargaining Agreement~~

~~**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**~~

~~**WHEREAS, the Local 623, AFSCME Council 25, collective bargaining agreement with the city expired on June 30, 2017; and**~~

~~**WHEREAS, the city and the union have been engaged in contract negotiations for more than 16 months on a successor contract; and**~~

~~**WHEREAS, the city and the union have reached a tentative agreement on a new collective bargaining agreement for the term commencing on July 1, 2017, and terminating on June 30, 2022; and**~~

~~**WHEREAS, the city desires to approve the new contract as presented.**~~

~~**NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve the new collective bargaining agreement between the City of Ypsilanti and the Local 623 of the American Federation of State, County, and Municipal Employees (AFSCME) Council 25, for the term commencing on July 1, 2017, and terminating on June 30, 2022, as presented and authorize the Mayor, City Manager, and City Clerk to execute the agreement on behalf of the city after approval by the City Attorney as to form.**~~

(Removed from the agenda)

XX. LIAISON REPORTS –

A. SEMCOG Update – The next meeting is scheduled for Friday, September 25, 2018
B. Washtenaw Area Transportation Study – Council Member Murdock stated as a result of equity issues the city might be receiving more Federal Highway Funds starting in 2023.
C. Urban County - None
D. Ypsilanti Downtown Development Authority – Mr. Meyers stated Council received an email that E. Cross Street received a huge honor being names one of the top streets in the United States. There will be an event on October 20th to celebrate the honor in Depot Town. Mayor Pro-Tem Brown stated it is amazing for the city to receive such an honor. Mr. Meyers stated only two cities in Michigan have received this award, both in 2009, Main Street in Ann Arbor and Front Street in Traverse City. The best part is E. Cross was nominated by an individual not known by staff because of their own opinion of the street.
E. Ypsilanti Youth Safety Collaboration - None

F. Friends of Rutherford Pool – Council Member Bashert stated there seems to be an issue with the Department of Natural Resources (DNR) Grant, and asked if staff is aware of the problem. Mr. Meyers responded staff is aware of the problem and is working toward a resolution. He explained a timeline needs to be submitted regarding the demolition of the former Recycling Center. Ms. Bashert interjected there seems to be a conflict between what the DNR asked for in June and what is being asked currently. She explained more information than previously requested is now needed for approval. Mr. Meyers replied that is a fair assessment, but staff will provide that information.

G. Housing Equity Leadership Team - None

XXI. **COUNCIL PROPOSED BUSINESS** –

Richardson

- The city has always promoted its Fire Chief internally. However, Council was informed the by the City Manager recruitment would occur externally. She would like to see the practice of internal promotion continue at the Fire Department. She is certain there is viable candidate among the ranks of the Fire Department and they should be promoted now in order to shadow the current Chief until his retirement. That practice is good for the morale of the Fire Department and the city as a whole.
- While attending the Michigan Municipal League Conference she learned a number of things. She suggested taking a trip to Grand Rapids because of its progress in the past six years. She commented on the amazing public art in the city. MML adopted new inclusive and diversity strategies during its June meeting and are working toward that goal. The first black female was elected as Vice-President who will be President next year. The conference had over 1,000 attendees between the Michigan Association of Planners and MML.
- It is bittersweet that Assistant City Attorney Dan DuChene is leaving the City Attorney's Office. She thanked him for all the work he has done for the city, even as a reporter prior to being with the Attorney's Office. She wished him all the best in future endeavors.

Robb

- Asked for an update regarding the gas station at Cross and Prospect opening prior to allowed business hours. Mr. Meyers responded the Building Manager has spoken with the business, but will send him a second time.
- There are three active redevelopment liquor licenses that exist in the city, Bona Sera, Red Rock, and Ziggy's. Mr. Meyers replied there is an additional license tied to Dalat, and two more in the works. Mr. Robb stated the businesses are supposed to open five days a week for fifty hours and not all three businesses are following that guideline. He asked if that is a city or state requirement. Mr. Meyers replied that is a state requirement.

Vogt

- Asked Council to begin considering to do something to improve pedestrian and non-motorized access to the west end of the Border to Border Trail.

Murdock

- Asked for the status of the demolition of the former recycling center. He is curious of what the city is thinking of doing in the future for that location. He stated there has been discussion regarding holding public hearings to discuss that, and asked if that is still the plan. Mr. Meyers responded the estimated $700,000 to construct the parking lot was a shock to staff and a hard look needs to be taken on how best to proceed. Mr. Murdock stated once the center is removed will the site be graded or signage installed. Mr. Meyers replied at this point the plan is to remove the building and then examine what the next steps are. Council Member Robb asked staff to provide Council what it will cost to bond that project out for eight years. Mr. Murdock stated the DDA has bonding capacity too.

— He sent out memo regarding the Planning and Parks and Recreation Commission to priorities park improvement projects with hopes to complete some of the projects prior to the end of the Fiscal Years. Council Member Bashert and Mayor Pro-Tem Brown supported the idea.
— There are a lot of issues with the city sidewalks, particularly in some of the commercial areas. He asked that a priority list be completed in order to fix that issue, including those owned by the city.
— A meeting was held regarding the notification of affordable housing and dislocation fee. He asked the Attorney's Office to review the possibilities. He suggested including that in PILOT agreements.
— The road safety audit MDOT is completing for M-17 and US-12 is being completed and a meeting will be held on Thursday, September 27th to inform the public of their ideas.

Bashert

— Asked what is happening with the signage in the South Huron Parking Lot, and why is it taking so long. Mr. Meyers replied he would look into it. Ms. Bashert responded it is taking way to long, and the signage should have been planned in with the restriping.

XXII. COMMUNICATIONS FROM THE MAYOR PRO-TEM–

— Stated she is excited MDOT is here preforming the audit of those roadways. She hopes there will be positive feedback on how to increase safety.
— Echoed the comments of Council Member Richardson regarding Assistant City Attorney Dan DuChene.

XXIII. COMMUNICATIONS FROM THE CITY MANAGER –

None

XXIV. COMMUNICATIONS –

September 18, 2018 Traffic Review Commission Minutes

XX. AUDIENCE PARTICIPATION –

1. John Barr, 105 Pearl, stated he received a number of complaints from the Riverside Arts Center regarding the crossing at Pearl and Huron. He asked that MDOT be asked about that issue.

XXI. REMARKS FROM THE MAYOR –

XXII. ADJOURNMENT –

Resolution No. 2018-249, adjourning the City Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Bashert

On a voice vote, the motion carried and the meeting adjourned at 8:02 p.m.

Draft

CITY OF YPSILANTI
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, OCTOBER 2, 2018
6:30 p.m.

I. CALL TO ORDER –

The meeting was called to order at 6:35 p.m.

II. ROLL CALL –

Council Member Bashert	Present	Council Member Robb	Present
Mayor Pro-Tem Brown	Present	Council Member Vogt	Present
Council Member Murdock	Present	Mayor Edmonds	Absent
Council Member Richardson	Present		

Council Member Bashert moved, seconded by Council Member Vogt, to excuse the absence of Mayor Edmonds.

On a voice vote, the motion carried, and the absence was excused.

III. INVOCATION –

Mayor Pro-Tem Brown asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. AGENDA APPROVAL –

Council Member Vogt moved, seconded by Council Member Bashert, to approve the agenda.

Council Member Robb moved to remove Resolution No. 2018-251 and Resolution No. 2018-252 from the Consent Agenda and add them to the beginning of Section XII, Resolutions/Motions/Discussions.

On a voice vote, the motion carried, and the agenda was approved as submitted.

VI. CLOSED SESSION – 6:30-7:00 p.m.

Closed session to discuss collective bargaining, Tentative Agreement from AFSCME, pursuant to OMA 15.268, Section (8)(c)

Council Member Bashert moved, seconded by Council Member Vogt, to adjourn to Closed Session.

On a roll call, the vote to adjourn to Closed Session was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

The meeting adjourned to Closed Session at 6:38 p.m.

Council Member Murdock moved, seconded by Council Member Richardson to reconvene to Open Session.

On a voice vote, the motion carried, and the meeting reconvened to Open Session.

The meeting reconvened at 6:45 p.m. followed by a brief recess until 7:00 p.m.

VII. INTRODUCTIONS

Mayor Pro-Tem Brown introduced the following; Fiscal Services Director Marilou Uy, City Attorney John Barr, City Manager Darwin McClary, Economic Development Director Joe Meyers, Housing Commission Director Zac Fosler, and many others.

VIII. PRESENTATIONS –

1. Presentation of Bronze Award from the Michigan Green Communities – Sustainability Commission

Council Member Bashert stated as the Council Liaison to the Sustainability Commission she has been very excited to see this commission come together as a body. This is the first major accomplishment of the commission and she is looking for more and more coming from that commission. The Michigan Municipal League (MML) is here to present a very exciting award to the city. Commissioner Emily Drennen is present to help accept the award.

MML Director of Policy Development Shannon Draheim presented the Bronze Level Award to the city. She provided an explanation of what the award is.

2. Budget Update – City Manager Darwin McClary

City Manager Darwin McClary provided a budget update in response to recent requests for appropriations for unanticipated items.

Council Member Vogt asked where the $500,000 boost to the fund balance come from in general. Mr. McClary replied it came from several sources. He explained each year there is lag time when a position is vacated and when it is filled. He asked Fiscal Services Director Marilou Uy if there were any projects originally budget that did not take place. Ms. Uy responded she does not have a report, but will prepare a summary for Council. Mr. McClary replied one thing that added to the surplus is $35,000 was originally budgeted for the Bell-Kramer environmental testing, which not all was expended.

Council Member Bashert stated there have been changes that are saving the city money that are not reflected in the report. She mentioned $25,000 in recycling center services. Mr. McClary responded those charges are allocated from the Rubbish Collection Fund, not the General Fund. He added the Intergovernmental Agreement will be expended from the General Fund. Ms. Bashert asked why the agreement costs would not be allocated from the Rubbish Collection Fund. Mr. McClary responded the General Fund has been subsidizing the Rubbish Collection Fund, at least for this year.

Council Member Robb asked if the city is going to accept the SAFER Grant, and if so when can the city expect to have those firefighters on staff. Mr. McClary responded the city will be accepting the grant, and the Fire Chief intends to fill those positions between November 1st and December 15th.

IX. **AUDIENCE PARTICIPATION** –

1. Beverly James, 968 Monroe, stated City Hall is the people's house and she is upset by how she was treated at City Hall. There is something happening in her community and she would like information on, but she will follow up with city staff.

2. Zac Fosler, Ypsilanti Housing Commission Director, stated there is a nomination for an YHC Board Member, Loviesa Brown who is very closely tied to the Southside of Ypsilanti. However, the nomination is an Ypsilanti Township resident.

3. Sue Melke, 330 Chidester, asked when the live streaming of public meetings going to begin and if people can bring their recycling to City Hall. She asked why the city is going to pay the Township $25,000 if they are not providing recycling services to Ypsilanti City residents.

4. Anthony Williamson, 8157 Starling Ct., encouraged Council to appoint Loviesa Brown to the Ypsilanti Housing Commission. A month ago he asked about the status of speed bumps at the New Parkridge development. He asked if Parkridge could begin to have greater communication between city administration and his director.

5. Desirae Simmons, Ward 3, is excited the city is looking to expand non family occupancy in the zoning code. However, she would like to see it expanded past the CN and CN-Mid zones.

6. Michael Simmons, 128 Bell, supported the nomination of Loviesa Brown to the YHC. The testing of the Bell-Kramer neighborhood has been satisfactory, but the neighbors do believe another year of testing would make them feel more secure. He asked Council to take that into consideration.

7. Nathanael Romero, Ward 3, supported the zoning text amendment but would like to see it expanded. He has concerns that landlords might attempt to increase population density in their buildings based on the change.

8. Larry Henkle, 1443 Collegewood, supported the proposed zoning change on the agenda.

X. **REMARKS BY THE MAYOR** –

Council Member Bashert stated the $25,000 earmarked for the intergovernmental agreement for recycling would provide the city with passes it could supply residents.

Mayor Pro-Tem Brown asked when Council can expect to have the live stream of meetings operational. Ms. McMullan replied Council approved the agreement with iCompass and now staff is working toward purchasing cameras.

Council Member Murdock asked if a non-resident would be elligble to serve on the Housing Commission. City Attorney John Barr replied he would review the matter and supply Council with his opinion. Mr. Murdock added he is not opposed to the nomination, but he wants to ensure it is legal. Council Member Richardson stated when this was reviewed in the past, the Commissioner in question served for many terms and was allowed to finish her term. At that time the commissioner was not reappointed but not based on her residency. She support Ms. Brown being appointed to the YHC, especially since she has been working locally and grown up in Parkridge.

Council Member Richardson apologized to Ms. James for how she was treated on her recent visit to City Hall. Council in the past stressed courtesy, and she has received complaints about staff in the Department of Public Services and at City Hall. She believes things have improved and will continue to improve. Beverly James, 968 Monroe, responded most employees are very pleasant and provide her information.

~~**XI. CONSENT AGENDA** – Resolution No. 2018-250~~

~~1. Resolution No. 2018-251, approving minutes of September 11, 2018~~

~~2. Resolution No. 2018-252, approving Ordinance No. 1326, an ordinance to amend the Ypsilanti City Code as necessary to adopt the 2018 edition of the International Property Maintenance Code, to make additions, insertions, and changes to the 2018 Edition of that Code, and to set forth the penalties. ***(Second Reading)***~~

(Moved and Heard During Section XII, Resolutions/Motions/Discussions)

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-251, approving minutes of September 11, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of September 11, 2018 be approved.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Bashert

On a roll call, the vote to approve Resolution No. 2018-251 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

2. Resolution No. 2018-252, approving Ordinance No. 1326, an ordinance to amend the Ypsilanti City Code as necessary to adopt the 2018 edition of the International Property Maintenance Code, to make additions, insertions, and changes to the 2018 Edition of that Code, and to set forth the penalties. ***(Second Reading)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 18 OF THE YPSILANTI CITY CODE, ENTITLED "BUILDINGS AND BUILDING REGULATIONS," BY AMENDING ARTICLE V, "PROPERTY MAINTENANCE CODE," SECTION 18-91 "ADOPTION," TO REPLACE THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AND BY AMENDING SECTION 18-92 "ADDITIONS, INSERTIONS AND CHANGES," BY DELETING THE PREVIOUS ADDITIONS, INSERTIONS AND CHANGES AS NECESSARY AND

MAKING ADDITIONS, INSERTIONS AND CHANGES TO THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO SET FORTH THE PENALTIES" be approved on Second and Final Reading.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Bashert

City Attorney John Barr provided an overview of what will be changed in the Property Maintenance Code if this ordinance is adopted. He added a full report will be provided to Council at a later date.

On a roll call, the vote to approve Resolution No. 2018-252 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

3. Resolution No. 2018-247, approving AFSCME 2017-2022 Collective Bargaining Agreement ***(Tabled 9/25/18)***

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   WHEREAS, the Local 623, AFSCME Council 25, collective bargaining agreement with the city expired on June 30, 2017; and

   WHEREAS, the city and the union have been engaged in contract negotiations for more than 16 months on a successor contract; and

   WHEREAS, the city and the union have reached a tentative agreement on a new collective bargaining agreement for the term commencing on July 1, 2017, and terminating on June 30, 2022; and

   WHEREAS, the city desires to approve the new contract as presented.

   NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve the new collective bargaining agreement between the City of Ypsilanti and the Local 623 of the American Federation of State, County, and Municipal Employees (AFSCME) Council 25, for the term commencing on July 1, 2017, and terminating on June 30, 2022, as presented and authorize the Mayor and City Clerk to execute the agreement on behalf of the city after approval by the City Attorney as to form.

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Richardson

Council Member Murdock stated in the last sentence of the resolution it reads, "…and authorize the Mayor, City Manager, and City Clerk to execute the agreement…" He asked if it should read "…and authorize the Mayor and City Clerk to execute the agreement…" Mr. Barr agreed that should be removed.

On a roll call, the vote to approve Resolution No. 2018-247 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

4. Resolution No. 2018-248, approving Bell-Kramer Budget Adjustment ***(Sent back to staff on 9/25/18)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti desired to provide a 12 month vapor intrusion assessment of the residential properties located in the Bell Kramer neighborhood north of the former City-owned landfill as recommended by the Michigan Department of Environmental Quality; and

WHEREAS, The City of Ypsilanti desires to have subsurface soil gas sampling and indoor air quality monitored for a year as recommended by DEQ to determine what, if any, mitigation may be required; and

WHEREAS, it is the desire of the City of Ypsilanti to complete this study.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council appropriates funding in the amount of $15,500 to complete the Bell Kramer Neighborhood Environmental Testing Study to be allocated from the Fund Balance.

OFFERED BY: Council Member Richardson
SECONDED BY: Council Member Bashert

Economic Development Director Joe Meyers provided an overview on options of where the funding for this resolution should come. He suggested Housing Trust Fund or the Water Street Professional Fund.

Council Member Murdock stated Council authorized the contract and the budget. Since the funds were not expended and not carried over to this Fiscal Year's budget they were moved to reserves. He suggested reserves be used to cover the $15,500.

Council Member Murdock moved, seconded by Council Member Bashert, to amend the resolution and allocate the funds from the fund balance.

On a roll call, the vote to amend Resolution No. 2018-248 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES:	6	NO:	0	ABSENT:	1 (Edmonds)	VOTE:	Carried

On a roll call, the vote to approve Resolution No. 2018-248 as amended was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES:	6	NO:	0	ABSENT:	1 (Edmonds)	VOTE:	Carried

5. Discussion on resolution from the Sustainability Commission regarding public recycling

Council Member Bashert read aloud the resolution approved by the Sustainability Commission regarding public recycling. She added it is imperative the city provide recycling to its residents, and needs to examine strategies to provide that service. She added the Sustainability Commission's resolution is sensible and Council should adopt it. Council Member Vogt agreed, and commented that while traveling, he noticed cities without recycling had much more trash.

Mr. McClary requested the timeframe be extended into the next Fiscal Year, in order to budget implementation properly.

Council Member Murdock stated he is not particularly opposed to this, but there things that need to be examined. One of the issues with the city's recycling program is it is a single stream program. People are under the impression everything is recyclable and much of what isn't winds up in the trash. He mentioned the Department of Public Service will require a new recycling truck next year, and the type of truck is dependent on the city's recycling strategy. He has twenty 96 gallon pull carts, which could be used to establish a program at the two high rises in the city. The City Manager rejected that idea on the basis the city needs a comprehensive plan.

Council Member Robb stated the Sustainability Commission is requested Council to take action without a study being completed. There is misleading information in the way the contract reads, the city does not necessarily saving money. He is not against implementing a pilot program, possibly at the bus depot, based on it being a high volume area.

Council Member Vogt stated were he has seen this type of program implemented successfully, the bins include detailed directions on what refuse goes in what bin.

Council Member Richardson agreed with Council Member Robb that it would take some preparing of city residents. A plan needs to be in place along with an education program in order for it to be effective.

Mayor Pro-Tem Brown stated she has no issue with this, but agrees it should begin as a pilot program. She added Council also must keep in line with the budget and not over extend the city's finances.

Council Member Bashert stated she is hearing the timeline suggested by the commission does not fit, education of the public will be instrumental to the program's success, and include a pilot program to study the program's effectiveness. If that is an accurate reflection, would her next step be to bring a resolution to Council including those additions. Council Member Robb responded it is premature until there is an understanding of the cost of the program. Mayor Pro-Tem Brown suggested putting forth a resolution to study the program.

Interim DPS Director Brad Holman stated a study would be helpful to understand the programs potential effectiveness. However, when the actual bins are being unloaded they tend to contain more trash then recycling materials. Because of this the education aspect of the program is essential to its long term effectiveness. To fully implement this program prior to educate the public the city will essentially be providing more trash cans. Council Member Richardson agreed, and said when she drives around the neighborhood and trash day she doesn't notice many recycling bins. She asked what residential recycling practices, because if people are not recycling at home ultimately the new bins will most likely be used for trash.

Council Member Bashert stated Ypsilanti would not be inventing the wheel by implementing this program. Many cities have recycling and garbage side by side, and Ypsilanti is way behind on this practice. She sees it as a matter of discussing this with communities that have already implemented this policy, and mold it into a policy that fits Ypsilanti. Council Member Robb stated the issues is as a community Ypsilanti does not do a very good job at recycling, which is why the education aspect is essential to the success of this program. There are two worthy actions the city should be taking; encouraging more residential recycling and including on street recycling in the central business district. Council Member Murdock added it is not more recycling he is concerned, but better recycling. He explained that is the issues with most community's recycling programs.

6. Resolution No. 2018-253, directing staff to proceed with an application for a zoning text amendment to change the non-family occupancy caps in single-family homes in the CN and CN-Mid zoning districts.

   Whereas Ypsilanti has a diverse housing population including approximately 65% of rental and apartment dwellings, and

   Whereas Ypsilanti is seeking ways to address increasing demand and costs for housing, and

   Whereas Rental Housing is at 95% or higher capacity for much of the year, and

   Whereas, apartment tenants are limited to 3 unrelated adults in our current zoning, and

   Whereas, this language is restrictive in some cases depending on the number of bedrooms to a dwelling, and

   Whereas, changing that language to 1 heartbeat per bedroom plus two would allow more flexibility, and

   Whereas, CN and CN-Mid zones are primarily rental properties and encompasses a wide range of numbers of bedrooms, and

   Whereas CN and CN-Mid would gain the most benefit from this change allowing for more people in some apartments than is currently available,

   Whereas this change does not allow an apartment to have more residents in one dwelling than is appropriate,

   Therefore be it resolved that Ypsilanti City Council directs the Planning commission to consider changing the text from '3 unrelated adults' to 'one heartbeat per bedroom plus 2' in CN and CN-Mid.

OFFERED BY: Council Member Bashert
SECONDED BY: Council Member Murdock

Council Member Bashert thanked Mr. Henkel for bringing this idea to her. She explained this came out of her office hours she has been holding since taking office.

Council Member Vogt asked for clarification on the meaning of '1 heartbeat per bedroom plus 2'. Council Member Robb asked how many people would be included in a three bedroom home. Council Member Bashert responded five. Mr. Robb stated he supports the concept, but will not support the resolution as written. He explained using a heartbeat as a zoning category is crazy, and asked how many zoning codes use heartbeats as opposed to a more standard way to distinguish people. He encouraged Council to read the minutes from the December 16, 2014 meeting, when the Shape Ypsi Plan was adopted. There was a one hour discussion regarding unrelated people living in dwellings. He asked that this resolution be withdrawn and changed to and remove any reference to a heartbeat.

Council Member Murdock stated he likes to intent of the resolution, but some of the details he does not quite understand. He stated under poor economic conditions more people cohabitate, which occurs mostly among the student population.

Council Member Vogt stated there are also health and safety issues that need to be considered, but he is not opposed to reducing the restriction of the rule.

Council Member Bashert stated she ran the language by staff, which is how she structured the language. She is not wedded to the language, but her intent is clear and would like to make the code more sensible and increase flexibility. Council Member Robb responded what this resolution effectively does is down zoning based on the number of heartbeats. He added this resolution does not provide flexibility, and explained under the current zoning he can have nine people living in his two bedroom home, this would decrease. Ms. Bashert responded she chose the CN and CN-Mid districts to stay away from single family homes. Mr. Robb replied it is not the question of whether or not this is restrictive, this is a mathematical problem, and it equates to downzoning. He appreciates what Council Member Bashert is trying to do, but this is not the way to do it.

Council Member Murdock stated he believes the property maintenance code has requirements regarding room size and inhabitants. He added if a resident has Section 8 status there are additional requirements. He suggested following Council Member Robb's suggestion of reviewing the three unrelated persons requirement. Council Member Robb interjected the current resolution directs staff to consider the heartbeat proposal rather than examine other possible remedies.

Council Member Vogt moved to amend the last paragraph in the resolution to read "Therefore Be it Resolved that the City Council of the City of Ypsilanti directs the Planning Commission to consider changing the 'three unrelated adult's requirement'" and to remove the sixth Whereas clause.

Council Member Bashert accepted the friendly amendment.

Council Member Murdock accepted the friendly amendment.

On a roll call, the vote to approve Resolution No. 2018-253 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

XX. LIAISON REPORTS –

A. SEMCOG Update – Council Member Richardson stated a Safe Campaign began on October 1, 2018 and brought materials for pickup at the Clerk Department. The materials are for safe walking, biking, and driving. SEMCOG now has a new app that will provide information on walkways, waterways, and other information on jurisdictions in Michigan.
B. Washtenaw Area Transportation Study - None
C. Urban County - None
D. Ypsilanti Downtown Development Authority - None
E. Ypsilanti Youth Safety Collaboration - None
F. Friends of Rutherford Pool – Council Member Bashert commended Economic Development Director Joe Meyers for how quickly he and his department transferred information to the Department of Natural Resources.
G. Housing Equity Leadership Team - None

XXI. COUNCIL PROPOSED BUSINESS –

Murdock

- Last week he attended two meetings with MDOT regarding the road safety audit, which the final report should be completed in three weeks. The meeting touched on non-motorized improvements, road diets, and signalization changes. He would like to request MDOT review the timing of the traffic signal at Michigan and Huron, and interval timing at Michigan and Hamilton, Washington, and Adams.

  Council Member Murdock moved, seconded by Council Member Richardson to request MDOT to review timing of traffic signal at Michigan and Huron and to install Leading Pedestrian Interval (LPI) timing at traffic signals at Michigan and Huron, Michigan and Washington, Michigan and Adams and Michigan and Hamilton.

Council Member Bashert stated this intersection has been brought up a number of times. Council Member Murdock replied MDOT informed him they have never been officially asked to review the timing. Mayor Pro-Tem Brown supported the review.

Mr. McClary stated to his understanding the City Planner put in a request for the intersection at Michigan and Huron. Council Member Murdock replied Ms. Wessler was at the meeting and did not mention it.

On a roll call, the vote to approve Resolution No. 2018-255 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

Council Member Richardson stated the dip at the Michigan and Huron intersection needs to be leveled.

- He asked the status of the Penn Dam study. Mr. McClary responded a work group meeting is scheduled for this month in which a draft copy of the report will be submitted. The study should be ready to present to Council shortly after that.

- He proposed a salary increase for legislative officials to match that what was given to administration. Council Member Richardson agreed.

Richardson

- She would like to see staff been trained in customer service, and how to answer the phone. She would like the person answering the phone to identify themselves.

- She asked what happened in downtown this morning. Mr. McClary replied the Chief of Police sent an email regarding what happened in the downtown. He said one of the raids was connected to a homicide in Pittsfield Township, and one of the medical marihuana facilities was raided by the DEA. Council Member Robb stated the raid of the medical marihuana facility was not caused by the facility functioning as a dispensary, it was for another matter. Council Member Murdock there were corollary raids around the city and in the townships, even in Belleville.

- Residents have contacted her this week regarding being turned away by the Ypsilanti Township Recycling Center even though they had passes. She spoke with Ypsilanti Township Supervisor Brenda Stumbo regarding recycling and was told there was not an agreement for residents to use the facility. Ms. Richardson stated Ms. Stumbo told her the facility performs composting not traditional recycling. She asked why the city is negotiating an agreement with the township when it does not offer recycling services. She asked why the city cannot get dumpsters to place in the community, and contract with Huron Township or Ann Arbor. Staff needs to work out these issues.

- A few weeks ago she asked for the racial composition of city staff and is still awaiting a response. The community is interested in this information, especially when there is turnover of city staff. She does not appreciate that when asked she does not have an answer to provide. Mr. McClary responded the Human Resources Manager is working on that report. Ms. Richardson replied it should not take that long to create that report, she asked a month ago and the city has less than a hundred employees.

Bashert

- LARA has issued a decree that any medical marihuana facility not licensed by the state will be shut down by the end of October. To date only 73 facilities have been licensed and there are over 700 statewide. Regardless of what individuals feel about medical marihuana, nine business will be affected by this in the city. Mr. Meyers replied the state provided a website to check the status of facilities, which is all they were able to provide. The city, as well as all jurisdictions in the state, are operating in the dark regarding the process. Ms. Bashert asked if the city has done everything required. Mr. Meyers responded in the affirmative.

XXII. COMMUNICATIONS FROM THE MAYOR PRO-TEM–

Nomination:

Ypsilanti Housing Commission
Loviesa Brown (non-resident)
1235 Ruth Avenue
Ypsilanti, MI 48198

- The Attorney's Office will be providing an opinion regarding the nomination of a non-resident to the Housing Commission.

XXIII. COMMUNICATIONS FROM THE CITY MANAGER –

- He provided an update regarding the union contract negotiations.

- He provided a response to Council Member Robb's question regarding the hiring of the firefighters funded by the SAFER Grant.

- The Civil Service Commission will be meeting October 3rd to approve the eligibility list of firefighters to be hired by the SAFER Grant.

- He noted Brad Holman will serve as Interim Department of Public Services Director.
- His report contained an update on recycling drop-off services. AKT Peerless has performed an environmental review of the site and is preparing a soil management plan. It is anticipated the structures will be demolished by the end of the calendar year.

- The city is working with Ann Arbor to negotiate an intergovernmental agreement for use of its recycling drop-off center. It does not appear the city will be able to negotiate an agreement with Ypsilanti Township, and he is happy to answer any questions Council might have about the negotiations.

- Director Meyers is working with the Police Chief to restore police services to the DDA Districts, and there are hopes that will be in place shortly in accordance with the agreement.

- The Washtenaw County IT services agreement will be on the November 13th Council Meeting Agenda. Andy Brush of County IT will be in attendance at that meeting to answer any questions Council might have.

- The Council Manager Meetings are scheduled for October 9th and October 11th.

XXIV. <u>COMMUNICATIONS</u> –

Council Member Bashert stated the city's ordinance governing medical marihuana does not cover transportation. It seems like a gap in the ordinance needs to be addressed. Council Member Robb responded none of the new uses are addressed in the ordinance. When the updated in the ordinance it was to allow the currently operating businesses to exit.

Council Member Richardson stated since she has been on Council the practice to hire a Fire Chief has been to do so internally. She asked why the hiring of that position is being advertised externally when current employees had applied. She stated the Economic Development Director was promoted internally, and the Treasurer. She noted the Charter requires an ordinance amendment when creating new departments, which is being done by moving the Treasurer position to Fiscal Services. When the previous Fire Chief retired the new Chief was appointed prior to the retirement to provide time to shadow. She asked why there has not been a Chief appointed from internally to learn prior to the retirement. She stated when employees choose to live in the city, they should be given additional consideration when interviewing. She was displeased with the process of the Treasurer being moved to Fiscal Services without Council approval.

XX. <u>AUDIENCE PARTICIPATION</u> –

1. Nathanael Romero, Ward 3, stated he is happy the consideration of changing the zoning code is being forwarded to the Planning Commission, but would like it to be expanded citywide.

2. Desirae Simmons, Ward 3, suggested the zoning change be expanded citywide. She will speak about this with the Planning Commission.

XXI. <u>REMARKS FROM THE MAYOR</u> –

XXII. <u>ADJOURNMENT</u> –

Resolution No. 2018-254, adjourning the City Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Bashert

On a voice vote, the motion carried, and the meeting adjourned at 9:08 p.m.

REQUEST FOR LEGISLATION
October 16, 2018

To: Mayor and Council
From: Frances McMullan, City Clerk
Subject: Charitable Gaming License – HighScope Educational Research Foundation

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SUMMARY & BACKGROUND:

HighScope Educational Research Foundation will host a Campus Expansion Estate Sale on Friday, October 19th and Saturday, October 20th from 11:00 a.m. until 5:00 p.m. The event will be located on the property of the former, Huron Valley Baptist Church, 218 E. Forest Ave, Ypsilanti, MI 48197.

The event will initiate the launch of fundraising for the 50th Anniversary Celebration of the founding of the foundation in 1970.

The organization is a 501(c)3 charity and may accept tax-deductible donations subject to all relevant laws.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Resolution
Tax Exempt document

CITY MANAGER APPROVAL: ______________________ COUNCIL AGENDA DATE: 10/16/18

CITY MANAGER COMMENTS: ______________________

FISCAL SERVICES DIRECTOR APPROVAL: ______________________

Resolution No. 2018-258
October 16, 2018

WHEREAS, HighScope Educational Research Foundation is an independent research, development, training, and public outreach organization focused on early childhood education.; and

WHEREAS, HighScope Educational Research Foundation is a certified 501(c)3 charity that may accept tax-deductible donations subject to all relevant laws; and

WHEREAS, the mission of the YIES PTO is to strengthen, enhance, and encourage the educational environment at Ypsilanti International Elementary School, with a key goal of establishing and reinforcing the communication between the student families, teachers, and community; and

WHEREAS, HighScope Educational Research Foundation is planning on hosting a Campus Expansion Estate Stale on October 19th and 20th at 218 East Forest Avenue; and

THEREFORE, BE IT RESOLVED THAT the City Council of the City of Ypsilanti recognizes the HighScope Educational Research Foundation as a nonprofit organization operating in the community, and that their application for the purpose of obtaining a charitable gaming license be approved.

OFFERED BY: ____

SUPPORTED BY: ______________________________________

YES: NO: ABSENT: VOTE:

IRS Department of the Treasury
Internal Revenue Service

P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248667584
May 09, 2011 LTR 4168C EO
23-7001501 000000 00
00018778
BODC: TE

HIGH SCOPE EDUCATIONAL RESEARCH
FOUNDATION
600 N RIVER ST
YPSILANTI MI 48198-2821

945

Employer Identification Number: 23-7001501
Person to Contact: Mrs. Scheper
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Apr. 28, 2011, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in October 1969.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

Barr,
Anhut &
Associates, P.C.
ATTORNEYS AT LAW

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John M. Barr
Karl A. Barr
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired
Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: September 24, 2018

FROM: Jesse O'Jack, Assistant Ypsilanti City Attorney

SUBJECT: Adoption of amendments to the City Code related to marihuana paraphernalia

SUMMARY/BACKGROUND

Ypsilanti City Code Section 74-212 currently makes the possession of all types of drug paraphernalia a misdemeanor offense unless the person falls within the exceptions set forth in Section 74-216. The proposed ordinance has multiple purposes. First, it would differentiate marihuana paraphernalia from all other types of drug paraphernalia and de-criminalize it to a municipal civil infraction. Second, as the state law with regard to possession of marihuana may or may not change, the proposed amendment is designed to make the ordinance consistent with state law and valid whether state law changes or not. And, third, the City Code allows marihuana facilities that operate in compliance with Chapter 7 of the City Code, but the current City Code does not make any exception for them with regard to the paraphernalia provisions. This ordinance amendment would add that exception.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

DATE RECEIVED:____________ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:__________ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:

RESOLUTION NO. 2018-259
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Public Hearing for an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 74 OF THE YPSILANTI CITY CODE, ENTITLED “MISDEMEANOR OFFENSES,” BY AMENDING THE TITLE TO THE CHAPTER AND TO ARTICLE VI, AND TO AMEND SECTION 74-212 “POSSESSION” TO MAKE THE POSSESSION OF MARIHUANA PARAPHERNALIA A MUNICIPAL CIVIL INFRACTION, AND TO AMEND SECTIONS 74-212, 74-213, AND 74-214 SO THAT THOSE PROVISIONS ONLY ARE VIOLATIONS WHERE THE UNDERLYING CONTROLLED SUBSTANCE VIOLATES STATE LAW, AND TO AMEND SECTION 74-216 TO ADD TO THE EXCEPTIONS MARIHUANA FACILITIES OPERATING IN COMPLIANCE WITH CHAPTER 7 OF THE CITY CODE" be approved on first reading.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 2018-1327

AN ORDINANCE TO AMEND CHAPTER 74 OF THE YPSILANTI CITY CODE, ENTITLED "MISDEMEANOR OFFENSES," BY AMENDING THE TITLE TO THE CHAPTER AND TO ARTICLE VI, AND TO AMEND SECTION 74-212 "POSSESSION" TO MAKE THE POSSESSION OF MARIHUANA PARAPHERNALIA A MUNICIPAL CIVIL INFRACTION, AND TO AMEND SECTIONS 74-212, 74-213, AND 74-214 SO THAT THOSE PROVISIONS ONLY ARE VIOLATIONS WHERE THE UNDERLYING CONTROLLED SUBSTANCE VIOLATES STATE LAW, AND TO AMEND SECTION 74-216 TO ADD TO THE EXCEPTIONS MARIHUANA FACILITIES OPERATING IN COMPLIANCE WITH CHAPTER 7 OF THE CITY CODE.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, is hereby amended to be titled as follows:

Chapter 74 - ~~MISDEMEANOR~~ OFFENSES

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, Article VI, "Misdemeanor offenses against public morals," is hereby amended to be titled as follows:

ARTICLE VI. - ~~MISDEMEANOR~~ OFFENSES AGAINST PUBLIC MORALS

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, Article VI, "Misdemeanor offenses against public morals," Division 4, "Controlled substances and toxic chemicals," Section 74-212, "Possession," is hereby amended as follows:

Sec. 74-212. - Possession.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state ~~or local~~ law. A person who violates this section is responsible for a municipal civil infraction or guilty of a misdemeanor as follows:

(a) If the controlled substance in violation of state law is marihuana, the person is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.

(b) If the controlled substance in violation of state law is a controlled substance other than marihuana, the person shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not more than 90 days or by a fine of not more than $500.00, or both, in the discretion of the court.

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, Article VI, "Misdemeanor offenses against public morals," Division 4, "Controlled substances and toxic chemicals," Section 74-213, "Manufacture, delivery or sale," is hereby amended as follows:

Sec. 74-213. – Manufacture, delivery or sale.

It is unlawful for any reason to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of state ~~or local~~ law.

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, Article VI, "Misdemeanor offenses against public morals," Division 4, "Controlled substances and toxic chemicals," Section 74-214, "Advertising," is hereby amended as follows:

Sec. 74-214. – Advertising.

It is unlawful for any person to place in any newspaper, magazine, handbill, sign, poster, or other publication, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia, knowing that the drug paraphernalia will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of state law.

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, Article VI, "Misdemeanor offenses against public morals," Division 4, "Controlled substances and toxic chemicals," Section 74-216, "Exceptions," is hereby amended as follows:

Sec. 74-216. - Exceptions.

This subdivision shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, marihuana facilities operating in compliance with Chapter 7 of the City Code, medical doctors, osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists, and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self-injection or to persons licensed by the state to engage in the activity prohibited in section 74-215.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ________ DAY OF _____________, 2018.

____
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _________ was published according to Section 11.13 of the City Charter on the _________ day of _______________, 2018.

____
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the ________ day of __________________, 2018.

____
Frances McMullan, City Clerk

Notice Published: ___________________________

First Reading: ______________________________

Second Reading: ____________________________

Published: _________________________________

Effective Date: ______________________________

RESOLUTION NO. 2018-260
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 74 OF THE YPSILANTI CITY CODE, ENTITLED "MISDEMEANOR OFFENSES," BY AMENDING THE TITLE TO THE CHAPTER AND TO ARTICLE VI, AND TO AMEND SECTION 74-212 "POSSESSION" TO MAKE THE POSSESSION OF MARIHUANA PARAPHERNALIA A MUNICIPAL CIVIL INFRACTION, AND TO AMEND SECTIONS 74-212, 74-213, AND 74-214 SO THAT THOSE PROVISIONS ONLY ARE VIOLATIONS WHERE THE UNDERLYING CONTROLLED SUBSTANCE VIOLATES STATE LAW, AND TO AMEND SECTION 74-216 TO ADD TO THE EXCEPTIONS MARIHUANA FACILITIES OPERATING IN COMPLIANCE WITH CHAPTER 7 OF THE CITY CODE" be Officially Closed.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
October 16, 2018

To: Honorable Mayor and Ypsilanti City Council

From: Darwin D. P. McClary, City Manager

Subject: **ORDINANCE CREATING DEPARTMENT OF FINANCE AND TREASURY**

SUMMARY & BACKGROUND:

City council is being requested to introduce and give first reading to an ordinance creating the Department of Finance and Treasury of the City of Ypsilanti, creating the position of Finance Director, establishing the functions of the department, providing for the prescription of department rules and regulations, and permitting the appointment of a deputy director and designation of acting director. The ordinance also permits the City Manager to combine the positions of Finance Director and Treasurer at his or her discretion.

Section 4.05(a) and of the city charter grants the city council the authority to establish departments of the city, and Section 2.09(a) requires that any action of the city council to establish, alter, or abolish any department, office, or agency of the city to be done by ordinance.

As council is aware, the City Manager desires to combine the functions of finance and treasury into one department, combine the positions of Finance Director and Treasurer, and to create a new position of Deputy Finance Director/Treasurer instead of maintaining a separate Treasurer position. The goals are to improve supervision and oversight of treasury functions, increase productivity and efficiency, and reduce staffing costs. This opportunity presents itself with the recent retirement of City Treasurer Kim Teamer. The proposed ordinance would assist in accomplishing these objectives.

PREVIOUS COUNCIL ACTION:

None

FINANCIAL IMPACT:

The consolidation of finance and treasury functions should result in cost savings through increases in productivity and efficiency in work functions and flows. Cost savings through attrition and restructuring of job duties, responsibilities, and positions may also be possible.

RECOMMENDED ACTION:

Introduce and give first reading to the ordinance creating the Department of Finance and Treasury and schedule the ordinance for second reading and consideration for adoption.

ATTACHMENTS:

Proposed Ordinance Creating Department of Finance and Treasury

CITY MANAGER APPROVAL: DDPM **COUNCIL AGENDA DATE:** 10/16/18

CITY MANAGER COMMENTS: Introduce and give first reading to the proposed ordinance and schedule the same for second reading and consideration for adoption.

FISCAL SERVICES DIRECTOR APPROVAL: ___________________________________

Resolution No. 2018 - 261
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Section 4.05(a) of the Ypsilanti city charter grants the authority to the city council to establish, alter, or abolish departments of the city; and

WHEREAS, Section 2.09(a) of the city charter requires that the establishment, alteration, or abolishment of any city department be accomplished through ordinance by the city council; and

WHEREAS, the City Manager is recommending that the city council consider an ordinance to establish the Department of Finance and Treasury, create the administrative officer position of Finance Director, establish the functions of the department, provide for the prescription of department rules and regulations, and permit the appointment of a deputy director and acting director; and

WHEREAS, the city council desires to consider such an ordinance;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby introduce and give first reading to the proposed ordinance establishing the Department of Finance and Treasury, creating the administrative officer position of Finance Director, establishing the functions of the department, providing for the prescription of department rules and regulations, and permitting the appointment of a deputy director and acting director; and

BE IT FURTHER RESOLVED THAT the city council does hereby schedule the proposed ordinance for second reading and consideration for adoption at its November 13, 2018, regular meeting.

OFFERED BY: ________________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

STATE OF MICHIGAN
COUNTY OF WASHTENAW
CITY OF YPSILANTI

ORDINANCE NO. 1328

AN ORDINANCE TO ADD A NEW ARTICLE VII TO CHAPTER 2 - ADMINISTRATION OF THE CITY OF YPSILANTI CODE OF ORDINANCES TO BE TITLED "DEPARTMENTS OF THE CITY" AND TO ADD NEW DIVISIONS THERETO; AND TO CREATE THE DEPARTMENT OF FINANCE AND TREASURY, CREATE THE POSITION OF FINANCE DIRECTOR, ESTABLISH THE FUNCTIONS OF THE DEPARTMENT, PROVIDE FOR THE PRESCRIPTION OF DEPARTMENTAL RULES AND REGULATIONS, AND PERMIT THE APPOINTMENT OF A DEPUTY AND DESIGNATION OF AN ACTING DIRECTOR.

THE CITY OF YPSILANTI ORDAINS:

SECTION 1. AMENDMENT TO CITY CODE OF ORDINANCES.

The City of Ypsilanti Code of Ordinances is hereby amended to add a new Article VII to Chapter 2 of the code titled "Departments of the City" and to add the following divisions to Chapter 2: Division 1 – City Manager; Division 2 – City Clerk; Division 3 – City Attorney; Division 4 – Finance and Treasury Department; Division 5 - Police Department; Division 6 – Fire Department; Division 7 – Department of Public Services; Division 8 – Human Resources Department; Division 9 – Community Services Department; and Division 10 – Parks and Recreation Department.

SECTION 2. CREATION OF DEPARTMENT OF FINANCE AND TREASURY.

City of Ypsilanti Code of Ordinances is hereby amended as follows:

CHAPTER 2 – ADMINISTRATION

ARTICLE VII – DEPARTMENTS OF THE CITY

DIVISION 1 – CITY MANAGER

§ 2-400 – 2-424 Reserved

DIVISION 2 – CITY CLERK

§ 2-425 – 2-449 Reserved

DIVISION 3 – CITY ATTORNEY

§ 2-450 – 2-474 Reserved

DIVISION 4 – FINANCE AND TREASURY DEPARTMENT

§ 2-475 CREATION OF FINANCE AND TREASURY DEPARTMENT.

There is hereby created the administrative department of Finance and Treasury of the City of Ypsilanti.

§ 2-476 HEAD OF FINANCE AND TREASURY DEPARTMENT.

The Finance and Treasury Department shall be headed by the Finance Director, who shall be the administrative officer of the department. The Finance Director shall direct the work of the department and be responsible for the efficient and effective operations of the department. The director shall be appointed by the City Manager and shall serve at the pleasure of the City Manager subject to Section 4.04 of the city charter regarding employment termination. The salary of the director shall be set by the City Manager in accordance with budget appropriations. In addition to the responsibilities outlined in this Chapter for the Finance and Treasury Department, the director shall perform such duties as are provided for municipal finance directors or treasurers by state law, charter, city ordinances, and the administrative directives of the City Manager. The director shall have the authority to hire, promote, demote, discipline, or discharge employees of the department with the approval of the City Manager and in accordance with budgetary appropriations and any applicable collective bargaining agreements which may be in effect from time to time. The director shall prepare the department's annual budget proposals for submission to, and consideration by, the City Manager and City Council in accordance with the requirements specified by the City Manager, charter, ordinance, or law, and shall administer the department's budget after adoption.

§ 2-477 FUNCTIONS OF FINANCE AND TREASURY DEPARTMENT.

The functions of the Finance and Treasury Department shall consist of the following:

(A) **Finance.**

a. The director shall be the general accountant of the city, shall keep the books of account of the assets, receipts, and expenditures, and shall keep the city council and City Manager informed as to the financial affairs of the city. The system of accounts of the city shall conform to such uniform system as may be required by law.
b. The director shall examine and audit all accounts and claims against the city. He or she shall not allow withdrawals from any city fund or account which, after deduction of withdrawals therefrom, does not have a sufficient amount therein to pay such proposed withdrawal.
c. The director shall balance all the books of account of the city at least quarterly in each fiscal year and shall make a report thereon to the City Manager.
d. The director shall, at any time, upon direction of the city council or City Manager, examine and audit all books of account kept by any official or department of the city.

(B) **Treasury.**

a. Unless the City Manager appoints another person to perform the duties of City Treasurer, the Finance Director shall serve as City Treasurer. Otherwise, the director shall be responsible for the proper supervision and management of the City Treasurer and treasury functions. The Treasurer shall be the tax collector and shall perform all of the duties as prescribed by the city charter, the general laws of the state, together with such other duties as may be required or assigned by the City Manager.

b. He or she shall file a bond in such amount and with such sureties as shall be satisfactory to the city council or as may be required by law.
c. He or she shall have custody of all monies of the city, the clerk's bond, and all evidences of value belonging to the city or held in trust by the city.
d. The Treasurer shall receive all monies belonging to and receivable by the city that may be collected by any official or employee of the city including license fees, taxes, assessments, utility charges, and all other charges belonging to and payable to the city and shall, in all cases, give a receipt therefor.
e. He or she shall keep and deposit all monies or funds in such manner and in such places as the council may determine from time to time and shall report the same in detail to the City Clerk.
f. The Treasurer shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, township, and school district and city taxes and monies as are conferred by law to enforce the collection of state, county, township, and school district taxes upon real and personal property.
g. He or she shall pay no money out of the treasury except in pursuance of and by the authority of the law and upon warrants issued in the manner as required by the city charter or code of ordinances, which warrants shall specify the purpose for which the amounts thereof are to be paid.
h. He or she shall collect and keep an account of and be charged with all taxes and monies appropriated, raised, or received for each fund of the city and shall keep a separate account of such funds and shall credit thereto all monies raised, paid in, or appropriated therefor and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued.
i. The Treasurer shall keep all monies in his or her hands belonging to the city separate and distinct from his or her own monies and is hereby prohibited from using, either directly or indirectly, the city's money, warrants, or evidences of debt which are in his or her custody or keeping for his or her own use and benefit or that of any other person.

§ 2-488 DEPARTMENT RULES AND REGULATIONS.

The Finance Director may prescribe administrative rules, policies, and procedures for the operation of the department, subject to approval by the City Manager, and which may be amended or repealed by the director upon written notice to, and approval by, the City Manager. It shall be the duty of all employees of the department to comply with such rules and orders while effective.

§ 2-489 DEPUTY DIRECTOR; ACTING DIRECTOR.

Subject to budgetary appropriation and approval by the City Manager, the Finance Director may appoint a Deputy Finance Director who shall be qualified to perform all of the duties of the director. In case of the absence from the city of the Finance Director, or his or her disability or inability from any cause to act as director, the Deputy Finance Director shall perform such duties. If no person services as deputy director, of in the absence of the director and deputy director, the City Manager shall designate and appoint another competent person to act as director during such absence or disability.

§ 2-490 – 2-499 Reserved

DIVISION 5 – POLICE DEPARTMENT

§ 2-500 – 2-524 Reserved

DIVISION 6 – FIRE DEPARTMENT

§ 2-525 – 2-549 Reserved

DIVISION 7 – DEPARTMENT OF PUBLIC SERVICES

§ 2-550 – 2-574 Reserved

DIVISION 8 – HUMAN RESOURCES DEPARTMENT

§ 2-575 – 2-599 Reserved

DIVISION 9 – COMMUNITY SERVICES DEPARTMENT

§ 2-600 – 2-624 Reserved

DIVISON 10 – PARKS AND RECREATION DEPARTMENT

§ 2-625 – 2-649 Reserved

SECTION 2. FULL FORCE AND EFFECT OF CITY CODE.

Except as specifically amended by this ordinance, the Code of the City of Ypsilanti shall remain in full force and effect.

SECTION 3. SEVERABILITY.

If any provision of this ordinance is held to be invalid, the invalidity shall not affect other provisions of this ordinance that can be given effect without the invalid provision.

SECTION 4. EFFECTIVE DATE.

A synopsis of this ordinance shall be published in accordance with the Charter of the City of Ypsilanti, and this ordinance shall become effective after publication at the expiration of 30 days after adoption.

CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN

By: ______________________________
Amanda Edmonds, Mayor

____
Frances McMullan, City Clerk

CERTIFICATION

I, Frances McMullan, Clerk of the City of Ypsilanti, Michigan, do hereby certify that the foregoing Ordinance was adopted at a Regular Meeting of the City Council of the City of Ypsilanti held on_____________, and that the ordinance or a brief summary thereof was published in accordance with Section 2.10 of the city charter on _____________, 20__.

____
Frances McMullan, City Clerk

Resolution No. 2018 - 262
October 16, 2018

That the Public Hearing for proposed ordinance to establish the Department of Finance and Treasury, creating the administrative officer position of Finance Director, establishing the functions of the department, providing for the prescription of department rules and regulations, and permitting the appointment of a deputy director and acting director be officially closed.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
October 16, 2018

To: Mayor and Council

From: Council Member Murdock

Subject: City Council 2% Increase in Compensation

SUMMARY & BACKGROUND:

BACKGROUND
Prior to the adoption of the 1994 Charter, elected officials compensation was set through a compensation commission. This commission met every two years and made recommendations to City Council on compensation. These recommendations went into effect unless City Council rejected them by a two-thirds vote. Council could not modify the recommendation only vote it up or down. The Charter commission removed that section and replaced it with the following, which is in effect now.

2.04. - Compensation.

The Council shall, from time to time, set the compensation of the Mayor and Council, by a roll call vote. The compensation may not exceed the amount specifically designated for the purpose of compensating the officer or officers in the annual appropriation. There shall not be a local officers' compensation commission.

The proposed increase is in line with the increase received by non-union employees. The changes would take effect with the new City Council on November 12, 2018.

The budget impact would be $484.26 in FY 2018-19 and $830.16 for FY 2019-2020. In addition there would be an increase of employer FICA contributions.

RECOMMENDED ACTION: Approval

ATTACHMENTS: (Resolution, Increase Spreadsheet)

CITY MANAGER APPROVAL: ________________________ COUNCIL AGENDA DATE: _________

CITY MANAGER COMMENTS: __________________________

FISCAL SERVICES DIRECTOR APPROVAL: _____________________________________

Resolution No. 2018 – 263
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, Elected Officials of the City of Ypsilanti have not had c compensation adjustment since 2015; and

Whereas, a 2% increase was approved to non-union employees; and

Whereas, the City Charter requires a roll call vote to set the compensation of the Mayor and City Council.

Therefore it be Resolved that the compensation for the Mayor and City Council be increased by 2% effective at the seating of the new City Council on November 12, 2018

OFFERED BY: ____

SUPPORTED BY:____

YES: NO: ABSENT: VOTE:

CITY COUNCIL MONTHLY RATES

PRO-TEM RATE

	WARD	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2 % RATE INCREASE	MONTHLY INCREASE	ANNUAL INCREASE
BROWN, NICOLE-PRO TEM	1	429.25	407.75	407.75	407.75	407.75	407.75	437.84	437.84	507.96	507.96	518.12	10.16	121.91
RICHARDSON, LOIS-PRO TEM	1	429.25	407.75	473.08	473.08	473.08	473.08	507.96	507.96	437.84	437.84	446.60	8.76	105.08
BASHERT, BETH	2	429.25	407.75	407.75	407.75	407.75	407.75	437.84	437.84	437.84	437.84	446.60	8.76	105.08
VOGT, DANIEL	2	429.25	407.75	407.75	407.75	407.75	407.75	437.84	437.84	437.84	437.84	446.60	8.76	105.08
MURDOCK, PETER	3	429.25	407.75	407.75	407.75	407.75	407.75	437.84	437.84	437.84	437.84	446.60	8.76	105.08
ROBB, BRIAN	3	429.25	407.75	407.75	407.75	407.75	407.75	437.84	437.84	437.84	437.84	446.60	8.76	105.08
EDMONDS, AMANDA		747.00	709.67	709.67	709.67	709.67	709.67	761.94	761.94	761.94	761.94	777.18	15.24	182.87
TOTAL		**3,322.50**	**3,156.17**	**3,221.50**	**3,221.50**	**3,221.50**	**3,221.50**	**3,459.10**	**3,459.10**	**3,459.10**	**3,459.10**	**3,528.28**	**69.18**	**830.18**

S:\Clerk's Office\CITY COUNCIL MEETINGS\CITY COUNCIL MEETINGS\2018 City Council Meeting\10-16-18\4-Council Increase\[COUNCIL PROPOSED SALARY INCREASE.XLSX]COUNCIL RATES
10/12/18 11:37 AM

REQUEST FOR LEGISLATION
October 16, 2018

To: Mayor and Council

From: Fire Chief, Max Anthouard

Subject: 2018 Assistance to Firefighters Grant Application and Acceptance Authorization

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SUMMARY & BACKGROUND:

The City of Ypsilanti Fire Department is eligible to apply for a FEMA grant under the 2018 Assistance to Firefighters Grant (AFG). The primary goal of this grant is to meet the firefighting and emergency response needs to ensure safety of the public and department firefighters. There is a 10% match requirement for these grants.

The Fire Department is requesting authorization to apply and accept the grants listed below if awarded:

		Total	FEMA Share	City Share
1	Extrication Equipment	$ 5,200.00	$ 4,727.27	$ 472.73
2	Turnout Gear	$ 40,910.00	$ 37,190.91	$ 3,719.09
3	Fire Hose	$ 4,398.00	$ 3,998.18	$ 399.82
4	Thermal Imaging Camera	$ 11,500.00	$ 10,454.55	$ 1,045.45
5	Nozzle and Equipment	$ 5,510.00	$ 5,009.09	$ 500.91
	TOTAL	$ 67,518.00	$ 61,380.00	$ 6,138.00

The application submission deadline date is Oct 26, 2018 at 5:00 pm ET.

RECOMMENDED ACTION: (Approval/Denial)

ATTACHMENTS: (contract, map, letter, etc.)

CITY MANAGER APPROVAL: ________________________ COUNCIL AGENDA DATE: _________

CITY MANAGER COMMENTS: __________________________

FISCAL SERVICES DIRECTOR APPROVAL: _____________________________________

Resolution No. 2018 - 164
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti Fire Department is eligible to apply for a FEMA grant under the 2018 Assistance to Firefighters Grant (AFG). The primary goal of this grant is to meet the firefighting and emergency response needs to ensure safety of the public and department firefighters; and

WHEREAS, The Fire Department is requesting authorization to apply and accept the five regional following grants if awarded: 1. Extrication Equipment, 2. Turnout Gears, 3. Fire Hose, 4. Thermal Imaging Camera and 5. Nozzles; and

WHEREAS, The total estimated cost for the five grants combined is $68,518 and the city's financial participation 10% share is $6,138.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the Fire Department to apply and accept these grants if awarded.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2018 – 265
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City of Ypsilanti has supported the 1,000 solar roof project, installed solar on most of its public buildings and is recognized for being a "solar ready" community, and in 2017 Ypsilanti became the first city in Michigan to earn the SolSmart Gold award from the Solar Foundation, and earning high marks the following year in: "Planning, Zoning and Development" and "Community Engagement"; and

Whereas, to create a better energy future for all Ypsilanti and Michigan residents and businesses, legislation is needed that eliminates barriers to solar generation and ownership and promotes an open-to-all market for adoption and interconnection of locally-owned solar to the distribution grid; and

Whereas, support for the Energy Freedom Package, House Bills 5861-5865, is essential to secure fair-value benefits for Distributed Generation and to eliminate restrictions on locally-owned solar capacity, thereby enabling Michigan to complete favorably with other states in promotion of ownership of solar generation; and

Whereas, passage of these bills will be good for the environment, good for the local economy, create jobs, save the City and its residents money, and expand solar and alternative power for the City of Ypsilanti and the State of Michigan.

Now therefore be it Resolved, that this resolution in support of the Energy Freedom Package, House Bills 5861-5865 be forwarded to the City of Ypsilanti Lansing Lobbyist, the Washtenaw County Delegation in the State House, State House Committee on Energy, The Michigan State House, and the Governor

OFFERED BY: ____

SUPPORTED BY:____

YES: NO: ABSENT: VOTE:

Energy Freedom Package - House Bills 5861-5865

CALL TO ACTION – ACT FOR OUR FUTURE

HB 5861-5865, the Energy Freedom Package summarized herein, addresses how solar energy is regulated, generated and distributed in Michigan. The bills focus on making possible and fairly valuing <u>citizen-ownership of (distributed) generation</u> as a complement to the centralized, 3rd-party ownership of the vast majority of electrical power in Michigan. The provisions in these bills are considered fundamental for citizens to connect local renewable energy investments they make to the grid (paid for by all), achieve available efficiencies and support local jobs and control of essential power. All provisions are commonplace in many other states. Please lend your support. Act for our future!

<u>House Bill 5861</u> proposes to add "Community Renewable Energy Gardens" to the Clean and Renewable Energy and Energy Waste Reduction Act. This would allow ownership by subscription (voluntary purchase) of panels in a community solar (CS) array, so long as the amount subscribed for is an offset of the subscriber-customer's own use of electricity and not for resale to others. Any metered-customer, residential, commercial, municipal or other could be a subscriber. Renewable energy produced by the CS entity or "garden" would be sold to the local electric provider and be applied as a credit to the subscriber's retail electric bill, based on the percentage of the total output owned by each subscriber. A reasonable charge, determined by the MPSC, would be subtracted from the credit to cover the interconnecting utility's admin costs. In addition, electric providers would purchase any unsubscribed capacity using Public Utilities Regulatory Policies Act (PURPA) "Avoided Cost rate(s) or tariff, as approved.

<u>Rationale 5861</u>: *Policies to facilitate energy transformation in Michigan are stalled while other states move forward aggressively. Lawful permission to interconnect community solar generation at fair avoided cost rates OPENS the distributed generation market to all citizens (close to 70% of whom do not have on-site solar exposure to allow productive ownership of the sun's free resource: the energy in light). This prevents Michigan residents and businesses with interest in solar ownership from participating in this new energy driver of the 21st century economy. Interconnection constraints restrain trade and give monopoly advantage to centralized utility ownership of generation. Doing so denies the economies of owner equity to citizens who wish to invest in their own solar at a FAIR value while interconnecting to the existing distribution grid ALL citizens have bought and continue to pay for. Perpetuation of centralized ownership of generation and restraints on connections to the existing grid results in higher long-term costs of capital for generation assets through 3rd-party vs direct ownership.*

<u>House Bill 5862</u> amends the Clean and Renewable Energy and Energy Waste Reduction Act to modernize requirements pertaining to "distributed generation" (DG). Under this Bill, the value of the electricity generated by the customer would be credited to the customer pursuant to a fair value tariff (rate), a standard-offer contract or by Net Metering. During each billing period, Net Metering would apply the full retail rate to the NET of the bidirectional flow of kilowatt hours (kWh) across the customer interconnection (IC). A negative net metered output at a given time reflects temporary net excess generation and, provisionally, earns the customer a credit (since the power generated gets used at retail by the closest neighbor/load). By amendment, this DG program would be designed for a period not less than 20 years.

<u>Rationale 5852</u>: *Utility rate cases now under MPSC review directly restrain Distributed Generation and lock-in monopoly ownership of generation by value assignments to solar that prejudice user (citizen) ownership. For example, DTE's U-20162 Rate Case filed July 2018, declares user-owned solar output should be priced at wholesale "localized marginal (LMP)", rather than "Avoided Cost" while also charging a new "System Access Contribution" (from customers who reduce their load by investing in their own renewable generation). The direct impact of advantaging centralized (monopoly), vertically-integrated ownership of power is to tie customers into more expensive energy ownership schemes and marginalize what can otherwise be accomplished by direct marketplace competition and use of personal equity options.*

House Bill 5863 adds alternative rates for citizens who own a distributed generation system of less than 500 kilowatts provided the customer's USE of electricity is that large. The credit per kWh for electricity would be at the customer's retail rate, or time-of-use pricing (for net metering customers on time-of-use rates). As with 5862, the term for this alternative-rate amendment to the Clean and Renewable Energy & Waste Reduction Act would be 20-years.

Rationale 5863: *There is no reason to limit the size of a citizen's solar other than to the amount of power they use, as proposed again by DTE in rate case U20162. Artificial caps on citizen solar (below the actual annual USE of electricity) deny investment rights to individuals and serve to retain centralized control of ownership. Instead, a metered residence or business should be allowed (even incentivized as in many states) to invest-in and own their own energy generation. If citizens can reap the financial benefits of their own investments and decisions, local jobs are created, local control is enhanced and grid-power stability is enhanced. Not only is solar a more affordable energy source each year; but when personal equity is involved, long-term economics are better. Distributed ownership of assets improves family and local economies – and has been found to be a key variable in grid resilience, stability and efficiency while contributing to a healthy local economy.*

House Bill 5864 removes the provision that a regulated utility is not required to allow a DG program greater than 1% of its average in-state peak load for the preceding five calendar years (amending again the Clean and Renewable Energy and Energy Waste Reduction Act). This bill would prohibit a utility from restricting the number of participants in the net metering program unless it demonstrates to the MPSC's satisfaction that the restriction is necessary to protect public health and safety or the integrity of the distribution system. Finally, the bill would remove the restriction on the DG program for solar systems to eliminate the old Net Metering differential, between Category 1 and Category 2 solar arrays, i.e., those an IC of no more than 20kW or 150kW, respectively). This provision would also be for 20-years.

Rationale 5864: *The 1% limit on the Distributed Generation program is a serious restriction on market innovation and competition – and a benefit only to the owners of historic (existing) generation, i.e., the investor-owned utilities. To restrict citizen-owned of renewable generation to 1% ensures that Michigan will remain at the bottom of the list of states with customer-owned (distributed) generation. In many other states and worldwide, all issues relating to integration of distributed generation have been handled creatively and with increasingly positive results.*

House Bill 5865 allows certain entities to establish location-specific "microgrids" to meet local electricity needs (by amendment of Public Act 3 of 1939, the MPSC enabling act).The Bill allows the establishment of microgrids to support one or more critical facilities and operation of these microgrids during emergencies. In addition, the Bill would prohibit the electric utilities from charging standby rates to microgrids IF the microgrid is designated as a critical facility.

Rationale 5865: *Energy issues of security, reliability and resilience call for innovative solutions – and variations on the historic centralized grid-power network. Properly implemented microgrids are proving to have the potential to lead a sea change in the delivery of location-critical energy, much as computers, the internet and cell phones have for information. Michigan will be disadvantaged economically and in terms of reliability if it restrains itself to the old paradigm of "centralized generation" based on 3rd-party ownership and un-natural or unsustainable fuels.*

Please lend your support for these measures to enhance "Energy Freedom" in Michigan for as long as may be needed to succeed[i]. Act for the future! Thank you.

Members of Michigan Energy Innovations Business Council (www.MiEIBC.org)

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[i] As a reference for how an Investor Owned Utility can act to enhance energy freedom, those who vote or make policy in Michigan are urged to listen to the 2017 talk in Traverse City by Mary Powell, CEO of Green Mountain Power: https://m.youtube.com/watch?v=rRrDiFMcwQI&feature=youtu.be *Thanks again!*

REQUEST FOR LEGISLATION

TO: Mayor and City Council

FROM: Marilou T. Uy, Finance Director

SUBJECT: Audit Engagement Letter of Rehmann Robson LLC for the City's FYE 6/30/2018

DATE: October 16, 2018

Enclosed is Rehmann Robson LLC audit engagement letter outlining the services they will provide for the audit of the City's Financial Statements for the fiscal year ending June 30, 2018. The letter includes the audit objective, audit procedures and responsibilities, management responsibilities, and the audit fees.

The document was reviewed and approved by the City Attorney as to form.

If you have any questions, please feel free to contact me at 734-483-1105 or by e-mail at muy@cityofypsilanti.com.

RECOMMENDED ACTION: Approval of the Rehmann Robson LLC audit engagement letter and authorizing the City Mayor and the Clerk to sign the letter.

ATTACHMENTS: Proposed resolution, Rehmann Robson LLC audit engagement letter dated September 13, 2018 and addendum to Rehmann Robson agreement for audit services.

CITY MANAGER APPROVAL:______________________________

COUNCIL AGENDA DATE:________________________________

CITY MANAGER COMMENTS:_____________________________

FINANCE DIRECTOR APPROVAL:__________________________

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RESOLUTION NO. 2018-266
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the certain engagement letter between the City of Ypsilanti and Rehmann Robson LLC, dated September 13, 2018, for the annual audit for the fiscal year ended June 30, 2018, be and the same hereby is approved. The Mayor and City Clerk are authorized to sign for and on behalf of the City of Ypsilanti.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Rehmann

Rehmann Robson

675 Robinson Rd.
Jackson, MI 49203
Ph: 517.787.6503
Fx: 517.788.8111
rehmann.com

September 13, 2018

Management and the City Council
City of Ypsilanti
One South Huron Street
Ypsilanti, MI 48197

We are pleased to confirm our understanding of the services we are to provide ***City of Ypsilanti*** (the "City") for the year ended June 30, 2018.

We will audit the financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City as of and for the year ended June 30, 2018. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Schedules Required by GASB 67 and 68 - Pension Plans
3. Schedules Required by GASB 74 and 75 - OPEB Plans

We have also been engaged to report on supplementary information other than RSI, such as combining and individual fund financial statements, that accompanies the City's basic financial statements. We will subject the supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole.

The following other information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will disclaim an opinion:

1. Introductory section of the Comprehensive Annual Financial Report
2. Statistical section of the Comprehensive Annual Financial Report

Audit Objective

The objective of our audit is the expression of opinions as to whether the City's basic financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the basic financial statements taken as a whole. Our audit of the City's financial statements does not relieve management or those charged with governance of their responsibilities. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the City Council of the City. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs to our report. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with management in advance. If circumstances occur and come to our attention related to the condition of the City's records, the availability of sufficient, appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements caused by error, fraudulent financial reporting, or misappropriation of assets, or we become aware that information provided by the City is incorrect, incomplete, or otherwise unsatisfactory which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawing from the engagement.

The concept of materiality is inherent in the work of an independent auditor. An independent auditor places greater emphasis on those items that have, on a relative basis, more importance to the financial statements and greater possibilities of material error than with those items of lesser importance or those in which the possibility of material error is remote. For this purpose, materiality has been defined as "the magnitude of an omission or misstatement of accounting and financial reporting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would have been changed or influenced by the omission or misstatement."

Audit Procedures and Our Responsibilities—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the City or to acts by management or employees acting on behalf of the City.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with auditing standards generally accepted in the United States of America. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements.

However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We may request written representations from the City's attorneys as part of the engagement, and they may bill the City for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from management about the financial statements and related matters.

We have advised the City of the limitations of our audit regarding the detection of fraud and the possible effect on the financial statements (including misappropriation of cash or other assets). We can, as a separate engagement, perform extended procedures specifically designed to potentially detect defalcations. Management acknowledges that the City has not engaged us to do so and does not wish us to do so at this time.

As we have informed management, our acceptance of this engagement is subject to the results of our communications with the City's prior accountants and our Firm's investigatory procedures. Since we were not the City's independent accountants for the previous year, we will have to communicate with the City's previous auditors about significant accounting and auditing issues, and extend our procedures to satisfy ourselves as to the opening balances for the current year and the consistency of accounting principles. Management will arrange with the City's previous accountants to provide us access to their work papers and to allow us to discuss with their personnel significant accounting and auditing issues and the opening balances and procedures. If the prior accountants decline to cooperate and we have to extend our procedures, we will discuss with management before beginning the work the extent of additional procedures and any additional fees that would be required.

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. Management agrees to assume all management responsibilities for any nonattest services we provide; oversee the services by designating an individual, preferably within senior management, with suitable skill, knowledge, and/or experience; evaluate the adequacy and results of these or other nonattest services performed by our Firm; and understand and accept responsibility for the results of such services.

We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the City and its business environment, including internal control over financial reporting sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures that are appropriate in the circumstances. An audit is not designed to provide assurance on internal control, to identify deficiencies in internal control, or to express an opinion on the effectiveness of internal control over financial reporting. However, during the audit, we will communicate to the appropriate level of management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards. These matters refer to significant matters related to the financial statement audit that are, in our professional judgment, relevant to the responsibilities of those charged with governance in overseeing the City's financial reporting process. When applicable, we are responsible for communicating certain matters required by laws or regulations, or by additional requirements that may be applicable to this engagement. Auditing standards generally accepted in the United States of America do not require the independent auditor to design or perform procedures for the purpose of identifying other matters to communicate with those charged with governance. Management is responsible for assessing the implications of and correcting any internal control-related matters brought to the City's attention by us.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with the provisions of applicable laws, regulations, contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Management Responsibilities

Management is solely and completely responsible for designing, implementing, and maintaining effective internal control over financial reporting, including ongoing monitoring activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with an acceptable financial reporting framework. Management is responsible for determining, and has determined, that the applicable and appropriate financial reporting framework to be used in the preparation of the City's financial statements is accounting principles generally accepted in the United States of America (GAAP).

Management is also solely and completely responsible for making all financial records and related information available to us, including a reasonably adjusted trial balance, and for the accuracy and completeness of that information. Management is also responsible for providing us with (1) access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request from management for the purpose of the audit, and (3) unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.

Management's responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

We understand that management will provide us with such information required for our audit, including a reasonably adjusted trial balance, and that management is responsible for the accuracy and completeness of that information. Assistance provided by our Firm in the preparation of a reasonably adjusted trial balance is considered an additional billable service.

We will advise management and City Council about appropriate accounting principles and their application and may assist in the preparation of the City's financial statements, but the responsibility for the financial statements remains with management with oversight by those charged with governance. As part of our engagement, we may propose standard, adjusting or correcting journal entries to the City's financial statements. Management is responsible for reviewing the entries, understanding the nature of any proposed entries and the impact they have on the financial statements and the implications of such entries on the City's internal control over financial reporting. Further, the City is responsible for designating a qualified management-level individual to be responsible and accountable for overseeing these services.

Management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Management's responsibilities include informing us of its knowledge of any allegations of fraud or suspected fraud or illegal acts affecting the government received in communications from employees, former employees, regulators, or others. In addition, management is responsible for identifying and ensuring that the City complies with applicable laws and regulations.

Management is responsible for the preparation of the supplementary information that is presented fairly in relation to the basic financial statements. Management agrees to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. Management also agrees to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Management's responsibilities include acknowledging to us in the representation letter that (1) management is responsible for presentation of the supplementary information in accordance with GAAP; (2) that management believes the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) management has disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

During the course of our engagement, we will request information and explanations from management regarding the City's operations, internal control over financial reporting, various matters concerning fraud risk, future plans, specific transactions, and accounting systems and procedures. At the conclusion of our engagement, we will require, as a precondition to the issuance of our report, that management provide certain representations in a written management representation letter.

Fees

Our fee for the audit services for the year ended June 30, 2018 will be charged at rates commensurate with the value of our professional services rendered and are not expected to exceed $29,250. Our invoices for these fees are due and payable as follows:

October 8, 2018	$	13,000
October 31, 2018		13,000
Due upon report issuance		3,250

This fee is based on the assumption that unexpected circumstances will not be encountered during the audit. This fee is based on anticipated cooperation from the City's personnel, continued readiness and proactive assistance on their part in providing us with complete and accurate information (whether financial or nonfinancial in nature) considered necessary by us to form an appropriate opinion, and the assumption that unexpected circumstances will not be encountered during the audit. Such circumstances include, but are not necessarily limited to significant addition or deletion of funds, component units or related entities and first-time application of significant new professional accounting or auditing pronouncements. In addition, the fee above assumes management will analyze and maintain appropriate support for significant valuation assertions embodied in the financial statements including the valuation of investment securities, the actuarial methods and assumptions used to calculate the net pension and other postemployment benefits liabilities, impairment of capital assets including those held for sale, the valuation of inventories and land held for resale, allowances for uncollectible receivables, and the estimate for incurred-but-not-reported self insurance claims. If significant additional time is necessary, we will discuss the related circumstances with management and arrive at a new fee estimate, which may or may not occur before we incur the additional time. In these circumstances, we may also issue a change order form (an attached example is provided.)

Engagement Administration, and Other

Management shall discuss any independence matters with Rehmann that, in management's judgment, could bear upon Rehmann's independence.

Our audit engagement and responsibility as auditors ends on delivery of our audit report. Any follow-up services that might be required will be part of a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

This engagement letter and the attached Rehmann Audit Engagement Letter Terms and Conditions reflect the entire understanding between us relating to the audit services covered by this agreement. This agreement may not be amended or varied except by a written document signed by both parties. It replaces and supersedes any previous proposals, correspondence, and understandings, whether written or oral. The agreements of the City and Rehmann contained in this document shall survive the completion or termination of this engagement. If any term hereof is found unenforceable or invalid, this shall not affect the other terms hereof, all of which shall continue in effect as if the stricken term had not been included.

We appreciate the opportunity to be of service to the ***City of Ypsilanti*** and believe the arrangements outlined above and in the attached Rehmann Audit Engagement Letter Terms and Conditions accurately summarize the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement, please sign the enclosed copy of this document and return it to us.

Rehmann Robson LLC

Mark T. Kettner, CPA, CGFM
Principal
Executive responsible for supervising the engagement and signing our report

ACKNOWLEDGED AND ACCEPTED:

This letter correctly sets forth the understanding of ***City of Ypsilanti***.

____
Officer Signature

____
Printed Name

____
Title

____
Date

ADDITIONAL SERVICES - The City may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with management regarding the scope of the additional services and the estimated separate fees. We also may issue a change order form (an attached example is provided), or a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our attest services will continue to be governed by the terms of this engagement letter.

CODE OF CONDUCT - Management is responsible for identifying any violations by employees of the City's code of conduct.

CHANGES IN STANDARDS, LAWS AND REGULATIONS - We perform services for the City based on present professional standards, laws and regulations. While we may on occasion be able to communicate with management with respect to changes in professional standards, laws and regulations, as a general principle we cannot undertake with clients to advise them of every change that may occur. The City can always obtain reassurance in this regard by contacting us for an updated review of the City's situation.

MANAGEMENT'S REPRESENTATIONS - The procedures we will perform in our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the written and oral representations that we receive from management. Accordingly, false, misleading, incomplete or omitted representations could cause us to expend unnecessary efforts or could cause material error or a fraud to go undetected by our procedures. In view of the foregoing, the City agrees that we shall not be responsible for any material misstatements in the City's financial statements that we may fail to detect as a result of false, inaccurate, incomplete, or misleading representations that are made to us by management. In addition, the City further agrees to indemnify and hold us harmless for any liability and all reasonable costs, including legal fees, that we may incur as a result of the services performed under this engagement in the event there are false or misleading representations made to us by any member of the City's management.

CLIENT ASSISTANCE - We understand that the City's employees will prepare all cash, accounts receivable, and other confirmations we request and will locate and refile any documents selected by us for testing. In addition, management will provide us with copies of all minutes and other documents that we believe may have a bearing on our evaluation of the City's financial affairs.

WORK SPACE - The City shall provide reasonable work space for Rehmann personnel at audit work sites, as well as occasional clerical support services. The City understands that Rehmann's performance is dependent on the City's timely and effective satisfaction of its own activities and responsibilities in connection with this engagement, as well as timely decisions and approvals by City personnel.

ACCURACY AND COMPLETENESS OF INFORMATION - Management agrees to ensure that all information provided to us is accurate and complete in all material respects, contains no material omissions and is updated on a prompt and continuous basis. In addition, management will also be responsible for obtaining all third-party consents, if any, required to enable Rehmann to access and use any third-party products necessary to our performance.

EMAIL - The City acknowledges that (a) Rehmann, the City and others, if any, participating in this engagement may correspond or convey documentation via Internet e-mail unless the City expressly requests otherwise, (b) no party has control over the performance, reliability, availability, or security of Internet e-mail, and (c) Rehmann shall not be liable for any loss, damage, expense, harm or inconvenience resulting from the loss, delay, interception, corruption, or alteration of any Internet e-mail due to any reason beyond Rehmann's reasonable control.

OFFERS OF EMPLOYMENT - Professional standards require us to be independent with respect to the City in the performance of our services. Any discussions that management has with personnel of our Firm regarding employment could pose a threat to our independence. Therefore, we request that management inform us prior to any such discussions so that we can implement appropriate safeguards to maintain our independence.

Neither party shall, during the term of this engagement letter and for one (1) year after its termination, solicit for hire as an employee, consultant or otherwise any of the other party's personnel without such other party's express written consent. If the City desires to offer employment to a Rehmann associate and the associate is hired in any capacity by the City, a market-driven compensation placement fee may apply.

ADDITIONAL FEES AND BILLING POLICIES - It must be understood that the nature of our engagement requires us to exercise our independent professional judgment with respect to various auditing, accounting and related issues. In reaching our conclusions, we must retain the right to judge the nature and scope of the work required in order to conform to professional standards, as well as the work we deem necessary to enable us to reach the conclusions and form the opinions required of us. If our judgment as to the scope of the work required causes us to reassess our estimate of fees for this engagement, we will so advise the City. We reserve the right to refrain from performing additional work (and thereby incurring additional time charges) unless and until the City has confirmed its understanding of, and agreement to, any additional estimated charges.

Our fee estimate is based upon our discussions with management, in which management has disclosed no unusual problems or issues which would require us to conduct an audit of unusual scope or otherwise expend time and effort in excess of that normally anticipated in an engagement of this type. The estimate also assumes that we will have the full cooperation of City personnel, as required, and that there is a reasonable continuity of City personnel familiar with the matters to which our engagement relates. In addition, our fee is based on the experience level of our personnel, at their respective standard hourly rates, performing certain audit procedures at certain timeframes. If we are caused to vary from that planning formula, additional fees will need to be charged to allow for more experienced personnel performing the work, reallocation of our client priority, overtime, etc. Further, management will provide us with the schedules and records that we request (which ordinarily are detailed in a request list in advance of our fieldwork) and that all such schedules and records will be provided to us timely in accordance with the scheduled fieldwork dates, to be mutually agreed upon. If the requested schedules and records are not provided to us in accordance with the scheduled dates and we are unable to continue our work, we will resume our work as soon as the schedules and records are provided to us and our professionals assigned to the engagement again become available.

As a result of well-publicized events, global economic convergence, and the continued evolution of the accounting profession, accounting and auditing standard setters and regulators are continually evaluating the need for changes that may affect the City. Such changes may result in changes in financial reporting and expanding the nature, timing and scope of activities we are required to perform to provide the services discussed in this letter. Proposed changes and shortened deadlines could result in a reduction of the level of assistance and preparedness the City is able to provide. We expect that our clients may continue to look to us to assist them with these changes. To the extent any changes require us to increase the time required to provide the services described in this letter or to complete new tasks required by such changes, we reserve the right to adjust our fees appropriately. We will endeavor to advise the City of anticipated changes to our fees on a timely basis.

In accordance with our Firm policies, work may be suspended if the City's account becomes 30 days or more overdue and will not be resumed until the account is paid in full or we have a definitive payment agreement approved by our Firm administrator in Saginaw, Michigan. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed even if we have not issued our report. The City will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.

Our terms and conditions impose a late charge of 1.5% per month, which is an annual percentage rate of 18%. Balances not paid within 30 days of the receipt of invoice are past due and a late charge of 1.5% will be applied to the entire past due amount.

CLAIMS - Because there are inherent difficulties in recalling or preserving information as the period after an engagement increases, the City agrees that, notwithstanding the statute of limitations of any particular State or U.S. Territory, any claim based on the audit engagement must be filed within 12 months after performance of our service, unless management has previously provided us with a written notice of a specific defect in our services that forms the basis of the claim.

TERMINATION OF SERVICES - We reserve the right to suspend or terminate services for reasonable cause such as failure to pay our invoices on a timely basis or failure to provide adequate information in response to our inquiries necessary for successful performance of our audit services. Our engagement will be deemed to be completed upon written notification of termination, even if we have not completed the audit and issued our signed auditors' report. The City is obligated to compensate us for the time expended to that point and to reimburse us for all out-of-pocket expenditures through the date of termination.

We acknowledge the City's right to terminate our services at any time, and the City acknowledges our right to withdraw at any time, including, but not limited to, for example, instances where, in our judgment, (a) the conditions in the first paragraph of the Audit Objectives section of this letter exist, (b) our independence has been impaired, (c) we can no longer rely on the integrity of management, (d) management (or the Audit Committee, if applicable) fails to reasonably support our efforts to perform the engagement in accordance with what we believe is necessary to comply with professional standards, or (e) a lack of professionalism exhibited by management demonstrates a lack of respect for our personnel such as that evidenced in inappropriate or threatening language/emails, subject in either case to our right to payment for charges incurred to the date of termination or resignation.

In the event that we determine to resign, and the City seeks damages allegedly resulting from such resignation, our maximum liability to the City in the event we are held liable because of such resignation shall be limited to the fees actually paid to us for current year audit work performed up to the date of resignation.

REPRODUCTION OF FINANCIAL STATEMENTS - If the City voluntarily intends to publish or otherwise reproduce its financial statements concurrently with the original issuance thereon of our audit report and/or make reference to our Firm name, such as for inclusion in an annual report (such as, for example, in a CAFR), prospectus or similar document, the City agrees to provide us with printer's proofs, drafts, or masters for our review and approval before printing. The City also agrees to provide us with a copy of the final reproduced material for our approval before it is distributed. Fees, if any, for issuance or inclusion of our audit report and/or any other reference to our Firm in such other document, will be based on our standard hourly rates.

If the City decides to include, publish or otherwise reproduce the financial statements and our report thereon at a date subsequent to their original issuance, such as for inclusion in a Preliminary or Official Statement in connection with a sale of bonds or notes, or other securities, or in a prospectus or similar offering or other document (hereinafter referred to as the "document"), our Firm is presumed not to be associated with such document, and we have no obligation to perform any procedures with respect to such document. In these circumstances, the City agrees to include in the document a statement that we have not been engaged to perform and have not performed, since the date of our report being reproduced, any procedures on the financial statements contained in such document or on the unaudited financial or other information contained in the document, or on the document itself. If, however, management or the City's agent (such as an underwriter, bond counsel, financial advisor, etc.) requests our involvement, such as engaging us to prepare a written acknowledgement (sometimes referred to as a "consent" or "agree to include") letter prior to including our audit report in such a document, or engaging us to assist in preparing or reviewing financial or other information contained in such document, our Firm then becomes associated with the document and in accordance with professional standards, we will be required to perform certain limited procedures with respect to this or other unaudited information contained in the document. Fees for reissuance or inclusion of our audit report in such a document will be based on our standard hourly rates. If the City wishes to make reference in such a document to our Firm's role in connection with the purpose of the document, the caption "Independent Auditors" may be used to title or label that section of the document. In accordance with professional standards, the caption "Experts" should not be used, nor should our Firm be referred to as "experts" anywhere in the document.

With regard to electronic dissemination of audited financial statements, including financial statements published electronically on the City's Internet Web site, the City understands that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

INFORMAL ADVICE - As part of our engagement we may provide advice on operating, internal control over financial reporting and other matters that come to our attention. Informal advice is not considered to be a consulting service unless we have entered into a separate engagement.

THIRD PARTY PROCEEDINGS - As a result of our prior or future services to the City, we might be requested or subpoenaed to provide information or documents to management or a third party in a legal, administrative, mediation, or arbitration or similar proceeding in which we are not a party. If this occurs, our efforts in complying with such requests will be billable to the City as a separate engagement. We shall be entitled to compensation for our time at our standard hourly rates and reasonable reimbursement for our expenses (including our legal fees) in complying with this request. For all such requests, we will observe the confidentiality requirements of our profession and will notify management promptly of the request. This paragraph will survive the termination of this agreement for any reason, and will be binding upon successors to the City.

PEER REVIEW - Our Firm, as well as other major accounting firms, participates in a "peer review" program covering our audit and accounting practices. This program requires that once every three years we subject our quality assurance practices to an examination by another accounting firm. As part of the process, the other firm will review a sample of our work. It is possible that the work we perform for the City may be selected by the other firm for their review. If it is, the other firm is bound by professional standards to keep all information confidential. If management objects to having the work we perform for the City reviewed by our peer reviewer, please notify us in writing.

PROMOTIONAL MATERIALS - The City consents to Rehmann's use of your City name and a factual description of the services to be performed by Rehmann under this agreement in Rehmann's advertising and promotional materials and other proposal opportunities.

MEDIATION - If any dispute arises among the parties hereto, the parties agree first to try in good faith to settle the dispute by mediation administered by the American Arbitration Association under its Rules for Professional Accounting and Related Services Disputes before resorting to binding arbitration or litigation. Costs of any mediation proceeding shall be shared equally by all parties.

GOVERNING LAW - This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan, without regard to the principles of conflicts of law thereof.

Rehmann
Business wisdom delivered.

EXAMPLE CHANGE ORDER

Client: ***City of Ypsilanti*** (the "City")

Date:

Project Description (and estimated completion date, if appropriate):

____

____

____

____

____

Estimated Additional Fees: $______________________

We believe it is our responsibility to exceed the City's expectations. This Change Order is being prepared because performance by us of the above project and/or additional service efforts was not anticipated in our original Agreement dated ________________. The estimated fees for the above project have been mutually agreed upon by the City and Rehmann. It is our goal to ensure that the City is never surprised by the price for any Rehmann service and, therefore, we have adopted the Change Order Policy. The estimated additional amount above is due and payable upon completion of the project described.

If management agrees with the above project description and the estimated fee amount, please authorize and date the Change Order below. A copy is enclosed for the City's records. Thank you for letting us serve the City.

Agreed to and accepted:

____
Officer Signature

____
Printed Name

____
Title

____
Date

ADDENDUM TO REHMANN ROBSON AGREEMENT FOR AUDIT SERVICES

This Addendum shall be a part of a certain Agreement between the CITY OF YPSILANTI, a Michigan municipal Home-rule corporation of One South Huron Street, Ypsilanti, Michigan 48197 referred to as "CITY", and REHMANN ROBSON, 675 Robinson Rd., Jackson, Michigan 49203, referred to as "CONTRACTOR."

This Addendum is an addition and amendment to the primary Contract between the parties. In an event of a conflict between the language of this Addendum and the primary Contract, the language and terms of this Addendum shall take precedence.

1. Standard of Performance. The CONTRACTOR shall perform the Contract faithfully and diligently and perform the services in a competent, professional, satisfactory and proper manner and during the Contract term or extensions thereof, use every best effort and endeavor to promote the interests of the CITY and devote such time, attention, skill, knowledge and ability as is necessary to most effectively and efficiently carry out and perform the Contract.

2. The parties understand and agree that the CITY may terminate this Contract at any time with or without notice. In such event the CONTRACTOR will be compensated for work already completed

3. This Contract is to be performed in Washtenaw County, Michigan, and all legal venue shall exclusively lie therein.

4. The parties agree that time is of the essence in the performance of this Contract by the CONTRACTOR.

5. Each provision of this Contract shall be separately enforceable and, in the event, that a court of competent jurisdiction determines or adjudges that any provision of this Contract is invalid or illegal, such decision shall not effect the rest of the Contract which shall remain in full force and effect.

6. This Agreement shall be governed by and construed in accordance with the laws of Michigan.

7. Independent Contractor. The relationship of the CONTRACTOR to the CITY is and shall continue to be that of an independent contractor and no liability or benefits such as worker's compensation, pension rights, or other rights or liabilities arising out of or related to a contract for hire or employer/employee relationship shall arise or accrue to either party as a result of the performance of this Contract.

8. Waiver of Liability. The CONTRACTOR hereby waives any claim against the CITY and agrees not to hold the CITY liable for any personal injury or damage incurred by it, its employees or associates on this project which is not held by a court of competent jurisdiction to be directly attributable to the sole and/or gross negligence or malicious intentional conduct of any employee of the CITY acting within the scope of their

employment. It further agrees to hold the CITY harmless from any such claim by its employees or associates.

9. For the purpose of the hold harmless indemnity and insurance provisions contained in this Contract, the term "CITY" shall be deemed to include the City of Ypsilanti and all other associated, affiliated, allied or subsidiary entities, or commissions, officers, agents, representatives and employees.

10. The following Indemnification Agreement shall be, and is hereby, a provision of the Contract:

"The CONTRACTOR agrees to protect, defend, indemnity and hold the CITY and its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or arising directly or indirectly out of this Agreement and/or the performance hereof. Without limiting the generality of the foregoing, any and all such claims, etc., relating to personal injury, death, damage to property, defects in materials or workmanship, actual or alleged infringement of any patent, trademark, copy right (or application for any thereof) or any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or decree of any court, shall be included in the indemnity hereunder. The CONTRACTOR further agrees to investigate, handle, respond to, provide defense for and defend any such claims, etc., at his sole expense and agrees to bear all other costs and expenses related thereto, even if it (claims, etc.) is groundless, false or fraudulent."

11. Insurance.

a. The CONTRACTOR prior to commencing work shall provide at his/her own cost and expense the following insurance to the CITY in insurance companies licensed and/or approved in the State of Michigan, which insurance shall be evidenced by certificates and/or policies as determined by the CITY. All policies and certificates of insurance shall be approved by the Department of City Manager of the CITY prior to the inception of any work.

b. Each certificate or policy shall require that, thirty days prior to cancellation or material change in the policies, notice thereof shall be given to the CITY by registered mail, return receipt requested, for all of the following stated insurance policies. All such notices shall name the CONTRACTOR and identify the contract number.

c. All property losses shall be made payable to and adjusted with the CITY.

d. In order to determine financial strength and reputation of insurance carriers, all companies providing the coverages required shall be licensed or approved by the Insurance Bureau of the State in which the work is performed and shall have a financial rating not lower than XI and a policyholder's service rating no lower than B+ as listed in A.M. Best's Key Rating Guide, current edition. Certificates of insurance shall note A.M. Best's Rating. Companies with ratings lower than B+:XI will be acceptable only upon written consent of the CITY.

e. All policies and certificates of insurance of the CONTRACTOR shall contain the following clauses:

(1) The clause "other insurance provision" in a policy in which the CITY is named as an insured, shall not apply to the CITY.

(2) The insurance companies issuing the policy or policies shall have no recourse against the CITY (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(3) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the CONTRACTOR.

f. <u>Worker's Compensation</u> insurance with Michigan statutory limits and employers' liability insurance with minimum limits of $500,000 each accident.

g. <u>General Liability</u> insurance with a minimum limit of liability per occurrence of $1 Million Combined Single Limit (Bodily Injury/Property Damage), with no aggregate.

h. <u>Automobile Liability</u> insurance with minimum limits of liability, per occurrence, of $1 Million Combined Single Limit (Bodily Injury/Property Damage) unless otherwise indicated in the "Special Conditions" of the Contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

(a) Owned automobiles
(b) Hired automobiles
(c) Non-owned automobiles

i. <u>Professional Services</u>. CONTRACTOR shall provide professional liabilities (errors and omissions) insurance, with minimum limits of $1 Million each occurrence.

j. If any of the Property and Casualty insurance requirements are not complied with at their renewal dates, payments to the CONTRACTOR will be withheld until those requirements have been met, or at the option of the CITY the CITY may pay the Renewal Premium and withhold such payments from any monies due the CONTRACTOR.

k. In the event that claims in excess of the insured amounts provided herein, are filed by reason of any operations under the Contract, the amount of excess of such claims, or any portion thereof, may be withheld from payment due or to become due the CONTRACTOR until such time as the CONTRACTOR shall furnish such additional security covering such claims as may be determined by the CITY.

l. If at any time any of the foregoing policies shall be or become unsatisfactory to the CITY to form or substance, or if a company insuring any such policy shall be or become unsatisfactory to the CITY, the CONTRACTOR shall upon notice to that effect from the CITY promptly obtain a new policy, submit the same to the City Manager for approval and submit a certificate thereof as herein provided. Upon failure of the CONTRACTOR to furnish, deliver and maintain such insurance as above provided, this Contract, at the election of the CITY may be forthwith declared suspended, discontinued or terminated. Failure of the CONTRACTOR to take out and/or maintain or the taking out and/or maintenance of any required insurance, shall not relieve the CONTRACTOR from any liability under the Contract, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the CONTRACTOR concerning indemnification.

12. Conflict of Interest. The CONTRACTOR covenants that the CONTRACTOR (individually, or if a corporation, trust, limited liability company or partnership, "the entity") nor any officer, principal, partner, agent or employee of the entity has any interest nor shall they acquire any interest, directly or indirectly, which would conflict in the manner or degree of performance with the Contract. Further that if any such conflict of interest develops and exists during the term of the contract that the CONTRACTOR shall, within 7 days of the existence of such conflict of interest, notify the CITY in writing of the existence and nature of the said conflict of interest.

13. Contingent Fees. The CONTRACTOR warrants it has not employed or retained any company or person other than bonafide employees working solely for the CONTRACTOR, to solicit or secure this Contract, and that it has not paid or agreed to pay any company, or person, other than a bonafide employee working solely for the CONTRACTOR, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award of making this Contract. For breach or violation of this warranty, the CITY shall have the right to annul the Contract without liability or, at its discretion, to deduct from the fees due the CONTRACTOR, or otherwise, recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

14. The CONTRACTOR further agrees to perform this Contract in accord with all federal, state and local laws, including the Ypsilanti City Code and Procurement Policy, including:

a. Local preference. In the purchase of supplies, materials, equipment, services or construction work the *purchasing* officer or city council shall give preference to a local bidder if the bids are substantially the same.

b. Contractors shall take affirmative action to ensure that applicants are employed and that employees are treated during employment in the manner which provides equal employment opportunity and tends to eliminate inequity based upon race, national origin, religion, sex, sexual orientation, age or marital status.

c. During the performance of a contract, the contractor agrees as follows: The contractor will not discriminate against any employee or applicant for employment because of race, national origin, religion, sex, sexual orientation, age or marital status. The contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, national origin, religion, sex, sexual orientation, age or marital status. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause per Presidential Executive Order Number 11246, Sub/Part B(i).

D. The CONTRACTOR shall make good faith efforts to employ local persons so as to enhance the local economy.

15. The CONTRACTOR will not discriminate against, or give preferential treatment to, any person on the basis of race, sex, sexual orientation, color, national origin, religion, handicap status, heights, weight, marital status, or other criteria which is not relevant to the particular job.

16. The CONTRACTOR further agrees not to discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, national origin, disability as set forth in the American's With Disability Act, Michigan PWDA, age, height, weight, or marital status (except insofar as it relates to a bonafide or occupational qualification reasonably necessary to the normal operation of the business). Breach of this provision may be regarded as material breach of the Agreement.

18. Living Wage.

a. (1) Living Wages shall be paid according to the Ypsilanti Living Wage Ordinance, as provided in Chapter 2, Article VI, Division 4 of the Code of Ordinances for the City of Ypsilanti (The Ordinance); and

(2) Suitable notices shall be posted in the work place; and

(3) Evidence of compliance including payroll records shall be provided to the Ypsilanti Personnel Department within 10 days of written request from the Ypsilanti Personnel Department.

b. In the event of violation of the provisions of The Ordinance or this contract this contract may be modified or terminated to comply with the provisions of The Ordinance, including withholding of moneys in amount equal to Living Wages not paid in accordance with The Ordinance and the City may also take action to recover the amount of the contract provided to any person found to have violated The ordinance.

c. Any employee shall have a separate cause of action to enforce the provisions of this contract and The Ordinance and any rights conferred under The Ordinance, in law and or equity, and any court of competent jurisdiction upon proper proof and the prevailing of the employee in such action, shall award actual damages, wage restitution, interest and actual attorney fees.

d. The City shall have the right to enforce this contract and The Ordinance in law or equity by court process including specific performance.

19. Iran Economic Sanctions Act 517 of 2013. Pursuant to the Iran Economic Sanctions act, MCL 129.211, before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Provider, the Provider must first certify that it is not an "Iran Linked Business" as defined by that law."

20. Not in Default to City. The CONTRACTOR hereby certifies that the CONTRACTOR is not in default to the CITY, and that there are no unpaid taxes, real or personal, owed to the CITY by the CONTRACTOR, and the CONTRACTOR has no other unfulfilled obligations to the CITY and is in compliance with all Ypsilanti City codes and ordinances. The parties understand that a breach of this provision is a material breach of the contract.

21. In accordance with PA 517 of 2012, CONTRACTOR must certify that CONTRACTOR is not an Iran linked business, as set forth in the act. Signing this addendum is such certification.

22. The Contract and its attachments, and this Addendum, are the sole Contract and Agreement between the parties. Any changes, additions or deletions shall not be effective or actionable unless they are in writing signed by the parties.

IN WITNESS WHEREOF, the undersigned have set their hands this _____ day of September, 2018.

REH[redacted]

By: [redacted]

CITY OF YPSILANTI, a Michigan
Municipal Home-rule City

BY: ______________________________
Amanda Edmonds, Mayor

BY:______________________________
Frances McMullan, City Clerk

APPROVED AS TO FORM:

____
JOHN M. BARR P10475
Ypsilanti City Attorney

REQUEST FOR LEGISLATION
October 10, 2018

From: Cynthia Kochanek, Preservation Planner

Subject: CLG Grant application support

SUMMARY & BACKGROUND:
City staff was contacted by Michigan State Housing Development Authority, State Historic Preservation Office (SHPO) to see if the City would be interested in hosting a training in the spring of 2019, utilizing available 2017 CLG grant funds. A Commission Assistance and Mentoring Program (CAMP) training would be provided by the National Alliance of Preservation Commissions (NAPC) and hosted by the City for local historic districts, their staff and other interested parties. The NAPC is a nonprofit organization that supports local historic commissions using advocacy and training. Ypsilanti would be one of two cities to host training within the state, another training would be held in Kalamazoo.

The Certified Local Government Program is a partnership between local, state and national governments focused on promoting historic preservation at the grass roots level. The program is jointly administered by the National Park Service (NPS) and the State Historic Preservation Offices (SHPOs) in each state, with each local community working through a certification process to become recognized as a Certified Local Government (CLG). CLGs then become an active partner in the Federal Historic Preservation Program and the opportunities it provides, including grant opportunities. The City of Ypsilanti has been a CLG Community since 2002 and in the past has received CLG grants.

The City would be responsible for organizing and covering the cost of the NAPC training through a CLG grant agreement. For organizing this training the city would be reimbursed with CLG grant funds for all eligible project expenses, including staff time. This differs from traditional CLG grants in that this grant will be for full reimbursement instead of the standard 60/40 match. Staff has estimated a total cost for the training to be around $11,000.

In order for the CLG grant application process to move forward, City Council must formally support the grant application with a resolution. Once Council support is secured, staff will complete and submit a full application to the SHPO.

RECOMMENDED ACTION: Approval

CITY MANAGER APPROVAL: ________________________ COUNCIL AGENDA DATE: _________

CITY MANAGER COMMENTS: __________________________

FISCAL SERVICES DIRECTOR APPROVAL: _____________________________________

Resolution No. 2018-267
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti is a Certified Local Government (CLG), eligible to apply for Michigan Historic Preservation Fund grant dollars to support the city's historic preservation program; and

WHEREAS, the City of Ypsilanti supports promoting historic preservation through partnerships and training; and

WHEREAS, the Michigan State Housing Development Authority, State Historic Preservation Office (SHPO) has asked the City to host a National Alliance of Preservation Commissions (NAPC) training for historic district commissions; and

WHEREAS, SHPO has proposed that the City of Ypsilanti apply for a CLG grant to administer a contract with the NAPC, a historic preservation training agency, to provide this training; and

WHEREAS, the City of Ypsilanti acknowledges that it shall be the sole recipient, administrator, logistics organizer, and fiscal agent of the grant, including contracting and paying vendors, and receiving reimbursement with CLG grant funds for all eligible project expenses, including the NAPC training and related expenses, including staff time from SHPO.

NOW THEREFORE BE IT RESOLVED THAT, the Ypsilanti City Council supports and authorizes city staff to file an application for a grant from the SHPO CLG Grant Program to be used to contract with NAPC for training.

FURTHER, that the Mayor and City Clerk are authorized to sign the CLG grant agreement, any grant agreement amendments and any grant agreement related documents which might be necessary following approval by the City Attorney.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2018 – 268
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individual (non-resident) be appointed to the City of Ypsilanti Boards and Commissions as indicated below:

NAME	**BOARD**	**EXPIRATION**
Loviesa Brown (Non-Resident) 1235 Ruth Ave Ypsilanti, MI 48197 (Ypsi Township)	**Housing Commission**	10/16/2023

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
October 16, 2018

To: Mayor and Council

From: Chief Max Anthouard

Subject: SAFER Grant Acceptance, $1,082,316

SUMMARY/BACKGROUND

The Fire Department applied for and received a SAFER grant to hire four firefighters. Council approved the application. Now that the grant has been awarded, it is recommended that Council should approve accepting the grant.

The total amount for four firefighters over a three year period is $1,082,316. The federal share is $667,429 and the City of Ypsilanti's participation is $414,887

ATTACHMENTS: Proposed Resolution to Accept SAFER grant

RECOMMENDED ACTION: Request Council to approve the SAFER grant

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DATE RECEIVED:_______________ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:___________ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:

Resolution No. 2018 - 269
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

RESOLUTION TO APPROVE $1,082,316 SAFER GRANT

WHEREAS, The City of Ypsilanti Fire Department applied for and received a SAFER grant to hire four firefighters for a total amount of $1,082,316; and

WHEREAS, The federal share is $667,429 and the City of Ypsilanti's participation is $414,887; and therefore be it

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI: that the SAFER grant EMW-2017-FH-00212, in the amount of $1,082,316 is accepted.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
October 16, 2018

To: Mayor and Council

From: Fire Chief, Max Anthouard

Subject: 2017 Assistance to Firefighters Grant Acceptance

SUMMARY & BACKGROUND:

The City of Ypsilanti Fire Department has applied for and received a FEMA grant under the 2017 Assistance to Firefighters Grant (AFG) for the purchase of Self-Contained Breathing Apparatus (SCBAs). Now that the grant has been awarded, it is recommended that Council should approve accepting the grant.

The total amount for the grant is $108,750. The federal share is $98,863.60 and the City of Ypsilanti's participation is $9,886.36.

The funding will be withdrawn from the self-contained breathing apparatus account (101-7-3390-768-02).

RECOMMENDED ACTION: (Approval/Denial)

ATTACHMENTS: (contract, map, letter, etc.)

CITY MANAGER APPROVAL: ____________________ COUNCIL AGENDA DATE: __________

CITY MANAGER COMMENTS: ____________________

FISCAL SERVICES DIRECTOR APPROVAL: ____________________

Resolution No. 2018 - 170
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti Fire Department has applied for and received a FEMA grant under the 2017 Assistance to Firefighters Grant (AFG) for the purchase of Self-Contained Breathing Apparatus (SCBAs); and

WHEREAS, The total amount for the grant is $108,750. The federal share is $98,863.60 and the City of Ypsilanti's participation is $9,886.36; and

WHEREAS, The funding will be withdrawn from the self-contained breathing apparatus account 101-7-3390-768-02; and

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the Fire Department to accept the 2017 AFG SCBA grant.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION

October 16, 2018

To: **Mayor and City Council**

From: **Darwin D. P. McClary, City Manager**

Subject: **Discussion on PA 152 of 2011 Healthcare Cost Contributions for 2019**

Summary & Background:

Each year, the City is required to comply with the Michigan Public Act 152 of 2011, as amended, in regard to employer paid health care benefits for employees. The "Act" provides the City with three options to comply with the law.

Option #1 – Take no action and comply with the Hard Cap Limits established by the state.
Option #2 – By majority vote, approve a 20% cost sharing by the employees.
Option #3 – By super majority 2/3 vote of Council, opt out of compliance with the act.

Labor agreements currently in place are governed by Public Act 152.

The City has implemented Option #1 (hard caps) for 2018, and in previous years opted for 80/20 cost sharing, which requires employees to contribute 20% of the cost of health insurance including medical insurance premiums, estimated self-funded medical WRAP expenses, estimated self-funded prescription costs, employer health savings account contributions, and related fees. The City is responsible for the remaining 80% under the 80/20 option. The costs of dental and vison coverage are not considered health care as part of the Act; only medical related expenses apply.

Administration is recommending that the city council take no action and comply with the Hard Cap Limits as established by the State of Michigan for 2019. Human Resources Director Craigmile has prepared the attached analysis demonstrating the costs to the city and employees under the hard cap and 80/20 options.

Recommended Action: Take no action on compliance with PA 152 of 2011 for 2018, thereby requiring that the city automatically comply with the Hard Cap requirements under the Act.

Attachments: None

City Manager Approval: DDPM **Council Agenda Date: 10/16/18**

City Manager Comments: Take no action, thereby requiring compliance with the Hard Cap requirements of PA 152 of 2011.

Fiscal Services Director Approval: ______________________________

2019 Projected Enrollment-Hard Cap

Single	Two Person	Family	Waiver S	Waiver 2	Waiver Family
14	10	32	1	8	16
				Total All Enrollment	81

Total Annual Rate Single	Total Annual Rate Two Person	Total Annual Rate Family	City Contribution	Employee Contribution
$103,678.66	$159,354.40	$716,243.68	$935,956.85	$162,442.94

2019 Projected Enrollment-80/20

Single	Two Person	Family	Waiver S	Waiver 2	Waiver Family
14	10	32	1	8	16
				Total All Enrollment	81

Total Annual Rate Single	Total Annual Two Person	Total Annual Family	City Contribution	Employee Contribution
$103,678.66	$159,354.40	$716,243.68	$888,206.24	$198,974.70

REQUEST FOR LEGISLATION

FROM: Bradford S. Holman Interim Public Service Director

DATE: October 12, 2018

SUBJECT: Acceptance of OHM's Proposal for Engineering Services for 2019 Road Repairs

SUMMARY/BACKGROUND:

To comply with the City's Effort to maintain City of Ypsilanti Major and Local road re-surfing in 2019. This process takes place through a milling and overlay of Street Surfaces. The Streets to be resurfaced are S. Congress Street from Mansfield Street to Elm Street, Huron Street from Cross Street to Forest Street, Harriet Street from Hamilton Street to Huron Street.

The FY 2018 -19 budget has allocated funding for engineering design services. The cost will be expended from Design FAC account 202-7-9067-975-00.

OHM has submitted a proposal for engineering design services for the full scope of this construction project which includes; Design Survey & Geotechnical Services, Preliminary Design Engineering, and Final Design Engineering, at an estimated cost $24,095.00.

RECOMOENDED ACTION: Approval

ATTACHMENT: OHM Proposal, Resolution

City Manager Approval: ________________ council Agenda Date October 16, 2018

City Manager Comment: ______________________

Fiscal Services Director Approval: ___________________

Resolution No. 2018-271
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, 2019 Road Repairs Program has been planned for maintaining City of Ypsilanti Major and Local road resurfacing in 2019. This process takes place through a milling and overlay of street surfaces. The streets to be resurfaced are S. Congress Street from Mansfield Street to Elm Street, Huron Street from Cross Street to Forest Street, Harriet Street from Hamilton Street to Huron Street; and

WHEREAS, the engineering design services will be expended from account number
202-7-9067-975-00 in FY 2018-19 budget; and

WHEREAS, Orchard Hiltz and McCliment has submitted a proposal for engineering design services for the full scope of this construction project which includes: Design Survey & Geotechnical Services, Preliminary Design Engineering, and Final Design Engineering, at an estimated cost of $24,095.00.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposal submitted by OHM for design engineering services to comply with regulations and directives mandated for the 2019 Road Repairs Program; and

THAT the Mayor and City Clerk are authorized to sign this contract, subject to review and approval by the City Attorney; and

THAT the City Manager is authorized to sign any change orders that may be needed to maintain the project's schedule, subject to review and approval by the City Attorney.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

OHM
Advancing Communities®

October 3, 2018

Darwin McClary
City Manager
City of Ypsilanti
One South Huron St.
Ypsilanti, MI 48197

RE: **Proposal for Engineering Design Services for 2019 Road Repairs**
S. Congress Street from Mansfield Street to Elm Street
Huron Street from Cross Street to Forest Street
Harriet Street from Hamilton Street to Huron Street

Dear Mr. McClary:

OHM Advisors is pleased to submit a proposal for engineering design services for the mill and fill of S. Congress St. from Mansfield St. to Elm St.; Huron St. from Cross St. to Forest St.; and eastbound lane of Harriet St. from Hamilton St. to Huron St. This work includes the geometric change (bump-out) at the northeast corner of Huron St. and Cross St. as well as dedicated bike lanes for Harriet St. from Hamilton St. to Huron St.

SCOPE:

Task 1 – Design Survey & Geotechnical Services

OHM Advisors will conduct a topographic survey and develop a base plan for proposed bump-out at the intersection of Huron and Cross Street only. Tasks to be accomplished are:

- **Control:** Verify previously established control.
- **Right-of-Way:** Verify and obtain property and ROW information and tie in to project control.
- **Topographic Survey:** Obtain all necessary existing physical features and elevations to provide information for preparing plans.
- OHM will seek geotechnical services from G2 Consulting Group, Inc. (G2) for pavement cores.

Task 2 – Preliminary Design Engineering

- Prepare preliminary road plans and specifications in accordance with MDOT LAP guidelines for projects administered through MDOT.
- Attend one (1) meeting with the City to review the plans and specifications and address any requested revisions.
- Attend one (1) Planning Commission Meeting if requested.
- Attend one public open house with City and local residents, if requested.
- Revise preliminary plans and alignment for the road based upon City comments.
- Revise preliminary engineer's opinion of probable construction costs.

Task 3 – Final Design Engineering

- Submit the Program Application materials as required by MDOT LAP guidelines.
- Submit preliminary plans, specifications, and engineer's opinion of probable construction cost to MDOT LAP office for Grade Inspection (GI) review.

- Attend the GI review meeting with MDOT and City staff to review the plans and specifications and address any required revisions.
- Submit final plans and specifications per MDOT guidelines, including a final engineer's opinion of probable construction cost using the Michigan Engineers Resource Library (MERL) program per MDOT requirements.
- Submit SESC and WCRC (signage) permits.
- Prepare a letter to the City pertaining to the bid letting results through MDOT.

DELIVERABLES:

OHM Advisors will provide hard copies of the plans and specifications to MDOT as required for the LAP process.

ASSUMPTIONS/CLARIFICATIONS:

- Permit fees are not included as part of this design.
- Construction phase services are not included and will be submitted under separate cover after letting.
- Additional meetings not listed under the scope of services.
- No easements are necessary as part of this work.

FEE:

OHM Advisors will invoice the City of Ypsilanti for the above stated services on an hourly not-to-exceed basis in accordance with the continuing services agreement between OHM and the City. Invoices will be sent monthly as work is performed.

Design Tasks	Design Fee
Task 1 – Design Survey	$3,200.00
Geotechnical Services (G2)	$2,500.00
Task 2 – Preliminary Design Engineering	$11,515.00
Task 3 – Final Design Engineering	$6,880.00
Total	**$24,095.00**

The total fee is estimated to be $24,095.00. Additional services can be provided on a time and material basis, as requested.

SCHEDULE:

We will begin work outlined in this proposal immediately upon authorization. OHM will meet design deadlines to meet the December 2018 GI submittal for a May 2019 letting for construction.

Sincerely,
[redacted]

Accepted for City of Ypsilanti

____
(Signature)

____
(Printed Name)

____
(Title)

____
(Date)

cc: Brad Holman, Interim City DPW Director
Jessica Howard, OHM Advisors

Citizen Advisory Boards and Commissions Participation Resume

The people of Ypsilanti are involved in their City government and are an important part of the community's achievements. Individuals interested in receiving more information in regards to serving on an advisory board or commission are invited to contact the City Clerk's Office at 734-483-1100. Alternatively, citizens who would like to participate can submit their information in the form below.

Name	Christian G Cannon
Email Address	[redacted]
Address	[redacted]
City	Ypsilanti
State	MI
Zip Code	48197
Phone Number	[redacted]
Fax Number	*Field not completed.*
Number of Years in the Community	22
Ward You Live In	1
Education	University of Michigan
Occupation	Mechanical Engineering
Employer	General Motors
Are you applying for youth membership?	No
I would like to be considered and could devote sufficient time to serve on the following board or commission:	Sustainability Commission
Party Affiliation	Democratic

	X
Why are you interested in serving on these boards/commissions?	It would be both an honor and privilege to serve on the Ypsilanti Sustainability Council. As a rising leader in our community, I desire to contribute to the success of Ypsilanti by helping to transition our city from modern energy dependency to becoming a national leader in solar energy. Through community engagement, revitalizing the renewable energy educational pipeline in Michigan and addressing energy justice in our communities, I strongly believe that Ypsilanti can trailblaze a path for other cities to model after. I am driven to create lasting positive social and environmental change by cultivating the communities I work in, through the advancement of renewable energy both nationally and internationally. Serving on the Ypsilanti Sustainability Council will grant me with the opportunity to not only enhance my community but to also cultivate the world that we are surrounded by.
Work/volunteer experience related to the board or commission:	Christian Cannon is a student at the University of Michigan pursuing a Bachelors of Science degree in Mechanical Engineering with a minor in Business Management, along with an independent study in Solar Energy Integration. Upon high school graduation, he was awarded with the 2014 General Motors Company Scholarship, Ford Blue Oval Scholarship and Ann Arbor Community Foundation Young Citizen of the Year Award, along with a host of other honors and awards. Since the beginning of his freshman year at the University of Michigan, he has presided on the Executive Board of the National Society of Black Engineers, and has not only excelled academically but also professionally by consecutively obtaining multiple internships throughout his college career. Throughout the duration of his academic journey, Christian has lead a plethora of projects for world renowned companies like the U.S. Environmental Protection Agency, RedViking and General Motors. This summer, Mr. Cannon interned on the Advanced Energy Integration team at General Motors and helped to lead numerous confidential projects that resulted in over $300 million dollars of value towards emerging technologies, which improved vehicle energy efficiency, solar energy integration concepts and the reduction of CO2 emissions. Christian's passion for sustainability and community engagement rooted from his early relationship with a non-profit organization called Growing Hope, which was founded by Mayor Amanda Edmonds. Through this opportunity, Christian acquired over

	seven years of experience leading various summer camps in sustainable farming, educational workshops focusing on obtaining optimum heath through fresh local food and overall professional development. Growing Hope has truly cultivated Ypsilanti in a plethora of ways and helped to mold Christian into the man he is today. Mr. Cannon aspires to advance his career in the field of renewable energy focused companies in both the U.S and Abu Dhabi, along with learning how to unlock the fullest potential of clean energy by eventually branding his own sustainable company to serve the world. Christian is best known for being driven to succeed beyond managerial expectations by exemplifying strong leadership, interpersonal skills and an analytical, innovative mindset.
I understand that appointment to a City of Ypsilanti board or commission requires regular attendance at board meetings.	Yes
I hereby certify that all of the information above is true.	Yes

Resolution No. 2018-272
October 16, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE: