1. City Council Regular Meeting Agenda

    Documents: REVISED FINAL 10-2-12 AGENDA.PDF

2. City Council Regular Meeting Packet

    Documents: 10-2-12 COUNCIL PACKET.PDF

CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
Tuesday, October 2, 2012
7:00 P.M.

I. <u>CALL TO ORDER</u> –

II. <u>ROLL CALL</u> –

Council Member Bodary	P A	Council Member Robb	P A
Council Member Jefferson	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Schreiber	P A
Mayor Pro-Tem Richardson	P A		

III. <u>INVOCATION</u> –

IV. <u>PLEDGE OF ALLEGIANCE</u> –

"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. <u>INTRODUCTIONS</u> –

VI. <u>AGENDA APPROVAL</u> –

VII. <u>PRESENTATIONS</u> –

Fire Prevention Week Proclamation – Mayor Schreiber

VIII. <u>AUDIENCE PARTICIPATION</u> –

IX. <u>REMARKS BY THE MAYOR</u> –

X. <u>SHOW CAUSE HEARING</u> –

1. Dangerous Building Show Cause Hearing for 25 Bell Street

   A. Open show cause hearing.
   B. Resolution No. 2012-199, to close the show cause hearing.
   C. Resolution No. 2012-200, to accept the dangerous building order for 25 Bell Street.

XI. <u>PUBLIC HEARING</u> - Ordinance 1181

1. An ordinance entitled "Ordinance to Extend AT&T Metro Act Permit to June 30, 2015.

   A. Open public hearing.
   B. Resolution No. 2012-201, to close public hearing.
   C. Resolution No. 2012-211, approving an ordinance entitled, "Ordinance to Extend AT&T Act Permit to June 30, 2015. ***(Second Reading)***

XII. **ORDINANCES-FIRST READING -** Ordinance No. 1182

1. An ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilanti.

   A. Resolution No. 2012-202, determination.
   B. Open the public hearing.
   C. Resolution No. 2012-203, to close public hearing.

Ordinance No. 1183

2. An ordinance to amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances to increase sewage disposal service rates.

   A. Resolution No. 2012-204, determination.
   B. Open the public hearing.
   C. Resolution No. 2012-205, to close public hearing.

Ordinance No. 1184

3. An ordinance to repeal Section 2.66 of the City Code: Residency Requirements for City Manager.

   A. Resolution No. 2012-206, determination.
   B. Open the public hearing.
   C. Resolution No. 2012-207, to close public hearing.

XIII. **MINUTES –**

Resolution No. 2012-208, approving the September 18, 2012 minutes.

XIV. **CONSENT AGENDA -** Resolution No. 2012-209

1. Resolution 2012-210, authorizing the City Clerk to cast the ballot for the 2012 Michigan Municipal League (MML) Board of Directors election.

2. Resolution No. 2012-213, approving contract with Saladino Construction Co., Inc. for Sidewalk Ramp Replacement Program.

3. Resolution No. 2012-212, approving a contribution of $1,000 to the Washtenaw Health Initiative.

4. Resolution No. 2012-216, regarding Proposal 12-5.

XV. **RESOLUTIONS/MOTIONS/DISCUSSIONS –**

1. Resolution 2012-194, approving request to Municipal Employees Retirement System (MERS) to adopt MERS Pension Plan (Division 15) reallocating certain divisional market assets between two divisions. ***(Tabled 9/18/12)***

2. Resolution No. 2012-214, approving appointments to Boards and Commissions.

XV. <u>LIASON REPORTS</u> -

A. SEMCOG Update
B. Washtenaw Area Transportation Study
C. Washtenaw Metro Alliance
D. Urban Counties
E. Freight House

XVI. <u>COUNCIL PROPOSED BUSINESS</u> –

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

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

XIX. <u>AUDIENCE PARTICIPATION</u> -

XX. <u>REMARKS FROM THE MAYOR</u> –

Nomination:

Ypsilanti Downtown Development Authority
Regan L. Parker (resident board member replacing Dawn Gendich)
124 W. Michigan Ave, #203
Ypsilanti, Michigan 48197
Term Expires: 7/7/2015

XXI. <u>CLOSED SESSION</u> -

Closed Session to discuss personnel matter. (OMA 15.268, Section 8(a))

XXII. <u>ADJOURNMENT</u> –

Resolution No. 2012-215, adjourning the City Council meeting.

CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
Tuesday, October 2, 2012
7:00 P.M.

I. **<u>CALL TO ORDER</u> –**

II. **<u>ROLL CALL</u> –**

Council Member Bodary	P A	Council Member Robb	P A
Council Member Jefferson	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Schreiber	P A
Mayor Pro-Tem Richardson	P A		

III. **<u>INVOCATION</u> –**

IV. **<u>PLEDGE OF ALLEGIANCE</u> –**

"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. **<u>INTRODUCTIONS</u> –**

VI. **<u>AGENDA APPROVAL</u> –**

VII. **<u>PRESENTATIONS</u> –**

Fire Prevention Week Proclamation – Mayor Schreiber

VIII. **<u>AUDIENCE PARTICIPATION</u> –**

IX. **<u>REMARKS BY THE MAYOR</u>** –

X. **<u>SHOW CAUSE HEARING</u>** –

1. Dangerous Building Show Cause Hearing for 25 Bell Street

    A. Open show cause hearing.
    B. Resolution No. 2012-199, to close the show cause hearing.
    C. Resolution No. 2012-200, to accept the dangerous building order for 25 Bell Street.

XI. **<u>PUBLIC HEARING</u> -** Ordinance 1181

1. An ordinance entitled "Ordinance to Extend AT&T Metro Act Permit to June 30, 2015.

    A. Open public hearing.
    B. Resolution No. 2012-201, to close public hearing.
    C. Resolution No. 2012-211, approving an ordinance entitled, "Ordinance to Extend AT&T Act Permit to June 30, 2015. ***(Second Reading)***

XII. ORDINANCES-FIRST READING - Ordinance No. 1182

1. An ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilanti.

   A. Resolution No. 2012-202, determination.
   B. Open the public hearing.
   C. Resolution No. 2012-203, to close public hearing.

Ordinance No. 1183

2. An ordinance to amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances to increase sewage disposal service rates.

   A. Resolution No. 2012-204, determination.
   B. Open the public hearing.
   C. Resolution No. 2012-205, to close public hearing.

Ordinance No. 1184

3. An ordinance to repeal Section 2.66 of the City Code: Residency Requirements for City Manager.

   A. Resolution No. 2012-206, determination.
   B. Open the public hearing.
   C. Resolution No. 2012-207, to close public hearing.

XIII. MINUTES –

Resolution No. 2012-208, approving the September 18, 2012 minutes.

XIV. CONSENT AGENDA - Resolution No. 2012-209

1. Resolution 2012-210, authorizing the City Clerk to cast the ballot for the 2012 Michigan Municipal League (MML) Board of Directors election.

2. Resolution No. 2012-213, approving contract with Saladino Construction Co., Inc. for Sidewalk Ramp Replacement Program.

3. Resolution No. 2012-212, approving a contribution of $1,000 to the Washtenaw Health Initiative.

4. Resolution No. 2012-216, regarding Proposal 12-5.

XV. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution 2012-194, approving request to Municipal Employees Retirement System (MERS) to adopt MERS Pension Plan (Division 15) reallocating certain divisional market assets between two divisions. ***(Tabled 9/18/12)***

2. Resolution No. 2012-214, approving appointments to Boards and Commissions.

XV. LIASON REPORTS -

A. SEMCOG Update
B. Washtenaw Area Transportation Study
C. Washtenaw Metro Alliance
D. Urban Counties
E. Freight House

XVI. COUNCIL PROPOSED BUSINESS –

XVI. COMMUNICATIONS FROM THE MAYOR –

XVIII. COMMUNICATIONS FROM THE CITY MANAGER –

XIX. AUDIENCE PARTICIPATION -

XX. REMARKS FROM THE MAYOR –

Nomination:

Ypsilanti Downtown Development Authority
Regan L. Parker (resident board member replacing Dawn Gendich)
124 W. Michigan Ave, #203
Ypsilanti, Michigan 48197
Term Expires: 7/7/2015

XXI. CLOSED SESSION -

Closed Session to discuss personnel matter. (OMA 15.268, Section 8(a))

XXII. ADJOURNMENT –

Resolution No. 2012-215, adjourning the City Council meeting.

2012 City of Ypsilanti's Fire Prevention Week Proclamation

WHEREAS, the City of Ypsilanti is committed to ensuring the safety and security of all those living in and visiting our state; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,600 people in the United States in 2010, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to more than 369,000 home fires; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, only one-third of Americans have both developed and practiced a home fire escape plan, and

WHEREAS, almost three-quarters of Americans do have an escape plan; however, less than half have actually practiced it, and

WHEREAS, one-third of Americans households who made one and estimate they thought they would have at least 6 minutes before a fire in their home would become life threatening. The time available is often less, and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Ypsilanti's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Ypsilanti's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2012 Fire Prevention Week theme, "Have Two Ways Out!" effectively serves to remind us to develop and practice a home fire escape plans during Fire Prevention Week and year-round.

THEREFORE, I Paul Schreiber Mayor of Ypsilanti do hereby proclaim October 7-13, 2012, as Fire Prevention Week throughout this City, and I urge all the people of Ypsilanti to practice their home fire escape plan during Fire Prevention Week 2012, and to support the many public safety activities and efforts of Ypsilanti's fire and emergency services.

Resolution No. 2012 - 199
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the Show Cause hearing regarding 25 Bell Street be **officially closed.**

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Resolution No. 2012- 200
October 4, 2012

Regarding the property located at: ______25 Bell Street____________
Tax ID # ___11-11-39-483-002________________
Case # DB 12-0001

WHEREAS Council has reviewed the report of findings and order of the hearing officer, and

WHEREAS Council has had an opportunity to hear testimony and evidence offered; now therefore

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the Ypsilanti City Council hereby:

_____ Approves the Hearing Officer's Order.

_____ Disapproves the Hearing Officer's Order.

_____ Modifies the Hearing Officer's Order as follows:

____

____

____

Council further resolves that the order must be complied with within 60 days.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2012 - 201
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on an ordinance entitled, "Ordinance to Extend AT&T Metro Act Permit to June 30, 2015" be **officially closed.**

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1181

An ordinance to extend the AT&T METRO Act Permit to June 30, 2015.

1. **THE CITY OF YPSILANTI HEREBY ORDAINS** That the METRO Act Permit issued to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on June 30, 2012 be and hereby is extended for a term to end on June 30, 2015.

2. <u>Severability.</u> 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. <u>Savings Clause.</u> 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. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. 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 ____________________, 2012.

____
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ___ was published in The Ypsilanti Courier on the ___________ day of _______________________, 2012.

____
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 _________________, 2012.

____
Frances McMullan, City Clerk

Notice Published: __September 13, 2012_________

First Reading: ____September 18, 2012__________

Second Reading: ___October 2, 2012_____________

Published: _________________________________

Effective Date: ______________________________

METRO Act
Unilateral Form
Revised 12/06/02

RIGHT-OF-WAY TELECOMMUNICATIONS PERMIT

This permit issued this 20 day of JUNE, 2005 by Ypsilanti City.

1 Definitions

1.1 Date of Issuance shall mean the date set forth above.

1.2 Manager shall mean Municipality's [Mayor/Manager/Supervisor/Village President] or his or her designee.

1.3 METRO Act shall mean the Metropolitan Extension Telecommunications Right-of Way oversight Act, Act No. 48 of the Public Acts of 2002, as amended.

1.4 Municipality shall mean City of Ypsilanti, a Michigan municipal corporation.

1.5 Permit shall mean this document.

1.6 Permittee shall mean **Michigan Bell Telephone Company D.B.A SBC Michigan** organized under the laws of the State of Michigan whose address is **54 N. Mill St., Box 32, Pontiac, Mi. 48342.**

1.7 Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public Right-of-Way does not include a federal, state, or private right-of-way.

1.8 Telecommunications Facilities or Facilities shall mean the Permittee's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communications device.

1.9 Term shall have the meaning set forth in Part 7.

2 Grant

2.1 Municipality hereby issues a permit under the METRO Act to Permittee for access to and ongoing use of the Public Right-of-Way identified on Exhibit A to construct, install and maintain Telecommunication Facilities on the terms set forth herein.

2.1.1 Exhibit A may be modified by Manager upon written request by Permittee.

2.1.2 Any decision of Manager on a request by Permittee for a modification may be appealed by Permittee to Municipality's legislative body.

2.2 Overlashing. Permittee shall not allow the wires or any other facilities of a third party to be overlashed to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.

2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3 Contacts, Maps and Plans

3.1 Permittee Contacts. The names, addresses and the like for engineering and construction related information for Permittee and its Telecommunication Facilities are as follows:

3.1.1 *The address, e-mail address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality) is **Beverly Preston, Area Manager, 550 S. Maple, Ann Arbor, Mi. 48103 Office: 734-996-5320, Fax: 734-996-5359.**

3.1.2 If Permittee's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is Same as 3.1.1.

3.1.3 The name, title, address, e-mail address and telephone numbers of Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is: **Doug Parker, Area Engineer, 550 S. Maple, Ann Arbor, Mi. 48103 Office: 734-996-5334, Fax: 734-996-5359.**

3.1.4 The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is Same as 3.1.3.

3.1.5 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.

3.1.6 Permittee shall immediately notify Municipality in writing as set forth in Part 12 of any inaccuracies or changes in the preceding information.

3.2 Route Maps. Within ninety (90) days after the substantial completion of new Facilities in a Municipality, a provider shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).

3.3 As-Built Records. Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

4 Use of Public Right-of-Way

4.1 No Burden on Public Right-of-Way. Permittee, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

4.2 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.

4.3 Restoration of Property. Permittee, its contractors and subcontractors shall immediately **(subject to seasonal work restrictions)** restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.

4.4 Marking. Permittee shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable **(if such cable is nonconductive)**; (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.

4.5 Tree Trimming. Permittee may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.

4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Permittee shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.

4.7 Pavement Cut Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").

4.7.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.

4.8 Compliance with Laws. Permittee shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.

4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee's Facilities in the vacated Public Right-of-Way, Permittee shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route as Municipality, applying reasonable engineering standards, shall specify.

4.10 Relocation. If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality, applying reasonable engineering standards, shall specify. The work shall be completed within a reasonable time period.

4.11 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality will attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.

4.12 Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.

4.13 Underground Relocation. If Permittee has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense.

4.14 Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of

Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

5 Indemnification

5.1 Indemnity. Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Permittee's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.

5.2 Notice, Cooperation. Municipality will notify Permittee promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality will cooperate with Permittee in every reasonable way to facilitate the defense of any such claim. Municipality will consult with Permittee respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.

5.3 Settlement. Municipality will not settle any claim subject to indemnification under this Part 5 without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any claim against Municipality for which Permittee is responsible hereunder.

6 Insurance

6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.

6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars ($5,000,000).

6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars ($500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.

6.1.3 Automobile liability insurance in an amount not less than One Million Dollars ($1,000,000).

6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.

6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.

6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.

6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.

6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of $50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless

Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.

6.5 Contractors. Permittee's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).

6.6 Insurance Primary. Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7 Term

7.1 Term. The term ("Term") of this Permit shall be until the earlier of:

7.1.1 **Five Years (5)** [five years or less] from the Date of Issuance; or

7.1.2 When the Telecommunication Facilities has not been used to provide telecommunications services for a period of one hundred and eighty (180) days by Permittee or a successor or an assignee of Permittee; or

7.1.3 When Permittee, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or

7.1.4 Upon either Permittee or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or

7.1.5 Unless Manager grants a written extension, one year from the Date of Issuance if prior thereto Permittee has not started the construction and installation of the Telecommunication Facilities within the Public Right-of-Way and two years from the Date of Issuance if by such time construction and installation of the Telecommunication Facilities is not complete.

8 Performance Bond or Letter of Credit

8.1 Municipal Requirement. Municipality may require Permittee to post a bond (or letter of credit) as provided in Section 15(3) of the METRO Act, as amended [MCL § 484.3115(3)].

9 Fees

9.1 Establishment; Reservation. The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way.

10 Removal

10.1 Removal; Underground. As soon as practicable after the Term, Permittee or its successors and assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Permittee shall not remove any underground cable or other portions of the Telecommunication Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Permittee's sole cost and expense.

10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

10.2 Removal; Above Ground. As soon as practicable after the Term, Permittee, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Telecommunication Facilities, including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.

10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.

11 Assignment. Permittee may assign or transfer its rights under this Permit, or the persons or entities controlling Permittee may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Permittee's business, or by other means, subject to the following:

11.1 No such transfer or assignment or change in the control of Permittee shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Date of Issuance until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

11.2 After the completion of such construction, Permittee must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,

11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and

11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Permittee's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Permittee shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.

11.3 Permittee may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 Notices

12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, to [address], with a copy to [address].

12.1.2 If to Permittee, to Joan Richards, Area Manager, SBC Michigan, 54 N. Mill St., Box 32, Pontiac, Mi. 48342

12.1.3 With a copy to Doug Parker, Area Engineer, 550 S. Maple, Ann Arbor, Mi. 48103.

12.2 Change of Address. Permittee and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

13.1 No Cable, OVS. This Permit does not authorize Permittee to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

13.2 Effectiveness. This Permit shall become effective when Permittee has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acknowledgement of receipt, below.

13.3 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].

13.4 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

13.5 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

[Municipality name]

By: Edward Koryzno

Its: City Manager

Date: 6/20/05

APPROVED AS TO FORM

John M. Barr

Ypsilanti City Attorney

Acknowledgement of Receipt: Permittee acknowledges receipt of this Permit granted by Municipality.

Michigan Bell Telephone d.b.a. SBC

By: Joan C. Richards
Its: Area Manager
Date: 1/19/06

Exhibit A

Public Right-of-Way to be used by Telecommunication Facilities

All existing facilities assumed in all Existing Rights of Way in the Municipality shown on the "SBC Route Maps for PA 48" CD-ROM disc dated October 2003 that was submitted with the Application, which is considered part of this Permit and Exhibit. Calculations of lineal footages used in determining maintenance fees for municipality are based on these Maps, with the assumption SBC Michigan occupies all rights of ways.

Municipality's acceptance of the described CD-ROM disc, which designates the Roads, Rights of Ways and Routes existing facilities follow by a single line, with road names identified, but not the actual location of Permitee's existing facilities within the Rights of Way, is not a waiver of, nor an acknowledgement that the CD-ROM satisfies the requirement in Section 2.3 of the Application to: " Attach route maps showing the location of Applicant's existing and proposed facilities in the public rights of way", or the statutory basis for the language under section 6(5) of the METRO Act. If it is later determined by the METRO Authority, Michigan Public Services Commission, or a court of competent jurisdiction, in a final order that is not challengable or appealable and binding on the Permitee: that the CD-ROM disc does not satisfy the requirements of Section 6(5) of the METRO Act, the Municipality reserves the right to require the Permitee to submit an amended Route Map that conforms to the requirements of, and within the timeframes set forth in the order or judgement.

Exhibit B

Bond

Letter of Credit to be submitted with Construction Permits at time of Specific Application

::ODMA\PCDOCS\GRR\764521\3

Resolution No. 2012-211
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled, “Ordinance to Extend AT&T Metro Act Permit to June 30, 2015" be adopted on Second and Final Reading.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

YPSILANTI COMMUNITY UTILITIES AUTHORITY

2777 STATE ROAD
YPSILANTI, MICHIGAN 48198-9112
TELEPHONE: (734) 484-4600
FAX: (734) 484-3369
WEBSITE: www.ycua.org

August 29, 2012

VIA EMAIL and USPS

Ms. Frances McMullan, Clerk
CITY OF YPSILANTI
One South Huron Street
Ypsilanti, Michigan 48197-5400

Re: **YCUA Water and Sewer Rate Changes**

Dear Frances:

Enclosed is a letter to the City Council regarding adjustments to the water rate and sewer rates for YCUA City Division customers. Also included are the two ordinances approving the changes and the supporting documentation. The YCUA Board of Commissioners is recommending to City Council the adjustments indicated.

Please place these items on the City Council agenda at your earliest convenience. We have included two versions of each ordinance, one effective October 1, 2012 and another effective November 1, 2012. Please feel free to use whichever best accommodates your meeting schedule.

Also, please forward to the City Council members the supporting documentation included for their use in considering these ordinance requests.

If you have any questions, please contact me.

Sincerely,

Jeff Castro

JEFF CASTRO, Interim Director
Ypsilanti Community Utilities Authority

JC/kks
Enclosures
cc w/encl.: YCUA Board of Commissioners
Mr. Ralph Lange
Mr. Thomas E. Daniels
cc: Mr. Dwayne Harrigan
Ms. Venita Terry

YPSILANTI COMMUNITY UTILITIES AUTHORITY

2777 STATE ROAD
YPSILANTI, MICHIGAN 48198-9112
TELEPHONE: (734) 484-4600
FAX: (734) 484-3369
WEBSITE: www.ycua.org

August 29, 2012

VIA EMAIL and USPS

CITY OF YPSILANTI
City Council
One South Huron Street
Ypsilanti, Michigan 48197-5400

Re: **YCUA Water and Sewer Rate Changes**

Dear Council Member:

At the regular meeting of the YCUA Board of Commissioners on August 28, 2012, the Board approved a recommendation to the Ypsilanti City Council for a water rate increase of 5% and a sewer rate increase of 3% for City Division customers. The combined effect of these rate adjustments, which will be effective October 1, 2012 or November 1, 2012 (dependent upon your meeting schedule), would be a 4% increase in a City Division customer's bimonthly bill.

The two ordinances approving these rate adjustments are included in this correspondence for your consideration. Also included is the document summarizing the budget highlights related to the September 1, 2012 fiscal year budget, which has been approved by the YCUA Board of Commissioners. Note that although the Detroit Water and Sewerage Department has increased its rate to YCUA by 8.7%, we are able to limit the water rate increase to YCUA customers to 5% due to containment of other operating costs, in addition to the lower total cost of purchased water resulting from the anticipated decrease in consumption.

The YCUA Board of Commissioners is recommending to City Council the adoption of these ordinances.

If you have any questions, please contact me.

Sincerely,

Jeff Castro

JEFF CASTRO, Interim Director
Ypsilanti Community Utilities Authority

JC/kks
Enclosures
cc w/encl.: YCUA Board of Commissioners
Mr. Ralph Lange
Ms. Frances McMullan
Mr. Thomas E. Daniels
cc: Mr. Dwayne Harrigan
Ms. Venita Terry

ORDINANCE NO. 2012- _______

An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilanti.

BE IT ORDAINED BY THE CITY OF YPSILANTI:

That Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances shall be amended as follows:

(b) For all billings rendered prior to October 1, 2012, existing rates shall prevail. For all billings rendered from October 1, 2012, water charges shall be as follows for each bi-monthly (two month) period:

(1) Minimum bi-monthly readiness-to-serve rates based upon size of meter and use of up to the allowed usage of water:

Meter Size/Inch	Allowed Usage Cubic Feet	Water Rate
5/8 - 3/4	600	$ 22.53
1	1,000	40.93
1-1/2	2,100	106.10
2	4,000	233.00
3	9,000	478.55
4	16,200	906.40
6	36,000	1,881.75
8	66,000	3,432.06
10	102,000	5,218.71
12	150,000	8,637.35

(2) Bimonthly consumption rates in excess of allowed usage:

Rate per 100 C.F. Bi-monthly Water	After 10/1/12
All consumption in excess of allowed usage per 100 cf	$2.12

* * * * * * * *

This Ordinance shall take effect and be in full force upon publication in the ____________.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS

_______________ DAY OF ____________________, 2012.

____
Paul Schreiber, Mayor

____
, City Clerk

ATTEST

I do hereby confirm that the above Ordinance No. ____ was published in the ____________ on the _____ day of _____________________, 2012.

ORDINANCE NO. 2012- _______

An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilanti.

BE IT ORDAINED BY THE CITY OF YPSILANTI:

That Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances shall be amended as follows:

(b) For all billings rendered prior to November 1, 2012, existing rates shall prevail. For all billings rendered from November 1, 2012, water charges shall be as follows for each bi-monthly (two month) period:

(1) Minimum bi-monthly readiness-to-serve rates based upon size of meter and use of up to the allowed usage of water:

Meter Size/Inch	Allowed Usage Cubic Feet	Water Rate
5/8 - 3/4	600	$ 22.53
1	1,000	40.93
1-1/2	2,100	106.10
2	4,000	233.00
3	9,000	478.55
4	16,200	906.40
6	36,000	1,881.75
8	66,000	3,432.06
10	102,000	5,218.71
12	150,000	8,637.35

(2) Bimonthly consumption rates in excess of allowed usage:

Rate per 100 C.F. Bi-monthly Water	After 11/1/12
All consumption in excess of allowed usage per 100 cf	$2.12

* * * * * * * *

This Ordinance shall take effect and be in full force upon publication in the ____________.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS

_______________ DAY OF ____________________, 2012.

____
Paul Schreiber, Mayor

____
, City Clerk

ATTEST

I do hereby confirm that the above Ordinance No. ____ was published in the ____________ on the _____ day of _____________________, 2012.

PROPOSED

YCUA City Division Water Rate
Effective October 1, 2012

Rate Increase 5.00%
No Change Surcharge

Meter Size/Inch	Allowed Usage Cubic Feet	Water Rate
5/8-3/4	600	$22.53
1	1000	$40.93
1 1/2	2100	$106.10
2	4000	$233.00
3	9000	$478.55
4	16200	$906.40
6	36000	$1,881.75
8	66000	$3,432.06
10	102000	$5,218.71
12	150000	$8,637.35

All consumption rates in excess of allowed usage per 100 cf: $2.12
Surcharge 68.00%

ORDINANCE NO. 2012- ________

An ordinance to amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances, City of Ypsilanti, to increase sewage disposal service rates.

BE IT ORDERED BY THE CITY OF YPSILANTI, that:

That Section 106-455(a) of Chapter 106, Article V of the Code of Ordinances shall be revised as follows:

(a) For all billings rendered prior to October 1, 2012, existing rates for sewage disposal services shall prevail. For all billings rendered from October 1, 2012, rates for sewage disposal services shall be as shown in Schedule A:

Schedule A:

		CAPITAL CHARGE		**OM&R**		**TOTAL**	
Meter Size (inch)	Allowed Usage Cubic Feet	Contract Community	All Others	Contract Communities	All Others	Contract Community	All Others
5/8-3/4	600	$1.18	$1.18	$15.78	$19.53	$16.96	$20.71
1	1000	$1.99	$1.99	$26.38	$33.25	$28.37	$35.24
1-1/2	2100	$4.35	$4.35	$54.12	$68.36	$58.46	$72.71
2	4000	$7.90	$7.90	$104.40	$131.40	$112.30	$139.30
3	9000	$17.79	$17.79	$227.84	$294.01	$245.62	$311.80
4	16200	$32.02	$32.02	$434.62	$529.89	$466.64	$561.92
6	36000	$71.16	$71.16	$937.08	$1,179.27	$1,008.25	$1,250.43
8	66000	$130.42	$130.42	$1,710.28	$2,154.12	$1,840.70	$2,284.54
10	102000	$198.59	$198.59	$2,647.38	$3,333.39	$2,845.97	$3,531.98
12	150000	$296.43	$296.43	$3,896.83	$4,905.69	$4,193.26	$5,202.13

For all usage in excess of allowed usage the rate per 100 cubic feet shall be as follows:

	CAPITAL CHARGE	**OM&R**	**TOTAL**
Contract Communities	$0.199	$1.708	$1.907
All Others	$0.199	$1.800	$1.999

* * * * * * * * * *

This Ordinance shall take effect and be in full force upon local publication in ________________ ______________________.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ________________

DAY OF ____________________, 2012.

____
Paul Schreiber, Mayor

____
, City Clerk

ATTEST

I do hereby confirm that the above Ordinance No. ____ was published in the __________________ on the _____ day of ______________________, 2012.

ORDINANCE NO. 2012- ________

An ordinance to amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances, City of Ypsilanti, to increase sewage disposal service rates.

BE IT ORDERED BY THE CITY OF YPSILANTI, that:

That Section 106-455(a) of Chapter 106, Article V of the Code of Ordinances shall be revised as follows:

(a) For all billings rendered prior to November 1, 2012, existing rates for sewage disposal services shall prevail. For all billings rendered from November 1, 2012, rates for sewage disposal services shall be as shown in Schedule A:

Schedule A:

		CAPITAL CHARGE		**OM&R**		**TOTAL**	
Meter Size (inch)	Allowed Usage Cubic Feet	Contract Community	All Others	Contract Communities	All Others	Contract Community	All Others
5/8-3/4	600	$1.18	$1.18	$15.78	$19.53	$16.96	$20.71
1	1000	$1.99	$1.99	$26.38	$33.25	$28.37	$35.24
1-1/2	2100	$4.35	$4.35	$54.12	$68.36	$58.46	$72.71
2	4000	$7.90	$7.90	$104.40	$131.40	$112.30	$139.30
3	9000	$17.79	$17.79	$227.84	$294.01	$245.62	$311.80
4	16200	$32.02	$32.02	$434.62	$529.89	$466.64	$561.92
6	36000	$71.16	$71.16	$937.08	$1,179.27	$1,008.25	$1,250.43
8	66000	$130.42	$130.42	$1,710.28	$2,154.12	$1,840.70	$2,284.54
10	102000	$198.59	$198.59	$2,647.38	$3,333.39	$2,845.97	$3,531.98
12	150000	$296.43	$296.43	$3,896.83	$4,905.69	$4,193.26	$5,202.13

For all usage in excess of allowed usage the rate per 100 cubic feet shall be as follows:

	CAPITAL CHARGE	**OM&R**	**TOTAL**
Contract Communities	$0.199	$1.708	$1.907
All Others	$0.199	$1.800	$1.999

* * * * * * * * * *

This Ordinance shall take effect and be in full force upon local publication in ________________ ______________________.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ________________

DAY OF ____________________, 2012.

____
Paul Schreiber, Mayor

____
, City Clerk

ATTEST

I do hereby confirm that the above Ordinance No. ____ was published in the _________________ on the _____ day of _____________________, 2012.

YCUA City Division

Schedule C: effective October 1, 2012 (proposed) increase in sewer rate of 3.00%

		CAPITAL CHARGE		**OM&R**		**TOTAL**	
meter size (inch)	Allowed Usage Cubic Feet	Contract Community	All Others	Contract Community	All Others	Contract Community	All Others
5/8-3/4	600	$1.18	$1.18	$15.78	$19.53	$16.96	$20.71
1	1000	$1.99	$1.99	$26.38	$33.25	$28.37	$35.24
1 1/2	2100	$4.35	$4.35	$54.12	$68.36	$58.46	$72.71
2	4000	$7.90	$7.90	$104.40	$131.40	$112.30	$139.30
3	9000	$17.79	$17.79	$227.84	$294.01	$245.62	$311.80
4	16200	$32.02	$32.02	$434.62	$529.89	$466.64	$561.92
6	36000	$71.16	$71.16	$937.08	$1,179.27	$1,008.25	$1,250.43
8	66000	$130.42	$130.42	$1,710.28	$2,154.12	$1,840.70	$2,284.54
10	102000	$198.59	$198.59	$2,647.38	$3,333.39	$2,845.97	$3,531.98
12	150000	$296.43	$296.43	$3,896.83	$4,905.69	$4,193.26	$5,202.13

For all usage in excess allowed the rate per 100 cubic feet shall be as follows:

	CAPITAL CHARGE	**OM&R**	**TOTAL**
Contract Communities	$0.199	$1.708	$1.907
All Others	$0.199	$1.800	$1.999
surcharge			68.00%

YCUA City Division

Current Charges:

Minimum User residential

	6 units(4488 gallons) per 2 month billing cycle		
	water	sewer	Total
6 units	$21.46	$20.11	$41.57
surcharge (68%)	$14.60	$13.67	$28.27
Total	$36.06	$33.78	$69.84

Average User residential

	16 units(11,968 gallons) per 2 month billing cycle		
	water	sewer	Total
6 units	$21.46	$20.11	$41.57
10 units	$20.22	$19.41	$39.63
surcharge (68%)	$28.35	$26.87	$55.22
Total	$70.03	$66.39	$136.42

PROPOSED:	1-Oct-12
Water rate	5.00%
Sewer rate	3.00%
surcharge	68% no change

Effect on a minimum and average city customer with a proposed 5.0% water rate increase, a sewer rate increase of 3.0%. Surcharge remains unchanged at 68%.

Minimum User residential (proposed)

	6 units(4488 gallons) per 2 month billing cycle		
	water	sewer	Total
6 units	$22.53	$20.71	$43.24
surcharge (68%)	$15.32	$14.08	$29.40
Total	$37.85	$34.79	$72.64
increase	$1.79	$1.01	$2.80
increase/mo	$0.90	$0.50	$1.40
	cumulative rate increase		4.01%

Average User residential (proposed)

	16 units(11,968 gallons) per 2 month billing cycle		
	water	sewer	Total
6 units	$22.53	$20.71	$43.24
10 units	$21.20	$19.99	$41.19
surcharge (68%)	$29.74	$27.68	$57.41
Total	$73.47	$68.38	$141.84
increase	$3.43	$1.99	$5.42
increase/mo	$1.72	$0.99	$2.71
	cumulative rate increase		3.97%

YCUA
2012-13 Budget Highlights

Water Sales

City Division: The budget projects that water sales in the city will remain about the same as the last two years. The city division is overwhelmingly domestic and institutional with little industry; domestic and institutional use is staying level. The City has had a decrease in sales volume of 8.3% over the past 5 years.

Township Division: The budget projects water sales in the Township will remain about the same as the last two fiscal years. The Township has had a decrease of 20% in sales volume over the past 5 years

Sewer Sales

City Division: The budget projects sewer sales from within the city to remain about the same as the current year for the same reason as stated above. We are projecting WTUA sales to be at about 8.5 million gallons per day, the same as the 2012 budget.

Township Division: The budget projects sewer sales from within the Township to remain about the same as the current year. The Township has had a decrease of 13.5% in sales volume over the past 5 years.

Revenue

Operating Income is projected to increase by 2.7%. This is necessary to cover operational costs, debt principle, required capital costs, and debt requirements.

Operating Expense Increases

Purchased Water	$ 342,000	4.20% increase
Maintenance	$ 125,000	18.00% increase
Chemicals	$ 85,000	16.50% increase
Utilities	$ 100,000	6.26% increase

City Customers- 4.0% Increase

Minimum Bill ($72.64)	4.01% increase on bill	$2.80/bill or $1.40/mth
Average Bill ($141.84)	3.97% increase on bill	$5.42/bill or $2.71/mth

(Comprised of 5.0% increase water/3.0% increase sewer/ 0% change in surcharge)

Township Customers-4.1% Increase

Minimum Bill ($46.76)	4.04% increase on bill	$1.82/bill or $0.91/mth
Average User ($93.37)	4.11% increase on bill	$3.69/bill or $1.84/mth

(Comprised of 5.0% increase water/ 3.0% increase sewer/ 0% change in surcharge)

8/22/12

Resolution No. 2012 – 204
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the proposed ordinance to amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances to increase sewage disposal service rates within the City of Ypsilanti, be approved on First Reading.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

ORDINANCE NO. 1183

An ordinance to amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances, City of Ypsilanti, to increase sewage disposal service rates.

BE IT ORDERED BY THE CITY OF YPSILANTI, that:

That Section 106-455(a) of Chapter 106, Article V of the Code of Ordinances shall be revised as follows:

(a) For all billings rendered prior to November 1, 2012, existing rates for sewage disposal services shall prevail. For all billings rendered from November 1, 2012, rates for sewage disposal services shall be as shown in Schedule A:

Schedule A:

		CAPITAL CHARGE		**OM&R**		**TOTAL**	
Meter Size (inch)	Allowed Usage Cubic Feet	Contract Community	All Others	Contract Communities	All Others	Contract Community	All Others
5/8-3/4	600	$1.18	$1.18	$15.78	$19.53	$16.96	$20.71
1	1000	$1.99	$1.99	$26.38	$33.25	$28.37	$35.24
1-1/2	2100	$4.35	$4.35	$54.12	$68.36	$58.46	$72.71
2	4000	$7.90	$7.90	$104.40	$131.40	$112.30	$139.30
3	9000	$17.79	$17.79	$227.84	$294.01	$245.62	$311.80
4	16200	$32.02	$32.02	$434.62	$529.89	$466.64	$561.92
6	36000	$71.16	$71.16	$937.08	$1,179.27	$1,008.25	$1,250.43
8	66000	$130.42	$130.42	$1,710.28	$2,154.12	$1,840.70	$2,284.54
10	102000	$198.59	$198.59	$2,647.38	$3,333.39	$2,845.97	$3,531.98
12	150000	$296.43	$296.43	$3,896.83	$4,905.69	$4,193.26	$5,202.13

For all usage in excess of allowed usage the rate per 100 cubic feet shall be as follows:

	CAPITAL CHARGE	**OM&R**	**TOTAL**
Contract Communities	$0.199	$1.708	$1.907
All Others	$0.199	$1.800	$1.999

* * * * * * * * * *

This Ordinance shall take effect and be in full force upon local publication in ________________ ______________________.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ________________

DAY OF ____________________, 2012.

____
Paul Schreiber, Mayor

____
Frances McMullan, City Clerk

ATTEST

I do hereby confirm that the above Ordinance No. ____ was published in the _________________ on the _____ day of _____________________, 2012.

Resolution No. 2012 – 205
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on the proposed ordinance to amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances to increase sewage disposal service rates within the City of Ypsilanti, be officially closed.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

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

105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234
Fax (734) 483-3871
www.barrlawfirm.com
e-mail: jbarr@barrlawfirm.com

John M. Barr
Karl A. Barr

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

MEMORANDUM

TO: Ralph Lange, Ypsilanti City Manager

FROM: John M. Barr, Ypsilanti City Attorney

DATE: August 23, 2012

SUBJECT: City Manager residency

JMB

At the August 21, 2012, city council meeting City Council requested an ordinance for review to repeal any residency requirements for the City Manager.

I have attached a draft RFL, Ordinance, and Resolution of adoption.

If approved please forward this to City Council for consideration at their next meeting.

jas
Enc – Draft RFT, Ordinance and Resolution
sent by email

F:\docs\city\memos\Lange Memo sending residency repeal ord 8-23-12.doc

REQUEST FOR LEGISLATION

DATE: August 23, 2012

FROM: John M. Barr, City Attorney

SUBJECT: An ordinance to repeal residency requirements for City Manager

SUMMARY/BACKGROUND

At the Council meeting of August 21, 2012, Council requested an ordinance to review to repeal residency requirements for the City Manager. At the present time the City Code, in Section 2.66 and following, requires that the City Manager become a resident within a 25 mile radius of Ypsilanti City Hall within 90 days of appointment.

The attached ordinance would repeal that requirement, if approved.

ATTACHMENTS: Ordinance rescinding residency requirement for city manager

RECOMMENDED ACTION: Adoption of ordinance

DATE RECEIVED:________________ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:____________ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No.

An ordinance to repeal residency requirements for City Manager.

WHEREAS the Ypsilanti City Council determines that there is no present need to have a residency requirement for the City Manager. Council determines that Ordinance 1039 adopted April 18, 2006, being Section 2-66 through 2-70 of the Ypsilanti City Code, be repealed, it being the intent of the City of Ypsilanti to not have a residency requirement for the City Manager.

THE CITY OF YPSILANTI HEREBY ORDAINS That section 2-66 through 2-70 of the Ypsilanti City Code is hereby repealed:

~~Sec. 2-66. - Definitions.~~

~~The following words, terms and phrases when used in this subdivision shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Residence* means a place where one resides. A factual place of abode. Living in a particular locality, including maintaining a home and sleeping there a majority of the time. Voter registration and the place where one receives mail may be considered in determining one's residence.~~

~~*Resident* means one who resides at a certain place.~~

~~Sec. 2-67. - City manager.~~

~~The city manager shall become a resident within a 25-mile radius of Ypsilanti City Hall within 90 days of appointment.~~

~~Sec. 2-68. - Extension of time limits.~~

~~The time limits specified above may be extended only by the affirmative vote of not less than six members of the city council. Extensions of such time limit for the city manager will be as provided in section 4.01 and section 4.08 of the Charter.~~

~~*(Ord. No. 1039, § 1, 4-18-2006)*~~

~~Sec. 2-69. - Residency through term of office.~~

~~The city manager shall remain a resident of the city throughout his/her terms of office.~~

~~Sec. 2-70. - Penalty.~~

~~Any person violating this chapter will be guilty of misconduct in office and shall forfeit such office.~~

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. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. 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 ____________________, 2012.

____
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ___ was published in The Ypsilanti Courier on the __________ day of ________________________, 2012.

____
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 _______________, 2012.

____
Frances McMullan, City Clerk

Notice Published: ____________________________

First Reading: ______________________________

Second Reading: ____________________________

Published: _________________________________

Effective Date: ______________________________

RESOLUTION NO. 2012-______________

, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to repeal residency requirements for City Manager, repealing City Code Sections 2-66 through 6-70 " be approved on first reading.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

F:\docs\City\Ordinance\Residency Requirement for City Mngr Repeal.doc

R E Q U E S T   F O R   L E G I S L A T I O N

DATE: August 23, 2012

FROM: John M. Barr, City Attorney

SUBJECT: An ordinance to repeal residency requirements for City Manager

SUMMARY/BACKGROUND

At the Council meeting of August 21, 2012, Council requested an ordinance to review to repeal residency requirements for the City Manager. At the present time the City Code, in Section 2.66 and following, requires that the City Manager become a resident within a 25 mile radius of Ypsilanti City Hall within 90 days of appointment.

The attached ordinance would repeal that requirement, if approved.

ATTACHMENTS: Ordinance rescinding residency requirement for city manager

RECOMMENDED ACTION: Adoption of ordinance

DATE RECEIVED:________________ AGENDA ITEM NO.________________

CITY MANAGER COMMENTS: ____

FOR AGENDA OF:____________ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN: ____

Resolution No. 2012-206
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to repeal residency requirements for City Manager, repealing City Code Sections 2-66 through 6-70 " be approved on First Reading.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2012-207
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance entitled "An ordinance to repeal residency requirements for City Manager, repealing City Code Sections 2-66 through 6-70 " be officially closed.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2012 – 208
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of September 18, 2012 be approved.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Draft

CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, SEPTEMBER 18, 2012
7:00 P.M.

I. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

II. ROLL CALL

Council Member Bodary	Present	Council Member Robb	Present
Council Member Jefferson	Present	Council Member Vogt	Present (7:23)
Council Member Murdock	Present	Mayor Schreiber	Present
Mayor Pro-Tem Richardson	Present		

Council Member Bodary moved, supported by Council Member Jefferson to excuse the absence of Council Member Vogt. On a voice vote the motion carried.

III. INVOCATION

The Mayor 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. INTRODUCTIONS

Mayor Schreiber introduced Interim Director Eric Temple, YHC Board Member Bernice Ethington, Planner Teresa Gillotti and MML Representative Judy Thomson-Torosian.

VI. AGENDA APPROVAL

Mayor Pro-Tem Richardson moved, supported by Council Member Murdock to remove Resolution 2012-197 from the agenda.

On a roll call, the vote to remove Resolution No. 2012-197 was as follows:

Council Member Bodary	Yes	Council Member Robb	Yes
Council Member Jefferson	Yes	Council Member Vogt	Absent
Council Member Murdock	Yes	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes		

VOTE:

Yes: 6 No: 0 Absent: 1 (Vogt) Vote: Carried

Council Member Murdock suggested Resolution No. 2012-199 be moved to the end of Motions/Resolutions/Discussion. Council consented and the resolution was moved.

On a voice vote the agenda was approved as amended.

VII. PRESENTATIONS

1. National Recovery Month Proclamation – Mayor Schreiber
2. Presentation of MML Liability Insurance dividend check for 2012 – Judy Thomson-Torosian
3. Ypsilanti Housing Commission Update – Interim Director Eric Temple

IX. AUDIENCE PARTICIPATION

Mayor Schreiber read the rules for audience participation.

1. Andy Fanta asked if Council received a chronology of the YHC events which led up to the troubled status and urged Council to request one. He said he wants to know what procedures were in place at the time and how they failed. He suggested monitoring the YHC to make sure procedures are carried out correctly and added that a chronology of events helps everyone understand the history of how we got where we are today. He urged approval of Resolution No. 2012-199.

IX. REMARKS BY THE MAYOR

Mayor Schreiber appreciated Mr. Fanta's comments and said Council is interested in how the city lost the Section 8 program.

Mayor Pro-Tem Richardson suggested that City Council formally ask for a chronology of events.

Council Member Bodary supported the request.

Council Member Vogt said he would also like to see the chronology.

Council Member Jefferson said that a chronology could be used as a tool to help City Council make improvement to YHC processes so that the same mistakes are not repeated.

Interim Director Eric Temple gave a brief overview. He said HUD recaptured funds in 2009/2010. He said when looking at the funds in 2011, YHC saw that the funds were captured at the high rate, which resulted in $170.000 a month being taken by HUD. He said with funds at YHC they realized they couldn't continue to do that through the end of the year. He said YHC asked for a waiver on certain but when non-compliance occurred HUD pulled the program. He said if there had been no HUD offset, there would not have been a problem.

b

Mayor Schreiber requested that a written timeline with details be submitted to Council.

Mayor Pro-Tem Richardson said she would like a timeline as far back as 2009, or from inception of the Section 8 program.

Mr. Temple said he would supply a timeline back to 2003.

X. ORDINANCES - FIRST READING

Ordinance No. 1181

1. An ordinance entitled "Ordinance to Extend AT&T Metro Act Permit to June 30, 2015."

A. Resolution No. 2012-184, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled, "Ordinance to Extend AT&T Metro Act Permit to June 30, 2015" be approved on First Reading.

OFFERED BY: Council Member Bodary
SUPPORTED BY: Council Member Vogt

City Attorney John Barr gave an overview of the request. He stated that recent legislation requires that AT&T seek an extension.

Council Member Robb asked is there any effects if not approved.

Mr. Barr answered no, the current agreement is still in effect and they would be acting in de-facto.

Council Member Robb asked if not approved would it prevent them from putting the ugly cable boxes on poles.

Mr. Barr answered that would be a legal issue.

On a roll call, the vote to approve Resolution No. 2012-184 was as follows:

Council Member Jefferson	Yes	Council Member Vogt	Yes
Council Member Murdock	Yes	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Bodary	Yes
Council Member Robb	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

B. ***Public hearing and 2nd reading scheduled for October 2, 2012***

XI. MINUTES

Resolution No. 2012-185, approving the minutes of August 14, August 16, August 21, and September 7, 2012.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of August 14, August 16, August 21 and September 7, 2012 be approved.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Jefferson

On a voice vote the motion carried and the minutes were approved as submitted.

XII. CONSENT AGENDA

Resolution No. 2012-186

1. Resolution No. 2012-187, approving "Ypsilanti River Day" to be held on October 7, between 10am-3pm at Frog Island.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Recreation Commission is directed to make recommendations regarding recreational opportunities to residents of the City of Ypsilanti; and

WHEREAS, the City's Code of Ordinances states that the Recreation Commission serves as an advisory board to City Council. As such, any event recommendations made by the Recreation Commission require City sponsorship, and so require approval by City Council; and

WHEREAS, the Recreation Commission recommends sponsorship of the event, "Ypsilanti River Day". The event is to be held October 7, between 10am-3pm at Frog Island. The Recreation Commission has formed a partnership with the City of Ann Arbor Canoe Livery to provide canoeing and kayaking opportunities to residents of the City of Ypsilanti; and

WHEREAS, staff of the Ann Arbor Canoe Livery along with volunteers of the Recreation Commission will perform and oversee all functions relative to the event. As such, the sponsorship of this event will come at no cost or liability to the City of Ypsilanti.

NOW THEREFORE IT IS RESOLVED that the City Council approves of the Recreation Commission's recommendation for the event, Ypsilanti River Day.

2. Resolution No. 2012-188, supporting a statewide and national ban on hydraulic fracturing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS local elected officials are responsible for protecting the health, safety, and welfare of residents of their municipality; and

WHEREAS laws and regulations adopted by State government authorizing certain harmful corporate activities within our municipalities have gutted our ability to protect our residents and the natural environment; and

WHEREAS the hydraulic fracturing (fracking) for natural gas involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and work over operations; and

WHEREAS hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts; and

WHEREAS there have been more than a 1,000 documented cases of water contamination near fracking sites, including reports of drinking water being flammable; and

WHEREAS wastewater from fracking can contain radioactive elements and has been discharged into rivers that supply drinking water for millions according to the New York Times; and

WHEREAS the use of hydraulic fracturing mixes expose adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS the pollution of water caused by fracking threatens the long term economic well-being of communities, as businesses and consumers depend on clean drinking water; and

BE IT RESOLVED that the Ypsilanti City Council supports a statewide and national ban on hydraulic fracturing for natural gas, opposes bills HB5149, HB5150, and HB5151, and supports the consideration at the congressional level of what has become known as "Fracturing Responsibility and Awareness of Chemicals (FRAC) Act.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to State Senator Rebecca Warren, State Representative David Rutledge, Kirk Profit and US Representative John D. Dingell.

3. Resolution No. 2012-189, approving right of way agreement with HDL.com for the purpose of installing wireless digital data communication radio network receivers on existing light poles.

WHEREAS in 2000 the City negotiated with MetriCom, Inc., a Delaware corporation, to place wireless digital data communication radio network transceivers in the City right of way by hanging them on existing light poles; and

WHEREAS MetriCom installed some radios within the City and then went out of business; and

WHEREAS those radios are apparently still installed; and

WHEREAS HDL.com has requested it be allowed to replace one or more of the MetriCom" ricochet" devices with their own radios, providing a free service for persons within the Ypsilanti area; and

WHEREAS Michigan law gives the City the power to control the right-of-ways of the City, including this type of installation of wireless devices;

NOW THEREFORE: IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the proposed Right-of-way Agreement with HDL.com is

approved, and the Mayor and City Clerk are authorized to executed such agreement, subject to the approval of the City Attorney.

4. Resolution No. 2012-190, approving the proposal from Saf'Play for Parkridge and Candy Cane Parks.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Community Development Block Grant funds have been earmarked for upgrades to Parkridge Park playground equipment/structures; and

WHEREAS, Park Capital Fee funds are available for upgrades to other playgrounds in Candy and Prospect Parks; and

WHEREAS, bids for the proposed upgrades were solicited and received on August 15th, 2012; and

WHEREAS, five vendors responded with proposals for the City of Ypsilanti Playground Upgrade Project; and

WHEREAS, staff recommends accepting proposals from two vendors; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposal for Parkridge and Candy Cane Parks submitted by Saf'Play Services , Inc., 1200 N. Milford Road, Highland, MI at a cost of $25,684; and

BE IT FURTHER RESOLVED THAT the City Council approves the proposal for Prospect Park submitted by Nursery Merchant, Inc. 6410 Whitmore Lake Road, Whitmore Lake, MI in the amount of $730.; and

BE IT FURTHER RESOLVED THAT $17, 294 be expended from the CDBG grant, account #101-7-7519-818-00 and $9,120 be expended from the Parks Capital Fee fund, account #101-7-7170-818-10; and

THAT the Mayor and City Clerk are authorized to sign these contracts, 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, subject to review and approval by the City Attorney.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Bodary

On a voice vote the motion to approve Resolution No. 2012-186 (Consent Agenda) carried unanimously.

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS

1. Resolution No. 2012-191, approving Rutherford Pool Memorandum of Understanding (MOU) between the City of Ypsilanti and the Friends of Rutherford Pool (FORP).

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that: the attached agreement with the Friends of Rutherford Pool (FORP) is hereby approved and the mayor and city clerk are authorized to sign for and on behalf of the city of Ypsilanti, subject to the approval of the city attorney.

OFFERED BY: Council Member Bodary
SUPPORTED BY: Council Member Vogt

City Manager Ralph Lange said the Rutherford pool is an important amenity for the city. He reported that the project relationship has improved greatly and the original agreement has been amended, removing the weaknesses. He said he feels the proposed agreement is excellent.

City Planner Teresa Gillotti pointed out that the older draft of the agreement was in the council packet. She explained that the contract with the State of Michigan for the national trust fund grant is moving forward and the FORP is now a 501c3 non-profit group. She said details regarding responsibilities are outlined in the agreement and the city will put out the bid, monitor the construction project and manage the funds. He said there will be an on-site construction manager. The city is responsible for fiscal. FORP is responsible for construction. The City will waive permits, however no phase will begin unless there is full funding for it and the money has been transferred to City. Regarding operations, FORP is responsible for utilities, HR services, yearly budget update, maintaining liability insurance and $35,000 of reserve funds. She said the lease is for 20 years for full operations with a payment of $1 a year. She said FORP will have full control over operating expenses with a 10 year automatic extension.

Council Member Bodary said he is concerned that steps are taken to choose the right contractor and urged staff and FORP to utilize EMU's professional services.

Council Member Robb asked why the city is the employer of record.

City Attorney Barr explained that the City has governmental immunity and the deal with FORP was structured as such. He said the city is adding bookkeeping as an in-kind donation to the project.

Council Member Murdock questioned the hiring process and asked if employees will be filtered through FORP?

Ms. Gillotti answered yes and said FORP will select the people to be hired.

Council Member Robb asked what kind of oversight the city has and who will FORP report to at the city.

Ms. Gillotti answered FORP staff will do the oversight of operations at the pool and will go through the city's HR for backgrounds on employees. She said the existing process will remain the same.

John Weiss, representing FORP, appreciated all the work city staff has done. He appreciated Mr. Lange, Teresa Gillotti, John Barr and Stan Kirton for helping with the process. He said it feels like a true partnership has been developed and thanked City Council for their support.

Mr. Weiss reported FORP is about to hire a designer and a local firm Kadusian and Associates is partnering with WTI for the design work. He said the design services cost $60,000 and they are trying to raise $150,000 by the end of the year. He said plans are to have the design completed by the 3rd week in October so that they will know how much it will cost.

Mayor Pro-Tem Richardson thanked FORP for their hard work.

Mayor Schreiber asked Mr. Weiss to explain the 501c3 and business plan.

Mr. Weiss said he does not handle that so he cannot elaborate on it. He said he does fundraising.

Council Member Robb asked what is the process for amending the agreement and is the city stuck once the agreement is approved.

City Attorney Barr explained that the city will put up $25,000 and the FRIENDS will have a 20 year lease with 10 year extension, waiver of permit fees and a few other minor things. Recommended council approve tonight.

On a roll call the vote to approve Resolution No. 2012-191 was as follows:

Council Member Murdock	Yes	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Bodary	Yes
Council Member Robb	Yes	Council Member Jefferson	Yes
Council Member Vogt	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

~~2. Resolution No. 2012-199, approving HUD Recovery Agreement and Action Plan.~~ ***(Moved to end of Motions/Resolutions/Discussions)***

2. Resolution No. 2012-192, approving project agreement with Michigan Natural Resources Trust Fund (MNRTF) for the Rutherford Pool Renovation project.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti, Michigan does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Ypsilanti does hereby specifically agreement but not by way of limitation as follows:

1. **To appropriate all funds necessary to complete the project during the project period and to provide $223,000) dollars to match the grant authorized by the DEPARTMENT.**

2. **To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.**

3. **To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.**

4. **To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.**

5. **To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.**

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the attached contract with State of Michigan Department of Natural Resources for the Reconstruction of the Rutherford Pool.

Council Member Robb questioned the statement in the agreement regarding outdoor use.

Ms. Gillotti agreed that the stated is not specific and said that is being worked on.

OFFERED BY: Council Member Bodary
SUPPORTED BY: Council Member Murdock

On a roll call, the vote to approve Resolution No. 2012-192 was as follows:

Mayor Pro-Tem Richardson	Yes	Council Member Bodary	Yes
Council Member Robb	Yes	Council Member Jefferson	Yes
Council Member Vogt	Yes	Council Member Murdock	Yes
Mayor Schreiber	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. Resolution No. 2012-193, approving lease between the City of Ypsilanti and the Friends of Rutherford Pool (FORP).

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, funding for Parks and Recreation in the City is limited at this time;

WHEREAS, the City of Ypsilanti recognizes the importance of the maintenance of its Parks and Recreation resources to the quality of life of citizens;

WHEREAS, partnerships with organizations having an interest in those resources are necessary to accomplish goals for improving and maintaining the quality of life in the City;

WHEREAS, the Friends of the Ypsilanti Rutherford Pool have informally operated the Rutherford Pool from 2004 to 2011 and are prepared to formally assume operational and management responsibilities for the Rutherford Pool;

WHEREAS, the Friends of the Rutherford Pool have incorporated into a 501c3 non-profit;

WHEREAS, the Friends of the Rutherford Pool have raised matching funds for the Reconstruction of the Rutherford Pool as well as an ongoing maintenance endowment;

WHEREAS, the City wishes to enter into a contractual relationship with the Friends of the Rutherford Pool to both reconstruction of the Pool and provide for the ongoing maintenance and operation of the Rutherford Pool; and

NOW THEREFORE IT IS RESOLVED THAT the Mayor and the City Clerk are authorized to sign the attached Lease allowing the Friends of the Rutherford Pool to work with the City on the reconstruction of the Pool and further to allow the Friends of the Rutherford Pool to operate and maintain the pool for 20 years.

OFFERED BY: Council Member Bodary
SUPPORTED BY: Mayor Pro-Tem Richardson

Council Member Robb	Yes	Council Member Jefferson	Yes
Council Member Vogt	Yes	Council Member Murdock	Yes
Mayor Schreiber	Yes	Mayor Pro-Tem Richardson	Yes
Council Member Bodary	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

4. Resolution No. 2012-194, approving request to Municipal Employees Retirement System (MERS) to reallocate certain divisional market assets between two divisions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti has been a participating municipality in the Municipal Employees' Retirement System of Michigan ("MERS"); and

WHEREAS, pursuant to Municipal Employees' Retirement Board requirements, since December 31, 1994, asset accounting had been separate for each division, instead of aggregate for the entire municipality; and

WHEREAS, over time, significant disparities have arisen in the City's MERS plan as a result of allocating the fair market value of plan assets on a divisional basis instead of on an aggregate basis, which disparities the City of Ypsilanti wishes to eliminate; and

WHEREAS, in order to address the anticipated increase in unfunded liability for pensions to be provided participants in the defined benefit plan that is likely to occur as a result of diminished contributions to that plan, the City wishes to reallocate certain divisional market assets between the two divisions;

NOW THEREFORE BE IT RESOLVED, that the governing body of the City of Ypsilanti, a participating municipality as defined in the Municipal Employees' Retirement Act as recodified by Act No. 427 of the Public

Acts of 1984, as amended, and as the employer, hereby requests MERS to reallocate the total market value of assets of $96,584 of Employer Assets from Division 01's General Non Union Employer Reserve to Division 15's City Manager after 7/1/2012 Employer Reserve as of July 1, 2012 enabling the actuary to prepare the 2012 actuarial valuation with the transferred assets; and

OFFERED BY: Mayor Pro-Tem Richardson
SUPPORTED BY: Council Member Bodary

Mr. Lange suggested the item be tabled to allow Human Resources Manager Judi Smith to address Council.

Council Member Bodary moved, supported by Council Member Vogt to table the resolution.

On a voice vote, Resolution 2012-194 was tabled until the October 2, 2012 regular meeting.

5. Resolution No. 2012-195, supporting Southeast Michigan Council of Governments (SEMCOG).

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, SEMCOG was established in 1968 as a regional planning partnership in Southeast Michigan and the City of Ypsilanti is one of SEMCOG's charter members.

WHEREAS, recent discussions have occurred regarding the Washtenaw Area Transportation Study (WATS) seeking Metropolitan Planning Organization (MPO) status from the overall MPO umbrella of SEMCOG; and

WHEREAS, if WATS separates from SEMCOG, it could impact funding for several projects, namely projects under Congestion Mitigation/Air Quality (CMAQ) and Safety programs. Currently, SEMCOG prioritizes projects to ensure that each participating county and city has access to funds under these two programs and our county has received more CMAQ and Safety funds as a result of being a part of SEMCOG than it would as a separate MPO; and

WHEREAS, it is more cost efficient to do some things at the regional level versus the city or county level, and remaining a part of SEMCOG affords the city the opportunity to have representation of our own interests when regional decisions are being made by SEMCOG and other regional units of government; and

WHEREAS, membership in SEMCOG affords the City the opportunity to participate in regional planning discussions in order to push for regional collaboration, a key way to gain efficiencies in government operations; and

WHEREAS, the City of Ypsilanti has benefited from SEMCOG's economic development and strategic planning services, technical, data, maps and intergovernmental resources as well as workshops for city staff and elected officials; and

WHEREAS, the City of Ypsilanti encourages SEMCOG to renew its focus on working towards promoting urban density and bringing improved public transportation to the centers of these urbanized areas which will promote and support economic development and redevelopment in the areas.

NOW THEREFORE, BE IT RESOLVED that the CITY of Ypsilanti continue to support SEMCOG as its MPO and not support WATS becoming a separate MPO. For all of the reasons mentioned above and more.

OFFERED BY: Council Member Murdock
SUPPORTED BY: Mayor Pro-Tem Richardson

Council Member Murdock explained that WATS is exploring a separation and this item on the agenda for discussion at tomorrow's meeting. He said he hopes the idea will be killed. He added that EMU and several other State agencies are not supporting the separation.

Council Member Bodary said he spoke with some people at U of M and they don't believe will support the separation. He added the City of Milan is not supporting either. He said the city's resolution is a good idea.

City Manager Lange said he appreciates the support he receives from SEMCOG.

On a roll call the vote to approve Resolution No. 2012-195 was as follows:

Council Member Vogt	Yes	Council Member Murdock	Yes
Mayor Schreiber	Yes	Mayor Pro-Tem Richardson	Yes
Council Member Bodary	Yes	Council Member Robb	Yes
Council Member Jefferson	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

6. Resolution No. 2012-196, approving Aerotropolis membership fee request.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Detroit Region Aerotropolis Plan was developed by the Aerotropolis Stakeholders comprised of the county and local governments of Wayne and Washtenaw Counties, the Cities of Belleville, Romulus, Taylor and Ypsilanti, the Townships of Huron, Van Buren, and Ypsilanti, and the Wayne County Airport Authority; and

WHEREAS, the Stakeholders entered into an Interlocal agreement, pursuant to the Urban Cooperation Act, PA Act 7 of 1967, to jointly create an Aerotropolis Development Corporation and exercise the economic development powers shared by the Stakeholders during June 2009; and

WHEREAS, the Interlocal agreement provides that each Local Government Party must pay an annual membership fee of $25,000 and

also provides that the Executive Committee also may reduce, or defer the payment of, annual membership fees, or make other necessary or convenient accommodations on account of hardship in appropriate cases; and

WHEREAS, the City of Ypsilanti has been dealing with financial challenges since 2003, is facing significant general fund revenue reductions due to taxable value decline and will be making budget reductions to essential services;

NOW THEREFORE BE IT RESOLVED, the City Council directs the City Manager to send correspondence to the Aerotropolis Executive Committee requesting a hardship waiver for the annual membership fee in the amount of $20,000.

OFFERED BY: Mayor Pro-Tem Richardson
SUPPORTED BY: Council Member Jefferson

Council Member Robb asked if the City receives an annual report from Aerotropolis. He asked how does the city benefit from membership.

Mr. Lange said he hasn't seen an annual report. He said Mayor Pro-Tem Richardson is the city's representative.

Mayor Pro-Tem Richardson said Angstroms is one of the things the City has benefited. She said she would forward information regarding Angstroms to City Council.

Mr. Lange said he feels $5,000 is an appropriate expenditure. He said he spoke with Bryce Kelley about Aerotropolis and he was impressed.

On a roll call the vote to approve Resolution No. 2012-196 was as follows:

The meeting recessed at 8:54 p.m.

The meeting reconvened at 9:04 p.m.

~~7. Resolution No. 2012-197, approving appointments to Boards and Commissions.~~ ***(Removed by Council)***

7. Resolution No. 2012-199, approving HUD Recovery Agreement and Action Plan.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the Recovery Agreement and Action Plan between Ypsilanti Housing Commission, the Unites States Department of Housing and Urban Development and the City of Ypsilanti be approved.

OFFERED BY: Council Member Jefferson
SUPPORTED BY: Council Member Vogt

Mayor Schreiber indicated that suggested amendments made to Mr. Garrett have been made.

Council Member Murdock moved, supported by Council Member Robb to amend the HUD Action Plan as follows:

1. Add additional language to Section GO01c of the Action Plan: *"And the evaluations be submitted to City Council when completed".*

On roll call the vote to approve Amendment #1 was as follows:

Council Member Bodary	Yes	Council Member Robb	Yes
Council Member Jefferson	Yes	Council Member Vogt	Yes
Council Member Murdock	Yes	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

Council Member Murdock moved, supported by Mayor Pro-Tem Richardson to amend the HUD Action Plan as follows:

2. Add Section XXV to Recovery Agreement and also GO05:
"That all reports and communications referenced in or pertaining to this agreement and recovery plan by HUD or the Ypsilanti Housing Commission be simultaneously sent to the Ypsilanti City Clerk for distribution to City Council."

On roll call the vote to approve Amendment #2 was as follows:

Council Member Jefferson	Yes	Council Member Vogt	Yes
Council Member Murdock	Yes	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Bodary	Yes
Council Member Robb	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

Council Member Murdock moved, supported by Council Member Robb to amend the HUD Action Plan as follows:

3. Add Section I(a) to the Recovery Agreement and GO06 to the Action Plan with an initial report date of 12/18/2012 stating:
"HUD, the Ypsilanti Housing Commission and the City of Ypsilanti will explore with Washtenaw County, the City of Ann Arbor and others the feasibility of a regional Housing Entity"

Council Member Murdock commented that in a meeting with HUD in January, Mr. Garrett suggested that a merging of two housing commissions or a regional system is possible. He said he is interested in exploring that option however only YHC can do that so he is putting it as a part of things the YHC needs to complete. He added that a regional housing authority is the way of the future and this is a perfect opportunity to look at how we can better serve the people.

Mayor Pro-Tem Richardson agreed with Mr. Murdock.

Council Member Murdock stated that adding this to the agreement will move discussions along faster in a more open manner.

Mayor Schreiber said he will support the amendment and commented that other states have a countywide authority. He said this would make the program stronger.

Council Member Vogt said regionalization will improve the overall professionalism of the management, which is an additional reason to consider regionalization.

On roll call, the vote to approve Amendment #3 was as follows:

Council Member Murdock	Yes	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Bodary	Yes
Council Member Robb	Yes	Council Member Jefferson	Yes
Council Member Vogt	Yes		

VOTE:

Yes: 7 No: 0 Absent: 1 Vote: Carried

Mayor Pro-Tem Richardson moved, supported by Council Member Jefferson to amend the resolution as follows:

4. Add: *"Submission of a chronology timeline of the Section 8 financials from 2007 to present."*

Council Member Bodary said he would like the chronology to show when and where things went wrong.

On roll call the vote to approve Amendment #4 was as follows:

Council Member Robb	Yes	Council Member Jefferson	Yes
Council Member Vogt	Yes	Council Member Murdock	Yes
Mayor Schreiber	Yes	Mayor Pro-Tem Richardson	Yes
Council Member Bodary	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

On roll call, the vote to approve Resolution No. 2012-199 as amended was as follows:

Council Member Robb	No	Council Member Jefferson	Yes
Council Member Vogt	Yes	Council Member Murdock	Yes
Mayor Schreiber	Yes	Mayor Pro-Tem Richardson	Yes
Council Member Bodary	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

Resolution No. 2012-199 as adopted reads as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the Recovery Agreement and Action Plan between Ypsilanti Housing Commission, the Unites States Department of Housing and Urban Development and the City of Ypsilanti be approved with the following additions:

1. **Add additional language to Section GO01c of the Action Plan:** ***"And the evaluations be submitted to City Council when completed".***

2. **Add Section XXV to Recovery Agreement and also GO05:** ***"That all reports and communications referenced in or pertaining to this agreement and recovery plan by HUD or the Ypsilanti Housing Commission be simultaneously sent to the Ypsilanti City Clerk for distribution to City Council."***

3. **Add Section I(a) to the Recovery Agreement and GO06 to the Action Plan with an initial report date of 12/18/2012 stating:** ***"HUD, the Ypsilanti Housing Commission and the City of Ypsilanti will explore with Washtenaw County, the City of Ann Arbor and others the feasibility of a regional Housing Entity"***

4. **Add to Action Plan:** ***"Submission of a chronology timeline of the Section 8 financials from 2007 to present."***

XIV. LIASON REPORTS

A. SEMCOG Update (Richardson) – No August meeting.
B. Washtenaw Area Transportation Study (Murdock) - Meeting tomorrow. Mr. Murdock announced that the Re-Imagine Washtenaw Program has begun.
C. Washtenaw Metro Alliance (Robb)- No report.
D. Urban Counties (Schreiber) – No report.
E. Freight House (Murdock) – Reported that the Freight House was repainted inside and some outside. He said planking was replaced, the plans for the Café bathrooms are in process and they are awaiting approval from SHPO on plans then they will move forward.

XV. COUNCIL PROPOSED BUSINESS

<u>RICHARDSON</u>

- MML took position on ballot issue #5 regarding a super majority vote to change taxes. If it passes it will create havoc in our ability to raise taxes or do anything with taxes. Asking municipalities to pass resolution in opposition. She said she would send a copy of the Saline resolution to the Clerk.

  There were no objections from Council to support a resolution.

- Reported that the 2nd Annual Parkridge Festival held in August was well attended and was a community success.

MURDOCK

- Ypsilanti Township passed a fireworks ordinance recently which excludes new fireworks and suggested that City Council pass an ordinance. He said he would like to bring it to Council soon for discussion.

- Mayor Pro-Tem Richardson asked if there were any reports of firework injuries from last holiday.

- Police Chief Walker said there were calls for service but no major injuries.

- Mr. Murdock said he would like City Council to receive the daily police reports that are sent to the press.

- Chief Walker stated that fulfilling the request would be time consuming. She said she would speak to Mr. Lange about it.

- Mr. Murdock said the report is already going out to paper so just adding City Council addresses should not be a problem.

- Mr. Murdock requested a punch list for the Cross street project..

- Reported that complaints were received regarding streets being used as cut-through and said he would like to explore traffic bumps or devices to remedy it although it may be frowned on. He asked staff to look into the process for allowing them.

- Announced that Chuck Reams is anxious to come to City Council regarding his marijuana issue and said he would like an impact statement from the YPD on what the charter amendment would do.

- Chief Walker said she is not aware of any impacts.

ROBB

- Pointed out that the rules governing fireworks are spelled out in ordinance so he is not sure that following the Township with a fireworks ordinance would be applicable.

BODARY

- Thanked Mr. Barfield for his efforts on Parkridge and said he would encourage him lend some support to the FORP project since there was no success with Parkridge.

- Mayor Pro-Tem Richardson said that the project is on hold due to Mr. Barfield's wife being ill at this time.

- Mr. Bodary requested a verbal report from Mr. Kirton on the W. Cross street project. He said it is moving slowly and having completion dates and timelines would be nice.

- Commented he is happy to see that Mr. Eric Maes announced an eagle scout project to improve tennis courts at Candy Cane park. He urged all to support a fundraiser on Monday, September 24th at BW3s.

VOGT

- Reported that he sent an e-mail to the city manager regarding speed bumps in his neighborhood.
- Extended a "thank you" to YPD and the city manager for stepping up the traffic enforcement on Gregory St.
- Reported there were a series of out of control parties on Mark St. and reports of people smoking marijuana and loitering on other people's yard. He said activity has begun to spill into the street and block traffic. He asked if YPD could intervene.
-

JEFFERSON

- Reported that Parkridge (Armstrong Apts.) had a problem with people gathering as well and it has improved over the last few weeks. He said the area has been quiet. He thanked YPD and Mr. Temple for their intervention and assistance.

- Thanked YPD for a successful Parkridge Festival.

- Stated that there is a huge hole in the road on Harriet Street near Hope Clinic. He said it is dangerous and needs repair.

- Reported that at 303 Middle Dr. there is a tree stump that is rotting away and needs immediate attention.

XVI. COMMUNICATIONS FROM THE MAYOR

Nominations:

Zoning Board of Appeals
Anthony Bedogne (replacing Greg Johnson who moved out of the city)
717 Stanley
Ypsilanti, Michigan 48198
Term Expires: 5/1/2014

Ypsilanti Downtown Development Authority
David Kabat
7257 Glacier Pointe Drive
Ypsilanti, Michigan 48197
Term Expires: 7/7/2014

Ypsilanti Downtown Development Authority
Ellen Clement
2722 Radcliffe Ave.
Ann Arbor, Michigan 48104
Term Expires: 7/7/2013

Recreation Commission
Eric Maes (replacing Heather Cataldo who moved out of the city)
1004 Sherman Street
Ypsilanti, Michigan 48197
Term Expires: 5/1/2014

XVII. COMMUNICATIONS FROM THE CITY MANAGER

- Reported he is pleased with the MML dividend check. He reported $60,000 was also received from lights. Audit is being done and he expects savings. We saved $10,000 on vehicles.

- Employee handbook on his to-do list.

- Attended federal reserve workshop and the presentation was very valuable.

- Met with John Kazor to review the top 5 funds of the city and they are grinding through that.

- Held an all city staff meeting on September 7th and received good feedback.

- Joyce parker is currently not available as a management consultant.

- Paul Tait visited and SEMCOG has a management audit team we will utilize.

- Thanked Ms. Richardson for the Aerotropolis visit.

- Reported that he completed his research on the Grove Road paving and has sent his reply to Brenda Stumbo.

- Traffic and code enforcement is on his to do list.

XVIII. AUDIENCE PARTICIPATION

Andy Fanta thanked City Council for passing the HUD Recovery Agreement and said the amendments are appropriate. He suggested City Council develop a template and forward it to YHC so that they know what should be in the chronology.

XIX. REMARKS FROM THE MAYOR

Thanked Mr. Fanta for his comments.

Council Member Vogt supported Mr. Fanta's idea and asked if the Mayor is willing to do a template for the YHC chronology timeline requested.

Mayor Schreiber suggested that suggestions for what the chronology should contain be emailed to the Clerk and she can email them out, and once sorted and approved the final will be forwarded to the YHC.

XX. CLOSED SESSION

Closed Session to discuss union negotiations. (OMA 15.268, Section 8(c)

On roll call the vote to adjourn to closed session was as follows:

Council Member Vogt	Yes	Council Member Murdock	Yes
Mayor Schreiber	Yes	Mayor Pro-Tem Richardson	Yes
Council Member Bodary	Yes	Council Member Robb	Yes
Council Member Jefferson	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

XXI. ADJOURNMENT

A. Resolution No. 2012-198 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 Jefferson
SUPPORTED BY: Council Member Jefferson

On a voice vote the motion carried and the meeting adjourned to closed session at 9:55 p.m.

Resolution No. 2012-216
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Michigan Supreme Court has ordered that a "Super-Minority" Constitutional Amendment be placed on the November 6, General Election ballot; and

WHEREAS, this Constitutional Amendment (Proposal 12-5) would end simple majority democracy on tax issues in Lansing and allow a minority of just one-third of the members of the House or Senate to block important tax reforms; and

WHEREAS, just 13 state Senators in Lansing would gain the power to block the votes of the other 135 members of the House and Senate making it nearly impossible to end tax breaks and loopholes currently in Michigan tax law that benefit rich and powerful special interests and their lobbyists over ordinary taxpayer; and

WHEREAS, only seven other states have the provision in their constitution; one state Mississippi, is the poorest state in the nation; another state, Nevada, has the nation's highest unemployment rate; and one the states, California, failed to balance its state budget on time in 16 to 20 years because the requirement creates partisan gridlock and makes it nearly impossible for politicians to solve problems cooperatively; and

WHEREAS, if this "Super-Minority" Constitutional Amendment should pass on November 6, our local taxes would almost certainly increase, and in addition, the state's credit rating would almost certainly plummet, forcing taxpayers at the state and local levels to pay more to cover the costs of borrowing to pay for roads, bridges, schools and other critical infrastructure needs.

NOW THEREFORE BE IT RESOLVED, the City Council of Ypsilanti hereby supports a "NO" vote on (Proposal 12-5), a "Super-Minority" Constitutional Amendment and call upon all citizens and taxpayers of the City of Ypsilanti to defeat this deceitful and dangerous hijacking of the State Constitution by voting a resounding "NO" on this proposed amendment at the polls on November 6, 2012.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Resolution No. 2012-210
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the City Clerk is authorized to cast the ballot for the 2012 Michigan Municipal League (MML) Board of Directors election.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
October 2, 2012

To: Mayor and Council

From: Judi Smith, Human Resources

Subject: Adoption of MERS Pension Plan, Division 15

City staff is requesting adoption of a MERS Pension Plan (Division 15) in order to comply with the City Manager Contract Agreement. Under the Pension Section, Item 13, of the employment contract for Ralph A. Lange, it is stated that a new division would be created to accommodate his MERS benefits.

Division 1, the City employee's MERS Pension Account, is over-funded so the amount of $96,584 will be taken from that account and placed in the new Division 15. The purpose of transferring this amount is to eliminate the City having to make monthly payments to fund the new account.

RECOMMENDED ACTION: Approval

CITY MANAGER APPROVAL: ____________________ COUNCIL AGENDA DATE: 10-2-12

CITY MANAGER COMMENTS: ____________________

FISCAL SERVICES DIRECTOR APPROVAL: ____________________

Resolution No. 2012 -194
September 18, 2012 *(Tabled)*
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti has been a participating municipality in the Municipal Employees' Retirement System of Michigan ("MERS"); and

WHEREAS, pursuant to Municipal Employees' Retirement Board requirements, since December 31, 1994, asset accounting had been separate for each division, instead of aggregate for the entire municipality; and

WHEREAS, over time, significant disparities have arisen in the City's MERS plan as a result of allocating the fair market value of plan assets on a divisional basis instead of on an aggregate basis, which disparities the City of Ypsilanti wishes to eliminate; and

WHEREAS, in order to address the anticipated increase in unfunded liability for pensions to be provided participants in the defined benefit plan that is likely to occur as a result of diminished contributions to that plan, the City wishes to reallocate certain divisional market assets between the two divisions;

NOW THEREFORE BE IT RESOLVED, that the governing body of the City of Ypsilanti, a participating municipality as defined in the Municipal Employees' Retirement Act as recodified by Act No. 427 of the Public Acts of 1984, as amended, and as the employer, hereby requests MERS to reallocate the total market value of assets of $96,584 of Employer Assets from Division 01's General Non Union Employer Reserve to Division 15's City Manager after 7/1/2012 Employer Reserve as of July 1, 2012 enabling the actuary to prepare the 2012 actuarial valuation with the transferred assets; and

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
October 2, 2012

From: Stan Kirton, Public Works Director

Subject: Contract with Saladino Construction Co., Inc. for Sidewalk Ramp Replacement Program

SUMMARY & BACKGROUND:

To comply with the consent judgment handed down in the Ann Arbor Center for Independent Living vs. the City of Ypsilanti, the City along with Orchard Hiltz and McCliment, Inc. have developed the Sidewalk Ramp Replacement Program. The program began in September of 2008 and continues annually.
The 2012-2013 Sidewalk Ramp Replacement Program will include the removal and replacement of approximately 1,920 square ft. of ADA sidewalk ramps and associated work throughout the City.

Five sealed bids (see attached bid tabulation) were received by the June 7, 2012 deadline and publicly opened by the Deputy City Clerk. All bids were reviewed for compliance with the City's advertised specifications, including ordinance requirements and bond requirements.

City Staff and OHM recommend that the City Council award the Sidewalk Ramp Replacement Program Contract to Saladino Construction Co., Inc., 3303 N. territorial Road, Ann Arbor, MI 48106 for the amount of $94,000.00.

Attachments: Resolution, Bid Tabulation, Contracts

Recommended Action: Approval

Date Received: September 26, 2012 Agenda Item No.: 2012-213

For Agenda of October 2, 2012

City Manager Comments: ____________________

Finance Director Approval: ____________________

Council Action Taken: ____________________

Resolution No. 2012 -213
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, bids were duly advertised for The Sidewalk Ramp Replacement Program; and

Whereas, five (5) bids were publicly opened on Thursday, June 7, 2012 at 2:00 p.m. and reviewed for compliance with bidding qualifications and project specifications; and

WHEREAS, the bid submitted by Saladino Construction Co., Inc., 3303 N. Territorial Road, Ann Arbor, MI 48106, best meets the project specifications and qualifications and is in the best interests of the City; and

WHEREAS, Metro Act Funds and Community Development Block Grant Funds have been allocated for the Sidewalk Ramp Replacement Program.

NOW THEREFORE BE IT RESOLVED That the City awards the bid to Saladino Construction Co., Inc. in the amount of $94,000.00 for the construction of ADA sidewalk ramps throughout the City during the 2012-2013 construction season; and

THAT the Mayor and City Clerk are authorized to sign the necessary contract documents, subject to approval by the City Attorney, to facilitate the completion of this work.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Resolution No. 2012 – 214
October 2, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individuals be appointed to the City of Ypsilanti Boards and Commissions as indicated below:

NAME	**BOARD**	**TERM TO EXPIRE**
Anthony Bedogne 717 Stanley Ypsilanti, Michigan 48198	**Zoning Board of Appeals** (replacing Greg Johnson)	5/1/2012
David Kabat 7257 Glacier Pointe Drive Ypsilanti, Michigan 48197	**YDDA**	7/7/2014
Ellen Clement 2722 Radcliffe Ave. Ann Arbor, Michigan 48104	**YDDA**	7/7/2013
Eric Maes 1004 Sherman Street Ypsilanti, Michigan 48197	**Recreation Commission** (replacing Heather Cataldo)	5/1/2014

OFFERED BY: ____

SUPPORTED BY: ______________________________________

YES: NO: ABSENT: VOTE:

DAVID KABAT

David Kabat is co-owner of Haab's Restaurant. During his 25 years at Haab's, he studied business management at Eastern Michigan University before realizing his true passion was on the culinary side and completed his studies at Washtenaw Community College's Hotel and Restaurant Management and Culinary Program where he graduated with honors.

David grew up in Ann Arbor and currently resides in Ypsilanti with his wife and three children.

David has fostered strong ties within the community while serving on the advisory committee for the Washtenaw Community College Culinary Program as well as serving as an event planner for the Ypsilanti Heritage Festival.

David's interest in becoming an active board member on the YDDA board is to help forward Ypsilanti's growth through managed business development and cooperative growth. He feels strongly that Ypsilanti should continue to capitalize on its fortunate geographic location and promote Ypsilanti as a viable place of interest to businesses, residents, students, and visitors alike.

Statement of goals for YDDA board

Implement a merchant to merchant cooperative customer referral program.

Improve shopping/dining experience for first time visitors through informative stations.

Improve feel of downtown to passing motorists.

Continue to build on EMU/Downtown collaborations.

Promote Riverside park and surrounding areas to students and residents.

PROPOSAL FORM

Owner: City of Ypsilanti
Department of Public Services
1 South Huron
Ypsilanti, MI 48197

Firm Name: GM AND SONS, INC. (herein called "Bidder")

* a corporation organized and existing laws of the State of MICHIGAN

* a partnership consisting of N/A

* an individual trading as N/A

By: KARL SCHWEITZER

Title: GENERAL MANAGER

Date: 9/24/12

Pursuant to and in compliance with the Drawings and Specifications dated August 23, 2012, and all Addenda as prepared by the Owner, we the undersigned, propose to furnish all labor, materials, equipment, and all things necessary to perform all the work associated with:

Installation of ADA Ramps on Michigan Ave @ Hamilton Street

Hamilton and Michigan Avenue Sidewalk Ramp Replacement - SW, NW, NE, & SE Corners
UPDATED 9/7/2012
OHM Job No. 0094-12-0012

Updated Bid Form includes Quantities for removal and replacement of SE corner. Detailed plans for the SE corner will not be provided. Work at SE corner does not include any realignment.

PayItemCode	Description	Quantity	Units	Price	Extemsion
1500001	Mobilization, Max. $3,000	1	LS	$ 3000.–	$ 3000.–
2040020	Curb and Gutter, Rem	191	Ft	$ 30.–	$ 5730.–
2040050	Pavt, Rem	46	Syd	$ 40.–	$ 1840.–
2040055	Sidewalk, Rem	199	Syd	$ 40.–	$ 7960.–
2047001	_Planter Remove and Replace	12	Ft	$ 250.–	$ 3000.–
4030005	Dr Structure Cover, Adj, Case 1	6	Ea	$ 750.–	$ 4500.–
5010032	HMA, 4C	34	Ton	$ 150.–	$ 5100.–
8020038	Curb and Gutter, Conc, Det F4	191	Ft	$ 35.–	$ 6685.–
8030010	Detectable Warning Surface	44	Ft	$ 50.–	$ 2200.–
8030036	Sidewalk Ramp, Conc, 6 inch	200	Sft	$ 5.–	$ 1000.–
8030044	Sidewalk, Conc, 4 inch	1355	Sft	$ 5.–	$ 6775.–
8100402	Sign, Type III, Erect, Salv	1	Ea	$ 550.–	$ 550.–
8110093	Pavt Mrkg, Polyurea, 6 inch, Crosswalk	520	Ft	$ 5.–	$ 2600.–
8110114	Pavt Mrkg, Polyurea, 24 inch, Stop Bar	175	Ft	$ 20.–	$ 3500.–
8110343	Rem Spec Mrkg	320	Sft	$ 2.50	$ 800.–
8110405	Pavt Mrkg, Polyurea, Lt Turn Arrow Sym	1	Ea	$ 150.–	$ 150.–
8110410	Pavt Mrkg, Polyurea, Only	2	Ea	$ 200.–	$ 200.–
8110416	Pavt Mrkg, Polyurea, Thru & Lt Turn Arrow Sym	1	Ea	$ 250.–	$ 250.–
8110417	Pavt Mrkg, Polyurea, Thru & Rt Turn Arrow Sym	1	Ea	$ 250.–	$ 250.–
8110418	Pavt Mrkg, Polyurea, Thru Arrow Sym	1	Ea	$ 150.–	$ 150.–
8120210	Pavt Mrkg, Longit, 6 inch or Less Width, Rem	321	Ft	$ 5.–	$ 1605.–
8120211	Pavt Mrkg, Longit, Greater than 6 inch Width, Rem	90	Ft	$ 5.–	$ 450.–
8127051	_Traffic Control	1	LS	$ 10000.–	$ 10000.–
8160027	Mulch Blanket	40	Syd	$ 65.–	$ 2600.–
8160039	Seeding, Mixture THM	14	Lb	$ 100.–	$ 1400.–
8190029	Conduit, DB, 1, 3 inch	160	Ft	$ 30.–	$ 4800.–
8190377	Cable, P.J., 600V, 1, 7/C#14	100	Ft	$ 15.–	$ 1500.–
8190382	Cable, P.J., 600V, 1, 12/C#14	60	Ft	$ 20.–	$ 1200.–
8200100	Pedestal, Alum	1	Ea	$ 1000.–	$ 1000.–
8200103	Pedestal Fdn, Flush	4	Ea	$ 2000.–	$ 8000.–
8200123	Pushbutton Pedestal, Alum	3	Ea	$ 600.–	$ 1800.–
8200180	TS, Pedestrian, Bracket Arm Mtd, Rem	2	Ea	$ 200.–	$ 400.–
8200347	TS, Pedestrian, Two Way Pedestal Mtd (LED) Countdown	2	Ea	$ 2500.–	$ 5000.–
				Total	$ 96,195.–

The undersigned as bidder declares that he/she has familiarized himself with the location of the proposed work and the conditions under which it must be performed, as well as the drawing and specifications which the undersigned acknowledges that he understands and accepts as adequate

I. PROPOSAL (BASE BID)

The undersigned agrees to enter into and agreement with the Owner to complete the General Contract for the price of

NINETY-SIX THOUSAND ONE-HUNDRED AND NINETY-FIVE 00/100

Dollars (use words)

$96,195.00

(use numbers)

Signature:

Name: KARL SCHWEITZER

Title: GENERAL MANAGER

Resolution No. 2012-215
October 2, 2012

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: