1. City Council Regular Meeting Agenda

   Documents: 09-03-13 FINAL AGENDA (REVISED).PDF

2. City Council Regular Meeting Packet

   Documents: 09-03-13 COUNCIL PACKET2.PDF

CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, SEPTEMBER 3, 2013
5:30 P.M. – CLOSED SESSION
7:00 P.M. – OPEN SESSION

I. **CALL TO ORDER –**

II. **ROLL CALL –**

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

III. **INVOCATION –**

IV. **PLEDGE OF ALLEGIANCE –**

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

V. **AGENDA APPROVAL –**

VI. **CLOSED SESSION – (5:30 to 7:00 p.m.) –**

Closed Session to discuss Attorney/Client communication and pending litigation (OMA 15.268, Sections 8(e)(h).

VII. **INTRODUCTIONS –**

VIII. **PRESENTATIONS –**

IX. **ORDINANCES – FIRST READING –**

Ordinance No. 1192

1. An ordinance determining that the assessments for the Streetlight Special Assessment District are in proportion to the benefits derived or to be derived, confirming the Special Assessment Roll, placing the Special Assessment Roll on file in the Office of the City Clerk/Treasurer and directing the City Treasurer to collect the various amounts on the roll in accordance with this ordinance pursuant to the authority granted in MCL 117.4d, the City of Ypsilanti Charter and Chapter 90 of the Ypsilanti City Code.

   A. Resolution No. 2013-161, determination
   B. Open the public hearing.
   C. Resolution No. 2013-162, close public hearing

Ordinance No. 1193

2. An ordinance entitled, "An Ordinance to Amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinance to increase Water Rates within the City of Ypsilanti".

   A. Resolution No. 2013-163, determination
   B. Open the public hearing.
   C. Resolution No. 2013-164, close public hearing

Ordinance No. 1194

3. An ordinance entitled, "An 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".

    A. Resolution No. 2013-165, determination
    B. Open the public hearing.
    C. Resolution No. 2013-166, close public hearing

Ordinance No. 1195

4. An ordinance entitled, "An Ordinance to Amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer service bills within the City of Ypsilanti".

    A. Resolution No. 2013-167, determination
    B. Open the public hearing.
    C. Resolution No. 2013-168, close public hearing

Ordinance No. 1196

5. An ordinance to approve lease of part of city hall to Ypsilanti Downtown Development Authority.

    A. Resolution No. 2013-169, determination
    B. Open the public hearing.
    C. Resolution No. 2013-170, close public hearing

X. AUDIENCE PARTICIPATION –

XI. REMARKS BY THE MAYOR

XII. MINUTES –

Resolution No. 2013-171, approving the minutes of August 20, 2013.

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-172, approving implementation of the Blue Cross Blue Shield Medicare Advantage Plan for all eligible retirees.

2. Resolution No. 2013-173, approving the 457 Deferred Compensation Plan Participation Agreement and authorizing the Mayor and City Clerk to sign the agreement.

3. Resolution No. 2013-174, approving agreement with the Michigan Department of Transportation (MDOT) for traffic signal installation, maintenance and operation costs at various M17 intersections.

4. Resolution No. 2013-175, approving implementation of "1,000 solar rooftop initiative".

5. Resolution No. 2013-176, approving extension of the Management Agreement with the Fiends of the Ypsilanti Freighthouse for a period of six months, to end in March, 2014.

XIV. LIASON REPORTS -

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

XV. COUNCIL PROPOSED BUSINESS –

XVI. COMMUNICATIONS FROM THE MAYOR –

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVIII. AUDIENCE PARTICIPATION -

XIX. REMARKS FROM THE MAYOR –

XX. ADJOURNMENT –

A. Resolution No. 2013-177, adjourning the City Council Meeting.

CITY OF YPSILANTI
COUNCIL MEETING AGENDA
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   A. Resolution No. 2013-163, determination
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   C. Resolution No. 2013-164, close public hearing

Ordinance No. 1194

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    A. Resolution No. 2013-165, determination
    B. Open the public hearing.
    C. Resolution No. 2013-166, close public hearing

Ordinance No. 1195

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    B. Open the public hearing.
    C. Resolution No. 2013-168, close public hearing

Ordinance No. 1196

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    A. Resolution No. 2013-169, determination
    B. Open the public hearing.
    C. Resolution No. 2013-170, close public hearing

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XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVIII. AUDIENCE PARTICIPATION -

XIX. REMARKS FROM THE MAYOR –

XX. ADJOURNMENT –

A. Resolution No. 2013-177, adjourning the City Council Meeting.

Resolution No. 2013-161

September 3, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a ordinance entitled "AN ORDINANCE DETERMINING THAT THE ASSESSMENTS FOR THE STREETLIGHT SPECIAL ASSESSMENT DISTRICT ARE IN PROPORTION TO THE BENEFITS DERIVED OR TO BE DERIVED, CONFIRMING THE SPECIAL ASSESSMENT ROLL, PLACING THE SPECIAL ASSESSMENT ROLL ON FILE IN THE OFFICE OF THE CITY TREASURER, AND DIRECTING THE CITY TREASURER TO COLLECT THE VARIOUS AMOUNTS ON THE ROLL IN ACCORDANCE WITH THIS ORDINANCE PURSUANT TO THE AUTHORITY GRANTED IN MCL 117.4d, THE CITY OF YPSILANTI CHARTER, AND CHAPTER 90 OF THE YPSILANTI CITY CODE" be approved on First Reading.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Resolution No. 2013-162
September 3, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance entitled "AN ORDINANCE DETERMINING THAT THE ASSESSMENTS FOR THE STREETLIGHT SPECIAL ASSESSMENT DISTRICT ARE IN PROPORTION TO THE BENEFITS DERIVED OR TO BE DERIVED, CONFIRMING THE SPECIAL ASSESSMENT ROLL, PLACING THE SPECIAL ASSESSMENT ROLL ON FILE IN THE OFFICE OF THE CITY TREASURER, AND DIRECTING THE CITY TREASURER TO COLLECT THE VARIOUS AMOUNTS ON THE ROLL IN ACCORDANCE WITH THIS ORDINANCE PURSUANT TO THE AUTHORITY GRANTED IN MCL 117.4d, THE CITY OF YPSILANTI CHARTER, AND CHAPTER 90 OF THE YPSILANTI CITY CODE" be officially closed.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

The City of Ypsilanti

Ordinance No. 1192

AN ORDINANCE DETERMINING THAT THE ASSESSMENTS FOR THE STREETLIGHT SPECIAL ASSESSMENT DISTRICT ARE IN PROPORTION TO THE BENEFITS DERIVED OR TO BE DERIVED, CONFIRMING THE SPECIAL ASSESSMENT ROLL, PLACING THE SPECIAL ASSESSMENT ROLL ON FILE IN THE OFFICE OF THE CITY TREASURER, AND DIRECTING THE CITY TREASURER TO COLLECT THE VARIOUS AMOUNTS ON THE ROLL IN ACCORDANCE WITH THIS ORDINANCE PURSUANT TO THE AUTHORITY GRANTED IN MCL 117.4d, THE CITY OF YPSILANTI CHARTER, AND CHAPTER 90 OF THE YPSILANTI CITY CODE.

WHEREAS, on September 3, 2013 at 7:00 p.m., City Council held a properly noticed public hearing giving all interested persons an opportunity to be heard regarding the special assessment and allowing any owner or party in interest, or their agent, to appear at the public hearing to protest the special assessment or allowing them to file their appearance or protest by letter; and

WHEREAS, City Council has reviewed the special assessment roll prepared for the purpose of defraying the cost of the improvement to upgrade 1,189 streetlight fixtures to LED over two fiscal years, beginning FY 2013-2014 and ending in FY 2014-2015, and considered all objections thereto; and

WHEREAS, City Council deems the special assessment roll to be fair and equitable; and

WHEREAS, City Council desires to confirm the special assessment roll;

THE CITY OF YPSILANTI HEREBY ORDAINS:

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

That the Code of Ordinances, City of Ypsilanti, Michigan, is hereby amended by adding a new section to read as follows:

1. The special assessment roll shall be designated "2013 Streetlight Special Assessment Roll" (the "Roll") and the district against which it is spread shall be designated "2013 Streetlight Special Assessment District" (the "District").

2. City Council determines that the assessments are in proportion to benefits derived or to be derived by added safety, security, deterring crime, reducing carbon footprint, assisting in the ease of movement on streets and sidewalks, lessening the danger of collisions, and positively

affecting property values such that the market values of the assessed properties in the District will increase or have increased as a result of the improvement.

3. The Roll in the amount of $555,664 filed by the City Assessor with the City Clerk and presented to City Council for review and certification and filed in the office of the City Clerk, as corrected or amended by City Council, is confirmed and is ordered to be filed in the office of the City Treasurer.

4. The City Clerk shall endorse the Roll with the date of the confirmation.

5. The Roll shall be final and conclusive unless an action contesting an assessment is filed in a court of competent jurisdiction within 30 days after the confirmation.

6. The Roll shall be divided into two (2) equal annual installments, the first installment due December 1, 2013, and the second installment due December 1, 2014.

7. The assessments made in the Roll are ordered and directed to be collected and the City Clerk shall thereupon deliver to the City Treasurer the Roll, to which she shall attach her warrant commanding the City Treasurer to collect the assessments in accordance with directions of the City Council with respect thereto, and the City Treasurer is directed to collect the amounts assessed as the same become due.

8. All special assessments and all interest and charges thereon, from the date of the confirmation of the Roll, shall be and remain a lien upon the property assessed of the same character and effect as the lien created by the general law for state and county taxes, and by the City Charter and Chapter 90 of the Ypsilanti City Code for city taxes until paid.

9. The amount due on the first installment on the Roll, if not paid on or before 30 days next following the due date of the first installment, shall have a five percent collection fee added. Remaining installments becoming due between September 1 and August 31 in any annual period, shall be payable on May 1 of such period. If unpaid after June 1 of such period, a five percent collection fee shall be added. On October 15 of each year, the City Treasurer shall make return, duly certified by her, of all installments on special assessments rolls together with the collection fee of five percent which are due and have remained unpaid to the City Council for approval. The City Council shall approve the special assessment roll and order the City Assessor to levy and assess the special assessment on the general tax roll for that year in the columns provided for special assessments.

10. At the expiration of the first 30-day collection period, the City Treasurer shall certify to the City Clerk the unpaid balance on the Roll and the City Clerk shall advertise for and secure bonds to cover such balance, or otherwise finance such unpaid balance.

11. Interest at the rate of six percent per annum shall be paid on all unpaid installments or parts thereof which interest shall be paid annually on the due date of each installment of the Roll,

such interest to commence 30 days from the notification provided as set forth in Chapter 90 of the Ypsilanti City Code or from such other later date as City Council shall determine.

Section 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, is for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment will not affect, 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 will 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 has 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.

Section 3. Repeal.

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

Section 4. Savings Clause.

The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein will 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.

Section 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.

Section 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 Ypsilanti Courier. 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 _________, 2013.

____
Paul Schreiber, Mayor

____
Frances McMullan, City Clerk

<u>Attest</u>

I do hereby confirm that the above Ordinance No. ___ was published in the Ypsilanti Courier on the ___ day of ____________, 2013.

____
Frances McMullan, City Clerk

<u>CERTIFICATE OF ADOPTING</u>

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 _________, 2013.

____
Frances McMullan, City Clerk

Notice Published ___August 21, 2013________

First Reading ___September 3, 2013_________

Second Reading _________________________

Published ______________________________

Effective Date __________________________

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

REQUEST FOR LEGISLATION

DATE: September 3, 2013

FROM: Ralph A. Lange, City Manager

SUBJECT: Ypsilanti Community Utility Authority (YCUA) request for rate changes

SUMMARY/BACKGROUND

YCUA has requested an increase in the water rates of 5% and sewer rates of 4.5% and a surcharge rate (applied to water and sewer) decrease from 68% to 67%. The total of the changes would increase a City Division bill 4.14%.

New rates would be effective October 17, 2013.

The rates are set by ordinance and changes to three ordinances will be required.

YCUA is requesting the increase in rates because the Detroit Water and Sewerage Department has increased the cost of water 6.3% effective July 1, 2013 to YCUA.

Included are materials supplied by YCUA with additional information.

ATTACHMENTS: YCUA materials and proposed Ordinances
~~~~~~~

RECOMMENDED ACTION: Adoption of the ordinances as requested by YCUA.

DATE RECEIVED:________________ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:____________ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:

YPSILANTI COMMUNITY UTILITIES AUTHORITY

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

August 15, 2013

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 three ordinances approving the changes and the supporting documentation. On August 28, 2013, the YCUA Board of Commissioners will be considering the recommendation to City Council for the adjustments indicated.

Please place these items on the City Council agenda for a first reading on September 3rd and a second reading on September 17th so that the ordinances, if approved, can go into effect October 17, 2013.

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,

[redacted]

JEFF CASTRO, 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

YCUA

YPSILANTI COMMUNITY UTILITIES AUTHORITY

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

August 15, 2013

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, 2013, the Board will consider a recommendation to the Ypsilanti City Council for the following rate adjustments for City Division customers: a water rate increase of 5%, a sewer rate increase of 4.5%, and a surcharge *decrease* of 1%. This would decrease the surcharge to 67%. The combined effect of these rate adjustments, which will be effective October 17, 2013, would be a 4.14% increase in a City Division customer's bimonthly bill.

The three 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, 2013 fiscal year budget, which the YCUA Board of Commissioners will also consider at their August 28, 2013 regular meeting. Note that although the Detroit Water and Sewerage Department has increased its rate to YCUA by 6.3% effective July 1, 2013, we are able to limit the water rate increase to YCUA customers to 5% due to containment of operating costs.

If you have any questions, please contact me.

Sincerely,

[redacted]

JEFF CASTRO, 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

YCUA
2013-14 Budget Highlights
Item A.

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 7.9% 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 24% 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 9.8 million gallons per day, the same as the 2013 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 15.2% in sales volume over the past 5 years.

Revenue

Operating Income is projected to increase by 2.67%. This is necessary to cover operational costs, debt principle, required capital costs, and debt requirements.

Operating Expense Changes

Purchased Water	$ 840,000	6.30% DWSD rate increase
Debt/interest	$ 428,000	
Operating cuts	($455,000)	
Depreciation	$ 64,000	

City Customers- 4.14% Increase

Minimum Bill ($75.65)	4.14% increase on bill	$3.01/bill or $1.51/mth
Average Bill ($147.71)	4.14% increase on bill	$5.87/bill or $2.94/mth

(Comprised of 5.0% increase water/4.5% increase sewer/ 1% decrease in surcharge)

Township Customers- 4.77% Increase

Minimum Bill ($48.99)	4.77% increase on bill	$2.23/bill or $1.12/mth
Average User ($97.80)	4.75% increase on bill	$4.43/bill or $2.22/mth

(Comprised of 5.0% increase water/ 4.5% increase sewer/ 0% change in surcharge)

8/12/13

Ordinance No. 1193

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 17, 2013, existing rates shall prevail. For all billings rendered from October 17, 2013, 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	$ 23.66
1	1,000	42.98
1-1/2	2,100	111.41
2	4,000	244.64
3	9,000	502.48
4	16,200	951.72
6	36,000	1,975.83
8	66,000	3,603.66
10	102,000	5,479.65
12	150,000	9,069.22

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

Rate per 100 C.F. Bi-monthly Water	After 10/17/13
All consumption in excess of allowed usage per 100 cf	$2.23

* * * * * * * *

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 ____________________, 2013.

____
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 _____________________, 2013.

Resolution No. 2013-163
September 3, 2013

Resolution to Approve
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.

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

The ordinance entitled **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 approved on First Reading.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2013-164
September 3, 2013

THAT the public hearing on the ordinance entitled, 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 officially closed.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

ORDINANCE NO. 1194

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 17, 2013, existing rates for sewage disposal services shall prevail. For all billings rendered from October 17, 2013, 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	$1.23	$1.23	$16.49	$20.41	$17.72	$21.64
1	1000	$2.08	$2.08	$27.57	$34.75	$29.65	$36.83
1-1/2	2100	$4.55	$4.55	$56.56	$71.44	$61.10	$75.98
2	4000	$8.26	$8.26	$109.10	$137.31	$117.35	$145.57
3	9000	$18.59	$18.59	$238.09	$307.24	$256.68	$325.83
4	16200	$33.46	$33.46	$454.18	$553.74	$487.64	$587.20
6	36000	$74.36	$74.36	$979.25	$1,232.34	$1,053.61	$1,306.70
8	66000	$136.29	$136.29	$1,787.24	$2,251.06	$1,923.53	$2,387.34
10	102000	$207.53	$207.53	$2,766.51	$3,483.39	$2,974.04	$3,690.92
12	150000	$309.77	$309.77	$4,072.19	$5,126.45	$4,381.96	$5,436.22

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	$0.208	$1.785	$1.993
All Others	$0.208	$1.881	$2.089

* * * * * * * * * *

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 _____________________, 2013.

____
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 ______________________, 2013.

Resolution No. 2013-165
September 3, 2013

**Resolution to Approve
An 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.**

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

The ordinance entitled **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 approved on First Reading.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2013-166
September 3, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on an ordinance entitled, **An Ordinance to amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances to increase sewage disposal service rates,** be officially closed.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

ORDINANCE NO. 1195

An Ordinance to amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer service bills.

BE IT ORDAINED BY THE CITY OF YPSILANTI:

That, effective October 17, 2013, and not before, Chapter 106, Article V, Section 106-499 of the Code of Ordinances be amended to read as follows:

A surcharge of sixty-seven percent (67%) is hereby added to each water and sewage bill for billings rendered on or after October 17, 2013. The proceeds of sixty-seven percent (67%) of gross billings shall be deposited in a restricted debt retirement and capital improvements fund. The funds in this account shall be used for debt retirement on authority of the YCUA Board and for capital improvements on approval of City Council.

* * * * * * * *

This Ordinance shall take effect and be in full force upon local publication in the Ypsilanti Courier.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ___________ DAY OF ____________________, 2013.

____
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 ______________________, 2013.

Resolution No. 2013-167
September 3, 2013

Resolution to Approve
An Ordinance to amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer bills.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the ordinance entitled, "An Ordinance to amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer bills" be approved on First Reading.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2013-168
September 3, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on an ordinance entitled, "An Ordinance to amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer bills" 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

REQUEST FOR LEGISLATION

DATE: July 31, 2013

FROM: Ralph A. Lange, City Manager

SUBJECT: Lease part of city hall to DDA

SUMMARY/BACKGROUND

In order to better utilize city property and increase revenue I proposed to lease a vacant part of city hall to the DDA. City hall has excess capacity and the DDA will benefit from closer association with city staff.

I recommend that Council approve the attached lease, approved by the DDA board and pass the required ordinance as the charter requires.

ATTACHMENTS: Proposed Ordinance, lease

RECOMMENDED ACTION: Adoption of the ordinance

DATE RECEIVED:_______________ AGENDA ITEM NO. 2013-150

CITY MANAGER COMMENTS:

FOR AGENDA OF:___________ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:
~~~~~~~

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1196

An ordinance to approve lease of part of city hall to Ypsilanti Downtown Development Authority

1. **THE CITY OF YPSILANTI HEREBY ORDAINS** That

   new section: the Ypsilanti City Code is hereby amended by adding a section, to be numbered ____________, to lease part of city hall to the Ypsilanti Downtown Development Authority (DDA) , which section reads as follows:

   It is ordained by the Council of the City of Ypsilanti that the City shall lease part of the city hall to the Ypsilanti DDA pursuant to the terms of a lease, a copy attached hereto, and the Mayor and City Clerk may sign said lease.

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: ___________________________

LEASE
BETWEEN CITY OF YPSILANTI AND
YPSILANTI DOWNTOWN DEVELOPMENT AUTHORITY

THIS LEASE is made and entered into this _________day of September, 2013, by and between The Ypsilanti Downtown Development Authority, ("Tenant"), and The City of Ypsilanti having an office at 1 South Huron, Ypsilanti, MI 48197, ("Landlord")

1. Lease. Landlord hereby leases to Tenant, and Tenant hereby rents from Landlord, those premises (the "Premises") commonly known as two spaces located on the third floor of Ypsilanti City Hall, 1 South Huron, Ypsilanti, Mi 48197.

2. Term. The original term of this Lease (the "Original Term") shall be for a period of two (2) years, commencing September 15, 2013 (Commencement Date") and continuing until September 1, 2015.

3. Use of the Premises. Tenant shall use and occupy the Premises as a Downtown Development Authority and for no other use without approval of landlord. Tenant shall not use the Premises, or permit the Premises to be used, for the doing of any act or thing that constitutes a violation of any law, order, ordinance, or regulation of any government authority.

a) Keys and codes. Landlord shall supply Tenant with two keys to the building and security codes. Tenant will have access to the building 24/7 and will safeguard the keys and codes and not permit any unauthorized entry to the building.

4. Tenant's responsibility for telephone, computers etc. Tenant shall be responsible for and reimburse Landlord all telephone costs. Tenant will purchase and install any telephone and system needed for Tenant and reimburse all usage charges. Tenant will use Landlords telephone provider and requires two telephone lines. Tenant shall supply all it's own furniture, fixtures, computers, printers, copiers and be responsible for all costs. Tenant shall reimburse Landlord for all computer and IT service charges invoiced to Landlord by County of Washtenaw. Tenant shall supply all it's own paper and supplies and all telephone answering services.

a. Copy costs. Tenant shall have the right of reasonable use of Landlord's copy machine and shall pay Landlord $20 per month for copy costs.

5. Rent. Tenant covenants and agrees to pay Three Hundred Dollars per month to Landlord as rent for the Premises, in advance.

6. Late Fees. A late fee in the amount of five percent (5%) of the then applicable monthly rental amount shall be imposed as to each monthly rental installment which is not paid on or before the fifth (5th) day of each month.

7. Interest. Any rent, late fees or other sums payable by Tenant to Landlord under this Lease which are not paid within thirty (30) days after the same are due will bear interest at a per annum rate equal to ten percent (10%) of the amount unpaid. Such interest shall be due and payable as additional rent on or before the next rental payment date, and will accrue from the date that such rent, late charges or other sums are payable under the provisions of this Lease until actually paid by Tenant.

8. Utilities. Landlord shall pay, as and when, they come due, all bills for public utilities used in the Premises, including but not limited to gas, heat, water, sewage and electricity, and also including any surcharge for water or sanitary sewer which Landlord may be obligated to pay. Landlord shall also be responsible for trash removal and snow removal at the Premises.

9. Taxes. Both parties are tax exempt.

10. Condition of Premises. Tenant has inspected the Premises and agrees that the Premises are in good, habitable condition and that Tenant shall accept the Premises in "AS IS" condition.

11. Maintenance of the Premises. It is hereby agreed by Landlord and Tenant:

(a) Landlord shall be responsible For the maintenance of the roof, Foundation and structure of the City Hall building containing the Premises, except to the extent that such maintenance is made necessary by the criminal or tortuous conduct of Tenant.

(b) Except for those repairs for which Landlord bears responsibility under Paragraph 1 l(a) above, Tenant covenants and agrees, at its own expense, to maintain and to make all necessary repairs and replacements to the Premises, and to keep the Premises in good condition, reasonable wear and tear excepted.

(c) In the event Tenant fails to initiate and diligently pursue to completion any of the inspections, repairs or replacements which it is obligated to make within fifteen (15) days of written notice from Landlord of the need for such repairs or replacements, Landlord shall be entitled to enter the Premises and make or cause the same to be made, and the amount expended by Landlord for such repairs or replacements, plus interest, shall be due and payable by Tenant at the next rent payment date as additional rent hereunder.

(d) Tenant further covenants to operate and keep the Premises in a clean and sanitary condition according to all applicable laws and codes.

(e) Cleaning services. Cleaning services per Landlord's usual schedule are included in the lease and are the responsibility of Landlord.

12. Alterations. Upon the receipt of Landlord's written consent, which. consent shall not be unreasonably withheld, Tenant may, at its own expense, make such alterations which improve the utility of the Premises to Tenant.

13. Signage. Tenant may place signs on the Premises identifying its business provided that the Landlord first approves and such signs comply with applicable zoning restrictions and other laws of the City of Ypsilanti.

14. Entry and Inspection. Tenant shall permit Landlord or Landlord's agents to enter upon the Premises at reasonable times and upon reasonable notice, for the purpose of inspecting the Premises or exhibiting the Premises to potential purchasers thereof.

16. Insurance. During the Term, Landlord shall insure the building. Tenant shall carry, at its own expense, all insurance on its fixtures, equipment, inventory and its other personal property located on the Premises. Landlord shall not be liable for any loss or damage to fixtures, equipment, inventory or other items belonging to Tenant caused by fire or other hazard, regardless of the nature or cause of such fire or other

hazard. Tenant does hereby agree to indemnify and hold Landlord harmless from such loss or damage.

17. Tenant's Liability Insurance. During the Term, Tenant agrees to indemnify and save Landlord harmless from my liability for damages to any person or property upon or about the Premises. Tenant agrees to procure and keep in full force and effect, at its own expense, comprehensive public liability and property damage insurance with. respect to the Premises, naming and for the benefit and protection of Landlord and Tenant and any other party Landlord may name. Such insurance shall be in the amount of not less than One Million and no1/00 ($1,000,000.00) Dollars combined single limit for bodily injury or property damage (unless another limit be approved by Landlord). The limits of said insurance shall not, however, limit the liability of Tenant hereunder. Upon Tenant's failure to provide such policy with premiums fully paid, Landlord may, but is not required to, obtain such insurance and the amount expended by Landlord for such insurance shall be due and payable by Tenant at the next rent payment date as additional rental hereunder.

18. Certificates of Insurance. A copy of each of the above-required policies or a certificate of insurance pertaining to each said policy shall be delivered by Tenant to Landlord and any other party Landlord may name, prior to the commencement of the Original Term, and upon renewals of said insurance, not less than thirty (30) days prior to the expiration of such coverage. No policy shall be cancelable or subject to reduction or any other change except as Landlord may approve after thirty (30) days prior written notice to Landlord-by certified mail. In the event a certificate of insurance is delivered by Tenant to Landlord, it must disclose that such insurance provides the coverage required under Paragraphs **16 and 17** of this Lease, that the additional insured clause is applicable and that the policy cannot be canceled or subject to any change except if approved by Landlord after thirty (30) days prior written notice to Landlord by certified mail. Said policy shall also he the Landlord as an additional insured.

19. Waiver of Subrogation. Any insurance policy required under this Lease shall include a provision under which the insurance company waives all right of recovery by way of subrogation against Landlord or Tenant in connection with any loss or damage covered by such policy. Landlord or Tenant hereby release and discharge each other from any liability whatsoever arising from any loss, damage or injury caused by fire or other casualty to the extent they are reimbursed by an insurer for such loss damage or injury.

20. Compliance with Environmental Laws. Tenant shall not use the Premises to generate, manufacture, refine, transport, treat, store, handle, dispose, transfer, produce or process any material or substance requiring remediation under any federal, state or local statute, regulation, ordinance or policy (any such substance hereinafter referred to as a 'Hazardous Substance"), except in compliance with said applicable statute, regulation, ordinance or policy, and will not cause or permit the release of any Substance on the Premises. Further, Tenant, its successors, and assigns, shall defend, indemnify and hold harmless Landlord and its employees, directors, officers, agents, successors and assigns from and against any and all damages in connection with or

resulting from the release of any Hazardous Substance upon, on or about the Premises on or about the Premises on or after the Commencement Date.

21. Destruction of Premises. If the Premises is made partially or wholly untenantable by fire or other casualty during the Term: (i) all of the insurance proceeds received by Landlord and Tenant on account of such casualty shall be used to repair, restore or rehabilitate the Premises as speedily as possible, and Tenant shall be responsible for any proportion of the cost of such repair, restoration or rehabilitation not covered by insurance; and (ii) any rent due under this Lease shall be abated for such period of untenantability, and if only a portion of the Premises is untenantable, then the rent shall be prorated as to the portion made untenantable provided, however, no rent due under this Lease shall be abated unless such rent is reimbursed by loss of rent insurance. The Premises shall be rebuilt as nearly as possible to the specifications of he Building.

Notwithstanding anything contained herein to the contrary, if the Premises is made partially or wholly untenantable by fire or other casualty during the term of this Lease and Landlord determines in its sole discretion that it is economically infeasible to repair, restore or rehabilitate the Premises, Landlord may terminate this Lease. In the event of such termination, Landlord shall be entitled to all of the insurance proceeds received by Landlord and Tenant with respect to the Premises.

22. Condemnation. If the whole or any part of the Building shall be taken by any public authority under the power of eminent domain, then the term of this Lease shall cease on the part so taken from the day the possession of that part shall be required for any public purpose, and the rent shall be paid up to that day, and from that day Tennant shall have the right cancel this Lease or to continue in possession of the remainder of the Premises under the terms herein provided, except that the rent shall be reduced in proportion to the amount of the Premises taken. Landlord shall be entitled to claim an award for damages as compensation for diminution in value to the leasehold or to the fee of the Premises herein leased, and Tenant shall be entitled to claim an award for damages by reason of loss of business, depreciation of merchandise and fixtures, fixture and equipment damage, removal and reinstallation costs and such other damages to which it may be legally entitled; provided, however, in no event shall Tenant have the right to compensation for the value of the term and no claim of Tenant shall diminish or otherwise adversely affect Landlord's award or the award of any fee mortgagee.

23. Option to Renew. If Tenant is not in default under the terms of this Lease, and has had no history of default under the terms of this Lease, Tenant shall have the option to renew this Lease for a Renewal Term of one (1) additional years by notifying Landlord of the intent to do so at least one hundred eighty (180) days prior to the commencement of the Renewal Term. The Renewal Term shall be upon the same terms and conditions as the Original Term; provided, however,

(a) There shall be no further option to renew after the Renewal Term; and

(b) The monthly Rent for the Renewal Term shall be as negotiated between the parties.

25. Compliance with Law. Tenant hereby covenants to Landlord that it will comply with all of the ordinances of the City of Milan governing signage, outside storage, land use and other local requirements as well as county, state and federal laws applicable to the use and operation of the Premises.

26. Breach of Lease, If any rent payable by Tenant to Landlord remains unpaid for more than five (5) days after the date when due, or if Tenant violates or defaults in the performance of any of its obligations hereunder and such violation or default continues for a period of thirty (30) days after written notice to Tenant thereof, then Landlord may (but will not be required to) declare this Lease forfeited and the term ended, or reenter the Premises, or may exercise all other available legal remedies. Landlord will not be liable for damages to person or property by reason of any legitimate reentry or forfeiture, and Landlord will be aided and assisted by Tenant, its agents, representatives and employees. Tenant, by the execution of this Lease, waives notice of reentry by Landlord.

28. Reentry. In the event of reentry by Landlord without declaration of forfeiture, the liability of Tenant for the rent provided herein will not be relinquished or extinguished for the balance of the term and any security deposit and prepaid rent may be retained by Landlord and applied against the costs of reentry, or as liquidated damages, or both. Tenant will pay, in addition to the rentals and other sums agreed to be paid hereunder, actual attorneys fees, costs and expenses incurred by Landlord to enforce the provisions of, or the collection of the rent due Landlord under, this Lease, including any proceeding under the Federal Bankruptcy Code.

In the event of declaration of forfeiture at or after the time of reentry, Landlord may re-let the Premises or any portion(s) of the Premises for a term or terms and at a rent which may be less than or exceed the balance of the term of and the rent reserved under this Lease. In such event Tenant will pay to Landlord as liquidated damages for Tenant's default any deficiency between the total rent reserved and the net amount, if any, of the rents collected on account of this lease or leases of the Premises which otherwise would have constituted the balance of the term of this Lease. In computing such liquidated damages, there will be added to the deficiency any expenses which Landlord may incur in connection with releasing, such as legal expenses, attorneys' fees, costs and expenses, brokerage fees and expenses, fees and expenses for advertising and for keeping the Premises in good order or for preparing the Premises for re-leasing. Any such liquidated damages will be paid in monthly installments by Tenant on the normal rent day and any suit brought to collect the deficiency for any month will not prejudice Landlord's right to collect the deficiency for any subsequent month by a similar proceeding. In lieu of the foregoing computation of liquidated damages, Landlord may elect, at it's sole option, to receive liquidated damages in one payment equal to any deficiency between the total rent reserved hereunder and the fair and reasonable rental of the Premises, both discounted at seven (7%) percent per annum to present value at the time of declaration of forfeiture.

Whether or not forfeiture has been declared, Landlord will not be obliged or be responsible in any way for failure to re-let the Premises or, in the event that the Premises are re-let, for failure to collect the rent under such re-letting. The failure of

Landlord to re-let all or any part of the Premises will not release or affect Tenant's liability for rent or damages.

29. Assignment and Subletting. Tenant shall not sublease the Premises, nor any part thereof, nor assign its rights under this Lease in whole or in part without the written consent of Landlord. Landlord shall have the sole discretion to determine whether or not it will approve any such sublease or assignment. In the event that Landlord grants its approval of a sublease or assignment, such approval shall not operate to release Tenant from its liability under this Lease.

For purposes of this paragraph., a Change in Control of Tenant shall constitute an assignment. A "Change in Control" shall exist if, at any time while this Lease is in effect, there occurs a single transaction or a series of transactions pursuant to which a person or persons who are not existing members of Tenant acquire either of the following: (1) membership interest of Tenant possessing a majority of the voting power of Tenant (whether by merger, consolidation or sale or transfer of Tenant's membership interest); (2) a majority of the voting interest of the majority member (if any) of Tenant; or (3) all or substantially all of Tenant's assets.

Landlord shall have the right to assign its rights under this Lease in whole or in part and/or sell or transfer its estate in the above described Premises, subject to all of the Tenant's rights and interest hereunder.

30. Landlord's Right to Cure Default of Tenant. If Tenant shall fail to comply fully with any of its obligations under this Lease (including, without limitation, its obligations to make repairs, maintain various policies of insurance, comply with all laws, ordinances and regulations and pay all bills for utilities), then Landlord shall have the right, at its option, after notice to Tenant (except in an emergency) to cure such breach at Tenant's expense. Tenant agrees to reimburse Landlord (as additional rental) for all costs and expenses incurred as a result thereof together with interest thereon promptly upon demand, at a rate equal to ten (10%) percent per mum.

31. Subordination. This Lease is and shall remain subject and subordinate to all mortgages or deeds of trust which may now or hereafter affect the real property of which the Premises form a part and to all renewals, modifications, consolidations, replacements and extensions thereof. In confirmation of such subordination, Tenant shall execute promptly without cost or charge any instruments or certificates that Landlord may request Tenant hereby irrevocably constitutes and appoints Landlord the Tenant's attorney-in-fact to execute any such instruments or certificates for and on behalf of Tenant. This clause, nevertheless, shall be self- operative. In the event of subordination of this Lease the mortgagee or trustee under any such mortgage or deed of trust shall acknowledge the validity of this Lease and agree to provide for its continuance as long as Tenant is not in default hereunder.

32. Return of Premises at Expiration of Lease. Tenant agrees, upon termination of this Lease, to return said Premises to Landlord in as good condition as received, reasonable wear and use excepted, provided, however, that Tenant shall not be obligated to remove any improvements or alterations it made in said Premises with the consent of Landlord. Tenant shall have full right to remove its trade fixtures and

equipment at the termination of this Lease. Tenant shall repair any damage to said Premises resulting from the removal of its trade fixtures and equipment.

33. Covenant of Quiet Enjoyment. Landlord covenants that Tenant, upon performing its covenants and agreements herein set forth, shall and may peacefully and quietly have, hold and enjoy said Premises during the term of this Lease.

34. Holding Over. It is hereby agreed that in the event of the Tenant holding over after the termination of this Lease, thereafter the tenancy shall be from month to month in the absence of a written agreement to the contrary under the same terms and conditions as set forth in this Lease; provided, however, that the monthly rent due during any holdover period shall be one and one half times (1.5 x) the monthly rent amount immediately prior to said period.

35. Parking. Landlord shall provide up to two parking permits for Tenant to use Landlord's employee parking spaces in the parking lot across the street at a cost of $200 per year, or $75 per four months, per permit, paid in advance.

a) Tenant's visitors may park in the city lot behind (to the South) of city hall.

36. Notices. All notices required or permitted under this Lease shall be deemed properly served if mailed to the addresses of the parties hereto. Unless hereinafter changed by notice in writing, notices shall be sent to:

Landlord: City of Ypsilanti, attention City Manager, 1 South Huron Street, Ypsilanti, MI 48197

Tenant: Ypsilanti Downtown Development Authority, attention Executive Director, 1 South Huron Street, Ypsilanti, MI 48198.

37. Failure to Require Strict Performance. Landlord's failure to require strict performance by Tenant of any of the provisions of this Lease shall not waive or diminish the Landlord's right to demand strict compliance therewith or with any other provisions. Waiver of any default shall not waive any other default. Landlord's rights under this Lease are cumulative and not alternative.

38. Meaning of Terms "Landlord" and "Tenant". Wherever used, "Landlord" and "Tenant" shall be deemed to mean either the singular or the plural and shall include the successors and assigns of said parties to this Lease unless the context excludes such construction and except if otherwise provided herein.

38. Binding Effect. This agreement shall inure to the benefit of and shall be binding upon the parties hereto, their respective legal representatives, successors and assigns.

39. Entire Agreement. Lease constitutes the entire agreement between the parties and may be modified only by writing signed by both parties.

40. Construction. Tenant acknowledges that Tenant and Tenant's counsel have closely reviewed this Lease and been afforded the opportunity to obtain the advice of counsel in connection with such review. In light of this, Tenant agrees that the standard rule of construction that ambiguous language be construed against the drafter shall not apply to this Lease.

41. Michigan Law. This lease shall be interpreted according to Michigan law and all jurisdiction and venue shall be in Washtenaw County, Michigan.

IN WITNESS WHEREOF, the Landlord and Tenant have executed and delivered this Lease the day and year first above written.

Dated: __________, 2013 Ypsilanti Downtown Development Authority, "Tenant"

BY:_______________________________________

Dated: __________, 2013 City of Ypsilanti, "Landlord"

BY:_______________________________________
Paul Schreiber, Mayor

BY: _______________________________________
Frances McMullan, City Clerk

PREPARED BY:

BY: John M. Barr
Ypsilanti City Attorney
105 Pearl Street
Ypsilanti, MI 48197
email: jbarr@barrlawfirm.com
(734) 481-1234; Fax 483-3871

Resolution No. 2013-169
September 3, 2013

RESOLUTUION TO APPROVE ORDINANCE TO LEASE PART OF CITY HALL
TO YPSILANTI DOWNTOWN DEVELOPMENT AUTHORITY

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an ordinance to lease part of city hall to the Ypsilanti Downtown Development Authority be approved on First Reading.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2013-170
September 3, 2013

RESOLUTUION TO APPROVE ORDINANCE TO LEASE PART OF CITY HALL
TO YPSILANTI DOWNTOWN DEVELOPMENT AUTHORITY

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on an ordinance to lease part of city hall to the Ypsilanti Downtown Development Authority be Officially Closed.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2013 – 171
September 3, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of August 20, 2013 be approved.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: 5 NO: 0 ABSENT: 2(Moeller, Schreiber) VOTE: Carried

Draft

CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, AUGUST 20, 2013
7:00 P.M.

I. <u>CALL TO ORDER</u> –

The meeting was called to order at 7:07 p.m.

II. <u>ROLL CALL</u> –

Council Member Jefferson	Present	Council Member Robb	Present
Council Member Moeller (7:08)	Present	Council Member Vogt	Present
Council Member Murdock	Present	Mayor Schreiber	Present
Mayor Pro-Tem Richardson	Present		

III. <u>INVOCATION</u> –

The Mayor asked all to stand for a moment of silence.

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>AGENDA APPROVAL</u> –

None

VI. <u>INTRODUCTIONS</u> –

Mayor Schreiber introduced Planner Teresa Gillotti, Intern Connie Locker and Planning Commissioner Phil Hollifield.

VII. <u>PRESENTATIONS</u> –

None

VIII. <u>PUBLIC HEARING</u> –

Public hearing for Proposed Special Assessment District in the City of Ypsilanti for the LED conversion of streetlights. ***(Adjourned August 8, 2013)***

Manager Intern Connie Locker gave the background via PowerPoint presentation. She indicated the presentation is from a completely revised report based on the August 6th resolution passed by Council.

Ms. Locker stated that E.M.U. is exempt due to state law and the city is exempt because it is paying for the conversion and maintenance costs.

1. Open Public Hearing

    - Dr. Ernest Terry, 1927 Roosevelt opposed the special assessment and said he is still confused about what the actual proposal is. He said he received a flyer in the mail and it still stated 18 years and asked for clarification. City Manager Lange explained that Council made the decision to change to two years after the printing deadline. Dr. Terry said he understands what the city is facing but he feels this is a revenue generating idea with little benefit.

    - Emily Jones, 802 Jefferson, said she is concerned about the type of streetlights that will be installed. She added that the recently installed lights are not beneficial and trees often cover them.

    - Julie Brown, 317 Maple, noted that the information she received said $100 would be assessed. She said she didn't receive the revised information; however any assessment is not good because citizens currently pay a lot of taxes. She said she is opposed and feels that fixing the roads is more important.

    - Constance Bridge expressed concern about the kind of streetlights being installed and questioned the brightness and whether they would affect the wildlife in the area and the ability to see the night sky.

    - Mr. Stefan Graf, owner of Luminart in downtown Ypsilanti, stated that lighting in the commercial districts needs improvement. He said the problem with the conversion is its focus is on energy efficiency and not lighting qualities. He encouraged City Council to lighting quality factors and institutes a formula for outdoor lighting design which also addresses the dark sky issue.

    - Resident, 817 Hemphill, spoke in opposition of the special assessment. The resident said the lights work fine now, however the roads need improvement. He encouraged staff to focus on paving Prospect Street and save beautification things for later.

2. Resolution No. 2013-154, closing public hearing for proposed Special Assessment District in the City of Ypsilanti for the LED conversion of streetlights.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on the proposed Special Assessment District in the City of Ypsilanti for the conversion, operation and maintenance of streetlights be officially closed.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Vogt

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

Council Member Moeller clarified for the public that the assessment is $55 not $100 and said she understands the concerns citizens have with the condition of the roads.

Mr. Lange explained that he is aware of the condition of Prospect and indicated that it is on the list to be repaired.

Council Member Moeller stated that Prospect is the next road to be repaired and noted that the entire state is having road problems.

Council Member Vogt agreed that Prospect is the next road for repair and explained how road funding comes from various sources and with the streetlight conversion DTE is the sole source paying.

Mr. Lange added that the lights will be softer and more natural.

Council Member Vogt added that the focus of light with the new lights is tighter to give darker sky and less light leakage.

Council Member Murdock said the proposed lamps are LED and are softer, whiter and more focused on where the light needs to go, and the lamps are close to dark sky compliance. He noted that improvements to Prospect are coming and money has been set aside for the design engineering in case additional road money become available. He assured the public that Council is well aware of the condition of Prospect. He added that the previous bond was for local streets and the city borrowed money that will not be paid off until 2016 or 2017.

Mr. Murdock commented the streetlights are a good investment that will save the city over ½ million dollars.

Mayor Schreiber added that the new streetlights will decrease the carbon footprint and reduce maintenance which helps the city's budget.

Mayor Schreiber encouraged the public to call the city clerk's office to report trees that are covering streetlights.

Council Member Jefferson commented that the city's budget is in bad shape and the assessment will be a benefit in two ways, it will provide a benefit and help sustain the budget.

3. Resolution No. 2013-155, ordering district and directing Assessor to prepare Special Assessment Roll for the Streetlight Special Assessment District.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, on July 16, 2013 City Council passed Resolution 2013-127, a Resolution of Necessity for a Streetlight Special Assessment District, in which City Council determined that the improvement was necessary, set forth the nature thereof, estimated the cost, prescribed what proportion would be paid by special assessment upon the property especially benefitted, determined the benefits received by the affected properties and what proportion, if any, would be paid by the city at large, designated the limits of the special assessment district to be affected, designated the manner in which it would be assessed, ordered the complete information to be filed in the office of the City Clerk where it could be found and examined, and directed the City Clerk to publish a notice of a public hearing to be set for Tuesday, August 6, 2013 at 7:00 p.m., at City Hall, 1 S. Huron, Ypsilanti, MI 48197, at which time and place opportunity would be given interested persons to be heard; and

WHEREAS, on August 6, 2013, City Council held a Public Hearing pursuant to Resolution 2013-127 and determined that Highland Cemetery should be assessed and that the operation and maintenance of the streetlight fixtures for eighteen years should be removed from the improvement and that the improvement will solely phase upgrades of 1,189 streetlight fixtures to LED over two fiscal years and be paid over two years; and, thereafter, passed Resolution 2013-137, a Revised Resolution of Necessity and Adjournment of First Public Hearing for the Streetlight Special Assessment District, in which City

Council determined that the improvement was necessary, set forth the nature thereof, estimated the cost, prescribed what proportion would be paid by special assessment upon the property especially benefitted, determined the benefits received by the affected properties and what proportion, if any, would be paid by the city at large, designated the limits of the special assessment district to be affected, designated the manner in which it would be assessed, ordered the complete information to be filed in the office of the City Clerk where it could be found and examined, and directed the City Clerk to publish a notice of a public hearing to be set for Tuesday, August 20, 2013 at 7:00 p.m., at City Hall, 1 S. Huron, Ypsilanti, MI 48197, at which time and place opportunity would be given interested persons to be heard; and

WHEREAS, the Public Hearing set for August 20, 2013 was properly noticed as required by City Code sections 90-47 and 90-48 and held;

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council hereby declares and orders that:

1. The City of Ypsilanti shall proceed with the public improvement to phase upgrades of 1,189 streetlight fixtures to LED over two fiscal years, beginning in FY 2013-2014 and ending in FY 2014-2015, as set forth in Resolution 2013-137, the "Revised Resolution of Necessity and Adjournment of First Public Hearing for the Streetlight Special Assessment District;" and

2. A special assessment district is established as set forth in Resolution 2013-137, the "Revised Resolution of Necessity and Adjournment of First Public Hearing for the Streetlight Special Assessment District" that includes all parcels in the City of Ypsilanti; (however, those parcels belonging to Eastern Michigan University and the City of Ypsilanti will not be assessed while owned by Eastern Michigan University and the City of Ypsilanti respectively); and

3. The improvement set forth above and proposed in Resolution 2013-137 is ordered; and

4. The City Assessor is directed to prepare a special assessment roll in accordance with Resolution 2013-137, the "Revised Resolution of Necessity and Adjournment of First Public Hearing for the Streetlight Special Assessment District," based on the estimated costs to the City of Ypsilanti, which Resolution says:

a. The cost of the improvement is estimated to be $555,664 for the conversion. The annual cost to each parcel is estimated to be $57.51; and

b. 100% of the cost of the streetlight fixture conversion will be paid by special assessment on 4831 parcels especially and directly benefitted by added safety, security, deterring crime, reducing the carbon footprint, assisting in the ease of movement on streets and sidewalks, lessening the danger of collisions, and positively affecting property values, and be divided and paid over two (2) years; and

c. The special assessment district will include all parcels in the City of Ypsilanti; however, those parcels belonging to Eastern Michigan

University and the City of Ypsilanti will not be assessed while owned by Eastern Michigan University and the City of Ypsilanti respectively; and

d. The special assessment will be divided equally among the parcels being assessed and last, in total, for two (2) years.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Vogt

Council Member Vogt pointed out grammatical errors in the resolution regarding parcels belonging to EMU or the City of Ypsilanti and stated that the language suggests that the parcels are exempt if owned by both E.M.U. and the City and the intent is for either of them to be exempt.

Council Member Vogt moved, supported by Council Member Jefferson to correct the language in paragraphs 2 and 4c to state the following:

However, any parcels belonging to EMU or the City of Ypsilanti will not be assessed while being owned by E.M.U. or the City of Ypsilanti, respectively.

On a roll call, the vote to amend the language was as follows:

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

VOTE:

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

On a roll call, the vote to approve Resolution No. 2013-155 as amended was as follows:

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

VOTE:

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

4. Resolution No. 2013-156, ordering assessment roll for the Streetlight Special Assessment District to be filed for public examination and setting a date and time for review and public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, on August 6, 2013, City Council held a Public Hearing giving all interested persons an opportunity to be heard regarding the proposed improvement; and

WHEREAS, on August 20, 2013, City Council held a properly noticed continued Public Hearing giving all interested persons an opportunity to be heard regarding the proposed improvement; and

WHEREAS, on August 20, 2013, following the Public Hearing and after

all interested persons had been given an opportunity to be heard regarding the proposed improvement, City Council passed Resolution 2013-____, a "Resolution Ordering District and Directing Assessor to Prepare Special Assessment Roll for the Streetlight Special Assessment District;" and

WHEREAS, the City Assessor has completed the ordered assessment roll and filed it with the City Clerk for presentation to City Council for review and certification;

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council hereby declares and orders that:

1. The special assessment roll be filed in the office of the City Clerk for public examination; and

2. The City Clerk is directed to publish a notice of public hearing to be set for Tuesday, September 3, 2013 at 7:00 p.m., at City Hall, 1 S. Huron, Ypsilanti, MI 48197. Such notice shall be given as provided in Ypsilanti City Code sections 90-47 and 90-48, and include the following: Appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal is desired. An owner or party in interest, or his or her agent, may appear in person at this hearing to protest the special assessment, or shall be permitted to file his or her appearance or protest by letter with the City Clerk prior to the close of this hearing and his or her personal appearance shall not be required. A property owner or any person having an interest in the real property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll; and

3. At the public hearing scheduled for September 3, 2013:
a. City Council shall review the special assessment roll and consider all objections thereto; and

b. An owner or party in interest, or their agent, may appear in person at the hearing to protest the special assessment, or shall be permitted to file their appearance or protest by letter and their personal appearance shall not be required. Such objections shall specify, in detail, in what respect the objectors deem themselves aggrieved; and

c. City Council shall maintain a record of parties who appear to protest at the hearing. If a hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was recorded is considered to have protested the special assessment in person; and

d. City Council may correct or amend the roll as to any assessment or description of property or any other matter appearing therein; and

e. City Council may reject the special assessment roll and the same proceedings shall be had in making a new roll as in the making of the original roll, or approve determine that assessments are in proportion to benefits derived or to be derived, and confirm the roll.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Murdock

On a roll call, the vote to approve Resolution No. 2013-156 was as follows:

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

VOTE:

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

IX. <u>AUDIENCE PARTICIPATION</u> –

Mayor Schreiber read rules for audience participation.

1. Lafiest Galimore thanked Council Member Jefferson and Mayor Pro-Tem Richardson for supporting the resolution to repeal the Michigan version of the Stand Your Ground Law and said this is needed in the city of Ypsilanti to prevent what happened in Florida from happening here. He explained what the Stand Your Ground law is and urged City Council to support the resolution. He noted that this initiative will go to the Governor and State legislators this fall.

2. Lucia Heinold, 1224 Wines Dr., supported the resolution to repeal the Stand Your Ground legislation and said she is concerned about the violence the law encourages. She stated that statistics show that over half of the killings are black and unarmed. She said the resolution is similar to what the City of Ann Arbor passed and should be taken seriously. She thanked the Mayor for being a part of Mayors Against Guns and Council Members Jefferson and Richardson for their support of the resolution.

3. Julie Brown, 317 Maple, stated her biggest concern is with the Water Street project. She asked how much money the city invested in this project. She said there was a lot of tax payer wasted money and she is upset about it.

4. Fredrick West, 7544 Oakland Ville Dr., founder of Washtenaw Raiders, a new football program, asked the City for approval to use Frog Island park for 2 home games. He said the organization is non-profit and is helping at risk youth and those who cannot afford to pay for team sports.

5. Titania Sutton spoke in favor of the Washtenaw Raiders and said the organization's fees are low so that parents can afford it. She said they have sponsors who've helped keep the costs low and would like the City of Ypsilanti to donate Frog Island for 2 games. She said the program has 60-80 kids now and it would be good for the kids to see that there is support from city.

6. Rev. Darnell Williams, Washtenaw Raiders sponsor, said he prays with the team and talks on various subjects to teach the players values and teamwork. He said he is trying to build character and respect, while encouraging them to use their talents. He said more fathers are participating now and invited Council to stop by to observe the program when they have time.

7. Dr. Earnest Terry, 1927 Roosevelt, expressed his displeasure in Council's decision to approve the streetlight special assessment. He said residents have said no to an income tax twice

and the City is still trying to find a way to charge people more. In regards to benefit, he said most crimes in his neighborhood occur during the day, so streetlights will not help.

8. Quinn Phillips, 305 E. Cross, spoke regarding the Prospect skate park renovations and stated that some skaters have been replacing wooden ramps with concrete ramps and it may be demolished if not up to code. He said he is an Educational Coordinator at Ozone House and works with at risk youth so recreational activities are important for youth. He said skating is great for them because it is affordable and accessible. He asked City Council to support allowing skaters to renovate and continue using the park because it is a resource in the community.

9. Stephen Taylor, 413 Ferris, a 28 year resident, spoke against repealing the Stand Your Ground law. He said this effort is a symbolic gesture. He said he was a victim of carjacking last year and it would be a shame to limit ones right to self-defense. He stated that he will monitor Council member's votes and if they vote to limit his constitutional rights he will see to them being replaced.

10. Laxmi Averneni, 1111 W. Cross, questioned the cost of $100 per household for streetlights and said she can pay $3 to $4 to change her own light bulb. She said she would like to see what DTE is charging the city. She expressed concern about what will happen after the 2 years are up.

11. Blaine Coleman supported the resolution to repeal the Stand Your Ground law in Michigan and said the law has come to be perceived as a hunting license against black men and boys and that is how it is being used. She said she hopes City Council will support the resolution because the problem is deeper. She said there is not enough value placed on black life in the country.

12. Mozhgan Savabiensfahani spoke in support of the resolution to repeal the Stand Your Ground law and stated that many people feel racism is alive and present in society. She said the law is a license to lynch blacks. She asked City Council to follow the City of Ann Arbor and support the resolution. She congratulated Council on passing the streetlights resolution and their recognition of emissions in the city.

13. Robert St. Peter, 309 Miles, said there is a difference between the Stand Your Ground law and self defense. He said Stand Your Ground is never used during trial only self defense and he thinks it is wrong that the law requires a person to have to walk away even if someone comes up to them.

14. Jim Anderson supported the resolution to repeal the Stand Your Ground law and said it encourages violence and crime and will cause a blood bath in the streets.

15. Jan Katz, 1824 Roosevelt, thanked City Council for replacing streetlights with energy efficient LEDs and said it is good for the environment and the city's pocketbook.

16. Larry Young, Ann Arbor resident, said he didn't know what racism was in the 8th grade until he got in trouble because of the color of his skin. He asked when racism will stop and said he doesn't understand how this was allowed in the Trayvon Martin case. He said this law doesn't protect but gives the right to kill.

17. Joann Lindstrom said she is a proud mother of a skateboarder. She said the kids are in a panic because they are afraid they will lose their park. She said her son loves it and is excited. She said she has met most of the skaters and she feels her son is safe there. She explained that if no permits were pulled for the work done to the park, it's because they didn't know. She explained that they were given a generous donation to improve the park from a donor out west and most of the equipment was donated.

18. Eli Stevic, 205 Prospect, spoke in support of the skate park and said he is trying to meet with those in the City to make sure things are done correctly. He said people visit the park from Toledo and Kalamazoo. He said they started building the ramps and assumed they could build both wood and concrete. He said he has a friend who's helped and who is making sure the job is done right. He said they are asking the city to help with the yearly insurance.

19. Resident, 320 N. Washington, supported the skate park and said it creates synergy among youth and older people. He said the park is kept clean and safe, and it is beneficial to the community. He said kids from Ann Arbor come here to skate and it supports community interaction.

20. John Evans, 1301 Kingwood, thanked City Council for the implementation of LED lights. He Supported the request from the Washtenaw Raiders football organization and the skate park. Mr. Evans encouraged City Council to support the resolution to repeal the Stand Your Ground law and send a message to Lansing that it is morally wrong.

21. Resident of 748 Harriet spoke in support of the skate park and said it is a great place. He stated that he has made a lot of friends from being a skate boarder and professional skaters have come out and have made donations. He said they have even had a few competitions.

X. REMARKS BY THE MAYOR

Mayor Schreiber thanked the audience for being respectful.

Mr. Schreiber commented that the City of Ypsilanti is limited on recreational activities since the Parks and Recreation Department closed. He spoke highly of Rutherford Pool and the Senior Center for continuing to serve the community and encouraged the Skateboard Supporters to speak to city staff to see how the city can help keep he park going. He said the skate park is new to him; however he said he looks forward to learning about it.

He appreciated the comments on the streetlight assessment. Skate park is new to him tonight. Looks forward to learning about it.

Council Member Murdock said he just became aware of the skate park and they've been great in Prospect park. He said he is surprised there are issues and thinks it is communication problems. He said the park is established and is putting things on hold until they meet with DPS and the City Manager.

Mayor Pro-Tem Richardson commented on the request from the Washtenaw Raider to use Frog Island and stated she supports their request for a waiver and asked City Council to consider granting the request.

Council Member Jefferson commented on the Washtenaw Raiders football program and said it is wonderful to see Parkridge park full during the week the team is practicing. He said it is great that the organization is making it more affordable to the youth and said he sees no problem with granting the use of the Frog Island because it will help the children.

Council Member Jefferson shared a personal experience of being profiled and encouraged repealing of the Stand Your Ground law.

City Manager Lange stated that the City Assessor is present tonight to physically present the assessment roll.

The streetlight assessment roll was presented to the City Clerk.

XI. MINUTES –

Resolution No. 2013-157, approving the minutes of August 6, August 13, (7:30 a.m.) and August 13, 2013 (6:00 p.m.)

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following minutes be approved:

- **August 6, 2013**
- **August 13, 2013 (7:30 a.m.)**
- **August 13, 2013 (6:00 p.m.)**

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

On a voice vote the motion carried unanimously.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-158, designating voting delegates for the 2013 Michigan Municipal League Annual Convention.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT ____________________________ be appointed as Delegate and _________________________ be appointed as Alternate for the Annual Convention of the Michigan Municipal League (MML), to be held September 17-20, 2013 in Detroit, Michigan, to cast the vote of the municipality for election of trustees, policy and other business as may properly come before the meeting.

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

Mayor Pro-Tem Richardson was suggested as delegate and Council Member Jefferson as alternate.

On a voice vote, the motion to approve the resolution as amended in order to fill the blanks with Mayor Pro-Tem Richardson and Council Member Jefferson carried unanimously.

The resolution as approved reads as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT Mayor Pro-Tem Richardson be appointed as Delegate and Council Member Jefferson be appointed as Alternate for the Annual Convention of the Michigan Municipal League (MML), to be held September 17-20, 2013 in Detroit, Michigan, to cast the vote of the municipality for election of trustees, policy and

other business as may properly come before the meeting.

2. Resolution No. 2013-159, calling for repeal of Michigan's Stand Your Ground Law and for strengthening of firearm regulations.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI THAT:

Whereas, African Americans and Latinos account for the majority of victims of gun homicides, and gun violence is the leading cause of death for black teens, and one of the leading causes of death for Latino and American Indian teens;

Whereas, Stand Your Ground laws threaten to lead to unnecessary use of deadly force by eliminating the common-law duty to retreat and break off a confrontation where that can be accomplished with reasonable safety;

Whereas, Research by the Urban Institute suggests a troubling pattern of racial disparity in the application of Stand Your Ground laws, in which white-on-black shootings are more likely to be found justified, and black-on-white shootings less likely to be found justified, in states with those laws;

Whereas, Research by Texas A&M shows that after states passed Stand Your Ground measures, they saw no drop in robberies, burglaries, and aggravated assaults, and an increase in murders;

Whereas, In a Tampa Bay Times review of 192 cases of deaths in which the Florida Stand Your Ground Law led to the release of the killer, 70% of the victims were unarmed.

Whereas, In 2006, Michigan passed public act 309, the Michigan Self Defense Act, which mirrors the Stand Your Ground laws of other states;

Whereas, Public Act 309 of 2006 effectively eliminated Michigan's long standing common law necessity requirement for lawful use of deadly force;

Whereas, Ypsilanti City Council believes that Public Act 309 of 2006 can place an unreasonable burden on prosecutors to overcome the presumption that a defendant claiming self defense acted upon a reasonable and honest belief of imminent death, great bodily harm, or sexual assault, especially in cases in which the only witness who could rebut the presumption is dead; and

Whereas, Public Act 319 of 1990, the Firearms and Ammunition Act, impedes local units of government from protecting the public health, safety and welfare by preventing the establishment of reasonable local regulations concerning the sale, transfer, transportation, or possession of firearms and ammunition;

NOW THEREFORE, the Ypsilanti City Council calls on the Michigan State Legislature and Governor to repeal Public Act 309 of 2006 and Public Act 319 of 1990;

RESOLVED, That Ypsilanti City Council calls on the Michigan State Legislature and Governor to adopt common-sense gun regulations such

as improved background checks, strengthened gun-free zones, and limits on the sale of high-capacity magazines; and

RESOLVED, That this resolution be transmitted to Governor Rick Snyder, Senate Majority Leader Randy Richardville, State Senator Rebekah Warren, Speaker of the House Jase Bolger, State Representative Adam Zemke and to members of the Michigan House and Senate Judiciary Committees.

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

Mayor Pro-Tem Richardson made a friendly amendment to the resolution to add State Representatives David Rutledge and Gretchen Driskell.

Council Member Jefferson supported the friendly amendment.

Mayor Schreiber stated he was moved by the incident described by Council Member Jefferson and said there are too many guns in the country and Mr. Jefferson's story illustrates that. He recalled his experience while in the police academy and said proper training is needed. He appreciated all of the speakers and said he will support the resolution. agree. Will support the resolution tonight.

Mayor Pro-Tem Richardson described an incident that occurred with her nephew.

Council Member Vogt pointed out the irrationality of changing the previous language that worked for many years to what we have now. He said the previous language was reasonable and rational and for no justification, the law was changed and the result has led to unnecessary deadly force which creates an unreasonable burden on prosecutors to justify self-defense. He said he cannot justify the change of the law and he supports the former language which worked well, therefore, apart from racial issues, he will support the resolution on the basis of its core.

Council Member Robb referred to the Castle doctrine which passed in 2006 with bipartisan support and said the other incidents that have occurred are a tragedy. He said if people want to review the doctrine they should. He said the Michigan law is not the same law as in Florida and said he will vote against the resolution.

On a roll call, the vote to approve Resolution No. 2013-159 was as follows:

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

VOTE:

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

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

A. SEMCOG Update –
B. Washtenaw Area Transportation Study – meeting tomorrow
C. Washtenaw Metro Alliance – meeting in September
D. Urban County - none
E. Freight House- none

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

Richardson

- Thanked City Council for supporting the resolution to repeal the Stand Your Ground law in Michigan and said she hopes it brings forth more conversation within the City and State.

- Said she supports a minimal fee or waiver of fees for the use of Frog Island park by the Washtenaw Raiders football organization.

- Reported she received a phone call from a resident regarding the need for a "Slow Children Playing" sign at Ferris and East Ainsworth.

Murdock

- Spoke regarding the skateboard situation and said he supports the park.
- Inquired if the City has a policy on the use of herbicides or pesticide chemicals and said if not, one should be developed.

Robb

- Inquired about when Council would receive a Water Street update

  Mr. Lange replied in September.

- He said rumors are flying around regarding MSDA housing to utilize Water Street land.

Moeller

- Reported receiving complaints regarding long grass and said city staff is handling them very expediously.

- Reported that College Heights citizens are complaining about the condition of Cornell. She said police have placed speed monitors up and are monitoring it physically. She said she is wondering if a stop sign at E. Cross could be erected to help slow things down.

Vogt

- He reported that ticketing is working this year.

Council Member Moeller said staff did a good job with the hole on Washtenaw. She also asked if dogs are being tasers.

Mr. Lange wasn't sure and said he would follow up.

Council Member Jefferson explained that there was a recent situation with a pitbull but it wasn't tasered. He said the dog was harming smaller dogs.

Jefferson

- Announced the Parkridge Summer Fest will be held Saturday, August 10th from 11:00 a.m. to 8:30 p.m.

XV. COMMUNICATIONS FROM THE MAYOR –

- Status on city clerk evaluation.

  Council Member Robb said he is waiting on an evaluation from Council Member Vogt.

- He announced that a committee for the City Manager evaluation is needed and asked for volunteers.

Council Members Moeller and Vogt volunteered.

Council Member Moeller received two votes and Council Member Vogt received 4.

Council Member Vogt will serve on the City Manager Evaluation committee along with Council Member Robb and Mayor Pro-Tem Richardson.

Council Member Robb indicated that he is in the process of rewriting the evaluation form so that it is relevant to the position and he will obtain Council's final approval of the form.

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

- Appreciated streetlight moving forward.
- Gave accolades to those who supported the MITrain event.
- Regarding the skate park, he said he is placing a moratorium on it so that staff will not bother it.
- Said he will direct staff to waive the fee for the Washtenaw Raiders football program.

Council Member Robb suggested the waiving of the fee come to Council for a vote.

Council Member Moeller said there needs to be procedure on how waiving of fees can occur.

- Announced the City won a case with the tax tribunal regarding the Forest Health (former Beyer Hospital).

Assistant to the City Manager Ericka Savage clarified how the complaint system works and said it is better if people go the website first (Action request Center) because it allows better tracking for city staff and reporting.

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

- **Steven Taylor, 413 Ferris, thanked Council Member Robb for his position on the repeal resolution and said it was the smartest decision.**

- **Resident of 817 Hemphill thanked Council for listening to his comments tonight and said he is not grinding at Council personally. He said he likes that residents are taking an interest in their children.**

XVIII. <u>REMARKS FROM THE MAYOR</u> –

- **Reported he attended the MYTrain exhibit and it was a good opportunity for the Heritage Festival and a time to look back on the city's heritage and how things have improved.**

- **Appreciated remarks from Mr. Taylor.**

XIX. <u>CLOSED SESSION</u> –

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

On a 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 Jefferson	Yes	Council Member Robb	Yes
Council Member Moeller	Yes		

VOTE:

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

XX. ADJOURNMENT –

Resolution No. 2013-160, 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 Vogt

On a voice vote the motion carried and the meeting adjourned to closed session at 9:38 p.m.

REQUEST FOR LEGISLATION
September 3, 2013

To: Mayor and Council

From: Ralph A. Lange, City Manager

Subject: Medicare Advantage Plan

SUMMARY & BACKGROUND:

On July 15, 2013, representatives from Blue Cross Blue Shield presented a Medicare Advantage Plan to Council. This is a plan that would be beneficial to the City in order to save money for retiree health care. It will also provide services to our retirees that they are currently having to pay out-of-pocket (i.e. office visits, pneumonia shots, etc.).

The projected cost savings is approximately $11,700 per month. However, this does not include the increase in costs starting January 1, 2014, when we will have to start paying additional taxes to support the Affordable Care Act.

We held a meeting on Wednesday, July 24, 2013 and August 26, 2013, to introduce the retirees to the Medicare Advantage Plan. The retirees who attended these meetings asked a lot of questions and were very receptive to the plan.

Therefore, we are requesting that City Council approve the attached resolution in order to move forward in enrolling our retirees who are on Medicare A & B into the Blue Cross Blue Shield Medicare Advantage Plan.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Resolution

CITY MANAGER APPROVAL: ________________________ COUNCIL AGENDA DATE: 09/03/2013

CITY MANAGER COMMENTS: __________________________

FISCAL SERVICES DIRECTOR APPROVAL: _____________________________________

Resolution No. 2013 – 172
September 3, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council of the City of Ypsilanti deems it to be in the best interest of the City to continue to reduce health care costs where applicable; and

WHEREAS, on July 15, 2013, Blue Cross Blue Shield presented the Medicare Advantage Plan; and

WHEREAS, the Medicare Advantage Plan would reduce retiree health care costs while still offering additional benefits to the retirees; and

WHEREAS, retirees currently enrolled in Medicare A & B would be eligible for this Medicare Advantage Plan;

THEREFORE BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF YPSILANTI to adopt implementation of the Blue Cross Blue Shield Medicare Advantage Plan for all eligible retirees.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: 0 NO: 0 ABSENT: 0 VOTE: Carried

I do hereby certify that the above resolution is a true and correct copy of Resolution 2013-172 as passed by the Ypsilanti City Council, at their meeting held on September 3, 2013.

____
Frances McMullan, City Clerk

Medicare PLUS Blue Group PPO℠

Blue Cross Blue Shield of Michigan

Blue Cross Blue Shield of Michigan is a nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association. Medicare Plus Blue Group PPO is a health plan with a Medicare contract.

STANDARD GROUP BENEFIT and RATE SUMMARY

City of Ypsilanti

DECEMBER 1, 2013 - DECEMBER 31, 2014

(13-Month Rate)

Option 1

Revised 8/28/2013

Medicare PLUS Blue Group PPO℠

Blue Cross Blue Shield of Michigan

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2013 STANDARD GROUP BENEFIT and RATE SUMMARY

City of Ypsilanti **August 28, 2013**

	2013 MAPD PPO
Effective Date of Coverage:	12/1/2013
Month's of Coverage:	13-Months
Plan Type:	MAPD- Passive
Option:	Option 1

MEDICARE ADVANTAGE GROUP RATE:

Medical Rate:		
	2013 MA PPO PMPM Rate:	See Attached
Pharmacy Rate:		
	2013 MA PPO PDP Rate:	See Attached
Combined Rate:		

Notes and Conditions:

1) The quoted rates are effective from December 1, 2013 through December 31, 2014, for 13 months.

2) The coverage plan is based on "full replacement" such that all Medicare eligible plan participants are enrolling in the BCBSM Medicare Plus Blue Group Medicare Advantage PPO Plan.

3) The premiums shown here include MA (medical services) and PDP (pharmacy services). Other lines of coverage such as dental and vision are not included.

4) BCBSM reserves the right to modify this quote if there are changes to the:
   - benefit design included in the proposal,
   - effective date,
   - covered population (+/- 10%),
   - subsequent changes in CMS funding levels, or
   - regulatory changes or if the above conditions are not met.

5) Rate calculations were made based upon CMS funding projections known at this time. If significant changes are made to funding levels, BCBSM reserves the right to alter the rates appropriately.

6) To meet the expected implementation date of December 1, 2013, a decision from the group is required by September 8, 2013, in order to secure the proposed plan implementation date.

Medicare PLUS Blue Group PPO℠

Blue Cross Blue Shield of Michigan

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2013 STANDARD GROUP BENEFIT and RATE SUMMARY

City of Ypsilanti — **August 28, 2013**

	2013 MAPD PPO	
Effective Date of Coverage:	12/1/2013	
Month's of Coverage:	13-Months	
Plan Type:	MAPD- Passive	
Option:	Option 1	
MEDICARE ADVANTAGE GROUP BENEFITS:		
MED/SURG	**Schedule B**	
OUT-OF-POCKET MAXIMUM:	**$1,000**	
OUT-OF-POCKET COST SHARE OPTIONS:	Coinsurance, Deductible and Copays	
	COST SHARE	
PPO BENEFIT STRUCTURE (ACTIVE or PASSIVE)	PASSIVE	
DEDUCTIBLE:	$0	
COINSURANCE:	0%	
CORE BENEFITS		
Inpatient Facility Svcs (Home Health Care - No Member Cost Share)	No Member Cost Share Applies	
Outpatient Facility Svcs	No Member Cost Share Applies	
Physician / Practitioner Services		
Office Visits / Consultations	$0 copay	
Chiropractic Services	$0 copay	
Specialist Services	$0 copay	
Facility Evaluation & Management Services	Cost Share Applies	
Psychiatric - Psychotherapy Services	$0 copay	
Surgical Services / Anesthesia Services / Cardiac Catherization / Cardiovascular - Therapeutic Services	No Member Cost Share Applies	
Other Physician Services (Clinical Labs - No Member Cost Share)	No Member Cost Share Applies	
Preventative Service	No Member Cost Share Applies	
Emergency Room	$65 Copay	
Ambulance Services	No Member Cost Share Applies	
DME, P&O and Supplies	No Member Cost Share Applies	
À la Carte Medical / Surgical Benefits:		
Foreign Travel (Not Restricted to Emergency & Urgent Care Only)	X	Cost Share Same As If Services Was Provided in the U.S.
Determination of Refractive State	X	INN/ONN Cost Sharing Applies
Home Infusion Therapy	X	No Member Cost Share for these Services

Medicare PLUS Blue Group PPO℠

Blue Cross Blue Shield of Michigan

Blue Cross Blue Shield of Michigan is a nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association. Medicare Plus Blue Group PPO is a health plan with a Medicare contract.

2013 STANDARD GROUP BENEFIT and RATE SUMMARY

City of Ypsilanti | **August 28, 2013**

		2013 MAPD PPO	
	Effective Date of Coverage:	12/1/2013	
	Month's of Coverage:	13-Months	
	Plan Type:	MAPD- Passive	
	Option:	Option 1	
Pharmacy			
	Formulary Option: (Open, Standard-Closed, or Lean-Closed)	Open Enhanced	
	Clinical Edits/Step Therapy:	NO	
	Deductible:	$0	
TIER 1 (Preferred Generic)	Cost Share:	$5 copay	
	32-90 Day Supply Mail Order Copay Multiplier:	1.0 Preferred	2.0 Non-Preferred
	Minimum / Maximum Charged per Claim: (Only Applicable when Coinsurance Selected; Subject to Copay Multiplier)	Not Applicable	Not Applicable
TIER 2 (Non-Preferred Generic)	Cost Share:	$5 copay	
	32-90 Day Supply Mail Order Copay Multiplier:	1.0 Preferred	2.0 Non-Preferred
	Minimum / Maximum Charged per Claim: (Only Applicable when Coinsurance Selected; Subject to Copay Multiplier)	Not Applicable	Not Applicable
TIER 3 (Preferred Brand)	Cost Share:	$10 Copay	
	32-90 Day Supply Mail Order Copay Multiplier:	1.0 Preferred	2.0 Non-Preferred
	Minimum / Maximum Charged per Claim: (Only Applicable when Coinsurance Selected; Subject to Copay Multiplier)	Not Applicable	Not Applicable
TIER 4 (Non-Preferred Brand)	Cost Share:	$10 Copay	
	32-90 Day Supply Mail Order Copay Multiplier:	1.0 Preferred	2.0 Non-Preferred
	Minimum / Maximum Charged per Claim: (Only Applicable when Coinsurance Selected; Subject to Copay Multiplier)	Not Applicable	Not Applicable
[NOTE Tier 5: Not available at 90-day or Mail Order]			
TIER 5 (Specialty)	Cost Share:	$10 Copay	
	32-90 Day Supply Mail Order Copay Multiplier:	Not Applicable	Not Applicable
	Minimum / Maximum Charged per Claim: (Only Applicable when Coinsurance Selected; Subject to Copay Multiplier)	Not Applicable	Not Applicable

NOTE: Your signature below serves as approval to begin implementation of the 2013 MA PPO plan, with accepting of rates and benefits as shown in this document.

Group Representative : ______________________ ______________________

(Signature or Initial) (Date)

Medicare PLUS Blue Group PPO℠

Blue Cross Blue Shield of Michigan

MEDICARE ADVANTAGE GROUP CONTRACT
2013 / 2014 SCHEDULE A

GROUP NAME:	City of Ypsilanti
Option	Option 1
CONTRACT EFFECTIVE DATE:	12/1/2013
CONTRACT COVERAGE PERIOD:	13-Months
FUNDING TYPE:	[ ] ASC [X] FULLY INSURED
2013 MEDICAL/SURGICAL RATE:	See Attached PMPM
2013 PHARMACY RATE:	See Attached PMPM

SIGNATURES

GROUP REPRESENTATIVE(S):		BCBSM REPRESENTATIVE(S):	
SIGNATURE:		SIGNATURE:	
NAME:		NAME:	
TITLE:		TITLE:	
DATE:		DATE:	
SIGNATURE:		SIGNATURE:	
NAME:		NAME:	
TITLE:		TITLE:	
DATE:		DATE:	

Medicare PLUS Blue Group PPO℠

Blue Cross Blue Shield of Michigan

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STANDARD GROUP BENEFIT and RATE SUMMARY

City of Ypsilanti

DECEMBER 1, 2013 - DECEMBER 31, 2014

(13-Month Rate)

Option 2

Revised 8/28/2013

Medicare PLUS Blue Group PPO℠

Blue Cross Blue Shield of Michigan

Blue Cross Blue Shield of Michigan is a nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association. Medicare Plus Blue Group PPO is a health plan with a Medicare contract.

2013 STANDARD GROUP BENEFIT and RATE SUMMARY

City of Ypsilanti **August 28, 2013**

	2013 MAPD PPO
Effective Date of Coverage:	12/1/2013
Month's of Coverage:	13-Months
Plan Type:	MAPD- Passive
Estimated Membership:	343
Option:	Option 2

MEDICARE ADVANTAGE GROUP RATE:

Medical Rate:

2013 MA PPO PMPM Rate:	See Attached

Pharmacy Rate:

2013 MA PPO PDP Rate:	See Attached

Combined Rate:

Notes and Conditions:

1) The quoted rates are effective from December 1, 2013 through December 31, 2014, for 13 months.

2) The coverage plan is based on "full replacement" such that all Medicare eligible plan participants are enrolling in the BCBSM Medicare Plus Blue Group Medicare Advantage PPO Plan.

3) The premiums shown here include MA (medical services) and PDP (pharmacy services). Other lines of coverage such as dental and vision are not included.

4) BCBSM reserves the right to modify this quote if there are changes to the:
   - benefit design included in the proposal,
   - effective date,
   - covered population (+/- 10%),
   - subsequent changes in CMS funding levels, or
   - regulatory changes or if the above conditions are not met.

5) Rate calculations were made based upon CMS funding projections known at this time. If significant changes are made to funding levels, BCBSM reserves the right to alter the rates appropriately.

6) To meet the expected implementation date of December 1, 2013, a decision from the group is required by September 8, 2013, in order to secure the proposed plan implementation date.

Medicare PLUS Blue Group PPO℠

Blue Cross Blue Shield of Michigan

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2013 STANDARD GROUP BENEFIT and RATE SUMMARY

City of Ypsilanti — **August 28, 2013**

	2013 MAPD PPO	
Effective Date of Coverage:	12/1/2013	
Month's of Coverage:	13-Months	
Plan Type:	MAPD- Passive	
Estimated Membership:	343	
Option:	Option 2	
MEDICARE ADVANTAGE GROUP BENEFITS:		
MED/SURG	**Schedule B**	
OUT-OF-POCKET MAXIMUM:	**$1,000**	
OUT-OF-POCKET COST SHARE OPTIONS:	Coinsurance, Deductible and Copays	
	COST SHARE	
PPO BENEFIT STRUCTURE (ACTIVE or PASSIVE)	PASSIVE	
DEDUCTIBLE:	$0	
COINSURANCE:	0%	
CORE BENEFITS		
Inpatient Facility Svcs (Home Health Care - No Member Cost Share)	No Member Cost Share Applies	
Outpatient Facility Svcs	No Member Cost Share Applies	
Physician / Practitioner Services		
Office Visits / Consultations	$0 copay	
Chiropractic Services	$0 copay	
Specialist Services	$0 copay	
Facility Evaluation & Management Services	No Member Cost Share Applies	
Psychiatric - Psychotherapy Services	$0 copay	
Surgical Services / Anesthesia Services / Cardiac Catherization / Cardiovascular - Therapeutic Services	No Member Cost Share Applies	
Other Physician Services (Clinical Labs - No Member Cost Share)	No Member Cost Share Applies	
Preventative Service	No Member Cost Share Applies	
Emergency Room	$65 Copay	
Ambulance Services	No Member Cost Share Applies	
DME, P&O and Supplies	No Member Cost Share Applies	
À la Carte Medical / Surgical Benefits:		
Skilled Nursing Facility - Unlimited Days	X	Cost Share Same As Inpatient Facility Services above
Removal of Caps for Outpatient Physical Therapy	X	Cost Share Same As Other Physician/ Practioner Services above
Foreign Travel (Not Restricted to Emergency & Urgent Care Only)	X	Cost Share Same As If Services Was Provided in the U.S.
Determination of Refractive State	X	INN/ONN Cost Sharing Applies
Home Infusion Therapy	X	No Member Cost Share for these Services
Private Duty Nursing	X	50% Coinsurance Applies (Does Not Accumulate Towards Deductible / OOP Maximums)

Medicare PLUS Blue Group PPO℠

Blue Cross Blue Shield of Michigan

2013 STANDARD GROUP BENEFIT and RATE SUMMARY

City of Ypsilanti

August 28, 2013

	2013 MAPD PPO	
Effective Date of Coverage:	12/1/2013	
Month's of Coverage:	13-Months	
Plan Type:	MAPD- Passive	
Estimated Membership:	343	
Option:	Option 2	
Pharmacy		
Formulary Option: (Open, Standard-Closed, or Lean-Closed)	Open Enhanced	
Clinical Edits/Step Therapy:	NO	
Deductible:	$0	
TIER 1 (Preferred Generic) — Cost Share:	$2 copay	
TIER 1 — 32-90 Day Supply Mail Order Copay Multiplier:	1.0 Preferred	2.0 Non-Preferred
TIER 1 — Minimum / Maximum Charged per Claim: (Only Applicable when Coinsurance Selected; Subject to Copay Multiplier)	Not Applicable	Not Applicable
TIER 2 (Non-Preferred Generic) — Cost Share:	$2 copay	
TIER 2 — 32-90 Day Supply Mail Order Copay Multiplier:	1.0 Preferred	2.0 Non-Preferred
TIER 2 — Minimum / Maximum Charged per Claim: (Only Applicable when Coinsurance Selected; Subject to Copay Multiplier)	Not Applicable	Not Applicable
TIER 3 (Preferred Brand) — Cost Share:	$2 copay	
TIER 3 — 32-90 Day Supply Mail Order Copay Multiplier:	1.0 Preferred	2.0 Non-Preferred
TIER 3 — Minimum / Maximum Charged per Claim: (Only Applicable when Coinsurance Selected; Subject to Copay Multiplier)	Not Applicable	Not Applicable
TIER 4 (Non-Preferred Brand) — Cost Share:	$2 copay	
TIER 4 — 32-90 Day Supply Mail Order Copay Multiplier:	1.0 Preferred	2.0 Non-Preferred
TIER 4 — Minimum / Maximum Charged per Claim: (Only Applicable when Coinsurance Selected; Subject to Copay Multiplier)	Not Applicable	Not Applicable
[NOTE Tier 5: Not available at 90-day or Mail Order]		
TIER 5 (Specialty) — Cost Share:	$2 copay	
TIER 5 — 32-90 Day Supply Mail Order Copay Multiplier:	Not Applicable	Not Applicable
TIER 5 — Minimum / Maximum Charged per Claim: (Only Applicable when Coinsurance Selected; Subject to Copay Multiplier)	Not Applicable	Not Applicable

NOTE: Your signature below serves as approval to begin implementation of the 2013 MA PPO plan, with accepting of rates and benefits as shown in this document.

Group Representative :

(Signature or Initial) (Date)

Medicare PLUS Blue Group PPO℠

Blue Cross Blue Shield of Michigan

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MEDICARE ADVANTAGE GROUP CONTRACT
2013 SCHEDULE A

GROUP NAME:	City of Ypsilanti
Option	Option 2
CONTRACT EFFECTIVE DATE:	12/1/2013
CONTRACT COVERAGE PERIOD:	13-Months
FUNDING TYPE:	[ ] ASC [X] FULLY INSURED
2013 MEDICAL/SURGICAL RATE:	See Attached PMPM
2013 PHARMACY RATE:	See Attached PMPM

SIGNATURES

GROUP REPRESENTATIVE(S):		BCBSM REPRESENTATIVE(S):	
SIGNATURE:		SIGNATURE:	
NAME:		NAME:	
TITLE:		TITLE:	
DATE:		DATE:	
SIGNATURE:		SIGNATURE:	
NAME:		NAME:	
TITLE:		TITLE:	
DATE:		DATE:	

REQUEST FOR LEGISLATION

FROM: MARILOU T. UY, FISCAL SERVICES DIRECTOR

SUBJECT: MERS 457 DEFERRED COMPENSATION PLAN SUPPLEMENTAL RETIREMENT PROGRAM

DATE: SEPTEMBER 3, 2013

SUMMARY & BACKGROUND:

On November 8, 2011, Municipal Employees' Retirement System (MERS) Board adopted the MERS Deferred Compensation Plan. The City wishes to offer the plan to all employees to encourage them saving for retirement by offering salary reduction contributions. The plan offer lower administrative cost, and attractive investment opportunities.

In order to set up a MERS 457 plan, the City needs to enter a participation agreement to add MERS 457 plan in addition to the current 457 carriers the City have, ICMA and The Hartford. After the plan is adopted, MERS representative will make presentation to the City employees to introduce the MERS 457 Deferred Compensation Plan.

RECOMMENDED ACTION: Approval of the resolution approving the 457 Deferred Compensation Plan Participation Agreement and authorizing the Mayor and City Clerk to sign the agreement.

ATTACHMENTS: MERS Uniform 457 Supplemental Retirement Program Resolution, MERS 457 Supplemental Retirement program Participation Agreement, MERS 457 Loan Procedures, MERS 457 Loan Addendum and fees comparison.

CITY MANAGER APPROVAL:______________________________

COUNCIL AGENDA DATE: September 3, 2013

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:_____________________

RESOLUTION NO.2013-173
September 3, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the Municipal Employees' Retirement System (MERS) Board adopted the MERS Deferred Compensation Plan on November 8, 2011; and

Whereas, the City wishes to offer the plan to all employees to encourage them saving for retirement by offering salary reduction contributions; and

Whereas; the plan offers lower administrative cost and attractive investment opportunities; and

Whereas; in order to set up a MERS 457 plan, the City needs to enter a participation agreement to add MERS 457 plan in addition to the current 457 carriers the City has, ICMA and The Hartford; and

Whereas; after the plan is adopted, MERS representative will make a presentation to the City employees to introduce the MERS 457 Deferred Compensation Plan;

Whereas, the MERS Uniform 457 Supplemental Retirement Program Resolution and the MERS 457 Supplemental Retirement Program Participation Agreement is required to be approved by City Council, and;

Whereas, all city employees will now be eligible to participate in the MERS 457 Deferred Compensation Plan;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the MERS 457 Deferred Compensation Plan Participation Agreement; MERS 457 Supplemental Retirement Program Participation Agreement; MERS 457 Loan Addendum; MERS 457 Supplemental Retirement Program Resolution; MERS 457 Loan Procedures; fees comparison, and

THAT the Mayor and City Clerk are authorized to sign all necessary documents to enter into the contract(s) with MERS, subject to the approval of the city attorney as to form.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

MERS Uniform 457 Supplemental Retirement Program Resolution

1134 Municipal Way Lansing, MI 48917 | 800.767.2308 | Fax 517.703.9711 www.mersofmich.com

This Resolution, together with the MERS 457 Supplemental Retirement Program and Trust Master Plan Document and the MERS 457 Supplemental Retirement Program Participation Agreement and any Addendum thereto, constitute the entire MERS 457 Deferred Compensation Plan Document.

WHEREAS, the Municipal Employees Retirement Act of 1984, Section 36(2)(a), MCL 38.1536(2)(a) (MERS Plan Document (Section 36(2)(a)) authorizes the Municipal Employees' Retirement Board (the "Board") to "establish additional programs including but not limited to defined benefit, defined contribution, ancillary benefits, health and welfare benefits, and other postemployment benefit programs," and on November 8, 2011, the Municipal Employees' Retirement Board adopted the MERS 457 Deferred Compensation Plan.

WHEREAS, this Uniform Resolution has been approved by the Board under the authority of Section 36(2)(a), and the Board has authorized the MERS 457 Deferred Compensation Plan, which shall not be implemented unless in strict compliance with the terms and conditions of this Resolution.

WHEREAS, the Participating Employer, a participating "municipality" (as defined in Section 2b(2) in the Municipal Employees Retirement Act of 1984; MCL 38.1502b(2); Plan Document Section 2b(4)) or participating "court" (circuit, district or probate court as defined in Section 2a(4) – (6) of the Act, MCL 38.1502a(4) – (6); Plan Document Section 2a(4) – (6)) within the State of Michigan has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a deferred compensation plan;

WHEREAS, the Participating Employer has also determined that it wishes to encourage employees' saving for retirement by offering salary reduction contributions;

WHEREAS, the Participating Employer has reviewed the MERS 457 Supplemental Retirement Program ("Plan");

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan;

WHEREAS, concurrent with this Resolution, and as a continuing obligation, this Governing Body has completed and approved, and submitted to MERS and the Board documents necessary for adoption and implementation of the Plan; and

WHEREAS, the Governing Body for and on behalf of the Participating Employer is authorized by law to adopt this Resolution approving the Participation Agreement on behalf of the Participating Employer. In the event any alteration of the terms or conditions stated in this Resolution is made or occurs, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty to continue to administer (or to have administered) the MERS 457 Supplemental Retirement Program for the Participating Employer.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body adopts the MERS 457 Supplemental

Retirement Program as provided below.

I. The Participating Employer adopts the Plan for its Employees.

II. The Participating Employer hereby adopts the terms of the Participation Agreement, which is attached hereto and made a part of this Resolution. The Participation Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participation Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board.

III. The Participating Employer shall abide by the terms of the Plan, including amendments to the Plan made by the Board, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.

IV. The Participating Employer acknowledges that the Board is only responsible for the Plan and any other plans of the Employer administered by MERS and that the Board has no responsibility for other employee benefit plans maintained by the Employer that are not part of MERS.

V. The Participating Employer accepts the administrative services to be provided by MERS and any services provided by a Service Manager as delegated by the Board. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' accounts.

VII. The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.

VIII. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Board to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

IX. This Resolution and the Participation Agreement shall be submitted to the Board for its approval. The Board shall determine whether the Resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Board may refuse to approve a Participation Agreement by an Employer that does not possess State statutory authority to participate in the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this Resolution and the Participation Agreement are adopted and executed in accordance with the requirements of applicable law.

BE IT FINALLY RESOLVED: This Resolution shall have no legal effect under the Plan until a certified copy of this adopting Resolution is filed with MERS, and MERS determines that all necessary requirements under the 457 Supplemental Retirement Program Plan and Trust, the Participation Agreement, and this Resolution have been met. All dates for implementation of the Plan shall be determined by MERS from the date of filing with MERS of this Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer.

In the event an amendatory Resolution or other action by the municipality is required, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred by this Governing Body and MERS (and a third-party administrator, if applicable and necessary). The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

I hereby certify that the above is a true copy of a Resolution adopted at the official meeting held on

____________________, 20 13. ____________________________________
(Signature of authorized official)

Municipality name: City of Ypsilanti

Please send MERS fully executed copy of:

1. 457 Program Resolution (this form, MD-469)
2. 457 Participation Agreement (MD-470)
3. Certified minutes stating Governing Body approval
4. Copy of the union contract and/or personnel policy

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: __________________, 20 13 ____________________________________
(Authorized MERS signatory)

MERS 457 Loan Addendum

MERS Municipal Employees' Retirement System

1134 Municipal Way | Lansing, MI 48917 | 800.767.2308 | Fax 517.703.9711 | www.mersofmich.com

WHEREAS, the governing body adopted the MERS Benefit Program 457 pursuant to the MERS Uniform 457 Supplemental Retirement Program Resolution (or prior MERS Resolution, if any) at an official meeting held on ____________, 20___.

WHEREAS, the governing body authorized the provision of loans in its MERS 457 Supplemental Retirement Program Participation Agreement (or prior Agreement, if any) for the following group(s) of employees:

____

____

____

WHEREAS, Section 19A(8) of the MERS Plan Document requires that MERS approve uniform guidelines governing loans and that the employer establish a written policy consistent with the terms of the Plan Document.

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts the attached Loan Procedures, which have been approved by the Board as uniform guidelines governing the provision of loans under the MERS 457 Program.

IT IS ADDITIONALLY RESOLVED, as provided in each of the following paragraphs:

(A) The Employer offers the following retirement plans (i.e. 457 plans) to its employees in addition to the MERS 457 Program:

____________________ ____________________

____________________ ____________________

❒ None

(B) If the Employer has listed other plans in (A) above, the Employer agrees to coordinate the application of the maximum loan limits among the MERS 457 Program and any other retirement plans which the Employer may sponsor. The Employer hereby acknowledges that MERS is not able to perform such coordination and accepts the delegation of this responsibility.

(C) The Employer agrees to report to MERS within 1 month any of the following events relating to a participant with an outstanding loan: death, disability, unpaid leave of absence, military leave, termination of employment or any other circumstances which the Employer has reason to believe will impact the repayment of the outstanding loan.

BE IT FINALLY RESOLVED: This Resolution shall have no legal effect under the MERS Plan Document, and loans shall not be offered to the employees of the Employer until a certified copy of this Resolution is filed with MERS. Upon MERS determination that all applicable requirements have been satisfied, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer's 457 Program coordinator.

This Addendum shall be deemed effective as of the date indicated below. The terms and conditions of this Addendum are in addition to the prior MERS Uniform 457 Supplemental Retirement Program Resolution (or prior Resolution, if any) and MERS 457 Supplemental Retirement Program Participation Agreement (or prior Agreement, if any). This Loan Addendum shall remain in effect according to the terms of the Participation Agreement authorizing loans.

I hereby certify that the above is a true copy of a Resolution adopted at the official meeting held on

____________________, 20 13.

____
(Signature of authorized official)

City of Ypsilanti
____
(Name of municipality)

Please send MERS fully executed copies of:

1. MERS 457 Loan Addendum (MD-471, this form)
2. MERS 457 Program Participation Agreement (MD-470)
3. MERS Uniform 457 Supplemental Retirement Program Resolution (MD-469)
4. Certified minutes stating Governing Body approval
5. Copy of the union contract language or personnel policy language
6. MERS 457 Program Loan Procedures (MD-472)

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: ____________________, 20 13

____
(Authorized MERS signatory)

Nationwide Fees as of 6/30/13 VS. MERS Fees as of 5/31/13

Investment Option	Fund Management Fee	12b-1 Fee	Other Expenses	Nationwide Administrative Fee	Total Expense to Participants
Target Date Funds					
Nationwide Destination 2055 Instl Svc	0.13%	0.00%	0.48%	0.70%	**1.31%**
Nationwide Destination 2050 Instl Svc	0.13%	0.00%	0.55%	0.70%	**1.38%**
Nationwide Destination 2045 Instl Svc	0.13%	0.00%	0.55%	0.70%	**1.38%**
Nationwide Destination 2040 Instl Svc	0.13%	0.00%	0.55%	0.70%	**1.38%**
Nationwide Destination 2035 Instl Svc	0.13%	0.00%	0.55%	0.70%	**1.38%**
Nationwide Destination 2030 Instl Svc	0.13%	0.00%	0.55%	0.70%	**1.38%**
Nationwide Destination 2025 Instl Svc	0.13%	0.00%	0.56%	0.70%	**1.39%**
Nationwide Destination 2020 Instl Svc	0.13%	0.00%	0.56%	0.70%	**1.39%**
Nationwide Destination 2015 Instl Svc	0.13%	0.00%	0.57%	0.70%	**1.40%**
Average Total Expense for Target Date Funds					**1.39%**
Diversified Portfolios Based on Investment Style					
Nationwide Inv Dest Agrsv Svc	0.13%	0.25%	0.49%	0.70%	**1.57%**
Nationwide Inv Dest Mod Agrsv Svc	0.13%	0.25%	0.48%	0.70%	**1.56%**
Nationwide Inv Dest Mod Svc	0.13%	0.25%	0.48%	0.70%	**1.56%**
Nationwide Inv Dest Mod Cnsrv Svc	0.13%	0.25%	0.49%	0.70%	**1.57%**
Nationwide Inv Dest Cnsrv Svc	0.13%	0.25%	0.50%	0.70%	**1.58%**
Average Total Expense for Diversified Portfolios					**1.54%**
Large Cap Funds					
American Century Growth Inv	0.97%	0.00%	0.00%	0.95%	**1.92%**
American Century Value Inv	1.00%	0.00%	0.01%	0.80%	**1.81%**
American Funds Growth Fund of Amer A	0.24%	0.24%	0.11%	0.95%	**1.54%**
American Funds Inc Fund of Amer A	0.24%	0.24%	0.11%	0.95%	**1.54%**
Neuberger Berman Socially Rspns Inv	0.74%	0.00%	0.15%	0.80%	**1.69%**
Dreyfus Appreciation Investor	0.55%	0.00%	0.42%	0.80%	**1.77%**
Fidelity Contrafund	0.57%	0.00%	0.17%	0.95%	**1.69%**
Invesco Growth and Income A	0.36%	0.25%	0.23%	0.80%	**1.64%**
Janus T	0.49%	0.00%	0.30%	0.95%	**1.74%**
Nationwide Institutional Service	0.58%	0.00%	0.23%	0.80%	**1.61%**
Nationwide Large Cap Growth Portfolio	0.95%	0.00%	0.00%	0.80%	**1.75%**
Nationwide Retirement Income Instl Svc	0.13%	0.00%	0.58%	0.70%	**1.41%**
T. Rowe Price Growth Stock Adv	0.53%	0.25%	0.15%	0.80%	**1.73%**
S&P 500 Index funds					
Dreyfus S&P 500 Index	0.25%	0.00%	0.25%	0.95%	**1.45%**
Nationwide S&P 500 Index Instl Svc	0.12%	0.00%	0.34%	0.80%	**1.26%**
Mid Cap Funds					
JPMorgan Mid Cap Value A	0.65%	0.25%	0.35%	0.80%	**2.05%**
Nationwide Mid Cap Market Index A	0.21%	0.25%	0.25%	0.80%	**1.51%**
Small Cap Funds					
Wells Fargo Advantage Discovery Adm	0.71%	0.00%	0.43%	0.80%	**1.94%**
Brown Capital Mgmt Small Co Inv	1.00%	0.20%	0.15%	0.80%	**2.15%**
Nationwide Small Cap Index A	0.19%	0.25%	0.30%	0.80%	**1.54%**
Nationwide US Small Cap Value Instl Svc	0.95%	0.00%	0.39%	0.80%	**2.14%**
Neuberger Berman Genesis Tr	1.06%	0.00%	0.05%	0.80%	**1.91%**
NVIT Multi-Manager Small Company I	0.90%	0.00%	0.27%	0.80%	**1.97%**
International Funds					
Nationwide International Index A	0.25%	0.25%	0.25%	0.80%	**1.55%**
Nationwide International Value Instl Svc	0.85%	0.00%	0.40%	0.80%	**2.05%**
Oppenheimer Global A	0.67%	0.24%	0.31%	0.80%	**2.02%**
Invesco International Growth R5	0.86%	0.00%	0.14%	0.80%	**1.80%**
Bond Funds					
Waddell & Reed High-Income Y	0.59%	0.00%	0.20%	0.80%	**1.59%**
Nationwide Bond Index A	0.20%	0.25%	0.24%	0.80%	**1.49%**
Federated US Gov't 2-5 Yr. Instl	0.40%	0.00%	0.18%	0.95%	**1.53%**
PIMCO Total Return A	0.60%	0.25%	0.00%	0.80%	**1.65%**
Short Term Income Funds					
Morley Stable Value Fund	0.50%	0.00%	0.00%	0.80%	**1.30%**
Nationwide Fixed Account	0.00%	0.00%	0.00%	0.00%	**0.00%**
Nationwide Money Market Prime	0.38%	0.00%	0.24%	0.80%	**1.42%**
				Min	**0.00%**
				Average	**1.59%**
				Max	**2.15%**

Investment Option	MERS Operating Costs	MERS Recordkeeping Fee	Management Fees	Total Operating Expense
Target Date Funds				
MERS Retirement Strategy 2005	0.20%	0.20%	0.12%	**0.52%**
MERS Retirement Strategy 2010	0.20%	0.20%	0.12%	**0.52%**
MERS Retirement Strategy 2015	0.20%	0.20%	0.12%	**0.52%**
MERS Retirement Strategy 2020	0.20%	0.20%	0.12%	**0.52%**
MERS Retirement Strategy 2025	0.20%	0.20%	0.13%	**0.53%**
MERS Retirement Strategy 2030	0.20%	0.20%	0.12%	**0.52%**
MERS Retirement Strategy 2035	0.20%	0.20%	0.12%	**0.52%**
MERS Retirement Strategy 2040	0.20%	0.20%	0.12%	**0.52%**
MERS Retirement Strategy 2045	0.20%	0.20%	0.12%	**0.52%**
MERS Retirement Strategy 2050	0.20%	0.20%	0.12%	**0.52%**
MERS Retirement Strategy 2055	0.20%	0.20%	0.12%	**0.52%**
Average Total Expense for Target Date Funds				**0.52%**
Diversified Portfolios Based on Investment Style				
MERS Capital Appreciation	0.20%	0.20%	0.47%	**0.87%**
MERS Established Market	0.20%	0.20%	0.43%	**0.83%**
MERS Total Market	0.20%	0.20%	0.40%	**0.80%**
MERS Balanced Income	0.20%	0.20%	0.40%	**0.80%**
MERS Capital Preservation	0.20%	0.20%	0.35%	**0.75%**
Average Total Expense for Diversified Portfolios				**0.68%**
Large Cap Funds				
American Beacon Large Cap Value	0.20%	0.20%	0.57%	**0.97%**
MERS Large Cap	0.20%	0.20%	0.27%	**0.67%**
S&P 500 Funds				
MERS 500 Index	0.20%	0.20%	0.10%	**0.50%**
Mid Cap Funds				
MERS Mid Cap	0.20%	0.20%	0.37%	**0.77%**
Principal MidCap Blend	0.20%	0.20%	0.57%	**0.97%**
Small Cap Funds				
Invesco Small Cap Equity	0.20%	0.20%	0.55%	**0.95%**
MERS Small Cap	0.20%	0.20%	0.57%	**0.97%**
International Funds				
American Funds EuroPacific Growth	0.20%	0.20%	0.50%	**0.90%**
MERS Global Equity	0.20%	0.20%	0.50%	**0.90%**
Schwab International Index	0.20%	0.20%	0.21%	**0.61%**
MERS Emerging Market	0.20%	0.20%	0.76%	**1.16%**
Bond Funds				
Dreyfus Bond Market Index	0.20%	0.20%	0.12%	**0.52%**
MERS Diversified Bond	0.20%	0.20%	0.35%	**0.75%**
PIMCO High Yield	0.20%	0.20%	0.55%	**0.95%**
PIMCO Total Return	0.20%	0.20%	0.46%	**0.86%**
Short Term Income Funds				
MERS Short-Term Managed Income	0.20%	0.20%	0.23%	**0.63%**
Real Estate Funds				
Cohen & Steers Realty Shares	0.20%	0.20%	0.62%	**1.02%**
			Min	**0.50%**
			Average	**0.72%**
			Max	**1.16%**

MERS 457 Supplemental Retirement Program Participation Agreement

MERS® Municipal Employees' Retirement System

1134 Municipal Way Lansing, MI 48917 | 800.767.2308 | Fax 517.703.9711 www.mersofmich.com

I. **PARTICIPATING EMPLOYER**

Employer Name: City of Ypsilanti
(Name of municipality or court)

Municipality Number: 8101 **Division Number (if amendment):** ___________

II. **EFFECTIVE DATE:** The MERS 457(b) Program will be effective as follows (choose one):

❒ **Original Adoption.** The MERS 457(b) Program will be effective September 2013 (Month and year), with respect to contributions upon approval by the Program Administrator.

❒ To establish a new plan or replace current 457 carrier with the MERS 457 Program.

❒ To add the MERS 457 Program in addition to another 457 carrier.

Plan Name(s) and Provider(s):
ICMA-RC and The Hartford

VERY IMPORTANT: All eligible plans of a Participating Employer are considered to be a single plan for purposes of compliance with Code Section 457(b). Thus, if a Participating Employer has more than one eligible plan (or additional investment options under a 457(b) arrangement with more than one vendor), the Participating Employer is responsible for ensuring that all of its arrangements, treated as a single plan, comply with the 457(b) requirements. In order to fulfill its responsibility for monitoring coordination of multiple plans, the Participating Employer must carefully review the Master Plan Document provisions.

❒ **Amendment and Restatement.** The amended and restated MERS 457(b) Program will be effective ______________ (Month and year), with respect to contributions upon approval by the Program Administrator. The MERS 457(b) Program was originally effective ______________ (Month and year).

III. **ELIGIBLE EMPLOYEES:** Only Employees as defined in the Program may be covered by the Participation Agreement. Subject to other conditions in the Program, this Agreement, and Addendum (if applicable), the following Employees are eligible to participate in the Program:
All Full-time Employees

IV. **POST- EMPLOYMENT COMPENSATION:** Certain post-employment severance payments may be included in Compensation for purposes of computing deferrals under the Plan, but only if these amounts are paid no later than 2½ months after Severance from Employment or, if later, the end of the calendar year that includes a Participant's Severance from Employment, and only if it is a payment that, absent a Severance from Employment, would have been paid to the Participant while the Participant continued in employment with the Participating Employer. The Participating Employer makes the following election(s):

- ☑ Regular compensation paid after Severance from Employment for services rendered prior to severance during the Participant's regular working hours.
- ☑ Compensation paid after Severance from Employment for services rendered prior to severance outside the Participant's regular work hours (such as overtime or shift differential), commissions, bonuses, or other similar payments.
- ☑ Post-severance payments for unused accrued bona fide sick, vacation or other leave, but only if the Participant would have been able to use the leave if employment had continued.
- ☐ Other:

____

____

____

V. **ROTH DEFERRAL CONTRIBUTIONS:** ☐ shall be permitted ☐ shall not be permitted

If Roth Deferral Contributions are elected, the Plan will allow Roth Rollover Contributions from other designated Roth 457(b), 401(k), or 403(b) Plans. Roth In-Plan Rollovers will also be allowed. Roth In-Plan Rollovers allow a participant who has reached 70½ or who has incurred a Severance from Employment to elect to have all or a portion of his or her Pre-Tax Contribution Account directly rolled into a designated Roth Rollover Account under the Plan if the amount would otherwise be permitted to be distributed as an Eligible Rollover Distribution. Any amounts that are rolled to the Roth Rollover Account are considered to be irrevocable and may not be rolled back to the Pre-Tax Account.

VI. **LOANS:** ☐ shall be permitted ☐ shall not be permitted

If Loans are elected, please complete the MERS Loan Procedures and Uniform Resolution and submit them with this Agreement.

VII. This Participation Agreement may be terminated only in accordance with the Master Plan Document.

VIII. The Employer hereby agrees to the provisions of the MERS 457 Supplemental Retirement Program and Trust Master Plan Document.

IX. The Employer hereby acknowledges it understands that failure to properly fill out this Participation Agreement may result in the ineligibility of the Program.

GOVERNING BODY

This Participation Agreement is adopted and approved on this ____ day of _________________, 20 13 ___.

Name of Employer: ____

Authorized signature: ____

Authorized name (print): ___________________________________ Title: _________________________

Witness signature: ____

Please send to MERS a fully executed copy of:

1. 457 Program Participation Agreement (this form, MD-470)
2. MERS Uniform 457 Supplemental Retirement Program Resolution (MD-469)
3. Certified minutes stating Governing Body approval
4. Copy of the union contract language or personnel policy language
5. 457 Eligible Automatic Contribution Arrangement Addendum, MD-474 (if applicable)
6. 457 Employer Contribution Addendum, MD-473 (if applicable)
7. 457 Loan Addendum, MD-471 (if applicable)

Received and approved by the Municipal Employees' Retirement System of Michigan

This Participation Agreement is approved and shall take effect on ___________________, 20____.

Dated: ______________________, 20______ _______________________________________

Authorized MERS Signatory

Municipal Employees' Retirement System

1134 Municipal Way Lansing, MI 48917 | 800.767.2308 | Fax 517.703.9711 | www.mersofmich.com

MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN ("MERS") 457 PROGRAM ("PROGRAM")

1. **Availability**. Any member who is an active employee may apply to ***the Employer***, or its designee, for a loan from the employee's account balance in the Program. Loans will be available to all such members on a uniform and nondiscriminatory basis upon submission of the required loan application forms. All loans are subject to the approval of ***the Employer and MERS,*** or its designee, which will investigate each application for a loan.

2. **Purpose**. A general purpose loan may be obtained for any purpose.

3. **Restrictions on Availability**. A member will not have more than two (2) outstanding loan(s) at any one time. Additionally a participant may not be eligible for a second loan if they have an outstanding loan in default.

4. **Frequency**. A member may not apply for a loan any more frequently than once per rolling 12-month period.

5. **Minimum Amount**. The minimum loan amount is One Thousand Dollars ($1,000.00).

6. **Maximum Amount**. The maximum amount for all outstanding loans to the member from the Program and all other programs the member participates in is the lesser of:

   (a) Fifty Thousand Dollars ($50,000.00), reduced by the highest outstanding balance of loans from all the programs in which the member participates during the one (1) year period ending on the day before the date on which the loan is to be made; or

   (b) One-half (1/2) of the sum of the vested account balance, reduced by the member's current outstanding balance of all loans from all programs of the member for that member, determined as of the loan application date.

   The maximum amount will also be reduced by the amount of the outstanding balance, including accrued interest, of any defaulted loan of the member which has not been repaid.

7. **Domestic Relations Orders**. No loans will be made during a period when ***MERS***, or its designee, is determining whether a domestic relations order affecting the member's accounts is a "qualified domestic relations order" under Code Section 414(p).

8. **Interest Rate.**

   (a) The interest rate to be charged on a general purpose loan will be the prime interest rate reported by the Wall Street Journal, or any successor thereto, plus two percent (2.00%). The interest rate for a loan will be the established rate in effect on the month end prior to the date the loan application is approved by ***MERS*** or its designee.

   (b) A loan will carry the same interest rate throughout its term.

9. **Term.**

   (a) The term of the loan must extend for at least one (1) year from the date of the loan and the term must not exceed five (5) years.

   (b) The term of the loan will end prior to end of the applicable period and the outstanding balance (principal and accrued interest) will become immediately due and payable on the earlier of:

      (1) in the case of a member who becomes eligible for a program distribution (other than an in-service distribution beginning at age 70½) which begins after the beginning date of the loan, the date such distribution begins;

      (2) the date of distribution or separation of the member's accounts pursuant to a qualified domestic relations order under Code Section 414(p), or any portion of the accounts which causes the remaining portion of the accounts to be less than the security interest established at the time of inception of the loan;

      (3) the date of termination of employment of the member as provided in item 17; or

      (4) the date of a default on the loan as provided in item 18.

   (c) The term of the loan shall not exceed a period which would cause the payment per week to be less than Five Dollars ($5.00) per week.

10. **Repayment.**

   (a) Each loan must be repaid on a substantially level basis with payments not less frequently than each payroll period.

   (b) The member must authorize repayment of the principal and interest of each loan to be made by regular payroll deduction payments. If the scheduled repayment amount is greater than the member's payroll, the member must make payment in full for any remaining repayment amount not collected through payroll deduction by delivering to the Employer or its designee, a check or other negotiable instrument (not cash) payable to the Employer.

   (c) Repayments will be reallocated to the member's account according to the investment election made by the member, and in effect at the time the payment is processed to the member's account.

11. **Unpaid Leave of Absence**. If a borrowing member takes an approved leave of absence without pay, the member may choose to suspend regular loan payments for up to one year during such unpaid leave of absence. Suspension of payments will not cause the term of the loan to be extended beyond its original term, and such suspended payments (and accrued interest) will become due and payable at the end of the original loan term in one lump sum payment. If a member on a leave of absence without pay chooses to continue regular payments during such unpaid leave of absence, payments may be made by check or other negotiable instrument (not cash) made payable to the Employer and delivered to the Employer, or its designee.

12. **Military Service**. As permitted under Code Section 414(u), if a member with an outstanding program loan takes a leave of absence for a period of military service; such member may elect to suspend regular loan payments during such period of military service, regardless of the duration of such service. Upon completion of such military service, the member must resume making loan repayments in an amount which is not less than the original repayment amount, and in installments which are not less frequent than the frequency required under the terms of the original loan. The loan must be repaid in full (including interest that accrues during the period of military service at a rate not to exceed 6% compounded annually) by the no later than date of the original loan plus the period of military service. Any balance due and payable at the end of the adjusted loan term must be paid in one lump sum payment. Such lump sum payment may be made payable to the Employer and delivered to the Employer, or its designee, who shall report the payment to MERS.

13. **Prepayments**. The member may repay, without penalty, the entire outstanding principal balance of the loan and accrued interest to date of repayment. Partial prepayments are not permitted. Prepayments should be made by check or other negotiable instrument (not cash) made payable to the Employer and delivered to the Employer or its designee, who shall report the payment to MERS.

14. **Loan Processing Fees**. Any loan processing fee charged by MERS will be paid by the member. The initial set-up fee of One Hundred and Fifty Dollars ($150.00) charged by MERS for each loan will be added to the amount of the loan requested by the member to the extent the addition of such fee will not cause the amount of the loan to exceed the maximum permitted under item 6 of these Loan Procedures. The initial set-up fee will be deducted from the remaining vested account balance and paid to MERS at the time the loan proceeds are distributed to the member. MERS reserves the right to charge an annual maintenance fee.

15. **Termination of Employment**.

    (a) The entire amount outstanding on the member's loan will be due and payable on the date of the member's termination of employment. The date a member terminates employment is the date on which the member quits, retires, is discharged, or dies.

    (b) No distributions to a member (other than in-service withdrawals, as limited under item 19(b) of these Loan Procedures) will be made prior to repayment of all outstanding loans, including interest, costs, and expenses due thereon regardless of termination of employment. If there is a distributable event with respect to the member, the accounts of the member will be applied against any outstanding loans to the extent necessary to fully repay the same as provided in item 18 of these Loan Procedures.

16. **Defaults and Remedies.**

    (a) The Program, or its designee, may declare a default on a loan as of the last day of the quarter following the quarter in which either of the following occurs:

        (1) the member fails to make a payment (other than due to an unpaid leave of absence as provided in item 12 or military service as provided in item 13 of these Loan Procedures); or

        (2) MERS, or its designee, in good faith deems the Program insecure with respect to the repayment of the loan and notifies the member of this deemed insecurity.

(b) On default, the entire amount outstanding on the member's loan will be deemed distributed for tax purposes.

(c) If a member defaults on a loan so that the loan is deemed distributed and the loan has not been repaid (such as by application of the member's rollover or after-tax contribution accounts against the program loan), the loan will be considered outstanding, and will accrue interest, until it is repaid or offset using the participant's account balance. A participant will not be eligible to receive any subsequent loans if the participant has ever defaulted on a program loan.

(d) The Program may condition a new loan on a member's written disclosure of any prior defaulted loan, and the Program or its designee may rely on such member's certification concerning the status of prior loans, provided the Program or its designee has no reason to doubt the member's certification.

17. **Source of Loan Funds**. Any loan to a member will be considered a separate asset of the trust fund segregated for the benefit of such member. The loan proceeds will come from the fund or funds of the member in which the vested accumulated balance is invested on a pro-rata basis.

18. **Security.**

(a) The member must pledge his or her Program vested account balance as collateral for the loan. The Program will have a security interest in the accounts of the member provided, however, the security interest of the Program will not exceed fifty percent (50%) of the value of the member's accounts at the inception of the loan.

(b) No in-service withdrawals under the Program will be permitted to the extent any such withdrawal would cause the accounts of such member to be less than the security interest established at the time of the inception of the loan.

19. **Loan Application and Processing**. Loan application forms may be obtained from the Employer or its designee.

(a) Loan applications may be made by completing the required forms and submitting them to the Employer or its designee.

(b) All loans will be subject to approval by the Employer or its designee. The Employer, or its designee, will designate the individual or individuals authorized to approve program loans.

(c) If a loan application is approved, the Employer, or its designee, will forward the approved application materials to MERS. The loan check will be issued to the member as soon as possible after the application is submitted to MERS.

(d) If a loan application is denied, the Employer, or its designee, will notify the member in writing.

(e) Interest payments on the loans by members are not deductible for tax purposes.

(f) In the event a filing under the IRS Employee Programs Compliance Resolution System becomes necessary with respect to a loan, the filing will be managed by MERS; however, the Employer shall be responsible for paying all legal costs and IRS user fees associated with such filing.

These Loan Procedures shall be considered part of the Municipal Employees' Retirement System of Michigan 457 Program. MERS or its designee may amend these Loan Procedures from time to time.

Adopted this ______ day of _____________, 20 13 , to be effective __________, 20 13 .

City of Ypsilanti
(Employer name)

_______________________________ (Signature of authorized official)

_______________________________ (Title)

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: __________________, 20 13

_______________________________ (Authorized MERS signatory)

Request for Legislation

From: Stan Kirton, DPS Director Date: September 3, 2013

Subject: Traffic Signal Maintenance Agreement between MDOT and the City of Ypsilanti

Summary and Background:

The Michigan Department of Transportation has issued an agreement to be signed by the City of Ypsilanti to participate 50/50 in the cost of installation, maintenance and operation of traffic signals at the following locations:

M17 (Washtenaw) & Oakwood

M17 (Washtenaw) & Ballard

M17 (Washtenaw) & Mansfield

M17 (Washtenaw & Cross) & Summit

The annual energy cost of the above mentioned signals are estimated to be $3,888.00 of which the city will pay approximately $1,944.00.

Attachments: MDOT Cost Agreements for Traffic Control

Recommended Action: Approval

Date Received: ______________________________ Agenda Item No. __Resolution No. 2013-174_

City Manager Comments: ____

For Agenda of ____September 3, 2013________________

Finance Director Approval ____

Council Action Taken: ____

Resolution No. 2013-174
September 3, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti agrees to participate with the Michigan Department of Transportation for traffic signal installation, maintenance and operation costs at the intersections of:

M17 (Washtenaw) & Oakwood

M17 (Washtenaw) & Ballard

M17 (Washtenaw) & Mansfield

M17 (Washtenaw & Cross) & Summit

WHEREAS, the City of Ypsilanti agrees to participate in fifty percent (50%) of the actual cost of electrical energy and;

WHEREAS, the annual energy cost of the above mentioned signals are estimated to be $3,888.00 of which the City will pay approximately $1,944.00 and;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves entering into the MDOT Cost Agreement for Traffic Signal Control; and

FURTHER, that this agreement cancels and supersedes all previous cost agreements and is terminable on thirty days notice by any party; and

THAT the City Manager and City Clerk are authorized to sign the Cost Agreement and any change orders, subject to approval by the City Attorney, to enter into this agreement.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

I do hereby certify that the above resolution is a true and correct copy of Resolution No. 2013-174 as passed by the Ypsilanti City Council, and their meeting held on September 3, 2013.

____
Frances McMullan, City Clerk

MDOT
Michigan Department of Transportation

MICHIGAN DEPARTMENT OF TRANSPORTATION
COST AGREEMENT FOR TRAFFIC SIGNAL CONTROL

[X] Lansing [ ] Region
[ ] District [ ] TSC
[ ] County

This Agreement Cancels and Supercedes All Previous Cost Agreements AND is terminable on thirty days notice by any party.

LOCATION Modernization Traffic Signal
M17 (WASHTENAW) @ OAKWOOD
YPSILANTI Washtenaw County

Typed Date 06/20/2013
Work Auth No. 16858
MDOT Plan No. 81081-01-022
Installation Date

* Under authority of state law and by virtue of resolutions formally adopted by their respective governing bodies (and herein submitted), the undersigned hereby agree to participate in the cost of installation, maintenance and operation of the above traffic signal control on the basis of the division of costs as determined by the provision of applicable statutes. Details of installation are as shown on attached Michigan Department of Transportation plan dated 01/11/2013 . Title to equipment shall remain with the purchasing agency, and the proper credit of salvaged value shall be issued to all parties upon removal of the equipment, in proportion to their share of original cost.

PARTICIPATION

AGENCY	(BY CONTRACT)	INSTALLATION Per Cent	INSTALLATION Estimated Cost	MAINTENANCE Per Cent	MAINTENANCE Estimated Annual Cost
Dept of Transportation 81081		0 %		50 %	$576
YPSILANTI	City	0 %		50 %	$576
	Total	0 %		100 %	$1,152

It is further agreed that the agency responsible for handling bills and/or leased line interconnection billings shall be
MDOT

It is further agreed that the agency responsible for performing signal maintenance type D shall be
MDOT

APPROVED:	APPROVED:	For Michigan Department of Transportation use ONLY. APPROVED:
City of YPSILANTI Date ______ ______ (Title of Authorized Official)	Date ______ By ______ (Title of Authorized Official)	By ______ Engineer of Operations Date ______
APPROVED: Date ______ ______ (Title of Authorized Official)	APPROVED: Date ______ By ______ (Title of Authorized Official)	SIGNED: MICHIGAN DEPARTMENT OF TRANSPORTATION By ______ Deputy Director, Field Services Date ______

* Two copies of resolution must be submitted with this form.

(See Reverse Side for an Outline of Policy)

Q1549 (3/89)

MDOT
Michigan Department of Transportation

MICHIGAN DEPARTMENT OF TRANSPORTATION
COST AGREEMENT FOR TRAFFIC SIGNAL CONTROL

[X] Lansing [ ] Region
[ ] District [ ] TSC
[ ] County

This Agreement Cancels and Supercedes All Previous Cost Agreements AND is terminable on thirty days notice by any party.

LOCATION Modernization Traffic Signal
M17 (WASHTENAW) @ BALLARD
YPSILANTI Washtenaw County

Typed Date 07/31/2013
Work Auth No. 16878
MDOT Plan No. 81081-01-004
Installation Date

* Under authority of state law and by virtue of resolutions formally adopted by their respective governing bodies (and herein submitted), the undersigned hereby agree to participate in the cost of installation, maintenance and operation of the above traffic signal control on the basis of the division of costs as determined by the provision of applicable statutes. Details of installation are as shown on attached Michigan Department of Transportation plan dated 07/19/2013 . Title to equipment shall remain with the purchasing agency, and the proper credit of salvaged value shall be issued to all parties upon removal of the equipment, in proportion to their share of original cost.

# Indicates Non-Participation by FHWA in Overhead Costs

PARTICIPATION

AGENCY		INSTALLATION Per Cent	INSTALLATION Estimated Cost	MAINTENANCE Per Cent	MAINTENANCE Estimated Annual Cost
Dept of Transportation 81081					
YPSILANTI	City	0 % #	$0	50 %	$312
WASHTENAW CO. ROAD COMMISSION		0 % #	$0	50 %	$312
FHWA		0 % #	$0	%	
		100 %	$7,161	%	
	Total	100 %	$7,161	100 %	$624

It is further agreed that the agency responsible for handling bills and/or leased line interconnection billings shall be MDOT

It is further agreed that the agency responsible for performing signal maintenance type C shall be WASHTENAW CO. ROAD COMMISSION

		For Michigan Department of Transportation use ONLY.
APPROVED: City of YPSILANTI Date ______ ______ (Title of Authorized Official)	APPROVED: WASHTENAW CO. ROAD COMMISSION Date ______ By ______ (Title of Authorized Official)	APPROVED: By ______ Engineer of Operations Date ______
APPROVED: Date ______ ______ (Title of Authorized Official)	APPROVED: Date ______ By ______ (Title of Authorized Official)	SIGNED: MICHIGAN DEPARTMENT OF TRANSPORTATION By ______ Deputy Director, Field Services Date ______

* Two copies of resolution must be submitted with this form.

(See Reverse Side for an Outline of Policy)

Q1549 (3/89)

MDOT
Michigan Department of Transportation

MICHIGAN DEPARTMENT OF TRANSPORTATION
COST AGREEMENT FOR TRAFFIC SIGNAL CONTROL

[X] Lansing [ ] Region
[ ] District [ ] TSC
[ ] County

This Agreement Cancels and Supercedes All Previous Cost Agreements AND is terminable on thirty days notice by any party.

LOCATION Modernization Traffic Signal
M17 (WASHTENAW) @ MANSFIELD
YPSILANTI Washtenaw County

Typed Date 06/20/2013
Work Auth No. 16858
MDOT Plan No. 81081-01-018
Installation Date

* Under authority of state law and by virtue of resolutions formally adopted by their respective governing bodies (and herein submitted), the undersigned hereby agree to participate in the cost of installation, maintenance and operation of the above traffic signal control on the basis of the division of costs as determined by the provision of applicable statutes. Details of installation are as shown on attached Michigan Department of Transportation plan dated 01/11/2013 .
Title to equipment shall remain with the purchasing agency, and the proper credit of salvaged value shall be issued to all parties upon removal of the equipment, in proportion to their share of original cost.

PARTICIPATION

AGENCY	(BY CONTRACT)	INSTALLATION Per Cent	INSTALLATION Estimated Cost	MAINTENANCE Per Cent	MAINTENANCE Estimated Annual Cost
Dept of Transportation 81081		0 %		50 %	$528
YPSILANTI	City	0 %		50 %	$528
	Total	0 %		100 %	$1,056

It is further agreed that the agency responsible for handling bills and/or leased line interconnection billings shall be
MDOT

It is further agreed that the agency responsible for performing signal maintenance type D shall be
MDOT

		For Michigan Department of Transportation use ONLY.
APPROVED: City of YPSILANTI Date ______ ______ (Title of Authorized Official)	APPROVED: Date ______ By ______ (Title of Authorized Official)	APPROVED: By ______ Engineer of Operations Date ______
APPROVED: Date ______ ______ (Title of Authorized Official)	APPROVED: Date ______ By ______ (Title of Authorized Official)	SIGNED: MICHIGAN DEPARTMENT OF TRANSPORTATION By ______ Deputy Director, Field Services Date ______

* Two copies of resolution must be submitted with this form.

(See Reverse Side for an Outline of Policy)

Q1549 (3/89)

MDOT
Michigan Department of Transportation

MICHIGAN DEPARTMENT OF TRANSPORTATION
COST AGREEMENT FOR TRAFFIC SIGNAL CONTROL

[X] Lansing [ ] Region
[ ] District [ ] TSC
[ ] County

This Agreement Cancels and Supercedes All Previous Cost Agreements AND is terminable on thirty days notice by any party.

LOCATION Modernization Traffic Signal
M17 (WASHTENAW & CROSS) @ SUMMIT
YPSILANTI Washtenaw County

Typed Date 07/31/2013
Work Auth No. 16877
MDOT Plan No. 81081-01-002
Installation Date

* Under authority of state law and by virtue of resolutions formally adopted by their respective governing bodies (and herein submitted), the undersigned hereby agree to participate in the cost of installation, maintenance and operation of the above traffic signal control on the basis of the division of costs as determined by the provision of applicable statutes. Details of installation are as shown on attached Michigan Department of Transportation plan dated 07/17/2013 .
Title to equipment shall remain with the purchasing agency, and the proper credit of salvaged value shall be issued to all parties upon removal of the equipment, in proportion to their share of original cost.

# Indicates Non-Participation by FHWA in Overhead Costs

PARTICIPATION

AGENCY		INSTALLATION Per Cent	INSTALLATION Estimated Cost	MAINTENANCE Per Cent	MAINTENANCE Estimated Annual Cost
Dept of Transportation 81081		0 % #	$0	50 %	$528
YPSILANTI	City	0 % #	$0	50 %	$528
WASHTENAW CO. ROAD COMMISSION		0 % #	$0	%	
FHWA		100 %	$7,161	%	
	Total	100 %	$7,161	100 %	$1,056

It is further agreed that the agency responsible for handling bills and/or leased line interconnection billings shall be
MDOT

It is further agreed that the agency responsible for performing signal maintenance type C shall be
WASHTENAW CO. ROAD COMMISSION

APPROVED:	APPROVED:	For Michigan Department of Transportation use ONLY. APPROVED:
City of YPSILANTI Date ______ ______ (Title of Authorized Official)	WASHTENAW CO. ROAD COMMISSION Date ______ By ______ (Title of Authorized Official)	By ______ Engineer of Operations Date ______
APPROVED: Date ______ ______ (Title of Authorized Official)	APPROVED: Date ______ By ______ (Title of Authorized Official)	SIGNED: MICHIGAN DEPARTMENT OF TRANSPORTATION By ______ Deputy Director, Field Services Date ______

* Two copies of resolution must be submitted with this form.

(See Reverse Side for an Outline of Policy)

Q1549 (3/89)

TO: Mayor and City Council

FROM: Virginia Shannon, Environment Michigan

DATE: April 2, 2013

SUBJECT: Resolution for Ypsilanti 1,000 Solar Roofs Initiative

To make Ypsilanti a “solar destination”-- and hasten the day when solar powers our buildings and our economy -- Ypsilanti must set a bold solar goal of 1,000 solar roofs by 2020 and encourage solar on thousands more homes, businesses and public buildings.

In order to achieve a goal of 1,000 solar roofs by 2020, the key policies areas identified below should be put in place to increase municipal solar installations, establish successful partnerships that support solar and give Ypsilanti residents and businesses the tools they need to go solar.

- Lead-by example by continuing to identify sites and seek grants for projects on city buildings along with welcoming solar projects on historic buildings;
- Streamline information on financing options and promote financing programs such as PACE to help residents, businesses and industries go solar;
- Partner with nonprofits, solar companies, and Eastern Michigan University to build public awareness of solar potential in Ypsilanti and a literacy of technology and financing options; and
- Support local, state and federal policies that promote the use of solar energy.

With a bold goal of 1,000 by 2020 in place, Ypsilanti can become a solar destination, attracting attention as a national leader and building a solar economy to repower its city and homes.

Approval of this resolution to set a bold solar goal will demonstrate the City’s commitment to becoming a destination to study, live and work in and moving to more sustainable energy future.

Resolution No. 2013-175
September 3, 2013

RESOLUTION FOR 1,000 SOLAR ROOFS INITIATIVE

WHEREAS, the State of Michigan emits more 81 tons of carbon pollution annually to produce electricity; and

WHEREAS, solar power is a clean source of energy with which Michigan can power its homes, businesses and cars to achieve better air quality and reduce carbon pollution; and

WHEREAS, the State of Michigan has vast solar potential with more sunlight than Germany, the world's leader solar power; and

WHEREAS, the solar industry provides more than 6,000 jobs to Michiganders, and that Michigan is ranked in the top five states for solar manufacturing; and

WHEREAS, if Michigan were to generate 1 GW of electricity from distributed generation solar, an additional 100,000 solar rooftops would be installed; and

WHEREAS, the City of Ypsilanti has demonstrated its national leadership in pursuit of solar power and is well positioned to benefit from a growing clean energy economy to bring jobs and investments to the City; and

WHEREAS, the City of Ypsilanti recognizes the above assets of solar power and desires to further its commitment to this important clean energy solution; and

THEREFORE, BE IT RESOLVED that the City of Ypsilanti officially sets its own goal of the City of Ypsilanti and its residents generate 5 MW of electricity from distributed solar, to reach 1,000 solar roofs by 2020; and

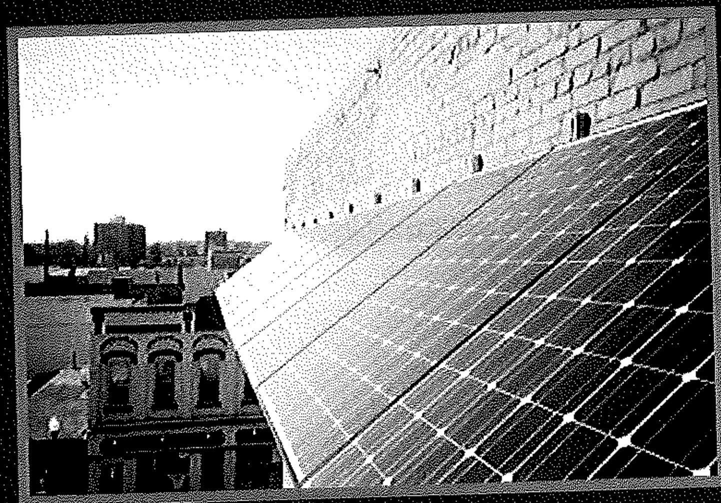
BE IT FURTHER RESOLVED that the City of Ypsilanti hereby acknowledges the policy recommendations from the Environment Michigan Research & Policy Center report as to how the City of Ypsilanti and its residents can meet a goal of 1,000 solar roofs by 2020; and

BE IT FURTHER RESOLVED that the City of Ypsilanti calls on the State of Michigan to follow Ypsilanti's lead in making Michigan a leader in solar power and to set the goal of having 100,000 solar roofs by 2020.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:



Building a Solar Destination

How Ypsilanti can harness the sun to power its future

ENVIRONMENT MICHIGAN
RESEARCH & POLICY CENTER

Building a "Solar Destination"

How Ypsilanti can harness the sun to power its future

ENVIRONMENT MICHIGAN
RESEARCH & POLICY CENTER

Written By
Virginia Shannon
Environment Michigan Research & Policy Center

April 2013

Acknowledgments

The authors wish to thank Dave Strenski of SolarYpsi, David Konkle of Great Lakes Renewable Energy Associate and Rob Sargent of the Environment America Research & Policy Center for their insightful comments on drafts of this report.

Environment Michigan Research & Policy Center is a 501(c)(3) organization. We are dedicated to protecting our air, water and open spaces. We investigate problems, craft solutions, educate the public and decision-makers, and help the public make their voices heard in local, state and national debates over the quality of our environment and our lives. For more information about Environment Michigan Research & Policy Center, or for additional copies of this report, please visit www.environmentmichigancenter.org.

Table of Contents

Executive Summary

Ypsilanti has an opportunity to embrace a vision for a cleaner, healthier future by laying the foundations for a homegrown solar energy economy.

- Michigan gets nearly 60 percent of its electricity from coal—all of it imported from out of state. Not only does coal cost billions to import and removes money from the local economy, it also contaminates our air and water and spews tons of global warming-causing carbon pollution into the atmosphere.

- Solar energy is a powerful solution to these environmental and economic challenges, and Michigan has great solar potential. **The Great Lakes state gets more sunlight than Germany – the world's leader in solar power.**

- The solar industry is rapidly maturing. Technological improvements alongside innovative business and financing models have driven costs to all time lows, but multiple barriers remain to full-scale implementation.

- Solar investment keeps energy jobs in the city – allowing residents to invest in their own infrastructure and stop exporting their energy dollars outside of the city.

Ypsilanti can become a "Solar Destination." By collaborating with local businesses, institutions, and community groups, city leaders can foster a solar future that begins to replace the outdated energy sources of the past, while reducing pollution and building a thriving economy.

- Building off of the foundation SolarYpsi has created, solar power can become a central piece of Ypsilanti's identity, as well as its economy.

- Ypsilanti can keep skilled workers in the local economy by growing investments in solar. Eastern Michigan University prepares students for clean energy jobs and can help shape Ypsilanti into a "Solar Destination" – a place where students come to learn about solar energy and stay to work.

- Putting solar on more roofs in Ypsilanti brings direct investment to the community and City by increasing home values and generating permit revenues.

To move toward a solar future, Ypsilanti should **adopt a bold and achievable goal of installing 1,000 solar roofs by 2020.**

- The city of Ypsilanti should lead by example in solar energy by increasing municipal projects and linking new and existing projects to education and outreach efforts.

- Ypsilanti has great solar potential, but that potential will not be realized unless financial barriers to solar installations for commercial and residential customers are overcome. Public-private partnerships and community projects can pave the way for easy access to solar financing.

- City officials, solar businesses, educational institutions, and community organizations should collaborate to promote public understanding and solar literacy through aggressive citizen outreach and education initiatives.

- Recognizing that more can be done with better solar incentives and policies in place, Ypsilanti should commit to supporting local, state and federal policies that promote the use of solar energy.

Introduction

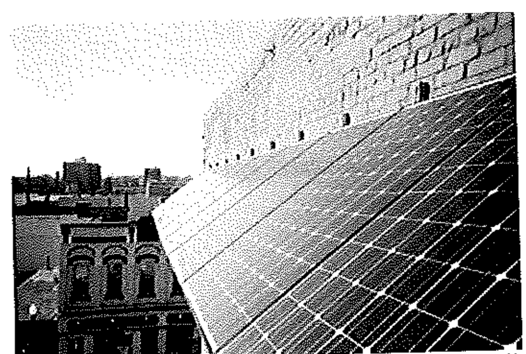
What could a Solar Ypsilanti look like?

Imagine this: the year is 2030. To get to work, you unplug your car from the electric outlet connected to the photovoltaic panels on your roof. On the commute, you pass by a local solar panel manufacturing plant and see workers arriving to start their day. Heading down Michigan Avenue or through Depot Town, you glance up to see solar shingles harnessing the power of the sun from the rooftops and awnings of homes and local businesses. You drop your kids off at an Ypsilanti Community School, which gets half of its power from a demonstration array. In your child's science class, they just finished a unit learning about the solar system and studying how sunlight creates electricity.

Solar power attracts visitors, students, homeowners and businesses to Ypsilanti. Community-members feel a sense of pride and identity as a "Solar Destination".

This vision is not as far from reality as you might think. In fact, the technology exists today to make this solar future a reality – and Ypsilanti is ready. Ranking only behind Detroit and Ann Arbor, Ypsilanti has one of the highest concentrations of solar projects in DTE's service area[1]. SolarYpsi has laid the groundwork by helping local businesses, government and schools win more than $100,000 in grants and donations to put solar panels on the Ypsilanti Food Co-Op, Corner Brewery, and Adams School, and residencies. SolarYpsi has already installed 13 major solar projects in Ypsilanti[2].

Along with the success of SolarYpsi, city leaders have been serious and proactive in pursuing a green and sustainable vision. Look no further than the solar panels on City Hall for evidence. Installed in 2008 and expanded in 2010, the 12 solar panels produce 2.5 kilowatts of electricity and serve as an example of saving taxpayer money while creating pollution-free energy[3]. The Ypsilanti Historic District approved the City Hall project and created forward-thinking guidelines for how to incorporate solar projects on historic buildings. City Council has already demonstrated its ability to embrace the benefits of solar by attracting a proposed $4 million solar project by DTE[4].



12 panel solar installation on Ypsilanti City Hall.
Source: SolarYpsi.org

To make Ypsilanti a "Solar Destination"-and hasten the day when solar powers our buildings and our economy, Ypsilanti must set a bold solar goal and encourage programs that will put solar on thousands more homes, businesses and public buildings.

Solar Energy's Vast Potential

We could meet all of the Michigan's energy needs by capturing a small fraction of the heat and power of the sun that shines on our state. With solar providing less than one percent of our energy, we've barely scratched the surface on solar energy's vast potential to power our homes, our businesses, and even our cars.

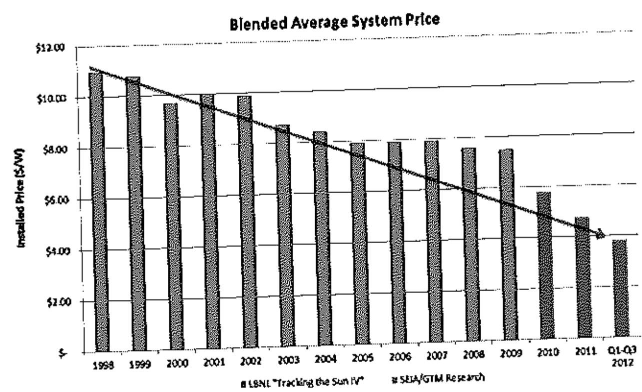
Solar is 21st Century Energy

Solar energy is safe, clean, proven and available everywhere. The sun is a ubiquitous and tremendously flexible source of energy. Solar energy can be converted directly into electricity, stored as heat for later conversion, or used in the forms—light and heat—in which it arrives. It can be captured centrally and then distributed to users, or collected right where it will be used.

Solar is taking off across the country – on the roofs of our homes and businesses, our neighborhood schools and government buildings. Solar panels are even powering some of the nation's growing fleet of electric cars. Solar installations have grown nearly ten-fold since 2004 and they doubled last year compared to 2010. Most of that progress is due to policies adopted by thoughtful policy makers at the local and state level. A few years ago, the goal of getting at least 10% of our nation's energy from the sun by 2030 seemed improbable to many people. Now, with the commitment to maintain momentum that goal could be within reach.

Michigan has great potential for solar energy. According to the National Renewable Energy Laboratory, Michigan's solar resource potential is estimated at 3,500-gigawatts[5]. The Great Lakes State gets more sunlight than Germany — the world's leader in solar power[6]. We are starting to take advantage of this bountiful and tremendously flexible source of power. From 2010 to 2011 in Michigan, solar installations increased more than three fold.[7]

The case for "going solar" has never been stronger. Solar continues to get cheaper, with the cost of solar panels dropping by 75% since 2008 and with the federal tax credit knocking down the total project price by 30%. DTE has also reopened the SolarCurrents program, which awards a rebate of $0.20 per installed watt of solar and an ongoing incentive of $0.03 per kilowatt-hour generated for about 15 years[8]. Combined, this makes the return on investment about 8 to 10 years for a solar installation that will last at least 30 years.



Average cost of a solar system in the US from 1998 - Q3 2012. *Source: Solar Electric Industry Association*

Setting the Stage: Michigan Solar Policy

There are a handful of policies in place to encourage investment and development of solar power across the state. From guaranteeing interconnection for solar projects to promoting solar within the renewable portfolio standard, state policies are helping move Michigan forward and make it easier for local solar capacity to increase. The chief components of Michigan's solar regulatory environment are as follows.[9]

Michigan Incentive Renewable Energy Credits

Michigan incentive renewable energy credits provide one of the main state incentives for solar power installations. In 2008, Michigan passed PA 295 – also known as Michigan's Clean, Renewable, and Efficient Energy Act – requiring Michigan's utilities to provide at least 10 percent of their electricity from renewable sources by 2015. To meet their annual benchmarks for this renewable portfolio standard (RPS), utilities earn a single renewable energy credit (REC) for each megawatt-hour (MWh) of electricity to represent their generated renewable energy. Under PA 295, solar power receives two RECs for each MWh as a bonus credit, termed Michigan incentive renewable energy credits.

Property Assessed Clean Energy

Property Assessed Clean Energy (PACE) is a financing tool that allows property owners to borrow money to pay for energy improvements via a special assessment on the property itself paid over several years. PACE financing effectively acts like a second mortgage tied to the property itself instead of the owner. In 2010, Michigan passed legislation that allows municipalities to create PACE programs to ease the up-front cost of solar and provide loan financing for commercial and industrial property owners. Ingham County and the city of Ann Arbor are among the municipalities offering PACE to businesses.

Tax Exemptions & Low-interest Loans

Michigan's state government offers a tax exemption and low-interest loan options for clean energy investments. In 2002, a property tax exemption was created to encourage manufacturing and research on renewable energy and is given for technologies or systems produced in Michigan. In addition, the state has the Revolving Loan Fund (RLF) to give low-interest loans for renewable energy including projects at public entities, clean energy manufacturing, and passive solar systems.

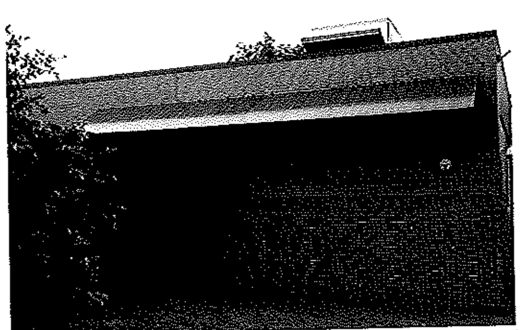
Interconnection Rules & Regulations

Michigan has also enacted rules and regulations to protect the rights of solar energy system owners. Interconnection standards allow solar power users to connect their systems into existing infrastructure while net metering ensures that solar system owners are compensated for the excess energy they return to the grid.

Ypsilanti: A "Solar Destination"

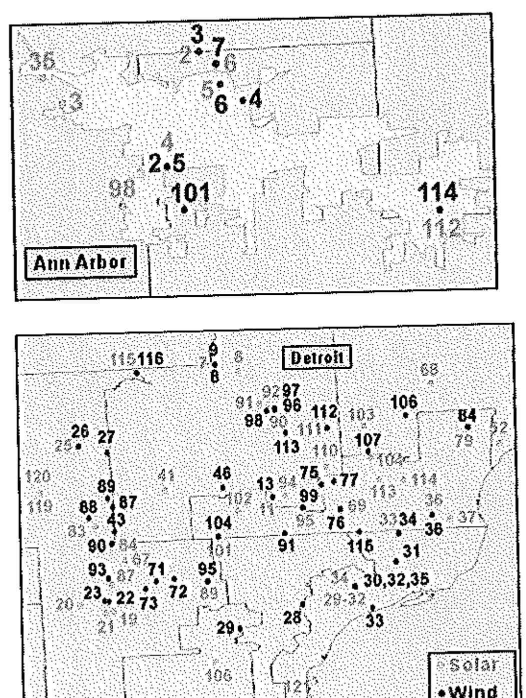
It has long been the vision of Dave Strenski, founder of SolarYpsi, to turn Ypsilanti into a "Solar Destination" and the place to come to learn about solar and see a community run on solar. Due in large part to Strenski's determination, solar panels have sprung up all over town and the city has gained attention for the number of projects in the small city of 20,000 residents.

Through public outreach, SolarYpsi has built local support for solar and fostered a vision for solar in Ypsilanti that previously was non-existent. SolarYpsi has reached more than 3,000 people in face-to-face presentations about solar power, and well over a quarter of a million viewers from around the world with the video that Google made about SolarYpsi. The SolarYpsi website even had 1,000 online visitors in one day after the video was launched. By putting solar up in prominent locations such Adams School and Riverside Bakery, solar panels have become a point of pride for many community members.



SolarYpsi installed 10 solar panels on Adams STEM Academy in 2011. Source: SolarYpsi.org

Building off of the foundation SolarYpsi has created, solar power can become a central piece of Ypsilanti's identity, as well as its economy. Michigan ranks 12th in the country for the size of its clean energy economy, employing an estimated 76,941 workers in jobs that, on average, pay higher than the statewide median wage.[10] Focusing on solar, Michigan is in the top five states for solar manufacturing, ranking with Ohio, Pennsylvania, California, and Texas[11]. More than 120 companies provide good paying jobs to Michiganders manufacturing solar products.[12] One of these companies is Applied Energy Technology in Clinton Township, Michigan that produces racking systems for solar panels. The company was founded in 2009 by two former autoworkers and has grown to nearly 50 workers in only three years, many of who were laid off from the auto industry during the recession.[13] As solar manufacturing expands, skilled workers from the auto industry and closed plants such as Willow Run stand to benefit.

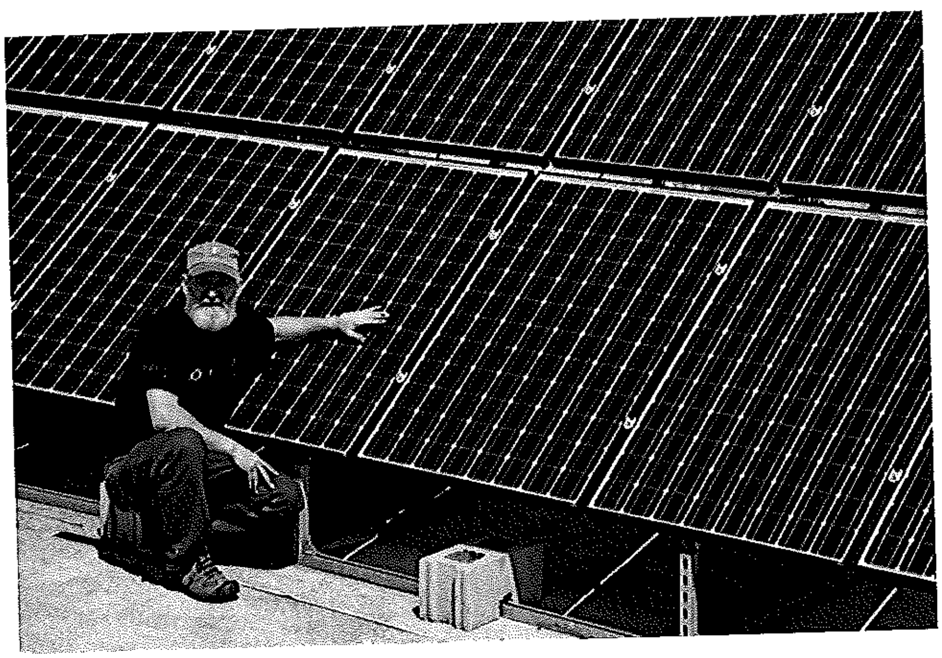


Solar and wind industry supply chain companies in Detroit and Ann Arbor. Source: Environmental Law and Policy Center[14]

Solar energy also requires trained solar energy installers. These jobs cannot be outsourced – they require electrical work on-site – and are mainly provided by small firms[15]. Eastern Michigan University (EMU) offers classes in electronic engineering, sustainable development and Leadership in Energy and Environmental Design construction that give students the skills needed to join the clean energy workforce.[16] Ypsilanti can keep these skilled workers in the local economy by growing investments in solar. Investing in an educational solar installation on campus could further this preparedness and help shape Ypsilanti into a "Solar Destination" – a place where students come to learn about solar energy and stay to work.

When many homeowners and institutions in a community "go solar," the benefits are often magnified. For example, as a vigorous market for solar energy develops in a community, the demand for trained solar energy installers increases and the amount of experience gained by those installers grows. Installation costs can represent a large share of the total cost of a solar energy system and reducing those costs is a key step in making solar energy cost competitive. Research suggests that, as solar installers gain experience and "learn by doing," the cost of installations decline.[17] Moreover, this effect is local, meaning that the development of a vigorous solar market in a community or state can help bring costs down, creating a virtuous circle that makes solar energy accessible to a greater number of homeowners and businesses.

While creating jobs and boosting the economy, putting solar on more roofs in Ypsilanti also brings investment to the community and City. Home values increase with solar panels due to the utility savings and the environmentally friendly appeal[18]. Currently, Ypsilanti has home values more than $40,000 below the national median value. Solar power also directly increases the Ypsilanti's revenue stream because the resident or building owner is required to buy a permit from the city[19].



Dave Strenski, founder of SolarYpsi, with one of the SolarYpsi solar installations.
Source: SolarYpsi.org

Identifying Key Policy Areas

Ypsilanti can become a "Solar Destination" and reap the benefits of solar by setting a strong goal of 1,000 solar roofs by 2020.

To meet a goal of 1,000 solar roofs by 2020, the city should work with citizens, community organizations, businesses, and utilities to facilitate access to solar and the deployment of more solar across town. By leading by example, getting the finances right and building local literacy about solar, Ypsilanti can realize its full potential.

Leading By Example

Ypsilanti can lead by example in a number of ways – by having visionary political leadership, identifying optimal installation locations, increasing visible public demonstration and educational installations, and developing partnerships to pursue solar energy projects. Ypsilanti can couple a bold goal with partnerships to attract projects and get more community groups involved with local solar. Continuing to integrate solar energy technologies into municipal facilities and properties, as well as pursue opportunities on local industrial sites, will be one key pathway to realizing a solar goal.

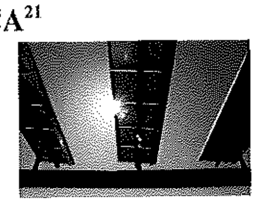
Best Practice in Action: Setting Bold Goals and Building Partnerships in Ann Arbor, Michigan[20]

When Ann Arbor was named a Solar America City by the U.S. Department of Energy in 2007, it had a visible public installation at the Leslie Science Center, a total of 86 kilowatts of PV (photovoltaic panels) and 19 solar water heater installations, and a specific solar goal endorsed by the mayor to install 5,000 solar energy systems and obtain 20 percent of the city's energy from renewable sources by 2015.

To achieve this vision under the Solar America Cities partnership, the city developed and accepted a formal Solar Plan; installed multiple systems in public locations with performance monitoring, including a 10 kW PV system at the Farmer's Market; created a solar map to help consumers determine site feasibility; used city projects to train local installers; and built partnerships with local civic institutions to overcome barriers to solar. The partnerships that emerged from the Solar America Cities project in Ann Arbor are helping to carry the city forward towards its renewable energy goals. In particular, the University of Michigan was an invaluable resource to the city.

Ypsilanti has more solar installed now than when Ann Arbor set a bold solar goal. Many of the organizations collaborating in Ann Arbor are available to Ypsilanti including the State of Michigan Bureau of Energy Systems, Clean Energy Coalition, and Great Lakes Renewable Energy Association. Further resources are also available in Ypsilanti like SolarYpsi and Lean and Green Michigan.

Best Practice in Action: Leading the Way in Municipal Installations in Alameda County, CA[21]



Alameda County in northern California has been leading the way in municipal installations since the early 2000s. County residents and leaders decided early that generating renewable energy from solar would meet its goals of reducing green house gas emissions and saving taxpayer dollars. To date, Alameda has installed 3.5 megawatts of capacity on municipal buildings – for a total of over 19,000 panels – making it the largest solar energy producing county government in the country. Its Santa Rita Jail installation, completed in 2002, alone covers 3 acres and has 1.18 MW capacity.[22] With its 11 large-scale solar installations, Alameda will prevent over 38,600 tons of carbon emissions over the next 30 years, generate enough daily electricity to power over 3,000 homes, and save county taxpayers $700,000 a year on county electric bills. Alameda has won numerous awards and accolades for being a pioneer in solar power and serves as a model for what community leadership can achieve in building local renewable energy economies.

State Policy Highlight – Virtual Net-Metering

This publication is focused on actions that the city of Ypsilanti can take to grow the local solar economy. But of course, state and federal policies play a major role in improving or impeding a community's ability to take advantage of solar opportunities. One example is 'virtual' net-metering. Traditional net-metering allows utility customers to generate on-site electricity and sell excess production back to the grid in the form of net-metering credits. Because sunlight intensity varies throughout the day, net-metering allows power producers to still benefit from times where their energy production exceeds their use. In Michigan, net-metering credits are required to be used at the same site where they are produced – making some high-capacity but low-energy use sites undesirable for solar installations and vice versa. Virtual net-metering decouples the site where net-metering credits are produced from where they are used. For example, the city of Ypsilanti could install a solar array on an undeveloped landfill site and apply the accrued net-metering credits for a municipal building located elsewhere. A virtual net-metering policy in Michigan would allow the city of Ypsilanti to take advantage of additional sites for solar installations.

Getting the Finances Right

One of the primary barriers to increasing the volume of solar installations in Ypsilanti is the upfront cost. While the economics of solar systems are sound – systems pay themselves back over time through energy savings and participation in net-metering and other financial incentives – the high initial investment is often prohibitive. While the cost of solar has dropped significantly in recent years and prices are expected to decline even more in the future, the city of Ypsilanti can act now by collaborating with nonprofits, DTE, and solar companies to enable greater access to new financing options for solar projects.

Creative financing programs can help shrink the "soft costs" of solar projects – costs not associated with physical components, e.g. installation, planning, permitting, etc., – and there are many options that cities can offer their residents and local businesses. Another major cost barrier is customer knowledge of technologies and incentives. By developing programs linking the public to solar installers, the city and solar advocates can make sure that customers are maximizing their investment and reducing payback periods. Third-party financing tools like solar leases and power purchase agreements prove useful in expanding options for smaller residential and commercial projects.

Some financing tools are ready for use and proven to work for Ypsilanti. The Property Assessed Clean Energy (PACE) initiative that Lean & Green Michigan runs for cities in Michigan is a prime example of city-specific financing for solar. Lean & Green Michigan currently hosts a PACE program for Ingham County and the city of Southfield. The PACE program offered by Lean & Green is a public-private partnership that covers the upfront cost of solar projects for businesses with a low-interest loan that is paid back over seven to 20 years.

Best Practice in Action: Arranging Third-Party Financing in Phoenix, Arizona – Solar Phoenix 2[23]

Solar Phoenix 2 is an ongoing partnership between the City of Phoenix, solar leasing company Paramount Solar, utilities Arizona Public Service (APS) and Salt River Project (SRP), and the National Bank of Arizona. Participating residents can install a solar energy system with zero up-front costs locking in current market electricity rates, immediately saving participants between 10 and 20 percent on their energy bills. Funding for installations is provided by the National Bank of Arizona, which invested $25 million in the program. The city of Phoenix acts as facilitator between the bank, solar leasing company and homeowners, operating an easy-to-use website and toll free number for the program, arranging site inspections and assessments and then signing up qualifying applicants. Solar Phoenix 2 works because it is a simple, one-stop-shop program that overcomes financial barriers and actively reaches out to the public. The partnership is planning to enable 1000 new installations before the end of this year.

Building a Solar Community

The public is eager to embrace solar power, and believes that government can and should do more to promote a transition to clean renewable energy sources. Polling data collected by Greenberg Quinlan Rosener Research shows that 73 percent of Michigan voters support increasing renewable energy in Michigan like solar.[24] This support is shared across demographic, partisan, and regional lines – 78% of Democrats, 76% of independents and 65% of Republicans agree. Not only do voters support expanding renewable energy like solar, they also overwhelming believe that renewable energy will create jobs and grow the economy, by a 60 to 24 percent margin.

Given this broad support, education and outreach efforts can help overcome hurdles for going solar. The public wants to go solar but individuals and businesses are often unsure about the financial practicality of going solar themselves and where to get started. Solar technologies are clean, proven and reliable, but financing mechanisms and available incentives can be difficult to navigate. Consolidating information and distributing it effectively to a broader swathe of the Ypsilanti community will help bridge the knowledge gap and deploy more solar without much cost to the city. Educated and informed citizens who understand the benefits, financing options, and installation procedures are empowered to make the decision to go solar.

Best Practice in Action: Community Engagement in Portland, Oregon – Solarize Portland[25]

Portland, OR, ran a Solarize Portland campaign from 2009 through 2011, which revolutionized the local solar market by overcoming financial and logistical barriers to solar power by allowing homeowners to buy into neighborhood collective purchase programs. Solarize began as a grassroots effort that evolved into a partnership between the City of Portland Bureau of Planning and Sustainability, Solar Oregon and Energy Trust of Oregon. Solarize succeeded because it engaged residents eager for more solar power and simplified the process – empowering citizens to make the decision to go solar for themselves. Portland adopted a six-step process. First, a grassroots campaign advertized the program and generated local buzz and media attention. Second, a series of workshops and Q&A sessions were offered throughout the community to address concerns and educate the public. Third, a simple online enrollment process connected interested homeowners to program managers. Fourth, solar installation professionals conducted site assessments. Fifth, qualifying customers were invited to make a decision whether to participate or not after hearing the solar company's offer. Sixth, contractors installed the system. As a result of Solarize Portland, the price of solar energy systems went down over 30 percent – through businesses learning by doing, ramping up scale, more easily finding customers and achieving efficiencies – and over 50 permanent jobs were created for assessors, project managers, engineers, electricians, and roofers. Over three years of campaigns, Portland added over 1.7 MW of distributed PV and established a strong local economy for solar installation. Solar Portland linked residents to solar providers in an easy to use and understand fashion. By partnering with grassroots efforts and acting as mediator and educator, the city of Portland was able to empower its citizens to go solar.

Policy Recommendations

To make Ypsilanti a "Solar Destination" -- and hasten the day when solar powers our buildings and our economy -- Ypsilanti should set a bold solar goal of 1,000 solar roofs by 2020 and encourage solar on thousands more homes, businesses and public buildings.

In order to achieve a goal of 1,000 solar roofs by 2020, the key policies areas identified below should be put in place to increase municipal solar installations, establish successful partnerships that support solar and give Ypsilanti residents and businesses the tools they need to go solar.

Ypsilanti has made great strides in leading by example with a city hall installation but it can do more. In particular:

- Identify priority sites for municipal projects or large-scale arrays that are visible to the public such as city buildings, landmarks, bus stops, fire stations, etc. and seek funding to realize them.
- Set up a solar fund to accept funding for city solar projects from individuals and partners.
- Facilitate more solar installations by setting up matching programs where the city leverages its solar commitments to encourage city institutions like Eastern Michigan University to go solar.
- Use city solar installations as training opportunities for local installers or Eastern Michigan University students.

The city can streamline information for residents and businesses on financing options and establish financing programs by taking basic steps to:

- Simplify explanations of financing tools by creating an informational website "one-stop-shop" solar webpage for the city website with readily accessible local case studies, lists of common obstacles and solutions and FAQs about solar.
- Establish a PACE program for Ypsilanti.
- Partner with local solar companies and financial institutions to provide power purchase agreements, leasing options, or community solar projects.

To build public awareness of solar and literacy of technology and financing options, the city of Ypsilanti can partner with nonprofits, universities, utilities and solar companies to:

- Develop a solar map that can be accessed online to determine potential for rooftops throughout the city. A similar tool has been designed by Ann Arbor to display solar potential under the city's property information search.
- Provide a step-by-step guide to going solar on the solar webpage, listing each step in the process and where to find information. This gives the resident a clear starting point to what can appear to be a complicated process.
- Promote and hold public workshops in Ypsilanti about state and local solar financing options for interested residents, businesses, and solar professionals.

The city of Ypsilanti can show their commitment to this important clean energy solution by supporting local, state and federal policies that promote the use of solar energy, including:

- Incentives, such as grants, tax credits and feed-in tariffs that help to compensate homeowners and business owners for the benefits their investments in solar energy deliver to society and build the economies of scale needed to lower the price of solar energy.
- Solar carve-outs, which require that a share of the RES be met with solar energy, can ensure a diversified mix of renewable resources and encourage the development of distributed renewable resources.
- New financing tools to help individuals and businesses absorb the large upfront costs of solar installations and begin reaping benefits immediately

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TO: Mayor and City Council

FROM: Virginia Shannon, Environment Michigan

DATE: April 2, 2013

SUBJECT: Resolution for Ypsilanti 1,000 Solar Roofs Initiative

To make Ypsilanti a "solar destination"-- and hasten the day when solar powers our buildings and our economy -- Ypsilanti must set a bold solar goal of 1,000 solar roofs by 2020 and encourage solar on thousands more homes, businesses and public buildings.

In order to achieve a goal of 1,000 solar roofs by 2020, the key policies areas identified below should be put in place to increase municipal solar installations, establish successful partnerships that support solar and give Ypsilanti residents and businesses the tools they need to go solar.

- Lead-by example by continuing to identify sites and seek grants for projects on city buildings along with welcoming solar projects on historic buildings;
- Streamline information on financing options and promote financing programs such as PACE to help residents, businesses and industries go solar;
- Partner with nonprofits, solar companies, and Eastern Michigan University to build public awareness of solar potential in Ypsilanti and a literacy of technology and financing options; and
- Support local, state and federal policies that promote the use of solar energy.

With a bold goal of 1,000 by 2020 in place, Ypsilanti can become a solar destination, attracting attention as a national leader and building a solar economy to repower its city and homes.

Approval of this resolution to set a bold solar goal will demonstrate the City's commitment to becoming a destination to study, live and work in and moving to more sustainable energy future.

RESOLUTION FOR 1,000 SOLAR ROOFS INITIATIVE

WHEREAS, the State of Michigan emits more 81 tons of carbon pollution annually to produce electricity; and

WHEREAS, solar power is a clean source of energy with which Michigan can power its homes, businesses and cars to achieve better air quality and reduce carbon pollution; and

WHEREAS, the State of Michigan has vast solar potential with more sunlight than Germany, the world's leader solar power; and

WHEREAS, the solar industry provides more than 6,000 jobs to Michiganders, and that Michigan is ranked in the top five states for solar manufacturing; and

WHEREAS, if Michigan were to generate 1 GW of electricity from distributed generation solar, an additional 100,000 solar rooftops would be installed; and

WHEREAS, the City of Ypsilanti has demonstrated its national leadership in pursuit of solar power and is well positioned to benefit from a growing clean energy economy to bring jobs and investments to the City; and

WHEREAS, the City of Ypsilanti recognizes the above assets of solar power and desires to further its commitment to this important clean energy solution; and

THEREFORE, BE IT RESOLVED that the City of Ypsilanti officially sets its own goal of the City of Ypsilanti and its residents generate 5 MW of electricity from distributed solar, to reach 1,000 solar roofs by 2020; and

BE IT FURTHER RESOLVED that the City of Ypsilanti hereby acknowledges the policy recommendations from the Environment Michigan Research & Policy Center report as to how the City of Ypsilanti and its residents can meet a goal of 1,000 solar roofs by 2020; and

BE IT FURTHER RESOLVED that the City of Ypsilanti calls on the State of Michigan to follow Ypsilanti's lead in making Michigan a leader in solar power and to set the goal of having 100,000 solar roofs by 2020.

Friends of the Ypsilanti Freighthouse,

August 20, 2013

Dear Teresa,

As per the previous Management Agreement with the Friends of the Freighthouse, the current board is interested in a renewal of the agreement for another five years.

At the July 10, 2013 Board of Trustees meeting, the Board Members of the Friends of the Ypsilanti Freighthouse unanimously agreed that it is our desire to enter into a new Management Agreement with the City of Ypsilanti.

We would like to request a six month extension from the City of Ypsilanti to enter into that agreement. We will use this time to update our business plan; the business plan that we previously had in place will be reviewed to bring it up to date to current costs and revenues based on current economics, along with a time line in which we intend to raise funds and work toward opening of the Freighthouse.

Sincerely,

Corinne Sikorski

Chair of the Friends of the Ypsilanti Freighthouse

REQUEST FOR LEGISLATION
September 3, 2013

From: Ralph Lange, City Manager

Subject: Request for Freighthouse Management Agreement Extension

Background

In September 2008, City Council entered into a Management Agreement with the Friends of the Ypsilanti Freighthouse (FOYF). The Management Agreement establishes that the City of Ypsilanti will continue to own the Freighthouse, but that the FOYF will manage the site and facilitate its redevelopment. Under the terms of the Management Agreement, the FOYF created a business plan and began fundraising toward full site rehabilitation. Although significant work has been completed and the building has been stabilized, progress toward reopening the site has stalled in recent years.

Currently under new leadership, the Friends of the Ypsilanti Freighthouse are newly committed to bringing the Freighthouse up to code and opening it to the public for community events and rentals. The existing Management Agreement between the City and the FOYF expires on September 8, 2013. The Board of Trustees of the FOYF is seeking a six month extension of that agreement, during which time they have resolved to update their business plan and develop a timeline for fundraising to cover the remaining rehabilitation costs. Pending completion of these goals by March 2014, the City and the FOYF may then choose to renew the Management Agreement for an additional five years.

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- Ypsilanti Freighthouse Project Management Agreement
- Letter Requesting Management Agreement Extension from FOYF

CITY MANAGER APPROVAL: ________________________________ COUNCIL AGENDA DATE: _________

CITY MANAGER COMMENTS: ____

FISCAL SERVICES DIRECTOR APPROVAL: ____

YPSILANTI FREIGHTHOUSE PROJECT

MANAGEMENT AGREEMENT

1. PREFACE

The Ypsilanti Freighthouse Restoration and Renovation Project is vital to the economic redevelopment efforts of the City of Ypsilanti and Depot Town.

The Friends of the Ypsilanti Freighthouse (FOYF) originally formed as a grassroots organization of committed volunteers, was reorganized since May of 2004 into a Federal Tax-Exempt 501(c) (3) Organization. The FOYF has a Board of Trustees with two goals: (1) To secure funding for the total restoration and operational renovation of the Freighthouse structure and surrounding site; and (2) To develop a long-term operational business management plan, which provides for the reopening and continuing self-sustaining operation and maintenance of the Freighthouse.

The reconfiguration of the FOYF, its proven ability to attract interested parties and advisors; its recent fundraising successes, including receipt of a second State Historic Preservation Office grant, matched by local funds; and its innovative approach to a new vision for the Freighthouse has created additional momentum for the FOYF.

Answering the call from our citizens for a revitalized Freighthouse, the FOYF has secured legal counsel and necessary insurance and is preparing a new Business /Master Plan. Further, the FOYF continues to receive counsel from partners at City, County and State levels, as well as civic organizations such as the Chamber of Commerce and Ann Arbor SPARK. The FOYF has also secured restoration and renovation partners from Eastern Michigan University, Leadership in Energy and Environmental Design (LEED™) architects, and historic restoration specialists.

In summary, the FOYF is now in a position to pursue restoration of the site and development of the business model.

2. LEGAL DESCRIPTION

For its stated purposes of restoration, renovation and operational management of the Ypsilanti Freighthouse, the FOYF seeks access and control of the following parcel:

> All that certain piece or parcel of land located in the Southeast one-quarter of Section 4, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, more particularly described according to a plat of Survey by Morris Levine, registered Surveyor No. 11076 of Metro Engineers, Inc., Job No. 70-059 dated May 1, 1979, as follows:

> Commencing at the Northeast corner of Rice Street at the intersection of Cross Street and proceeding N 00degrees – 31' – 30" E, 144.33 feet, to the Place of Beginning; thence continuing: N 00degrees – 31' – 30" E, 175 feet; thence N 36degrees – 29' – 00" W, 20 feet; thence N 01degree – 36' – 15" E, 51.57 feet; thence N 53degrees – 35' – 30" E, 42.00 feet; thence S 36degrees – 24' – 30" E, 298.00 feet; thence S 41degrees – 25' – 45" W, 77.01 feet; thence N 32degrees – 31' – 44" W, 35.24 feet; thence N 89degrees – 51' – 30" W, 132.00 feet, to the place of Beginning, containing 33,402 square feet or .76 of an acre.

This parcel of land will hereinafter be referred to as the "Freight House".

3. PURPOSE AND OBJECTIVES

The purpose of this Management Agreement is to formalize the relationship between the City of Ypsilanti and the FOYF. The clear intention is that the site and the structures on this site shall remain the property of the City of Ypsilanti and exist into the future for the benefit of the citizens of Ypsilanti and Washtenaw County with the FOYF providing and/or coordinating all necessary planning, labor and on-site management to complete restoration, continue renovations and facilitate site development (at no further expense to the City of Ypsilanti).

4. THE PARTIES

The only parties involved in this Management Agreement are the City of Ypsilanti (hereinafter referred to as "the City" and the Friends of the Ypsilanti Freight House (hereinafter referred to as FOYF). Any future cooperative agreement(s) between two or more parties calling for an interchange of funds, services, personnel, equipment and facilities to complete specific projects shall be consistent with this Management Agreement.

5. SCOPE OF AGREEMENT

a. Site Work - The FOYF shall present all plans through the Planning Department, Recreation Commission, Historic District Commission, and other City offices, as appropriate, for approvals to proceed with plans and projects; and, in addition, shall honor the State Historic Preservation Office easement and follow all applicable State and Federal Preservation guidelines for the appropriate restoration and renovation aspects of this project.

b. Partnership - The FOYF shall designate a single representative and one alternate to maintain communication and be fully engaged with the City in the planning and implementation phases.

c. Project Funding Review - The City shall review FOYF plans and projects involving Certified Local Government (CLG) and other "pass-through" funds.

d. Future Development - The FOYF shall work cooperatively to identify areas in need of development, create strategies for development, and shall seek review and counsel from related parties to assure mutual cooperation and create potential synergies for development goals.

e. Disclosure - The FOYF shall assume all of the obligations to create, share, and disclose all necessary public reporting and disclosures, as well as to provide and publish informational and educational materials to promote awareness among citizens, legislators, potential funding sources, developers, etc.

f. Employees - The FOYF shall have full responsibility to hire, supervise, discharge and pay contractors and employees as necessary. The City shall have no liability and shall be held harmless from any claims, suits, or demands.

g. Insurance - The FOYF shall obtain no less than a One Million Dollar ($1,000,000.00) general liability insurance policy on the premises and for any paid or volunteer labor. In exchange, the City shall maintain a full-value property policy rider on the structure. FOYF will pay the costs of any workers' compensation insurance and any other insurance costs associated with any personnel employed by FOYF. FOYF shall submit evidence of insurance to the city as a condition of this contract.

h. Maintenance – The FOYF will maintain the Freight House and maintain the premises in accordance with sound management policies and Ypsilanti City Codes, and in a condition in accord with applicable zoning codes, including, but not limited to cleaning, painting, decorating, plumbing, carpentry, grounds care, and other maintenance and repair work at the sole and exclusive cost of the FOYF.

i. Utilities – FOYF shall be responsible for extermination, telephone service, water, gas and electricity costs, and other costs of operations.

j. Permits – Upon receipt of approval by all appropriate governing boards, FOYF shall obtain all permits necessary for any work or improvements on the premises. The City will waive the fees on those permits.

k. Rentals – FOYF will rent the premises for events and on a day to day basis to appropriate persons, groups, and entities and collect reasonable rents.
FOYF agrees to:
   i. investigate the references of all prospective renters as is necessary and reasonable to protect the city and FOYF against loss and for protection of the premises.
   ii. collect all rent and charges due

l. Tax Exempt status – FOYF will remain at all times during this agreement a Federal Tax Exempt Organization under the Federal Income Tax Code.

m. Filing of taxes – FOYF will prepare and file all tax returns as may be required.

n. To safeguard the premises and restrict distribution of keys and alarm codes only to persons authorized by FOYF and the City.

6. PERIOD OF PERFORMANCE

Upon the signing of two or more signatories, this Management Agreement shall become effective for a period of five years, and shall be renewable in succeeding five-year increments.

a. Site Plan Review - During the first five-year period of this Management Agreement, any and all restoration and renovation plans and projects shall be reviewed by the Planning Department, the Recreation Commission, and the Historic District Commission as necessary.

b. Annual Report - During the first five-years of this Management Agreement, a written annual report detailing the operations of the Freight House shall be presented before the City Council no later than 60 days after the end of the FOYF fiscal year. This report shall include future development plans.

c. Termination - This Management Agreement may be terminated by either party with written notice of termination delivered to the other party at the address shown above upon 90 days written notice.

d. Bankruptcy - This Management Agreement may be terminated if either party is adjudicated as bankrupt or voluntarily files for bankruptcy, or makes an assignment for the benefit of creditors.

e. Sales - For the effective period of this Management Agreement, should the City consider sale of the herewith-described property , the City of Ypsilanti shall offer the FOYF a right of first refusal for purchase. Said offer shall remain in effect for a period of no less than One Hundred Twenty (120) days.

7. FREIGHTHOUSE PROJECT TIMETABLE

a. The FOYF shall acquire and maintain necessary insurance related to its management of the restoration and renovation project by August 31, 2008.

b. The FOYF shall complete a Proposal of a Business Plan for the site by September 30, 2008.

c. The FOYF shall develop and maintain a restoration and renovation plan and timetable (with changes as necessary). This shall follow the stages for such restorations and renovations as stated in the Condition Assessment Report and per State Historic Preservation Office timetables and requirements. The Condition Assessment Report, detailing the critical, serious and other conditions, shall be the basis for all planning and proposals.

d. The FOYF shall work with the City to administer all grants received by the City on behalf of the FOYF and shall work with the City Planning Department to satisfy all requirements.

e. The FOYF shall inform the City of all other projects planned or in process on site with regard to the restoration and renovation of the Freighthouse, and shall follow all ordinances and review processes for such plans and projects funded through other efforts of the FOYF.

f. The FOYF shall provide written updates to the City of such other funds obtained from private and public resources in order to ensure public accountability.

g The City of Ypsilanti represents that it currently owns the subject property free and clear. Further, aside from liens created by bond obligations, the City shall not further encumber the property without prior notice to the FOYF.

h. The FOYF shall manage and promote Freighthouse operations after reopening.

i. The City of Ypsilanti, its Departments or Agencies shall operate as co- applicants with the FOYF for future available funding requests as appropriate.

8. COMPLETE AGREEMENT

This Management Agreement constitutes the entire agreement between The Friends of the Ypsilanti Freighthouse (FOYF) and the City of Ypsilanti. It cannot be assigned by either party without written consent of the other party and cannot be amended or changed without the mutual written consent of both parties, following review by the Ypsilanti City Attorney.

Each party listed below understands and agrees to the terms herein.

IN WITNESS WHEREOF, the parties have duly executed and delivered this Management Agreement on the day and year referenced below.

[redacted] 9-4-2008

Mayor of Ypsilanti for Ypsilanti City Council — Date

[redacted] 9/4/08

Ypsilanti City Clerk — Date

[redacted] 9-8-08

Chairperson
The Friends of the Ypsilanti Freighthouse (FOYF) — Date

[redacted] 9/8/08

Vice-Chairperson
The Friends of the Ypsilanti Freighthouse (FOYF) — Date

Resolution No. 2013-177
September 3, 2013

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: