

1. City Council Regular Meeting Agenda

Documents:

[8-07-14 REVISED FINAL AGENDA.PDF](#)

2. City Council Regular Meeting Packet

Documents:

[REVISED 8-7-14 COUNCIL MEETING PACKET.PDF](#)



REVISED (8/6/14)

**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
THURSDAY, AUGUST 7, 2014
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. INTRODUCTIONS –

VII. PRESENTATIONS –

1. CAFR Presentation – Edward Sell, Jr., City of Monroe Finance Director, GFOA State Representative
2. Special Presentation on Eastern Washtenaw Safety Alliance

VIII. AUDIENCE PARTICIPATION –

IX. REMARKS BY THE MAYOR –

X. MINUTES –

Resolution No. 2014-172, approving minutes of July 8 and July 14, 2014.

XI. ORDINANCES - FIRST READING

Ordinance No. 1226

1. Ordinance to Amend the Ypsilanti City Code regarding open source fires or open burnings to include the use of outdoor fireplaces, to prohibit sky lanterns, and to reflect the requirements of NFPA 1.
 - A. Resolution No. 2014-173, determination
 - B. Open Public Hearing
 - C. Resolution No. 2014-174, close public hearing.

XII. CONSENT AGENDA –

Resolution No. 2014-175

1. Resolution No. 2014-176, approving Ordinance No. 1225, an ordinance to amend the Ypsilanti City Code to prohibit the operation of motor vehicles and motorcycles without insurance consistent with MCL 500.3101, MCL 500.3102, and MCL 500.3103. ***(Second Reading)***
2. Resolution No. 2014-177, approving Michigan Municipal League (MML) Liability and Property Pool insurance coverage, effective 8/1/2014-8/1/2015, and authorizing payment.
3. Resolution No. 2014-178, recognizing September as “*Turn the Towns Teal*”, a National Awareness for Ovarian Cancer campaign and allowing volunteers to tie teal ribbons around the City of Ypsilanti.
4. Resolution No. 2014-179, approving appointment of Jake Albers to Zoning Board of Appeals.
5. Resolution No. 2014-180, approving MuniRent Intergovernmental Agreement contract.
6. Resolution No. 2014-181, correcting the comprehensive city fee schedule adopted by Resolution 2014-130 on June 3, 2014 to add a \$50 lien filing cost to judgments, waived if the judgment is paid within 30 days; and increase the Administrative Hearing Bureau costs to \$250, as provided in Resolution 2014-030 dated January 21, 2014.
7. Resolution No. 2014-182, approving proposal for OHM design services – Border to Border TAP Grant.

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS -

1. Resolution No. 2014-157, approving 6 and 12 S. Washington (Birdscolors) OPRA application. ***(postponed 7/8/14)***
2. Resolution No. 2014-183, approving proposal from Orchard, Hiltz & McCliment, Inc. (OHM) for additional design engineering services for the Prospect Corridor Road Improvement Project
3. Resolution No. 2014-184, approving proposed charter amendment to remove the mandatory revision process.
4. Resolution No. 2014-185, approving proposed charter amendment to permit the publication of ordinances and notices by newspaper, posting in at least three conspicuous places within the city, or placing such on the City’s website in a manner as to make it easily accessible to the public.
5. Resolution No. 2014-186, approving proposed charter amendment to provide the city clerk act as city manager in the absence of the city manager.
6. Resolution No. 2014-187, approving proposed charter amendment to permit city council to discontinue city boards and commissions.
7. Resolution No. 2014-188, approving proposed charter amendment to allow ordinances immediate effect upon 2/3 council vote.

8. Resolution No. 2014-189, approving proposed charter amendment to provide for council meetings once a month instead of every 30 days.
9. Resolution No. 2014-190, approving proposed charter amendment to allow city council members to serve on city boards and commissions.
10. Resolution No. 2014-191, approving proposed charter amendment to provide that city candidates for office file petitions on the 15th Tuesday before the primary election, or according to state law.
11. Resolution No. 2014-192, approving proposed charter amendment to allow sale of land after a public hearing by resolution
12. Resolution No. 2014-193, approving proposed charter amendment to allow city council to remove members of boards and commissions by 2/3 vote.
13. Resolution No. 2014-194, approving proposed charter amendment to provide that legislation to confirm a special assessment roll within the City by resolution, when permitted by law.

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 –

Resolution No. 2014-195, adjourning the Council meeting.



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XVIII. AUDIENCE PARTICIPATION -

XIX. REMARKS FROM THE MAYOR -

XX. ADJOURNMENT –

Resolution No. 2014-195, adjourning the Council meeting.



Resolution No. 2014 – 172
August 7, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of July 8 and July 14, 2014 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, JULY 8, 2014
6:00 P.M. – CLOSED SESSION
7:00 P.M. – OPEN SESSION**

I. CALL TO ORDER –

The meeting was called to order at 6:08 p.m.

II. ROLL CALL –

Council Member Jefferson	Present	Council Member Robb	Present
Council Member Moeller (6:50)	Present	Council Member Vogt	Present
Council Member Murdock	Present	Mayor Schreiber	Present
Mayor Pro-Tem Richardson	Present		

III. INVOCATION –

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

IV. PLEDGE OF ALLEGIANCE –

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V. AGENDA APPROVAL –

City Manager Lange requested that Resolution 2014-170, regarding the Prospect Road repair grant, be added to Section XV (Motions/Resolutions/Discussions). Mr. Lange also requested that the date be changed from July 1st to July 19th in Resolution 2014-144 regarding the POAM contract.

On a voice vote the agenda was approved as amended.

VI. CLOSED SESSION – 6:00 – 7:00 p.m.

Closed Session to discuss attorney/client privilege (OMA 15.268, Section 8(e)).

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

VOTE:

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

The meeting adjourned to closed session at 6:11 p.m.

The open session reconvened at 7:29 p.m.

VII. INTRODUCTIONS –

Mayor Schreiber introduced the following persons; DPS Director Stan Kirton, Assistant to the City Manager Ericka Savage, State Representative David Rutledge, and Martha Valdez of the Community Ecology Center.

VIII. PRESENTATIONS –

Special Presentation on Eastern Washtenaw Safety Alliance – Council and Staff

State Representative David Rutledge provided an introduction to the presentation stating that Eastern Washtenaw Safety Alliance is a collaborative effort between Ypsilanti Police, Eastern Michigan University, and the Sherriff's department. Mr. Rutledge added that AAATA was also a crucial part to this initiative.

State Representative Rutledge thanked all individuals involved in this initiative.

IX. AUDIENCE PARTICIPATION –

1. Gail Wulkoff, Kwaylin, & Melinda, 104 S. Huron Street, from Dedicated to Make a Change, stated they are present to announce activities they have created for teens. Four events have been planned; July 18th, 7-11:30 p.m. Ypsilanti High School, teen party, August 1st, 6-9 p.m. community game night at the Senior Center, August 12th, 3:30-6:30 p.m., the group will be doing volunteer work at the Senior Center, August 8th, 5-8 p.m. Rec Night at the EMU Recreation Center.
2. Martha Valadez, 310 Maple St, Community Organizer with the Washtenaw Interfaith Coalition for Immigrant Rights (WICIR), discussed concerns of the immigrant community within Ypsilanti.
3. Maria & Alin Esquivel stated several issues that impact the immigrant population of Ypsilanti.
4. Luis Fabian, 1932 Washtenaw, came to support the immigrant and youth population and informed that when he graduated from high school the valedictorian was not able to attend college due to her immigration status. Mr. Fabian stated that education should not be a privilege but a right.
5. Lalita Winters, Ann Arbor, described issues of being dehumanized by the term illegal immigrant. Ms. Winters stated that she has been here since she was three years old and lives in constant fear of deportation.
6. Peter Solenburger, 5736 Rothbury Court, stated that he attended the Council Meeting to show solidarity to the WICIR campaign. Mr. Solenburger asked that City Council form a taskforce to examine immigration issues affecting citizens of Ypsilanti. Mr. Solenburger cited Oakland, California as a model for how local governments can have a positive effect on the immigrant population of a city.
7. Manny Lagunes, 5229 W. Michigan, stated that he recently graduated from Ann Arbor High School. Mr. Lagunes added that when he was nine years old he and his family immigrated to the United States so that his parents could provide a better education and opportunities for their children. Mr. Lagunes stated that he has been subject to discrimination ranging from police treatment and conduct of education professionals. Mr. Lagunes highlighted that the Latino population in

Washtenaw County suffer from a 37% dropout rate. African Americans and White students combined only reach a 10% dropout rate. Mr. Lagunes stated that the reason for this discrepancy is ethnic intimidation.

8. Ronnie Rosner, Ann Arbor, stated that she has been volunteering with WICIR for the past three years. Ms. Rosner stated that she has been mentoring an individual who moved from Africa when he was 11 years old; he is now 22. Ms. Rosner stated that this individual received excellent grades in school; however he is unable to afford college due out of state tuition rates.
9. Melanie Harner, 1429 Chateau Vert, Co-founder of WICIR, stated that immigration issues are no longer at the forefront of the national news. Ms. Harner asked that City Council keep in mind what the young people have been saying and the risk they are taking voicing these concerns.
10. Guisela Anguiano, 2725 S. Wagner, stated that she is the wife of Jose Luis Sanchez and Mr. Sanchez was called for deportation this past February. Ms. Anguiano asked several local organizations, including WICIR, for assistance. She stated that she was extremely thankful for the help she received. On February 2nd the taskforce formed to assist Ms. Anguiano was able to stop Mr. Sanchez's deportation. Ms. Anguiano asked Council for their support and help to stop the separation of families, often leaving children alone in this country.
11. Nathen Phillips, 509 N. Washington St., stated that he came to this community years ago when his wife was diagnosed with bone cancer. During this time, Mr. Phillips stated that he was unemployed and would survive by donations at Native American Gatherings. Mr. Phillips stated that folks who come from other lands need to raise their families should be supported, especially children. Mr. Phillips added that he is in support of the construction of the Recreation Center on Water Street which will provide a place for young people to go.
12. Karen Samarita, 798 Fort St., stated that she supports the WICIR program. Ms. Samarita stated that she was born and raised in this country and is married to an undocumented worker, and they have a 17 year old child. Ms. Samarita stated that her son is a member of WICIR and she is proud of that fact. Ms. Samarita stated that her husband was taken into custody and brought to Detroit and then Monroe. Ms. Samarita said that she needed to sell personal property in order to raise the money to bring him home. She asked Council to support the youth here today who live in fear of deportation.

X. REMARKS BY THE MAYOR –

Mayor Schreiber thanked everyone for speaking, stating that it must be difficult to speak in front of a large group especially regarding these issues. Mayor Schreiber added that the City of Ypsilanti, by Charter have developed the Human Relations Commission (HRC). Mayor Schreiber stated that John Schuler, the Chair of the HRC, is in attendance and asked Mr. Schuler to say a few words regarding this topic.

John Schuler, 316 E. Forest Ave., stated that the HRC studies patterns of discrimination in Ypsilanti, and makes recommendations to Council. Mr. Schuler stated that currently the HRC is examining issues concerning the Latino population. The HRC plans to have a forum to discuss the issue at the end of August or the beginning of September. The HRC will hold a meeting on the fourth Monday of July (July 28th) to finalize the plans for this forum. The HRC is inviting Council Members, Board of Education, Washtenaw County Commissioners, and Ypsilanti Township Trustees to the forum. The HRC hopes that the forum will help to educate elected officials regarding the issues facing Latinos in Washtenaw County.

Mayor Schreiber stated that the HRC has done some excellent work in the past citing a Resolution adopted by Council regarding support for same sex marriage. Mayor Schreiber stated that he looks forward to attending the forum.

XI. MINUTES –

Resolution No. 2014-154, approving minutes of June 17, 2014.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of June 17, 2014 be approved.

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Vogt

On a voice vote the minutes were approved as submitted.

XII. PUBLIC HEARINGS:

1. Purchase agreement with Washtenaw County Parks and Recreation (WCPARC) to purchase 4.1 acres for the East-Side
 - A. Resolution No. 2014-155, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Ypsilanti City Council approved a Letter of Intent for the sale 4.1 acres at its regularly-scheduled January 10, 2012 and provided an extension to the letter of intent at its July 16, 2013 meeting; and

WHEREAS, Ypsilanti City staff have worked with Washtenaw County Parks and Recreation Commission (WCPARC) on concept plans and related purchase agreement for the acquisition of a 4.1 acre parcel on the Northwest portion of the Water Street Redevelopment Area; and

WHEREAS; Ypsilanti City Council approved an ordinance to sell Water Street on August 18, 2009; and

WHEREAS, Ypsilanti City Council passed a resolution requiring a public hearing with every purchase offer for the Water Street Redevelopment Area in July 21, 2009; and

WHEREAS; Ypsilanti City Council has held a public hearing for the sale of a 4.1 acre portion of the Water Street Redevelopment area to provide an opportunity for public input on July 8, 2014; and

WHEREAS; WCPARC intends to build an approximately 45,000 square foot East Side Recreation Center to be operated by the Ann Arbor YMCA; and

WHEREAS: WCPARC has negotiated terms including, due diligence, governmental approval periods, as well as purchase price, and development of related infrastructure; and

WHEREAS the City is the developer of the Water Street Redevelopment area where WCPARC is not subject to local zoning, Historic District ordinance or local building code due to its status as a county entity;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council conditionally approve the attached Purchase Agreement with Washtenaw County Parks and Recreation Commission to sell and develop 4.1 acres of the Water Street Redevelopment Area as presented in the agreement and attachments, subject to the addition of binding zoning guidelines elements as agreed to by the two parties; and

FURTHER, that the Mayor and City Clerk are authorized to sign the Purchase Agreement

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

Community Development Director Gillotti provided a presentation (see website for presentation).

Mayor Schreiber asked Ms. Gillotti if an agreement with the YMCA has been met to manage the Recreation Center.

Ms. Gillotti responded that the Washtenaw County Parks and Recreation officials would be better equipped to answer that question.

Mayor Schreiber asked if a member of the WCPARC would like to address Council.

WCPARC Executive Director Robert Tetens responded that there is a first draft contract with the YMCA to manage the building. Mr. Tetens stated that both the County and the YMCA realize that opening the Recreation Center will not have the membership to support the organization initially, so there is a shared risk.

Council Member Moeller asked for clarification regarding change in contractual language from the December 2013 agreement. Ms. Moeller cited added language such as "intent but not binding..." and asked Mr. Tetens for his opinion regarding that change.

Mr. Tetens responded the issue for Washtenaw County and the legal team is that the County suffered a lawsuit several years ago to prove its right to be exempt from local zoning ordinances. The County fears language stating that following local zoning ordinance is mandatory may set precedent.

Council Member Moeller asked if the location decided for the building is an issue the County may contest.

Mr. Tetens responded that the planned placement of the building is the location the County has wanted since the beginning of this process and the do not foresee a change.

Mayor Schreiber stated part of the agreement provides the County with governmental immunity in regards to zoning ordinances and adherence to Planning Commission guidelines and asked is there a possibility that the County would make an administrative agreement to follow zoning ordinance.

Mr. Tetens responded no, that could set precedent for future projects. Mr. Tetens added that he would ask for clarification from the County's legal team.

Mayor Schreiber stated that he understands why the County would not want to go through the entire process as there is a difference transferring land to another public entity rather than a private entity.

Mr. Tetens responded that the County has never gone through that process in any other of its land acquisitions. Mr. Tetens added that the City will be invited to the planning process but the County will remain immune from local zoning practices.

B. Open Public Hearing

1. Lisa Walters, 12 W. Michigan Ave., stated that she lives near the proposed project site and strongly encourages this project move forward. Ms. Walters stated that she feels there has been ample time discussing this project and it is time to commence construction. Ms. Walters stated that she feels the Recreation Center will attract business to the area and will improve the overall economy of the downtown. Ms. Walters added that she has heard individuals who are not pleased with the design of the building stating that it does not preserve the historical integrity of the downtown. Ms. Walters stated that historic preservation is in place to protect historical buildings not to deter the building of modern buildings.
2. Wayne Van Zomeren, 8173 Lake Crest, stated that he is happy with this project and that he commends Council for their efforts during the process. Mr. Van Zomeren added that he has seen many families leave for the weekend to attend their children's athletic tournaments and stated that it would be great for Ypsilanti if this was where athletic tournaments were held. Mr. Van Zomeren also stated that we would like to see a canoe launch added to the plan.
3. State Representative David Rutledge, 8585 Durham Court Superior Township, stated that this process began in 2010 and he is disappointed that construction has not yet commenced. Mr. Rutledge stated that in his view this project is a no brainer; the issue seems to be whether or not the City trusts the Washtenaw County Parks and Recreation Commission. Mr. Rutledge added that having spent 30 years on that Commission he can testify that the commission is trustworthy. Mr. Rutledge urged Council to move with some dispatch as this project will be very positive for the community.
4. Steve Gray, 1939 Roosevelt, stated that he is here in support of the Eastside Recreation Center and thanked Mr. Rutledge for his comments. Mr. Gray stated that placing the Center near the Border to Border Trail is an excellent idea. Mr. Gray added that he hopes that membership fees will be reasonable so that members of the community will be able to use the facilities.
5. Dave Heikkinen, business owner 133 W. Michigan Ave., stated that he is in support of the Eastside Recreation Center and urged both City Council and County Commissioners to move forward with this project, or elected officials would have to answer to the community.

6. Laura Van Zomeren, 5548 High Ridge, stated that she has spoken with officials from both the City and County and it appears that both sides are in agreement that they want this project to move forward, yet it has not. Ms. Van Zomeren stated that Council needs to trust the County and vote to approve this resolution.

C. Resolution No. 2014-156, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for Purchase agreement with Washtenaw County Parks and Recreation (WCPARC) to purchase 4.1 acres for the East-Side Recreation Center be officially closed.

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

On a voice vote the motion carried.

City Manager Lange stated that he has had the opportunity to work on this project for a long time and he understands the issue of governmental immunity. Mr. Lange stated that in the initial study performed by the County the Recreation Center would cover 55,000 square feet which has been reduced to 45,000 square feet. Mr. Lange asked if there is any possibility that the square footage would again be reduced.

Mr. Tetens responded no, the initial plan was based off the Mary Lou Murray building in Ann Arbor. Mr. Tetens stated that after a market study had been performed it showed a smaller building would be more economically sustainable.

City Manager Lange stated that the County was gracious in accepting that the building be placed north of Parson St. Mr. Lange asked, due to the size, is there a possibility that the building be set back from Michigan Avenue.

Mr. Tetens responded that the location will be as close to Michigan Avenue as possible. Mr. Tetens added that there are environmental issues involved with this particular site and that will add to the final decision.

City Manager Lange stated that an issue of importance to the City is if the County sits on the property for a long time. Mr. Lange asked that if the County, in doing their due diligence incurs a cost in the \$100,000's, is there a chance that construction will not commence.

Mr. Tetens responded that much of the due diligence in the early stages will not reach that amount. Mr. Tetens added the design stage is where it begins to get pricey.

City Manager Lange stated that the County has committed to run the recreation center for 10 years but still does not have a commitment from the YMCA.

Mr. Tetens responded no there is not an agreement.

City Manager Lange stated that the county has committed to 10 years.

Mr. Tetens responded that in the first proposition in April of 2011 there was a three-way partnership. At the time the County did not have the resources to buy it and build it, or build it and operate it. Mr. Tetens added that due to the millage there would need to be a flat cash flow in order to operate the

Center. Also, there would need to be a bond to cover residuals so essentially the Center would have a mortgage and that issue is something that would need to be worked out with the YMCA.

City Manager Lange asked if the Eastside Recreation Center would be the most visible facility in the County, due to its proximity to Michigan Avenue.

Mr. Tetens asked if Mr. Lange had been to the Ann Arbor Skate Park.

City Manager Lange responded the he had not been to the park.

Mr. Tetens stated that everything that the WCPARC does is done to the best of their ability and there have been several projects completed over the past several years that have been high profile. Mr. Tetens encouraged Mr. Lange to visit any of those facilities.

City Manager Lange asked if this project would be the most visible due to its location on Michigan Avenue.

Mr. Tetens responded that it would be the most visible in the City of Ypsilanti.

City Manager Lange asked if the quality of the Recreation Center would reflect the quality of the WCPARC.

Mr. Tetens responded yes it would.

City Manager Lange stated that it is a difficult tradeoff. Mr. Lange added that the City has developers interested in mixed use development and encouraged the City to move forward with the project.

Council Member Moeller asked if other WCPARC projects have had purchase agreements.

Mr. Tetens responded that many of the projects were on County land so there was no need for a purchase agreement. However, projects such as the border to border trail, the Ann Arbor Skate Park, and some trails in Dexter did require purchase agreements.

Council Member Moeller asked if the purchase agreements contained language such as "intent but not binding..."

Mr. Tetens responded that many of those purchase agreements were less complicated.

Mayor Schreiber stated that he would like to see the recreation center in its planned location. Mayor Schreiber added that there is a strong desire from the community and a great need for recreation; however the city should conform to its master plan. Mayor Schreiber added that he understands the situation of governmental immunity but requests that administrative approval be added to the contract.

Mr. Tetens responded that he is willing to bring that back to the Commission, however, that issue has been discussed extensively. Mr. Tetens added that there is a direct statement in the contract that the County would refer to the Water Street development guidelines as well as the zoning ordinance. Mr. Tetens stated that he does not see the Commission adding any additional guidelines.

Council Member Murdock stated that he remembered in early 2011 having a discussion to build a Recreation Center on Water Street stating that Commissioner Sizemore was a strong advocate for the project. Mr. Murdock stated that there were several discussions on the best way to move forward with the project with some apprehension of selling property to an entity that would be tax exempt. Mr. Murdock added that many of us thought that this project would move much faster, but realize that

negotiations have slowed the process. Mr. Murdock stated that he is concerned with guideline adherence and the ability for City review. Mr. Murdock added that he is not sure if the City is there yet.

Mr. Tetens responded that he believes that the County is at that point just not at the point of adding it to the purchase agreement.

Council Member Murdock stated that he feels that from the perspective of the City the contract is not complete. However, Mr. Murdock added that the project is important to the City and the development of Water Street.

Council Member Jefferson stated that a lot of work has been done through this process and commended those on both sides. Mr. Jefferson stated that this project is a high priority for Ypsilanti; there are issues to this contract that Ypsilanti has never dealt with before. Mr. Jefferson stated there are risks with contracts of this nature; this project may result in an empty lot. Mr. Jefferson stated that Council is in a hard position.

Mr. Tetens reassured Council the WCPARC, in the 42 years of existence, has never sold a piece of property; it has never closed a facility, and never abandoned a building. Mr. Tetens added that as an organization, the WCPARC has a collective interest in the project if the recreation center is not a magnet for the downtown, then the WCPARC did not accomplish what it set out to.

Council Member Jefferson stated that there has been no discussion regarding fees, construction, bidding, or contracts containing the use of minority labor.

Mr. Tetens responded that the County has a bidding process that the WCPARC are obligated to follow.

Council Member Jefferson asked if it includes employment at the facility itself.

Mr. Tetens responded yes.

Council Member Jefferson stated that he believes this is a great project and is something that Ypsilanti greatly needs.

Mr. Tetens responded that part of the market study focused on price sensitivity. Mr. Tetens stated that the YMCA has a scholarship program as well as a high functioning fundraising system. Mr. Tetens added that those techniques would help to alleviate operational costs.

Council Member Jefferson stated that as a young man he spent a good deal of time at the Boy's and Girl's Club which is something that this community needs.

Mr. Tetens stated that this means a great deal to the entire corridor. This project could result in linear parks connecting Ford Lake and connecting the township to the city. Mr. Tetens added that there are some big visions in what this project could produce.

Council Member Jefferson asked Mr. Tetens if the County would accept the offer presented to the city.

Mr. Tetens responded that at one time he was an elected official and it would have been hard to not accept the proposal on the first day it was offered. Mr. Tetens added that he would have needed to do his due diligence but would have accepted it a long time ago. Mr. Tetens stated that he is an urban planner and has the ability to see the possibilities.

Council Member Jefferson responded that his decision is the same since the beginning of discussions; it is the details of the contract that need to be worked out.

Mayor Pro-Tem Richardson stated that in 2011 or 2012 Mr. Tetens stood before Council and asked for the entire corridor. Mayor Pro-Tem Richardson stated that she did not agree with providing that to the County. She stated that she was in agreement with the citizen who asked to add a canoe livery as the city does not use the Huron River to its advantage. Mayor Pro-Tem Richardson added that there are items in the contract that she is hesitant about, but she agrees with Representative Rutledge that there needs to be trust. Mayor Pro-Tem Richardson added that at one time Mr. Tetens stated that this project would take 18 months, now project completion is estimated for 2018. Mayor Pro-Tem stated that she will trust the County Parks Department.

Mr. Tetens responded that the first proposal was for 10-12 acres, and that was before the re-building of the Rutherford Pool. Mr. Tetens added that the schedule should consist of 6-8 months to bid out the design and time to bid for construction. Mr. Tetens stated that the YMCA wants to open on January 1st so that more individuals will join to use the indoor facilities.

Mayor Pro-Tem Richardson responded that she hopes for a 2017 opening date.

Mr. Tetens responded that both the WCPARC and the YMCA understand the desire to open as quickly as possible.

Mayor Schreiber asked Community Development Director Gillotti to explain what it would mean to pass this resolution.

Ms. Gillotti responded that approving the resolution would approve the contract with conditions relating to zoning guidelines and gives the power to staff to re-negotiate. If there are additional amendments they would need to go before Council.

Mayor Schreiber asked if there are additional amendments would Council need to reapprove the contract.

Ms. Gillotti responded that there would be a couple of avenue; Council could vote against the proposal, they could vote for the proposal, or vote for the proposal removing the conditional aspect of the contract.

Council Member Moeller stated that 15 years ago City Council voted to purchase Water Street and through the course of history they were vilified for doing so. She stated that it seems that everyone wants this project to move forward. Ms. Moeller added Representative Rutledge wants the City and the County to trust each other, but what happens if this project fails and the city is left with an empty lot. Ms. Moeller stated that if this project moves forward and it fails the public must know that Council did the best they could. Ms. Moller asked if the planning department will try and re-negotiate some zoning issues if Council approves this resolution.

City Attorney Barr responded that it depends on the circumstances. Mr. Barr stated that if the resolution is passed Council is saying that it wants to work with the County and would come back to Council unless the conditional aspect were to be removed.

On a roll call, the vote for Resolution 2014-155 was as follows:

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

VOTE:

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

2. 6 and 12 S. Washington OPRA application
 - A. Resolution No. 2014-157, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Obsolete Property Rehabilitation Act, Public Act 146 of 2000 (the "Act"), provides for a tax incentive to encourage the redevelopment of obsolete buildings through the establishment of an Obsolete Property Rehabilitation District; and

WHEREAS, pursuant to PA 146 of 2000, the City of Ypsilanti is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts; and

WHEREAS, the Council of the City of Ypsilanti legally established an Obsolete Property Rehabilitation District that includes parcel #11-11-39-102-016 and parcel #11-11-39-102-017 (6-12 S. Washington St.) as part of a broader district including the three DDA districts on June 5, 2012 after a public hearing held on the same date as provided by section 3 of Public Act 146 of 2000; and

WHEREAS, the parcel at 6 and 12 S. Washington Street have been certified functionally obsolete by the City Assessor per P.A. 146 in September 2013; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in the City of Ypsilanti eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, the owners of the above referenced parcels, Birdscolors, LLC have submitted an application for an obsolete property as defined in section 2(h) of Public Act 146 of 2000 requesting an exemption for a period of 12 years as a function of the Act; and

WHEREAS, the application included all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate; and

WHEREAS, Birdscolors, LLC are not delinquent in any taxes related to the facility; and

WHEREAS, the owners of the above referenced parcel have proposed to rehabilitate currently vacant, fire-

damaged, and functionally obsolete structure into first floor commercial space, and upper story residential; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Ypsilanti; and

WHEREAS the rehabilitation includes improvements aggregating approximately 100% of the true cash value of the property at commencement of the rehabilitation as provided by section 2(I) of Public Act 146 of 2000.

WHEREAS, the review committee met on June 2, 2013 and recommends approval of the application for a period of twelve years (2015-2026); and

WHEREAS, the application is not recommended for an extension; and

WHEREAS the completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, increase commercial activity, revitalize urban areas, and increase number of residents in the community in which the facility is situated.

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000 on July 8, 2014; and

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council hereby grants an Obsolete Property Rehabilitation Exemption for a period of 12 years beginning December 31, 2014 and ending December 30, 2026 for the real property, excluding land, located in the Obsolete Property Rehabilitation District which include parcel #11-11-39-102-016 and parcel #11-11-39-102-017 (6-12 S. Washington St.) pursuant to the provisions of PA 146 of 2000, as amended, subject to completion of the renovations by within three years of final approval of exemption certificates by the State Tax Commission, and to the taxes on the property being paid on time.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Robb

Council Member Moeller asked if OPRA's are common for rehabilitation projects.

Mr. Gillotti responded there are requirements in order to have the property certified obsolete. Ms. Gillotti referred to Sidetrack, a successful business, but the upper levels do not have electrical so it would be deemed usable. Ms. Gillotti stated that Smiths Furniture would be eligible for an OPRA. Ms. Gillotti added that that Red Rock, which occupies the building that used to house TC's Speakeasy, did not qualify for an OPRA. Ms. Gillotti added that OPRA eligibility depends on the condition of the building.

Council Member Moeller asked what happens if construction on the building is not finished.

Ms. Gillotti responded after three years staff would review the OPRA and it is possible that the applicant would lose the tax benefit. Ms. Gillotti added that if an applicant failed to pay taxes on time could also result in the revocation.

B. Open Public Hearing

1. Andrew Epstein, 4631 Midway Dr., Ann Arbor, thanked Council for considering the OPRA exemption and explained that it would facilitate the construction of two upper level apartments of which he would like to begin as soon as possible. Mr. Epstein added that the lower level would be used as a restaurant and bar. He concluded that he feels that the additions to the downtown will be beneficial to Ypsilanti as a whole.

C. Resolution No. 2014-158, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for the "6 and 12 S. Washington OPRA" be officially closed.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Vogt

On a voice vote the motion carried.

Council Member Robb asked if Ms. Gillotti would mind postponing this item.

Ms. Gillotti responded that she would not have an issue with a postponement.

Council Member Moeller asked why this item should be tabled.

Council Member Robb responded that there is an assumption in the proforma that the millage rate would increase by 3% each year until 2025, and at that time the millage rate would be 120. Mr. Robb added that his issue is with the integrity of the work.

Council Member Moeller asked if there was an issue with the information on the 12 year projection.

Council Member Robb responded that the issue is with the information that supports the request for a 12 year OPRA exemption.

Andrew Epstein, OPRA applicant, responded that he has no issue with correcting the information that he provided in the proforma.

Council Member Robb responded that he understands and is in support of this item being tabled. Mr. Robb added if Council votes to approve this item it would be voting for something that is incorrect.

Council Member Robb moved, supported by Mayor Pro-Tem Richardson to postpone Resolution 2014-157 until the August meeting.

Council Member Moeller asked if it were possible to pass an item with conditions.

Ms. Gillotti responded that Mr. Robb's concern is that staff makes recommendations on the OPRA based on the information provided in the application. Ms. Gillotti added this information would be used to recommend an appropriate length of an OPRA exemption.

Council Member Moeller asked Ms. Gillotti if when the assessment of this application took place, the application was believed to have been done correctly.

Ms. Gillotti responded yes. Ms. Gillotti added when the application was assessed, more time should have been spent on the spreadsheet provided, especially the rate of inflation.

Council Member Moeller asked how much of a change can be expected.

Council Member Robb responded that there is a difference of \$38,000 in net cash. Mr. Robb added from the numbers provided this business would see profits in 8 years.

Council Member Moeller asked if Mr. Robb was saying that the OPRA exemption should be for 8 years.

Council Member Robb responded that he is not saying anything, only that he would like to see the correct information before making a decision.

Ms. Gillotti stated that she agrees with Council Member Robb and would prefer more time for evaluation before making a recommendation to Council.

On a roll call, the vote to postpone Resolution 2014-157 was as follows:

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

VOTE:

Yes: 6 No: 1 (Moeller) Absent: 0 Vote: Carried (Resolution Postponed)

XIII. ORDINANCES - FIRST READING

Ordinance No. 1225

1. Ordinance to Amend the Ypsilanti City Code to prohibit the operation of motor vehicles and motorcycles without insurance consistent with MCL 500.3101, MCL 500.3102, and MCL 500.3103.

A. Resolution No. 2014-159, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 102 "TRAFFIC AND VEHICLES" OF THE YPSILANTI CITY CODE, BY ADDING ARTICLE V "MOTOR

VEHICLE AND MOTORCYCLE INSURANCE REQUIRED", INCLUDING SECTION 102-225 SETTING FORTH DEFINITIONS AND SECTION 102-226 MAKING IT A VIOLATION TO OPERATE OR PERMIT THE OPERATION OF A MOTOR VEHICLE OR MOTORCYCLE WITHOUT THE INSURANCE REQUIRED BY STATE LAW, CREATION OF A PRESUMPTION, AND SETTING FORTH THE PENALTIES" be approved on First Reading.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

City Attorney Barr stated that this is a housekeeping item to change city code to match the State Code. Mr. Barr indicated the city has adopted the motor vehicle code and the adoption of this resolution would make city code more cohesive with the State.

B. Open Public Hearing

None

C. Resolution No. 2014-160, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 102 "TRAFFIC AND VEHICLES" OF THE YPSILANTI CITY CODE, BY ADDING ARTICLE V "MOTOR VEHICLE AND MOTORCYCLE INSURANCE REQUIRED", INCLUDING SECTION 102-225 SETTING FORTH DEFINITIONS AND SECTION 102-226 MAKING IT A VIOLATION TO OPERATE OR PERMIT THE OPERATION OF A MOTOR VEHICLE OR MOTORCYCLE WITHOUT THE INSURANCE REQUIRED BY STATE LAW, CREATION OF A PRESUMPTION, AND SETTING FORTH THE PENALTIES" be officially closed.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

On a voice vote, the motion carried.

On a roll call, the vote to approve Resolution 2014-159 was as follows:

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

VOTE:

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

Ordinance No. 1226

2. Ninde-River Alley Vacation
 - A. Resolution No. 2014-161, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI: that an ordinance entitled "An ordinance to vacate a certain 14 foot wide, 130 foot long alley from Ninde Street heading east to N. River Street to the extent of the southerly parcel boundaries of 11-11-09-131-005 (46-50 E. Cross) and 11-11-09-131-043 (52-56 E. Cross) and the northerly parcel boundaries of 11-11-09-131-021 and 11-11-09-131-022 in the City of Ypsilanti, Michigan" be approved on First Reading.

OFFERED BY: Council Member Moller

SUPPORTED BY: Council Member Vogt

Community Development Director Gillotti stated that this is a unique case in which original documents do not show an alley. Ms. Gillotti stated that as time passed definitions have changed and there are now legal documents which show an alley.

Council Member Moeller asked if anyone will complain if the alley is vacated.

Ms. Gillotti responded city ordinance states that after approval, the vacation must be posted for 45 days and at second reading there be a public hearing for individuals to address Council.

Council Member Murdock stated that there are only two owners that this would affect, the Frenchs and Richies Mr. Murdock asked if the alley is vacated would that provide room for a dumpster enclosure.

Ms. Gillotti stated that at the moment it is all public land.

Council Member Murdock stated that essentially the alley would become property of the individual that is currently using it, and have been for years.

Ms. responded yes.

On a roll call, the vote to approve Resolution 2014-161 was as follows:

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

VOTE:

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

XIV. CONSENT AGENDA –

Resolution No. 2014-162

1. Resolution No. 2014-163, approving delegate and alternate to the Municipal Employees' Retirement System (MERS) 68th Annual Meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Municipal Employees' Retirement System of Michigan covers all full-time City employees excluding Fire and Police Pension system Members, and

**WHEREAS, the Municipal Employees' Retirement System is holding its annual meeting
September 24 - 26, 2014 in Detroit, MI and**

WHEREAS, the Municipal Employees' Retirement System allows an employee delegate to be elected by secret ballot, and

WHEREAS, the employees have elected Nan Schuette from the City Manager' Office as delegate with Anthony Roberts from the Department of Public Works as the alternate,

THEREFORE, BE IT RERESOLVED, that these employees be appointed as employee delegate and alternate.

2. Resolution No. 2014-164, recognizing the week of July 20th – July 26th as Gun Safety Week in the City of Ypsilanti.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti Police Department and the City Council are committed to enhancing the safety and well-being of all the residents of the City of Ypsilanti and public safety can be increased by raising awareness and educating residents about how to keep themselves and their families safe; and

WHEREAS, specifically educating the public and increasing knowledge about gun safety issues and encouraging responsible gun ownership can help protect our community and our families; and provides a public service which benefits everyone, especially our children; and

WHEREAS, though national attention is often drawn only to large scale tragedies, gun violence is a serious local as well as national problem affecting many Americans and Michigan residents, as gun violence and injuries occur daily throughout too many of our municipalities; and

WHEREAS, guns are the most common weapon used in domestic violence against women and access to firearms increases the risk of homicide by more than 5 times, and individuals suffering from mental illness are at greater risk of being perpetrators or victims of gun violence, especially suicide, recognition of early warning signs and

knowledge of how to respond can reduce gun violence and potentially save lives; and

WHEREAS, during the week of July 20, 2014 through July 26, 2014 the Ypsilanti Police Department will join other law enforcement agencies in Washtenaw County in order to increase the safety of our residents will be providing free gun locks and gun safety information to members of the public and collaborating with community organizations to enhance public knowledge and promote gun safety.

NOW THEREFORE BE IT RESOLVED that the City Council of The City of Ypsilanti in order to increase public safety and awareness about gun safety hereby declares the week of July 20, 2014 through July 26, 2014 as Gun Safety Week in The City of Ypsilanti.

3. Resolution No. 2014-165, approving an agreement with the Washtenaw County Community Development Block Grant Program (CDBG) to utilize the appropriated CDBG funds for the 2013-2014 City of Ypsilanti Infrastructure Improvement Project for the Sidewalk Ramp Replacement Program.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Washtenaw County administers CDBG funds received through the United States Department of Housing and Urban Development's (HUD) Community Development Block Grant Entitlement Communities Grant (CDBG) and

WHEREAS, the City of Ypsilanti is a member of the Washtenaw County, Urban County Program and;

WHEREAS, the Urban County Program disperses Community Development Block Grant (CDBG) funding to participating members; and

WHEREAS, the 2013-2014 CDBG Urban Funding includes funds for Infrastructure Improvement Projects, including funds for ADA sidewalk ramp replacement in low to moderate income areas within the city (The City of Ypsilanti Sidewalk Ramp Replacement Program) in the amount of \$50,000 in 2013-2014 funding; and

WHEREAS, an agreement is needed between the City and Washtenaw County in order to utilize the appropriated funds; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposed agreement; and

FURTHER, that the Mayor and City Clerk are authorized to sign this agreement, subject to approval by the City Attorney.

4. Resolution No. 2014-166, approving contract with Saladino Construction for ADA sidewalk ramps.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

Whereas, four (4) bids were publicly opened on Tuesday, June 3, 2014 at 2:00 p.m. and reviewed for compliance with bidding qualifications and project specifications; and

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

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

Now Therefore Be It Resolved That the City awards the bid to Saladino Construction Co., Inc. in the amount of \$87,000.00 for the construction of ADA sidewalk ramps throughout the City during the 2014 construction season; and

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

5. Resolution No. 2014-168, approving the purchase of two (2) 2014 Ford Police Interceptors from Gorno Ford.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti Police Department desires to replace two (2) Patrol Vehicle with 2014 Ford Police Interceptors, and

WHEREAS, the City of Ypsilanti Police Department has been allocated funds in the FY 2014-15 budget for the purpose of purchasing these vehicles, and

WHEREAS, Gorno Ford of Woodhaven, Michigan has provided State of Michigan bid pricing in the amount of \$49,040.00.

THEREFORE BE IT RESOLVED, that the Chief of Police be authorized to sign all necessary documents needed to execute the vehicle purchase.

OFFERED BY: Council Member Moeller
SUPPORTED BY: Council Member Vogt

On a voice vote the motion to approve the Consent Agenda carried.

XV. RESOLUTIONS/MOTIONS/DISCUSSIONS -

1. Resolution No. 2014-167, approving Thompson Block PUD agreement.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Ypsilanti City Council approved the rezoning, PUD and site plan for the Thompson Block project on January 7, 2014; and

WHEREAS, the Thompson Block Partners have shown substantial progress with securing tenants and project financing; and

WHEREAS, the Thompson Block Partners have requested a 6 month extension from July 7, 2014 to January 7, 2015;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approve a 6 month extension for Thompson Block Partners to pull building permits and commence actual physical construction on the Thompson Block Project.

OFFERED BY: Council Member Robb

SUPPORTED BY: Mayor Pro-Tem Richardson

Community Development Director Gillotti stated that the applicant has requested that Council provide them with a 6 month extension. The applicant reported that they are in the process of securing tenants and have four letters of intent, one of which has recently signed a lease. Ms. Gillotti added that the applicant has provided this information to both the MEDC and North Star Bank; North Star Bank has provided a letter of support for a conditional loan. Ms. Gillotti stated that Thompson Block Partners, LLC, in addition to executing the first lease, have sold 70% of its shares and hope to begin construction in late fall.

Tyler Weston Howard Hanna Realty, thanked Council for approving the first Planned Unit Development (PUD) and stated that evidenced by the information provided much has been accomplished. Mr. Weston added he estimates two more leases will be signed by the end of next week. Mr. Weston stressed the importance of a signed lease in leveraging bank funding. Mr. Weston stated both the capital raised and the appraisals are positives.

Council Member Robb stated that years ago the City was going through litigation and the City was threatened by Mr. Weston's partner. Mr. Robb stated Council was told that if a resolution was not passed construction would not be able to begin until after winter. Mr. Robb stated this proposal states that construction will continue through the winter and asked if Mr. Weston could provide clarification on how construction is able to occur in the winter months.

Mr. Weston responded that he would not be able to comment on issues that occurred before he became the Real Estate Agent. Mr. Weston added that he would like to comment about what will happen in the next 6 months and that his background is not in construction so he would only be able to provide a limited explanation.

Council Member Moeller asked Mr. Weston to explain the progress made on leasing space.

Mr. Weston explained that Thompson Block Partners, LLC have secured four letters of intent, which covers 100% of first floor commercial space. Mr. Weston further explained that one of the four have signed a lease, which would cover a third of the floor space. Mr. Weston expects that two others will sign leases by the end of next week, which would cover another 50% of floor space, leaving 15% remaining.

Council Member Moeller asked for clarification of the signed lease.

Mr. Weston responded that the first floor commercial space is around 10,000 square feet and a third of that has been leased.

Council Member Moeller asked which has been signed.

Mr. Weston responded that the corner space along Cross and River, which will be a bar with a venue below it, has been signed.

Mayor Schreiber thanked Mr. Weston and his partners, stating that there had been an outcry to tear down the Thompson Block Façade and now they are very close to construction. Mayor Schreiber added that this is really gratifying personally. Mayor Schreiber further stated that this is both a win for historic preservation as well as economic development in the Depot Town District.

On a roll call, the vote to approve Resolution 2014-167 was as follows:

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

VOTE:

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

2. Resolution No. 2014-144, approving POAM contract.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the labor contract between the City of Ypsilanti and Ypsilanti Police Officers Association of Michigan (P.O.A.M.) be adopted with the following changes:

Existing Employees:

- 1. One year Contract Extension (July 17, 2016 — June 30, 2017)**
- 2. Attachment B (Page 49) New Police Officers Association of Michigan (P.O.A.M.) Pay Scale – Please see attached new pay scale.**
 - 1 % increase for all steps effective 7-19-2014**
- 3. Article XXXX - Signing bonus (page 42)- All the current members of the POAM as of July 19, 2014 will receive a**

onetime not added to the base pay signing bonus of \$500 after the contract has been ratified by all parties.

- 4. 17.4: Maintenance Allowance- No change to the \$1,120.00 for the next 3 years. After this contract expires the maintenance allowance will be tied to any increase or decrease to the % increase or decrease to the base wage of POAM officers pay.**

- 5. 25.8: Final Average Compensation (FAC) Calculation- Remove #11 EMT Bonus and #3 food allowance. Also place overtime adjustment bonus and signing bonus to list of items not included in the FAC.**

6. PROMOTION

Assessment Center- Remove the requirement for having an assessment center and replace with new language agreed to by both parties.

27.5: Interview Examination: An oral examination of the candidates will be conducted by an outside panel. Questions will be designed to test the candidate's knowledge and skills in the areas of leadership, supervision, communications, problem solving and decision making.

27.6: Eligibility for Promotion: A composite score will be calculated using 50% Written and 50% Oral examination. The top five candidates will be ranked in order and will be the list of eligible for promotion to the rank of Sergeant. The Chief of Police shall select one of the top five candidates for promotion. The Chief of Police may also require personal interviews prior to selection for promotion. Only the original top five candidates shall be eligible for promotion until the list expires. The list will expire after a period of two years, or when all of the top five candidates have been promoted, whichever occurs first. A new test shall be given at this time to establish a list of candidates.

- 7. 29.3: Compensatory Time- Eliminate the effective date.**
- 8. 32.6: Early Check- Discontinue early check for vacations**
- 9. Part-time Police Officers (page 45) section (I) - Include new language agreed to by both parties that will allow the Ypsilanti Police Department (YPD) to employ two part time police officers. The maximum of two (2) part-time police officers shall be based on twenty (20) full-time police**

officers within the P.O.A.M. unit regardless of assignment within the YPD.

10. Eliminate page 53 - (Refer to 25.9 DROP Program)
11. Remove page #57 - Expired – Temp Sergeant’s letter.
12. Adjust step raises to July 17th of every year for all employees
- Include new language agreed to by both parties that will allow this to occur, for all employees hired on or after July 1, 2017.
13. 22.4 Retiree Health Care-

Employees hired on or after July 17, 2012, will not be eligible to receive retiree health, dental or vision insurance coverage. However, the city will provide a Health Care Savings Account for new hires and will contribute \$150 per month to their fund. The following is the Vesting Period for employees in the Health Care Savings Account:

3 years - 25% of the HCSA can be received by the employee upon separation

5 years - 50% of the HCSA can be received by the employee upon separation

7 years - 75% of the HCSA can be received by the employee upon separation

10 years - 100% of the HCSA can be received by the employee upon separation

No contributions will be required of the employees.

14. Contract Distribution-

The City agrees to print and deliver hard copies of the P.O.A.M. Union Contract to the participants of the negotiating team at the expense of the City. All other copies will be distributed to the P.O.A.M. members electronically.

15. Please see Attachments for P.O.A.M. Benefits by Date Hired.

P.O.A.M. WAGES

POLICE OFFICER PAY SCALE July 19, 2014 to June 30, 2017

STEP	PO1-1A	PO1-1	PO1-2	PO1-3	PO1-4	PO1-5	PO3-1
Pay Grade	\$40,889	\$42,153	\$44,764	\$47,362	\$50,213	\$54,671	\$63,047

PSO (PUBLIC SAFETY OFFICER) PAY SCALE (7% increase over

**above scale)
July 19, 2014 to June 30, 2017**

STEP	PSO-1A	PSO1-1	PSO1-2	PSO1-3	PSO1-4	PSO1-5	PSO3-1A
Pay Grade	\$43,751	\$45,105	\$47,897	\$50,678	\$53,728	\$58,498	\$67,461

Contract Language Changes

Additional contract language changes will be made in order to properly integrate new contract language with existing contract language.

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Vogt

City Manager Lange stated that there will be a savings of \$1,000 that is not reported in this resolution being that two officers have been promoted to the COAM.

Council Member Moeller asked why the Public Safety Officer is still listed in the contract.

City Manager Lange responded that the contract has been extended for the Safety Officers.

Council Member Robb asked if the increase in the POAM of \$19,000 would be shown in the General Fund or the Pension Fund.

City Manager Lange responded in the General Fund.

Council Member Murdock asked for an explanation of the multiplier in each category.

Police Chief DeGiusti responded that long time employees would have a 3.0 multiplier and a single employee would have a 2.0 multiplier with a 5% contribution.

Council Member Murdock asked how long the 3.0 multiplier will last.

Chief DeGiusti responded that it will last for the duration of the contract, brand new employees are at a 2.0 multiplier with a 5% contribution, and with no annuity which they won't be able to elect to collect when they retire.

Council Member Murdock asked what would happen when POAM officers are promoted to COAM and will the officers have the same rates.

Chief DeGiusti answered yes, as officers move up their contract structure follows them. Chief DeGiusti added that this will take a long time as Ypsilanti has a young force.

Council Member Murdock asked if all officers hired after July 1, 2009 are at a 2.0 multiplier.

City Manager Lange responded they add \$50,000 a year to the pension plan. Mr. Lange added that \$900,000 a year is paid to non-union retirees, \$800,000 comes from interest and the other \$100,000 comes from employee contribution.

Council Member Moeller asked if the city is adding anything.

City Manager Lange stated that recently \$14,000 was added which basically drops the over funding from 145% to 144%.

Council Member Murdock stated that the individuals being discussed in this contract are paying between 5-10% to the pension; the city is paying around 28%.

City Manager Lange stated that number is coupled with the retiree health benefit.

Council Member Murdock responded if the retiree health benefit is added the number increases to nearly 60%.

City Manager Lange stressed the fact that until recently employees were not adding anything into the pension fund. Mr. Lange added the new structure will no longer require 17 POAM officers on the road at once, with the addition of the road sergeants. Mr. Lange stated the unification of the benefits has really made a difference.

On a roll call, the vote to approve Resolution 2014-144 was as follows:

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

VOTE:

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

3. Resolution No. 2014-170, approving Prospect Road State grant.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, Prospect Street is in need of repair and reconstruction; and

Whereas the work needs to be done as soon as financially feasible; and

Whereas, thanks to the hard work of many people, especially State Representative Dave Rutledge, the City was notified last week that it is in line to receive a state grant in the amount of \$1,900,000 to make improvements to Prospect Street; and

Whereas, certain documents and contracts need to be signed by the Mayor, City Clerk and City Manager in order to receive this grant money; and

Now therefore, be it resolved that the Ypsilanti City Council authorizes the Mayor and City Clerk to sign all necessary contracts and the City Manager to sign all change orders and project certification forms necessary to secure the above referenced grant as soon as possible, and the City Council officially accepts a state grant in the amount of \$1,900,000 for the purpose for making improvements to Prospect Street.

OFFERED BY: Mayor Pro-Tem Richardson

SUPPORTED BY: Council Member Vogt

Mayor Schreiber stated without this grant minor repairs were planned for this year with major repairs planned for next year. Mayor Schreiber asked how the grant would change the repair schedule.

City Manager Lange responded that this grant requires substantial repairs to occur this year and there will be a mill and fill of Prospect Road, South of Michigan Ave. to Grove St. Mr. Lange added that the grant will allow the city to complete the project next year, which we will see, major construction on Prospect Rd, North of Michigan Ave. to Holmes Rd. Mr. Lange stated repairs should commence in spring of 2015.

Mayor Schreiber asked for clarification on the schedule.

City Manager Lange responded that this year there will be a mill and fill of Prospect Rd. between Michigan Ave. and Grove. Mr. Lange added that the emergency road repairs should begin next week and major construction will begin on Prospect Rd. between Michigan Ave. and Holmes Rd in the first 4 to 6 months of 2015 with all construction being completed by December 31, 2015.

Council Member Murdock asked if Prospect Bridge is still going to be repaired this year.

City Manager Lange stated that he could not guarantee that.

Council Member Murdock asked for clarification.

City Manager Lange explained that there was an issue that DPS Director Stan Kirton had brought to his attention but said he could not go into more detail at this time.

Council Member Murdock stated that the City had received a federal grant to complete that project and that the public was told that the project should begin this week.

City Manager Lange stated that he understood that and would be able to provide more information at a later date.

Council Member Murdock asked if the intersection would still be repaired.

City Manager Lange answered those repairs are still on track for 2015.

Council Member Murdock asked if the emergency road repairs are on schedule.

City Manager Lange responded yes. Mr. Lange explained that the grant will provide a \$567,000 match to the City's \$100,000 or less, and that federal aid the city has received can be pushed to future years.

Council Member Murdock responded that it was not just the City's money involved in that deal, funding had also been provided from WATS.

City Manager Lange stated the City can lend those funds to the Road Commission and be returned the funds once needed.

On a roll call, the vote to approve Resolution 2014-170 was as follows:

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

VOTE:

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

XVI. LIASON REPORTS –

- A. SEMCOG Update - None
- B. Washtenaw Area Transportation Study - None
- C. Washtenaw Metro Alliance - None
- D. Urban County – Passed coordinated funding recommendations which would pool funds from United Way, City of Ann Arbor, Washtenaw County, and various other organizations.
- E. Freight House - None

XVII. COUNCIL PROPOSED BUSINESS –

Murdock

- Stated Saladino Construction has been awarded the contract and asked if it would be possible to not plant alien grass as a replacement.

City Manager Lange responded that he would make sure of it, and asked if the signs had been placed in the rain gardens.

Council member Murdock replied that they had not.

- Stated that there is discussion in the City regarding home invasions and the possibility of a neighborhood watch. Mr. Murdock asked if a meeting could be held that involved neighborhood associations to coordinate efforts.

Robb

- Stated that the Quattro property appears to have added more dirt. Mr. Robb added that the property owner was provided 5 days to remedy the situation and asked for an update.

Community Development Director Gillotti responded the property owners were provided a certain amount of time to comply which they have not so they will be issued a ticket.

Council Member Robb asked what that means.

Ms. Gillotti responded that they have been issued a ticket and if the property owner fails to comply they will receive a judgment from the Administrative Hearings Bureau. Ms. Gillotti said if the property owner still fails to comply the city would perform the clean-up, which will be costly, and place a lean on the property.

Council Member Robb asked what the timeline was for this issue being fixed.

Ms. Gillotti answered that she would be able to provide that information next week.

- Stated that the street lights are rusting through and pointed out that the city holds a maintenance agreement with DTE. Mr. Robb added that DTE has responded to request for repairs have not been budgeted. Mr. Robb expressed

his disbelief with DTE response and asked to see the contract the City holds with the company.

City Manager Lange stated that he would provide Mr. Robb with the contract.

- Stated that the Hertz sign in the Washington St. lot was hit and has fallen over. Mr. Robb asked if Hertz still operated in that area, being that he never sees cars parked there.

Ms. Gillotti replied that the cars are often parked elsewhere in that lot.

Council Member Robb stated that he is not sure who the responsible party is, either the City or Hertz, but it needs to be taken care of.

Moeller

- Stated that she contacted the Police Chief regarding speeding on Mansfield. Ms. Moeller stated that the residents of the Normal Park area appreciated the police department's efforts to reduce driving speeds in their neighborhood.
- Stated that fireworks have become an issue to the extent that dog owners may petition the State to change the law. Ms. Moeller asked if it is legal to have fireworks in Candy Cane Park.

City Manager Lange responded that it is not.

- Stated that there is an issue with chickens walking around Collegewood and dogs are beginning to attack them.
-
- Asked about the progress of the trash issue with Ahmos.

Assistant to the City Manager Savage responded that she has communicated with the complainant and the issue appears to be improving.

Council Member Moeller asked if Ahmos had paid their fines.

Assistant to the City Manager responded yes, they have paid a total of five.

- Asked if Mr. Pizza on Washtenaw, is allowed to be open until 4 a.m.

Council Member Robb responded that they are allowed to be open until 4 a.m. per a January 17, 2014 special use permit.

Council Member Moeller asked if the permit is permanent.

Ms. Gillotti responded a special use permit has specific conditions and if the permit holder is not in compliance the permit can be revoked.

Vogt

- Stated that he and Council Member Moeller have been receiving emails regarding the number of cars parked at the BP gas station on Washtenaw and asked what could be done regarding the issue.

Ms. Gillotti replied that there are only a certain amount of days cars can sit while being repaired. Ms. Gillotti added that the site plan would only allow for so many

parking spaces and the city will need to monitor the business to ensure that they are in compliance.

XVIII. COMMUNICATIONS FROM THE MAYOR –

Nominations:

Zoning Board of Appeals

Jake Albers (replacing Tony Bedogne)
1533 Collegewood
Ypsilanti, MI 48197
Term ends: 5/1/2017

XIX. COMMUNICATIONS FROM THE CITY MANAGER –

- Hopes to get the Recreation Center process moving forward quickly.
- East Washtenaw Safety Alliance will be meeting next week.
- The border to border trail is coming together.
- The City was able to get a TAP grant match.
- The City is working on gathering funding matches for the Freight House.
- POAM and COAM contracts are moving forward.
- Stated that he is anxious to get staffing levels up in both the Fire and Police Departments.
- Parkridge Center contract negotiations are going well, a fund raising mechanism has been created through the creation of the Advisory Committee.
- The 2014 Fleet Reduction Plan has sold \$135,795 worth of equipment and still has 11 items and a compressor for sale.
- The hiring of a Deputy Police Chief has been put on hold.
- Staff is working hard to close the books on FY 2013-2014.
- Stated he recently attended the Blake Transit Center dedication and it was a positive experience.

XX. AUDIENCE PARTICIPATION –

None

XXI. REMARKS FROM THE MAYOR –

None

XXII. ADJOURNMENT –

Resolution No. 2014-169, adjourning the 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 was adjourned at 10:59 p.m.



Draft

**CITY OF YPSILANTI
SPECIAL COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197**

**MONDAY, JULY 14, 2014
7:30 A.M.**

I. CALL TO ORDER –

The meeting was called order at 7:34 a.m.

II. ROLL CALL –

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

III. INVOCATION –

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

IV. PLEDGE OF ALLEGIANCE –

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

V. INTRODUCTIONS –

Mayor Schreiber introduced the following persons; Community Development Director Teresa Gillotti, Washtenaw County Parks and Recreation Commissioner Janice Anschuetz, and Gail Castle owner of the Transformation Station.

VI. AUDIENCE PARTICIPATION-

1. Janice Anschuetz, 101 E. Forest, stated that she has been a member of the Washtenaw County Parks and Recreation Commission since its creation 42 years ago. Ms. Anschuetz thanked all for being here at this early hour, and Council for the work they do to enrich the lives of Ypsilanti's citizens and ensure that tax dollars are spent wisely.
2. Gail Castle, Business Owner, Transformation Station, 5 S. Washington, stated that for 18 years individuals in the health industry have been trying to coordinate health and wellness in the community. Ms. Castle stated the Recreation Center will help to achieve that goal. Ms. Castle added that incorporating the natural environment with the Recreation Center is another aspect that will attract those in the wellness field.

VII. REMARKS BY THE MAYOR –

Thanked the individuals who participated in audience participation and thanked Janice Anschuetz for her years of dedicated service with the WCPARC.

IX. RESOLUTIONS/MOTIONS/DISCUSSIONS

Resolution 2014-155, approving purchase agreement with Washtenaw County Parks and Recreation (WCPARC) to purchase 4.1 acres for the Eastern Washtenaw Recreation Center.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Ypsilanti City Council approved a Letter of Intent for the sale 4.1 acres at its regularly-scheduled January 10, 2012 meeting and provided an extension to the letter of intent at its July 16, 2013 meeting; and

WHEREAS, Ypsilanti City staff have worked with Washtenaw County Parks and Recreation Commission (WCPARC) on concept plans and related purchase agreement for the acquisition of a 4.1 acre parcel on the Northwest portion of the Water Street Redevelopment Area; and

WHEREAS; Ypsilanti City Council approved an ordinance to sell Water Street on August 18, 2009; and

WHEREAS, Ypsilanti City Council passed a resolution requiring a public hearing with every purchase offer for the Water Street Redevelopment Area in July 21, 2009; and

WHEREAS; Ypsilanti City Council has held a public hearing for the sale of a 4.1 acre portion of the Water Street Redevelopment area to provide an opportunity for public input on July 8, 2014; and

WHEREAS; WCPARC intends to build an approximately 45,000 square foot East Side Recreation Center to be operated by the Ann Arbor YMCA; and

WHEREAS: WCPARC has negotiated terms including, due diligence, governmental approval periods, as well as purchase price, and development of related infrastructure; and

WHEREAS the City is the developer of the Water Street Redevelopment area where WCPARC is not subject to local zoning, Historic District ordinance or local building code due to its status as a county entity;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approve the attached Purchase Agreement with Washtenaw County Parks and Recreation Commission to sell and develop 4.1 acres of the Water Street Redevelopment Area as presented in the agreement and attachments, and

FURTHER, that the Mayor and City Clerk are authorized to sign the Purchase Agreement.

OFFERED BY: Council Member Vogt
SUPPORTED BY: Council member Murdock

Community Development Director Gillotti provided a presentation (see website).

Council Member Robb asked if the best case scenario is a setback of 20 feet what would be the worst case scenario.

Ms. Gillotti responded possibly 60 feet, although she does not see that as anyone's intention.

Council Member Robb stated that Council has received a memo stating that developers are requesting that the Recreation Center be at this location. Mr. Robb asked what developers are being told regarding the design of the building. Mr. Robb added that the actual construction of the building may change as time progresses and he wants to make sure that the developers have correct expectations.

Ms. Gillotti responded that at the moment staff is showing interested developers the conceptual drawing provided by the County; however they are made aware the design is subject to change.

City Manager Lange stated that developers are aware that this is a County building and the County is not obligated to adhere to local zoning ordinance. Mr. Lange added that developers are told that the building will be up front and that it will be a substantial size.

Washtenaw County Parks and Recreation Commissioner Janice Anschuetz stated that the initial design is not necessarily the design that will be used. Ms. Anschuetz explained that in order to hasten the design process the County contracted two U of M professors and several graduate students to perform the designs. Two designs were made and the design that was presented was chosen at the Ypsilanti Heritage Festival. Ms. Anschuetz added that the amenities on the inside have been decided and were based on an intensive study which included a feasibility analysis. Ms. Anschuetz concluded that there is a misconception that the Recreation Center needs to make money most; parks and recreation facilities are subsidized by tax dollars.

Mayor Schreiber stated the city would like to have the aspects of the master plan be followed in construction of this building. Mayor Schreiber stated that this will be a public building and is subject to public oversight, the County is taking on the sole role of that task. Mayor Schreiber added that he will be paying close attention to this project and hopes that this community's best interests are kept in mind.

Ms. Anschuetz responded that every project she has worked on has paid close attention of the local community's zoning ordinances. Ms. Anschuetz stated that the Parks Department has an excellent track record and she takes pride in that. Ms. Anschuetz restated that the conceptual envelope is not necessarily what the building will look like.

Council Member Murdock stated that discussions of this project began after the November election in 2010 which passed the millage. Mr. Murdock stated that discussions that he had with Commissioner Sizemore were positive in that a Recreation Center would work well on Water Street. The issue is that the millage is up for renewal in November of 2014. Mr. Murdock added the City is doing something with a public entity that the City would not do with a private entity. Mr. Murdock stated that there is a misconception that the City has allowed Family Dollar and Herman Kittles to sidestep city ordinance and it's not true. Mr. Murdock said that there will need to be a lot of trust involved in this project but it must move forward. Mr. Murdock concluded that he would have liked to have the project begin before 2017 but it is good for the City, it's good for Water Street, and it's good for the citizens of Washtenaw County.

City Council Meeting Minutes
July, 14, 2014

On a roll call, the vote to approve Resolution No. 2014-155 was as follows:

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

VOTE:

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

X. AUDIENCE PARTICIPATION –

1. Washtenaw County Parks and Recreation Commissioner Janice Anschuetz, 101 E Forest, Stated that there is a beautiful park at Rolling Hills which was such a positive experience for that area that farmers were offering land to the Parks Department. Ms. Anschuetz explained originally Rolling Hills was the planned location for the Recreation Center, however Executive Director Tetens wanted to locate the center in Ypsilanti providing much needed recreation for the youth and hopefully spur the economy. Ms. Anschuetz added that the original plan was to purchase 12 acres and construct an urban park that housed the Recreation Center. Ms. Anschuetz concluded that the reason the project has been pushed back is that the County will need to show 10 years of income which will happen after the renewing of the millage.
2. Gail Castle. Transformation Station, 5 S. Washington, stated that she had been part of the charettes and meetings early on in this process, and stressed the need for the Recreation Center. Ms. Castle also suggested that the county add more up-to-date information to the website regarding the project.

XI. REMARKS BY THE MAYOR –

Mayor Schreiber thanked all those who spoke, as well as the hard work of staff.

XI. ADJOURNMENT –

Resolution No. 2013-171, adjourning the Special 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 Murdock

On a voice vote, the motion carried and the meeting adjourned at 8:05 a.m.



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

REQUEST FOR LEGISLATION

DATE: July 18, 2014

FROM: Jesse O'Jack, Assistant Ypsilanti City Attorney

SUBJECT: Adoption of ordinance to amend Chapter 50 of the Ypsilanti City Code by amending Article II, "Fire Prevention Code," Section 10.1.5 "Open source fires or open burnings," to include the use of outdoor fireplaces, prohibit sky lanterns, and reflect the requirements of NFPA 1, Uniform Fire Code

SUMMARY/BACKGROUND

The City of Ypsilanti has adopted by reference and enforces NFPA 1, Uniform Fire Code, 2006 Edition, as amended by Section 50-33 "Additions, insertions, and changes." The current NFPA edition is the 2012 edition. The current amendments regarding open source fires or open burnings do not include the use of outdoor fireplaces or sky lanterns and is based on the 1996 edition of BOCA. However, rather than update the entire NFPA code to the current edition, the recommendation is to wait until the NFPA 2015 edition is released and then do a complete adoption at that time. However, as a temporary measure until the adoption of the NFPA 2015 edition, it is recommended that Section 10.1.5 "Open sources fires or open burnings" of Section 50-33 of the Ypsilanti City Code be updated separately without waiting until the 2015 NFPA edition is released to include regulating the use of outdoor fireplaces, prohibiting sky lanterns, and to reflect the requirements of NFPA 1, Uniform Fire Code.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

DATE RECEIVED: 7/18/14 AGENDA ITEM NO. 2014-173

CITY MANAGER COMMENTS:

FOR AGENDA OF: 8/7/14 FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-173
August 7, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a ordinance to adopt the International Property Maintenance Code, entitled "AN ORDINANCE TO AMEND CHAPTER 50 OF THE YPSILANTI CITY CODE, ENTITLED "FIRE PREVENTION AND PROTECTION," BY AMENDING ARTICLE II, "FIRE PREVENTION CODE," SECTION 50-33 "ADDITIONS, INSERTIONS, AND CHANGES TO UPDATE THE RULES REGARDING OPEN SOURCE FIRES AND OPEN BURNINGS" be approved on First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

City of Ypsilanti

Ordinance No. 1226

AN ORDINANCE TO AMEND CHAPTER 50 OF THE YPSILANTI CITY CODE, ENTITLED "FIRE PREVENTION AND PROTECTION," BY AMENDING ARTICLE II, "FIRE PREVENTION CODE," SECTION 50-33 "ADDITIONS, INSERTIONS, AND CHANGES TO UPDATE THE RULES REGARDING OPEN SOURCE FIRES AND OPEN BURNINGS.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to Chapter 50, "Fire Prevention and Protection," Article II "Fire Prevention Code," of the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 50, "Fire Prevention and Protection," of the Ypsilanti City Code, Article II, "Fire Prevention Code," Section 50-33, "Additions, insertions, and changes," is hereby amended as follows:

Sec. 50-33. Additions, insertions, and changes.

That the NFPA 1, Uniform Fire Code, 2006 Edition is amended and changed in the following respects:

Section 1.13 Certificates of Fitness, page 1-22, line 1. Change "Certificates of Fitness" to read "Certificates of Occupancy" in the title and all further references to "Certificate of Fitness" found in sections 1.13.1, 1.13.2, 1.13.3, 1.13.4, 1.13.5.1, 1.13.5.2, 1.13.5.3, 1.13.5.4, 1.13.6, 1.13.7, 1.13.8, 1.13.9, 1.13.10 and (1), (3), (4), 1.13.11, 1.13.12.1, and 1.13.12.3 change to "Certificate of Occupancy."

Section 10.1.5, page 1-54. Delete section and replace with: "~~Open source fires or open burnings are prohibited within the city so that:~~

Section 10.1.5 Open source fires or open Burnings. Open source fires or open burnings are prohibited within the city except where specifically permitted as follows:

- A. No person ~~shall~~ may kindle, authorize or maintain a rubbish fire or bonfire on public or private land or on any street or alleyway ~~within the city.~~
- B. ~~No~~ The burning of leaves, trees, logs, brush or stumps is prohibited ~~will be allowed within the city.~~
- C. Cooking fires using solid fuel such as charcoal, wood and wood the like materials, shall are prohibited ~~not be allowed on balconies or covered patios or within 10 feet of any structure in~~

~~multiple family buildings or in any business districts. Gas fired cooking units such as propane grills are permitted will be allowed.~~

D. Use of an outdoor fireplace equipped with a spark arrester is permitted if it complies with the following:

1. The outdoor fireplace must be used in accordance with the manufacturer's recommendations;
2. The fireplace is not located within 25 feet of any structure; and
3. The fireplace is maintained in good condition.

E. Barbecues, outdoor fireplaces, and grills may not be used for the disposal of rubbish, trash, or combustibles.

F. Burning that is offensive or objectionable because of smoke or odor emission must be extinguished immediately. The Fire Department is authorized to order the extinguishment of illegal open burning or fires and any burning or fires creating a hazard.

G. The use of sky lanterns is prohibited. For the purposes of this subsection, a sky lantern means any airborne paper lantern, also known as Kongming Lantern or Chinese lantern, sky candle, or fire balloon which is constructed from oiled rice paper on a bamboo frame, and contains a small candle or fuel cell composed of a waxy flammable material, which when lit, the flame heats up the air inside the lantern, thus lowering its density and causing the lantern to rise into the air, or any similar device.

H. The following fires are approved:

1. Small cooking fire contained in a vessel designed for that use so long as it complies with the subsections above.

2. Outdoor fireplaces that comply with the subsections above.

3. Salamanders or other devices used for heating construction or other workers so long as no nuisance is created.

4. Controlled wild fire burns may be allowed by the Fire Marshall when this action is necessary to protect rare plants dependent on fire for seed production.

5. Open fire for recognized ceremonial purpose only may be permitted after obtaining approval from the Fire Official subject to the following:

- a. The fire must be constantly attended; and
- b. A garden hose, fire extinguisher or other approved fire extinguishing equipment must be available for immediate use.

6. Small fires used by municipal firefighters for training purposes.

Excepted fires-

- ~~1. Small cooking fires contain in a vessel designed for that use so long as there is no conflict with article "C" of this section.~~
- ~~2. Salamanders or other devices used for heating construction or other workers so long as no nuisance is created.~~
- ~~3. Controlled wild fire burns may be allowed by the fire marshal when this action is necessary to protect rare plants dependent on fire for seed production.~~
- ~~4. Small fires used by public firefighters for training purposes."~~

I. Fees. Persons who cause the fire department to respond due to a violation of this section are responsible for the Fire Department's costs and expenses as set forth in Chapter 38 "Emergency Services," Article III "Recovery of certain emergency response costs," Division 4 "Incidents involving the response of the Fire Department."

Section 10.13 Vacant Buildings and Premises, page 1-58. Delete sections 10.13.1 through 10.13.3 and replace with a reference stating "See Ypsilanti City Code, [Chapter 18](#), Article VI, Division 5 Vacant Buildings."

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 Washtenaw Now (formerly 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 _____, 2014.

Paul Schreiber, Mayor

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in the Washtenaw Now (formerly Ypsilanti Courier) on the ____ day of _____, 2014.

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 _____, 2014.

Frances McMullan, City Clerk

Notice Published: July 24, 2014

First Reading: August 7, 2014

Second Reading: _____

Published: _____

Effective Date: _____



Resolution No. 2014-174
August 7, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance to adopt the International Property Maintenance Code, entitled "AN ORDINANCE TO AMEND CHAPTER 50 OF THE YPSILANTI CITY CODE, ENTITLED "FIRE PREVENTION AND PROTECTION," BY AMENDING ARTICLE II, "FIRE PREVENTION CODE," SECTION 50-33 "ADDITIONS, INSERTIONS, AND CHANGES TO UPDATE THE RULES REGARDING OPEN SOURCE FIRES AND OPEN BURNINGS" be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2014 –175
Augusts 7, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2014-176, approving Ordinance No. 1225, an ordinance to amend the Ypsilanti City Code to prohibit the operation of motor vehicles and motorcycles without insurance consistent with MCL 500.3101, MCL 500.3102, and MCL 500.3103.
(Second Reading)
2. Resolution No. 2014-177, approving Michigan Municipal League (MML) Liability and Property Pool insurance coverage, effective 8/1/2014-8/1/2015, and authorizing payment.
3. Resolution No. 2014-178, recognizing September as “*Turn the Towns Teal*”, a National Awareness for Ovarian Cancer campaign and allowing volunteers to tie teal ribbons around the City of Ypsilanti.
4. Resolution No. 2014-179, approving appointment of Jake Albers to Zoning Board of Appeals.
5. Resolution No. 2014-180, approving MuniRent Intergovernmental Agreement contract.
6. Resolution No. 2014-181, correcting the comprehensive city fee schedule adopted by Resolution 2014-130 on June 3, 2014 to add a \$50 lien filing cost to judgments, waived if the judgment is paid within 30 days; and increase the Administrative Hearing Bureau costs to \$250, as provided in Resolution 2014-030 dated January 21, 2014.
7. Resolution No. 2014-182, approving engineering for TAP Grant for the Border to Border trail connection.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2014-176
August 7, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 102 "TRAFFIC AND VEHICLES" OF THE YPSILANTI CITY CODE, BY ADDING ARTICLE V "MOTOR VEHICLE AND MOTORCYCLE INSURANCE REQUIRED", INCLUDING SECTION 102-225 SETTING FORTH DEFINITIONS AND SECTION 102-226 MAKING IT A VIOLATION TO OPERATE OR PERMIT THE OPERATION OF A MOTOR VEHICLE OR MOTORCYCLE WITHOUT THE INSURANCE REQUIRED BY STATE LAW, CREATION OF A PRESUMPTION, AND SETTING FORTH THE PENALTIES" be approved at Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

The City of Ypsilanti

Ordinance No. 1225

AN ORDINANCE TO AMEND CHAPTER 102 "TRAFFIC AND VEHICLES" OF THE YPSILANTI CITY CODE, BY ADDING ARTICLE V "MOTOR VEHICLE AND MOTORCYCLE INSURANCE REQUIRED", INCLUDING SECTION 102-225 SETTING FORTH DEFINITIONS AND SECTION 102-226 MAKING IT A VIOLATION TO OPERATE OR PERMIT THE OPERATION OF A MOTOR VEHICLE OR MOTORCYCLE WITHOUT THE INSURANCE REQUIRED BY STATE LAW, CREATION OF A PRESUMPTION, AND SETTING FORTH THE PENALTIES.

THE CITY OF YPSILANTI HEREBY ORDAINS:

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

That Chapter 102 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Traffic and Vehicles," is hereby amended by adding Article V "Motor vehicle and motorcycle insurance required", which Article reads as follows:

Article V. -Motor vehicle and motorcycle insurance required.

Sec. 102-225. Definitions.

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

Automobile insurance means that term as defined in MCL 500.2102.

Highway means that term as defined in MCL 257.20.

Motorcycle means a vehicle having a saddle or seat for the use of the rider, designed to travel on not more than 3 wheels in contact with the ground, which is equipped with a motor that exceeds 50 cubic centimeters piston displacement. The wheels on any attachment to the vehicle shall not be considered as wheels in contact with the ground. Motorcycle does not include a moped, as defined in MCL 257.32b. Motorcycle does not include an ORV.

Motor vehicle means a vehicle, including a trailer, operated or designed for operation upon a public highway by power other than muscular power which has more than 2 wheels. Motor vehicle does not include a motorcycle or a moped, as defined in MCL 257.32b. Motor vehicle does not include a farm tractor or other implement of husbandry which is not subject to the registration requirements of

the Michigan vehicle code pursuant to MCL 257.216. Motor vehicle does not include an ORV.

Owner means any of the following:

(a) A person renting a motor vehicle or having the use thereof, under a lease or otherwise, for a period that is greater than 30 days.

(b) A person who holds the legal title to a vehicle, other than a person engaged in the business of leasing motor vehicles who is the lessor of a motor vehicle pursuant to a lease providing for the use of the motor vehicle by the lessee for a period that is greater than 30 days.

(c) A person who has the immediate right of possession of a motor vehicle under an installment sale contract.

Registrant does not include a person engaged in the business of leasing motor vehicles who is the lessor of a motor vehicle pursuant to a lease providing for the use of the motor vehicle by the lessee for a period that is greater than 30 days.

Sec. 102-226. Operating or permitting a motor vehicle or motorcycle to be operated without insurance prohibited; presumption; penalty.

(a) An owner or registrant of a motor vehicle or motorcycle with respect to which security is required by MCL 500.3101, MCL 500.3102, or MCL 500.3103, may not operate the motor vehicle or motorcycle or permit it to be operated upon a public highway in the City of Ypsilanti, without having in full force and effect security complying with those sections.

(b) A person may not operate a motor vehicle or motorcycle upon a public highway in the City of Ypsilanti with the knowledge that the owner or registrant does not have security in full force and effect as required by MCL 500.3101, MCL 500.3102, or MCL 500.3103 for that motor vehicle or motorcycle.

(c) The failure of a person to produce evidence that a motor vehicle or motorcycle has in full force and effect security complying with MCL 500.3101, MCL 500.3102, or MCL 500.3103 on the date of the issuance of the citation, creates a rebuttable presumption in a prosecution that the motor vehicle or motorcycle did not have in full force and effect security complying with those sections on the date of the issuance of the citation.

(d) A person who violates any provision of this section is guilty of misdemeanor, punishable by a fine of not less than \$200.00 nor more than \$500 or by imprisonment for not more than 90 days or both.

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 _____, 2014.

Paul Schreiber, Mayor

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1225 was published in the Washtenaw Now (formerly Ypsilanti Courier) on the ____ day of _____, 2014.

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 _____, 2014.

Frances McMullan, City Clerk

Notice Published June 11, 2014

First Reading July 8, 2014

Second Reading August 7, 2014

Published _____

Effective Date _____



REQUEST FOR LEGISLATION
July 31, 2014

FROM: Frances McMullan, City Clerk

SUBJECT: Resolution to Approve MML Renewal Premium

SUMMARY & BACKGROUND:

The City Clerk's office has received an invoice in the amount of \$321,019.00 for the renewal of the City's Property and Liability insurance through the Michigan Municipal League (MML), for coverage beginning August 1, 2014 and ending August 1, 2015.

The renewal premium reflects a decrease of \$21,586 or 6.3% due to the following:

1. The City has \$463,230 less payroll
2. The City has 10 less vehicles
3. The City has 1 additional law enforcement officer
4. The City has 1 less fire vehicle with agreed amount values

There was a slight increase in the property and liability rate, however, the MML Liability and Property Pool Board of Directors voted to return another dividend in 2014 to renewing members, and the City will receive \$50,424 after payment of the renewal premium, compared to a dividend return of \$46,254 in 2013.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Resolution
MML Proposal

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: 08/7/2014

CITY MANAGER COMMENTS: _____

FINANCE DIRECTOR APPROVAL: _____



Resolution No. 2014-177
August 7, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the invoice submitted for payment to the Michigan Municipal League Liability and Property Pool for issuance of coverage beginning August 1, 2014 and ending August 1, 2015 in the amount of \$321,019 be approved.

BE IT FURTHER RESOLVED THAT the City Manager is authorized to sign and approve payment of the invoice.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

I do hereby certify that the above resolution is a true and correct copy of Resolution 2014-177 as passed by the Ypsilanti City Council, at their meeting held on August 7, 2014.

Frances McMullan, City Clerk



michigan municipal league

**MICHIGAN MUNICIPAL LEAGUE
LIABILITY AND PROPERTY POOL**

P.O. Box 972067, Ypsilanti, Michigan 48197-0835
(248) 358-1100, (800) 482-2726
Fax (248) 358-0534

INVOICE

City of Ypsilanti
1 South Huron Street,
Ypsilanti, MI 481975453

Customer #: 5000160
Policy Term: 08/01/2014 - 08/01/2015
Invoice Date: 07/16/2014
Invoice #: 13421201

Payment Enclosed: \$ _____

PLEASE MAKE CHECKS PAYABLE TO MICHIGAN MUNICIPAL LEAGUE LIABILITY AND PROPERTY POOL

FOR PROPER CREDIT PLEASE DETACH THIS STUB AND RETURN WITH YOUR PAYMENT FOR THE TOTAL AMOUNT DUE

MICHIGAN MUNICIPAL LEAGUE LIABILITY AND PROPERTY POOL

P.O. Box 972067, Ypsilanti, Michigan 48197-0835
(248) 358-1100, (800) 482-2726, Fax (248) 358-0534

TRANSACTION EFFECTIVE DATE	POLICY NUMBER	DESCRIPTION	AMOUNT
08/01/2014	MML001185530	Pool Renewal Premium	\$321,019
Due Date is 30 days from the effective or invoice date, whichever is later.			
Total Amount Due			\$321,019

City of Ypsilanti
Premium Breakdown as of:
August 1, 2014

Liability

Limit of Liability \$ 2,000,000	
Rita Fulton-building Inspector	\$96.00
Public Officials Errors & Omissions	\$75,975.00
Police Professional	\$114,646.00
General Liability	\$61,302.00
Rita Fulton-building Inspector	\$77.00
Total Liability	\$252,096.00

Property

City Hall	\$3,476.00
Fencing, Lighting	\$16.00
Police Station	\$1,937.00
Radio Tower	\$12.00
Flagpole, Lighting, Sign	\$12.00
Fire Station	\$3,508.00
Flag Pole, Lighting, Sign	\$34.00
Dpw Office	\$227.00
Dpw Garage	\$472.00
Dpw Sign Shop & Storage	\$165.00
Storage Building	\$71.00
Dpw Repair Shop	\$331.00
Salt Storage Shed	\$804.00
Pole Barn	\$206.00
Dpw Equipment	\$212.00
Fencing	\$40.00
Parkridge Center	\$1,022.00
Sign	\$3.00
Power House	\$19.00
Park Shelter	\$136.00
Storage Building	\$31.00

City of Ypsilanti
Premium Breakdown as of:
August 1, 2014

Property

Park Shelter	\$11.00
Service, Storage Building	\$23.00
Fences, Lighting	\$24.00
Sign, Grills, Tables	\$2.00
Shelter, Restroom	\$330.00
Lighting, Signs	\$47.00
Playground Equipment, Basketball Court, Fence	\$369.00
Service Building, Restroom Incl Shelter	\$108.00
Shelter	\$17.00
Comfort Station, Storage	\$25.00
Park Building	\$17.00
Lighting, Sign, Basketball Courts, Tennis Courts	\$75.00
Bath House	\$481.00
Service Building & Restrooms	\$70.00
Storage Shed	\$28.00
Shelter	\$36.00
Swimming Pool	\$513.00
Lighting, Fencing, Tennis Courts, Signs, Athletic Field	\$356.00
Senior Center	\$574.00
Sign	\$3.00
Service Building & Restrooms	\$109.00
Dock, Gazebo, Lighting, Bridge	\$228.00
Frog Island Ampitheater	\$23.00
Park Shelter	\$19.00
Lighting, Fencing, Athletic Field	\$131.00
Freighthouse & Farmers Market	\$578.00
Recycle Station	\$49.00
Oil Shed	\$18.00
Fencing At Oil Shed	\$5.00

City of Ypsilanti
Premium Breakdown as of:
August 1, 2014

Property

Fencing At Recycle Station	\$4.00
Dda, Riverside Arts Center	\$2,374.00
Fencing, Lighting, Sign	\$24.00
Charles Street Tot Lot	\$6.00
Fencing, Sign	\$4.00
Elm Street Tot Lot	\$4.00
Property In The Open	\$0.00
Service Building, Old Gilbert	\$7.00
Town Clock	\$55.00
Service Building	\$41.00
Fencing, Sign	\$49.00
Sign	\$1.00
Fencing, Lighting At Athletic Field	\$98.00
Service, Storage Building	\$31.00
Lighting, Sign	\$11.00
Farmers Market	\$574.00
Pump Station	\$148.00
Fine Arts	\$68.00
Electronic Data Processing	\$427.00
Radio Equipment	\$11.00
Police Equipment	\$16.00
Golf Cart Equipment	\$5.00
Contractors Equipment	\$770.00
Total Property	\$21,731.00

City of Ypsilanti
Premium Breakdown as of:
August 1, 2014

Automobile

(66) Vehicles

\$47,192.00

Total Automobile

\$47,192.00

TOTAL ANNUAL POOL PREMIUM

\$321,019.00



michigan municipal league

Liability & Property Pool

Proposal

for the

City of Ypsilanti

Presented By:

Judith A. Thomson-Torosian, CPCU, CIC, ARM
Meadowbrook® Insurance Group, Service Provider
(248) 204-6137

July 14, 2014

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This proposal is intended to be only a summary of coverages and services. For specific details on coverage terms and conditions, please refer to the Michigan Municipal League Liability and Property Pool coverage document.

Executive Overview

The Michigan Municipal League Liability and Property Pool is administered by the Risk Management staff of the Michigan Municipal League, and serviced by Meadowbrook Insurance Group. Since 1982, the Pool has been a stable source of comprehensive municipal insurance and risk management services. It is financially secure and positioned for long-term stability.

The **City of Ypsilanti** has been a Pool member since **August 1, 1984**.

The League administrative staff and the dedicated Pool staff at Meadowbrook Insurance Group are municipal insurance experts. Municipal risk management is our only business, and we're proud of it!

The Pool provides insurance coverage designed specifically for Michigan municipal exposures, combined with a package of loss control programs, claims administration, legal defense and membership services that you won't find anywhere else in Michigan.

This quotation is based on the limits of coverage requested by the **City of Ypsilanti**. Higher limits may be available, subject to underwriting review by Pool Management. Please submit requests for higher limits in writing to your Account Executive. Your request will be considered by Pool Management.

The insurance and related services described more fully in this proposal are being offered to the **City of Ypsilanti** for an annual premium of **\$321,019**. When compared to last year's cost of \$342,605, it represents a premium decrease of \$21,586, or 6.3%. (In addition, the MML Liability & Property Pool Board of Trustees voted to return another post-renewal dividend for Members renewing in 2014. The City's portion of the dividend return is \$50,424. The City will receive this dividend in the month following payment of your 2014 renewal premium.)

We encourage you to compare the Pool with our competition. Compare us based on price, coverage, service, financial security, experience and commitment to municipal risk management. When you do, the advantages of Pool membership become clear.

Thank you for being a Pool member. We look forward to servicing your risk management program for many years to come.

Our Mission

To be a long-term, stable, cost-effective risk management alternative for members of the Michigan Municipal League Liability and Property Pool.

Introduction

What You Can Expect Of Us

- ✓ A commitment to learn, understand and respond to your insurance needs;
- ✓ Continuous planning and innovation in product development and service delivery;
- ✓ Products that meet your needs in terms of price, coverage and service;
- ✓ Prompt, accurate, and courteous response to your questions, problems and claims; and
- ✓ Knowledgeable and professional staff serving your needs consistently and with integrity.

Your Pool Insures More Than . . .

- | | |
|--|-------------------------------------|
| ✓ 400 Public Entity Members | ✓ 188 Water Utilities |
| ✓ 852 Licensed Emergency Medical Technicians | ✓ 7,000 Vehicles |
| ✓ 440 Licensed Paramedics | ✓ 19 Electric Utilities |
| ✓ 143 Fire Departments | ✓ 25 Municipal Marinas |
| ✓ 184 Law Enforcement Agencies | ✓ \$4.15 Billion of Property Values |
| ✓ 5,535 Miles of Streets/Roads | ✓ 205 Sewer Operations |

These local communities are current Pool members:

Ypsilanti Charter Township
Ypsilanti Community Utilities Authority
Ypsilanti District Library



Coverage and Cost Summary City of Ypsilanti

Effective 08-01-2014 to 08-01-2015

Coverages	Limit of Liability	Aggregate Limit	Per Occurrence Deductible
Municipal General Liability (Coverage A)	\$2,000,000	N/A	\$0
Rita Fulton-Building Inspector	\$2,000,000	N/A	\$0
Sewer Back-Up Sublimit	No Coverage	N/A	N/A
Personal Injury Liability (Coverage B)	\$2,000,000	N/A	\$0
Medical Payments (Coverage C)	\$10,000	N/A	N/A
Public Officials Liability (Coverage D)	\$2,000,000	N/A	\$0
Rita Fulton-Building Inspector	\$2,000,000	N/A	\$0
Law Enforcement Liability (Coverages A, B, and D)	\$2,000,000	N/A	\$0
Employee Benefit Liability	\$1,000,000	\$1,000,000	\$0
Fire Legal Liability	\$100,000	N/A	N/A
Dam Liability	\$500,000	\$500,000	\$0
Marina Operator Liability	No Coverage	N/A	N/A
Automobile Liability (Coverages A and B)	\$2,000,000	N/A	\$0
<u># Vehicles</u>	<u>Comp</u>	<u>Coll</u>	
66	\$250	\$500	

Agreed Amount, if applicable 4 Vehicles for a total of \$1,810,710

Coverages A, B, and D are provided with a combined single limit of liability. The most the Pool will pay for any one occurrence is \$2,000,000 regardless of the number of coverages involved in the occurrence.

Property

Property - Blanket Basis	\$22,436,003	N/A	\$250
Boiler and Machinery	Included	N/A	\$250
Building(s)	Included	N/A	\$250
Contents	Included	N/A	\$250
Property in the Open	Included	N/A	\$250
Protection & Preservation	Included	N/A	N/A
Property - Limited Replacement Cost, if applicable	\$0	N/A	\$0
Accounts Receivable	\$100,000	N/A	\$250
Consequential Damage	\$100,000	N/A	N/A
Contractor's Equipment	\$845,000	N/A	\$250
Debris Removal - the lesser of 25% of physical damage loss or	\$5,000,000	\$5,000,000	N/A
Demolition & Increased Costs of Construction Limit	\$100,000	N/A	N/A
Earthquake	\$2,000,000	\$2,000,000	\$5,000
Electronic Data Processing Equip	\$493,626	N/A	\$250



Coverage and Cost Summary City of Ypsilanti

Effective 08-01-2014 to 08-01-2015

Coverages	Limit of Liability	Aggregate Limit	Per Occurrence Deductible
Expediting Expense	\$100,000	N/A	N/A
Extra Expense	\$100,000	N/A	N/A
Fine Arts	\$175,000	N/A	\$250
Flood (Except for Members located in Flood Zone A, AO, AH, A1-A999, AE, or AR)	\$1,000,000	\$1,000,000	\$5,000
Golf Cart Equipment	\$5,238	N/A	\$250
Loss of Income	\$100,000	N/A	N/A
Loss of Rents	\$100,000	N/A	N/A
Ornamental Trees, Shrubs, Plants or Lawn	\$5,000	\$10,000	\$250
Personal Effects & Property of Others	\$500	\$2,500	\$250
Police Equipment	\$17,049	N/A	\$250
Radio Equipment	\$11,712	N/A	\$250
Valuable Papers	\$100,000	N/A	\$250
<u>Comprehensive Crime Coverage</u>			
Employee Dishonesty Blanket/Faithful Performance	\$100,000	N/A	N/A
Depositors Forgery	\$100,000	N/A	N/A
Money and Securities Inside	\$100,000	N/A	N/A
Money and Securities Outside	\$100,000	N/A	N/A
Money Orders and Counterfeit Paper	\$100,000	N/A	N/A
<u>Bonds</u>			
Bond #: A Treasurer	\$100,000	N/A	N/A

Only one deductible applies to claims involving two or more property coverages.

The Michigan Municipal League Liability and Property Pool is pleased to offer all coverages and services described in this proposal for an annual premium of \$321,019.

Your Team of Experts



Judy Thomson-Torosian
Service and Sales Manager
(248) 204-6137



Michael J. Forster
Pool Administrator
(734) 669-6340



Ellen Skender
248-204-8582



Joan Opett
248-204-8579

Customer Service Representatives



Tom Weed
Claims Supervisor
(616) 942-0311, ext. 4123



Rod Pearson
Loss Control Supervisor
(248) 204-8036

Benefits of Pooling with the MML

- ✓ Proven long-term availability and stability
- ✓ Broad coverage document written specifically for Michigan municipalities
- ✓ Services tailored to unique needs of Michigan municipalities
- ✓ Member assets controlled by an elected Board of municipal officials
- ✓ Equitable rating based on Pool experience in Michigan
- ✓ Aggressive defense strategy – positive impact on case law
- ✓ Professional, dedicated, and experienced local management, oversight and service
- ✓ Decisions made and problems resolved by a group of your peers
- ✓ Investment income and underwriting surplus used to benefit members
- ✓ Lower expenses through tax-exempt and non-profit status
- ✓ Special loss avoidance training sessions including:
- ✓ Safety aspects of emergency vehicle operations
- ✓ Accident investigation for supervisors
- ✓ Confined spaces training

The advantages of pooling can be summarized by:

Service + Control + Value

City of Ypsilanti Has . . .

- ✓ \$6,257,599 Annual Payroll (\$6,720,829 in 2013)
- ✓ \$22,436,003 of total values for real and personal property (Same in 2013)
- ✓ 28 Law enforcement officers (27 in 2013)
- ✓ 66 Vehicles (76 in 2013)
- ✓ 4 Fire Vehicles with agreed values totaling \$1,810,710 (5 in 2013)

Increased Liability Limits

We cannot guarantee the adequacy of any limit of liability. Due to the following factors, it may be prudent to consider higher limits:

- ✓ Increased jury awards in your jurisdiction
- ✓ Increased litigation trends
- ✓ Protection of tax base against judgments in excess of your policy limits

If you are interested in increasing your liability limits, please contact your Account Executive.

Highlights of Coverages Provided

Who Is Insured?

The Pool member entity, elected and appointed officials, employees and authorized volunteers, and any person officially appointed to a Board or Commission

General Liability

In addition to standard liability coverages (bodily injury, property damage, products and completed operations) the Pool provides coverages that municipalities need on an **occurrence basis with no aggregate liability limits**:

- ✓ Liability resulting from mutual aid agreements
- ✓ Premises medical payments
- ✓ Host liquor liability
- ✓ Watercraft liability, owned less than 26' and non-owned less than 50'
- ✓ Special events **excluding** -
 - Fireworks (unless endorsed)
 - Liquor Liability
 - Mechanical Amusement Rides
- ✓ Fire legal liability for real property
- ✓ Ambulance and EMT malpractice

Fireworks Coverage Options: (Fireworks application must be completed before coverage is endorsed)

- | | |
|--|--------------------|
| 1. The MML Liability & Property Pool is primary (the Member is not added as an additional insured on a pyrotechnician's coverage): | |
| Annual Aggregate Sublimit | Additional Premium |
| \$500,000 | Yes |
| \$1,000,000 | Yes |
| 2. The MML Liability & Property Pool is excess (the Member is added as an additional insured on a pyrotechnician's coverage): | |
| NO ADDITIONAL PREMIUM | |

- ✓ Athletic participation liability
- ✓ Employee benefit liability
- ✓ Cemetery operations coverage
- ✓ Cyber Liability Coverage Sublimit—MML233 (07/13)
- ✓ Marina Operators coverage available
- ✓ Up to \$10 million in liability limits available
- ✓ Employee benefit liability
- ✓ Pollution coverage for Hazardous Response Teams

General Liability Exclusions . . .

The following is a partial list of general liability coverage exclusions. Consult the coverage document for the complete listing:

- ✓ Pollution (except for Hazmat operations).
- ✓ Nuclear energy / nuclear material hazards
- ✓ Aircraft Liability
- ✓ Breach of contract
- ✓ Failure of dams
- ✓ Backup of Sewers and Drains
- ✓ Criminal activity / Intentional acts with knowledge of wrongdoing
- ✓ Contractual Liability
- ✓ Failure to supply utilities
- ✓ Expected or intended injury
- ✓ Electromagnetic radiation
- ✓ Medical malpractice for doctors and physicians

Public Officials Liability Coverage

"Wrongful Acts", including intentional acts, defined as any actual or alleged error, misstatement, act of omission, neglect or breach of duty including:

- ✓ Neglect of duty
- ✓ Zoning defense and land use litigation
- ✓ Malfeasance
- ✓ Violation of civil rights
- ✓ Discrimination
- ✓ Employment practices
- ✓ Misfeasance
- ✓ Cable TV broadcasting

Public Officials Liability Exclusions

The following is a partial list of public officials' liability coverage exclusions. Consult the coverage document for the complete listing:

- ✓ Pollution and Nuclear Energy
- ✓ Fraud, dishonesty, intentional and criminal acts
- ✓ Failure to purchase coverage or adequate coverage
- ✓ Return of governmental grants or subsidies
- ✓ Intentional acts with knowledge of wrongdoing
- ✓ Eminent domain / takings
- ✓ Illegal profit
- ✓ Labor union actions
- ✓ ERISA violations
- ✓ Backup of Sewers and Drains

Personal Injury & Advertising / Broadcasters Liability Coverage

- ✓ Mental anguish and stress
- ✓ Libel, slander or defamation of character; violation of an individual's right of privacy
- ✓ Proactive services for non-monetary damage claims

Police Professional Liability Coverage

Police Professional Liability coverage is contained within the General Liability and Public Official Liability Coverage Parts

- ✓ Discrimination
- ✓ Assault or battery
- ✓ Violation of civil rights
- ✓ Improper service of suit
- ✓ Jail operations
- ✓ Coverage assumes officers act with intent
- ✓ False arrest, detention or imprisonment, or malicious prosecution
- ✓ Wrongful entry or eviction or other invasion of the right of private occupancy

Property Coverage

In addition to covering buildings, contents and personal property, the Pool provides:

- ✓ Blanket coverage -- All member-owned property insured (unless specifically excluded)
- ✓ Coverage based on ownership rather than on a "schedule on file" avoids coverage gaps due to errors or oversight
- ✓ Property of others in custody of the Member for which the Member has an obligation to provide coverage
- ✓ Boiler & Machinery coverage, including Boiler certification inspections
- ✓ Replacement Cost or Actual Cash Value available
- ✓ Fungal Pathogens (Mold) Limited Coverage
- ✓ Demolition/increased cost of construction
- ✓ No coinsurance
- ✓ Valuable papers
- ✓ Loss of Rents
- ✓ Property in the open
- ✓ Extra expense
- ✓ Expediting expense

Property Exclusions

The following is a partial list of property coverage exclusions. Consult the coverage document for the complete listing:

- ✓ Nuclear reaction/ contamination
- ✓ War
- ✓ Cyber Risk
- ✓ Fungal Pathogens (Mold) excess of sub-limit
- ✓ Failure to supply utilities
- ✓ Transmission Lines and Poles
- ✓ Dishonest acts
- ✓ Acts of Terrorism excess of Pool's Aggregate Sublimit -- MMLC TR (9/1/10)
- ✓ Wear and tear
- ✓ Computer failures/ viruses

Only one deductible applies to claims involving two or more property coverages.

Comprehensive Crime Coverage

- ✓ Employee Dishonesty/ Faithful Performance of Duty coverage provided on a blanket basis
- ✓ Loss Inside the Premises
- ✓ Loss Outside the Premises
- ✓ Money Orders/ Counterfeit Currency
- ✓ Depositors Forgery
- ✓ Position Fidelity Bonds

Automobile Coverage Highlights

What Is Covered?

Coverage is afforded while operating land motor vehicles, trailers or semi-trailers designed for travel on public roads.

Auto Coverages Provided

- ✓ Michigan No-Fault Coverage, includes mini-tort coverage for no extra charge
- ✓ Excess protection for use of personal automobile for municipal business
- ✓ Uninsured motorist for municipally owned vehicles
- ✓ Underinsured motorists
- ✓ Non-owned and hired auto
- ✓ Comprehensive - actual cash value basis
- ✓ Collision - actual cash value basis
- ✓ Volunteer firefighter auto accident liability coverage
- ✓ Agreed value coverage for emergency vehicles is available
- ✓ Fire or Rescue Vehicle Rental Reimbursement Coverage

Pool Risk Management Services

- ✓ Review and service of all municipal insurance matters
- ✓ Public entity experts address various liability issues
- ✓ Aggressive, member-oriented defense strategy
- ✓ Former police officials address law enforcement risks
- ✓ Physical inspection by municipal loss control engineers
- ✓ Law enforcement risk control programs (LEAF and LERC)
- ✓ Property appraisal services available

Online Services

www.mml.org (click on the *Insurance* button) – offers Pool members an outstanding resource for municipal risk management information and self-help tools in one attractive, simple-to-navigate location. File a claim on line. Download your renewal application. Request a loss control service visit. E-mail us a question. Other services available online:

- ✓ Online Forms (including Sewer Backup Sample Documents)
- ✓ Risk Resources:
 - ✓ Risk Control Solutions
 - ✓ Safety & Health Manual
 - ✓ Risk Management is Good Management Program
 - ✓ Law Enforcement Newsletters
 - ✓ Access to Safetysurance website -- <http://www.safetysurance.com/>
- ✓ MML Pool Audited Financial Statements
- ✓ Intergovernmental Contract
- ✓ Board of Directors, Pool Administrator and Staff Profiles and Contact Information

Membership Responsibilities

Membership in the Michigan Municipal League Liability and Property Pool provides numerous benefits. Likewise, individual members have certain responsibilities to the other members, which are detailed in the Intergovernmental Contract. The following is a summary of the membership responsibilities. Please refer to the Intergovernmental Contract, Articles 5 and 6, for more information.

- ✓ If a Member intends to leave the Pool, the Member must send a written notice to the Pool at least 60 days prior to its next renewal date.
- ✓ A Member must pay its premium when due. The Pool must give each member 20 days written notice of intent to terminate membership for nonpayment of premium. Payment of premium before the 20 days notice is effective will entitle the Member to reinstatement.
- ✓ Members must maintain membership or associate membership status in the Michigan Municipal League.
- ✓ A Member will allow attorneys employed by the Pool to represent the Member in defense of any claim made against the Member within the scope of coverage provided by the Pool. A Member will cooperate with the assigned attorneys, claims adjusters, service company or other agents of the Pool relating to the defense of claims for which the Pool is providing coverage.
- ✓ A Member will follow loss reduction and prevention measures established by the Pool.
- ✓ A Member will report to the Pool as promptly as possible all incidents that the Member reasonably believes may result in a claim against the Member.



Resolution No. 2014-178
August 7, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, ovarian cancer is the deadliest of gynecologic cancers and a leading cause of cancer-related death in women. The survival rate has barely improved over the past 40 years, when "War on Cancer" was declared.

WHEREAS, due to lack of early detection, less than 20 percent of ovarian cancer is diagnosed early, when it is most treatable; and

WHEREAS, the Michigan Ovarian Cancer Alliance (MIOCA), a nonprofit and partner member of the Ovarian Cancer National Alliance, promotes saving lives through early detection, improved treatment outcomes, community outreach and education; and

WHEREAS, "*Turn the Towns Teal*" is a campaign promoting awareness of ovarian cancer and its symptoms, and is held in conjunction with National Ovarian Cancer Awareness Month, from September 1 to September 30; and

WHEREAS, "*Turn the Towns Teal*" this is the 8th year of the campaign and it features teal ribbons tied throughout the city as well as awareness posters and information cards provided for establishments that are interested; and

WHEREAS, the Michigan Ovarian Cancer Alliance (MIOCA), will cover all expenses incurred by this campaign and there will be no cost to the city.

THEREFORE BE IT RESOLVED THAT the Mayor and City Council supports this national campaign and approves of teal ribbons being tied throughout the city on September 1st and removed on September 30, 2014, along with lawn signs, awareness posters and information cards being provided for establishments that are interested.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

I do hereby certify that the above resolution is a true and correct copy of Resolution 2014-178 as passed by the Ypsilanti City Council, at their meeting held on August 7, 2014.

Frances McMullan, City Clerk



Turn The Towns Teal®

A National Awareness Campaign for Ovarian Cancer

Dear Administrator:

Turn The Towns Teal® is a national campaign to create awareness of ovarian cancer and its symptoms. It consists of volunteers tying ribbons (which are biodegradable & made in the USA!) primarily in town centers and providing stores, health clubs, spas, libraries, etc. with symptom cards and information pertaining to ovarian cancer. We do this in September which is National Ovarian Cancer Awareness Month. This will be our 8th year. To see our campaign at work, please visit our website @ www.turnthetownsteal.org.

Ovarian cancer is often referred to as "**The Silent Disease**" as its symptoms are often vague and subtle. There is NO early detection test for ovarian cancer which is why we NEED women to be aware of the known symptoms. If detected in the early stages, the survival rate for ovarian cancer is 90 to 95% which is why this awareness campaign is so very, very critical.

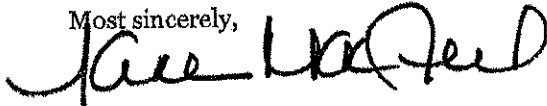
I am asking you to grant permission for our volunteers to tie ribbons in the center of your town. If a shopping center is involved, we will, of course, ask permission of the center's owner. For more impact, we're going to have lawn signs (similar to political signs) stating that September is Ovarian Cancer Awareness Month. The ribbon & sign campaign will begin on or about September 1st, and your town volunteer (and/or group) will be removing the materials on or about September 30, 2014.

Thanks to the support of towns & cities like yours, we ARE saving lives with this campaign.

Your signature on the bottom of this letter will indicate your permission for our campaign. **Kindly return the signed letter back to the volunteer whose name and contact information is below.**

If you have any questions, please don't hesitate to email us @ info@turnthetownsteal.org.

Most sincerely,



Jane B. MacNeil
President

MAYOR / TOWN OFFICIAL

TOWN/STATE

Please return the signed letter to the volunteer listed below. She/he is responsible for the campaign in your town.

Dolores DeTavernier
VOLUNTEER NAME

734-645-7043
CONTACT INFORMATION

P.O. Box 65, Brookside, NJ 07926
(973)543~2523
info@turnthetownsteal.org
www.turnthetownsteal.org



Resolution No. 2014 – 179
August 7, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

<u>NAME</u>	<u>BOARD</u>	<u>TERM EXPIRATION</u>
Jake Albers (replacing Tony Bedogne) 1533 Collegewood Ypsilanti, MI 48197	ZBA	5/1/2017

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

June 27, 2014

Jake Albers
1533 Collegewood Street
Ypsilanti, MI 48197

989-239-2463
jalbers00@gmail.com

Mayor Paul Schreiber
1 South Huron Street
Ypsilanti, MI 48197

Dear Paul,

Please accept this letter as an expression of my interest in serving the City of Ypsilanti's Zoning Board of Appeals. Having recently become a resident of the city, I believe I have much to offer as a volunteer.

Experience

- **Education**
 - Graduate study in Urban and Regional Planning at Eastern Michigan University
- **Career**
 - As both an Intern and Community Development Coordinator with Ypsilanti DDA from 2010 – 2012 I gained experience in zoning, physical infrastructure projects, grant programs, commercial building rehabilitation, and parking.
 - From 2012 to early 2014, as Manager of SPARK East Business Incubator I specialized in entrepreneurial development for innovation based companies as a mechanism to grow our local economy.
 - I currently serve EMU's Center for Advancing Social Enterprise (CASE) as Assistant Director for Community Partnerships. In my role I work directly with social enterprises, both for and non-profit, to create entrepreneurial development solutions with the goal of growing and sustaining our regions social sector.
- **Boards and Committees**
 - Ypsilanti DDA: Economic Restructuring and Design Committee, 2012 – Present
 - Social Enterprise Alliance, Detroit Chapter: Board Secretary, 2014 - Present

Goals for ZBA

- My goals for the Zoning Board of Appeals are to uphold the standard set forth within the Zoning Ordinance, to ensure that appeals are met swiftly and viewed objectively, to make certain that all appeals are given proper due-diligence and reviewed with careful consideration regarding potential effects to the city, to the best of my ability interpret the language within the Zoning Ordinance, and to work in good faith with fellow ZBA members.

I thank you for your time and consideration. Please do not hesitate to contact me should you wish to discuss my background in further detail.

Sincerely,



Jake Albers



REQUEST FOR LEGISLATION
August 7, 2014

From: Ralph A. Lange, City Manager and Stan Kirton, Director of Public Services

Subject: MuniRent Services, Terms and Conditions, Version 1.4

Summary and Background:

There are times that the city needs to use expensive heavy equipment that does not make sense for it to own. The city needs to minimize its overhead costs to accomplish this goal; therefore, the city needs to own the least amount of heavy equipment possible but with as many options to rent this type of equipment as possible.

By entering into this contract with MuniRent, it provides the city with many more possible options to rent heavy equipment at a reasonable cost. It would save taxpayers' dollars by renting affordable equipment; have the ability to rent from neighboring communities; we would gain access to a wider inventory of equipment and the city would have full insurance verification.

This will not cost the city any money to belong for a two period. A representative of MuniRent will attend the meeting.

Recommended Action: Approval by both the City Manager and Director of Public Services

Attachment: Intergovernmental Agreement, MuniRent Terms of Service, Signature Page, and Memo from MuniRent CEO

Date Received: July 31, 2014 Agenda Item No.: 2014-180

City Manager Comments: _____

For Agenda of August 7, 2014 Finance Director Approval _____

Council Action Taken: _____



Resolution No. 2014-180
August 7, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the city needs to minimize its overhead costs, and;

WHEREAS, to accomplish this goal, the city needs to own the least amount of heavy equipment possible, and;

WHEREAS, there are times that the city needs to use expensive heavy equipment that does not make sense for it to own, and;

WHEREAS, the city needs as many options to rent this type of equipment as possible, and;

WHEREAS, entering into this contract with MuniRent provides the city with many more possible options to rent heavy equipment at a reasonable cost,

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves that the Mayor and City Clerk are authorized to sign the attached contract, excepting paragraph 5.3 of the Intergovernmental Agreement, subject to review and approval by the City Attorney; and

That the City Manager is authorized, under this agreement, to rent equipment needed by the city from other governmental agencies or rent out equipment owned by the city to other governmental agencies and to sign any and all other documents so required, subject to review and approval by the City Attorney.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

To: Ralph A. Lange, City Manager

From: Alan Mond, CEO MuniRent

Date: 7-31-2014

1) I have attached an addendum to the Terms and Conditions (version 1.4) stating that we will waive the membership fees for **2 years**.

2) I will allow City of Ypsilanti to join for 12 months with a \$2,000,000 umbrella insurance policy, but after the first 12 months, if you decide to remain a member, you will need to comply with the requirement of \$5,000,000 umbrella insurance policy. This is to keep the playing field level for all members.

Either Christopher Jue or Julien Vanier will be present for the August 7th City Council meeting.

Best regards,

Alan Mond, CEO
MuniRent

Ann Arbor, MI

[248-953-3496](tel:248-953-3496)

<https://www.munirent.co>

alan@munirent.co

MUNIRENT
SERVICE TERMS AND CONDITIONS

Version: 1.4

Revision Date: July 30, 2014

These Service Terms and Conditions are the agreement between 1000 Tools and each Member for using the Service. The terms for rental of Equipment between Members through the Service are listed separately in the Intergovernmental Agreement between agencies.

1. Introduction. The Members own certain equipment and provide certain services which may be useful to other Members. The Members agree that renting equipment and services promotes the cost-effective and efficient use of public resources. The Service, operated and maintained by 1000 Tools, allows the Members to post Equipment for rent on the Member Center, as the Owner of such Equipment, and also to rent Equipment from other Members of the Service, as a Renter of such Equipment. Each Member agrees to use the Service according to the terms in this Agreement.
2. Definitions. As used in this Agreement, the following terms shall have the following meaning:
 - "**Administrator(s)**" means the person or persons designated by the Member who are (a) authorized to subscribe to the service on the Member's behalf, (b) to administer the Member's use of the Service, (c) to manage the Member's account, and (d) who are authorized to enter into Rental Agreements and administer such agreement with other Members.
 - "**Agreement**" means these Service Terms and Conditions.
 - "**Service Documentation**" means any guides, instructions, FAQs, and reference materials provided to the Member or the Member's Administrators by 1000 Tools in connection with use of the Services, as such Documentation may be amended by us from time to time (in the event of any conflict between the terms of this Agreement and the terms of any such Service Documentation, the terms of this Agreement shall prevail).
 - "**Effective Date**" means the date the Member begins using the Service.
 - "**Equipment**" means tools, equipment, and vehicles, and any services related to the operation of such tools, equipment, and vehicles.
 - "**Intellectual Property Rights**" means any unpatented inventions, patent applications, patents, design rights, copyrights, trademarks, service marks, trade names, domain name rights, mask work rights, know-how and other trade secret rights, and all other intellectual property rights, derivatives thereof, and forms of protection of a similar nature anywhere in the world.
 - "**Member**" refers to the party subscribing to and using the Service. Member may also be referred to as an Owner or a Renter.

"Member Center" means the website or mobile application of the Service that allows Administrators, among other things, to order the Service and manage the Member's account.

"Rental Charges" means the total rental cost including transportation and any fees payable by a Renter to an Owner under the terms of a Rental Agreement and as shown in the Member Center.

"Membership Fee" means the fee charged in advance by 1000 Tools to a party to become a Member for the duration of the Term.

"Owner" means the party to a Rental Agreement who is the owner or provider of the Equipment as rented and made available to a Renter.

"Rental Agreement" means an agreement between an Owner and a Renter to rent Equipment per the terms of the Intergovernmental Agreement existing between Members.

"Renter" means the party to a Rental Agreement who is renting the Equipment from the Owner.

"Service" means MuniRent, the online Equipment listing and rental platform developed, operated, and maintained by 1000 Tools, accessible via the Member Center, and ancillary online or offline services related to MuniRent provided to the Members by 1000 Tools and its affiliates.

"Term(s)" means the period(s) during which the Member is licensed to use the Service. The period is one year (12 months) and can be renewed when the corresponding Membership Fee is paid.

"Transaction Fee" means a fee assessed by 1000 Tools after the completion of a Rental Agreement, based on the Rental Charges as it appears on the Member Center.

"1000 Tools" means 1000 Tools, Inc., a Delaware corporation, the owner and operator of the Service.

"1000 Tools Technology" means all of our proprietary technology (including software, hardware, products, processes, algorithms, user interfaces, know-how, techniques, designs, and other tangible or intangible technical material or information) made available to the Member by 1000 Tools in providing the Service.

3. License Grant and Restrictions.

3.1. We hereby grant the Member a nonexclusive, nontransferable, worldwide right to use the Service, solely for the Member's own internal business purposes, subject to the terms and conditions of this Agreement. All rights not expressly granted to the Member are reserved by 1000 Tools and its licensors.

3.2. The Member shall not license, sublicense, sell, resell, transfer, assign, distribute, or otherwise commercially exploit (except as permitted by the Service) or make available

to any third party the Service in any way. This license to use the Service can be shared or used by more than one Administrator per Member at the same time and may be reassigned from time to time to new Administrators who are replacing former Administrators who have terminated employment or otherwise changed job status or function and no longer use the Service.

4. Member Responsibilities. The Member is responsible for all activity occurring under their account and shall abide by all applicable local, state, national, and foreign, laws, treaties and regulations in connection with the Member's use of the Service. The Member shall notify 1000 Tools immediately of any unauthorized use of any password or account or any other known or suspected breach of security.
5. Member Information and Content. The Member, not 1000 Tools, shall have sole responsibility for the accuracy, quality, integrity, legality, reliability, appropriateness, and intellectual property ownership or right to use of all information or content the Member posts on or provides through the Service, 1000 Tools reserves the right to remove any information or content and deny access to any user in our sole discretion. 1000 Tools has the right (but not the obligation) to review and remove objectionable or inappropriate information or content at any time.
6. Intellectual Property Ownership. 1000 Tools (and its licensors, where applicable) shall exclusively own all right, title, and interest, including all related Intellectual Property Rights, in and to the 1000 Tools Technology, the Service and any suggestions, ideas, enhancement requests, feedback, recommendations, or other information provided by the Member or any other party relating to the Service. This Agreement is not a sale and does not convey to the Member any rights of ownership in or related to the Service, the 1000 Tools Technology or the Intellectual Property Rights owned by 1000 Tools. The 1000 Tools name, logo, and the product names associated with the Service are trademarks of 1000 Tools or third parties, and no right or license is granted to use them.
7. Fees and Charges.
 - 7.1. The pricing structure including Membership Fee and Transaction Fee will be described in the amendment (see Addendum A) of this agreement. Unless otherwise specified in the amendment to this Agreement (See Addendum A), 1000 Tools will give the Member at least 30 days prior written notice of a fee change, which shall be effective thereafter.
 - 7.2. 1000 Tools charges the Membership Fee, if applicable, in advance for use of the Service for the duration of the Term. Upon renewal, the Membership Fee, if applicable, for the new Term will be equal to the current Membership Fee as described in Section 7.1

7.3. After each completed Rental Agreement, 1000 Tools will charge a Transaction Fee which will be subtracted from the Owner's revenue for that Rental Agreement.

7.4. 1000 Tools' fees are exclusive of all taxes, levies, or duties imposed by taxing authorities, and if applicable the Member shall be responsible for payment of all such taxes, levies, or duties, excluding only U.S. (federal or state) taxes based solely on 1000 Tools' income.

8. Payment of Fees and Charges.

8.1. The Member shall pay all fees or charges to its account in accordance with the fees, charges, and billing terms in effect at the time a fee or charge is due and payable.

8.2. Payment for the Membership Fee must be made annually in advance. All Membership Fee payment obligations are non-cancelable and all amounts paid are nonrefundable. The Member is responsible for paying Membership Fee for the entire Term, whether or not its account is actively used.

8.3. Rentals are payable to 1000 Tools. 1000 Tools shall pay the applicable rental fees agreed to in the Member Center to Owner within 30 days of receiving payment from Renter, less the amount of the Transaction Fees. 1000 Tools will invoice the Renter on behalf of the Owner for the Rental Charges within 30 days of the end of a Rental Agreement. Payment will be due within 30 days of receipt of such Invoice.

8.4. The Member must provide 1000 Tools with valid invoicing and payment information as a condition to signing up for the Service. 1000 Tools reserves the right to modify its fees and charges and to introduce new charges at any time, upon at least 30 days prior notice to the Member, which notice may be provided by email; provided, however, that such charges shall only be effective and apply to the subsequent renewal term and until new changes are in effect.

8.5. If the Member believes that its invoice is incorrect, the Member must contact 1000 Tools in writing, via email to support@1000tools.com, within 60 days of the invoice date of the invoice containing the amount in question to be eligible to receive an adjustment or credit.

9. Nonpayment and Suspension. In addition to any other rights granted to 1000 Tools herein, 1000 Tools reserves the right to suspend or terminate this Agreement and the Member's access to the Service if its account becomes delinquent. The Member will continue to be charged for rental transaction fees during any period of suspension. If the Member initiates termination of this Agreement, the Member will be obligated to pay the balance due on its account.

10. Duration, Renewal and Termination. This Agreement commences on the Effective Date. Upon the expiration of the Term, this Agreement will automatically renew for successive one-year Terms, unless there is a Termination for Cause (Section 11). Either party may terminate this Agreement, effective only upon the expiration of the then current Term, by notifying the other party in writing at least thirty (30) days prior to the expiration of the Term. In the case of free trials, notifications provided through the Member Center indicating the remaining number of days in the free trial shall constitute notice of termination. In addition, 1000 Tools may terminate a free trial account at any time in its sole discretion.
11. Termination for Cause. Any breach of the Member's payment obligations, material breach of a Rental Agreement, or unauthorized use of the 1000 Tools Technology or Service will be deemed a material breach of this Agreement. 1000 Tools, in its sole discretion, may terminate the Member's account or use of the Service if the Member breaches or otherwise fails to comply with this Agreement.
12. Representations and Warranties. Each party represents and warrants that it has the legal power and authority to enter into this Agreement. 1000 Tools represents and warrants that it will provide the Service in a manner consistent with general industry standards reasonably applicable to the provision thereof and that the Service will perform substantially in accordance with the Service Documentation under normal use and circumstances.
13. Member Indemnification. The Member shall, if and to the extent permitted by law, indemnify and hold 1000 Tools and its licensors and each such party's parent organizations, subsidiaries, affiliates, officers, directors, employees, attorneys, and agents harmless from and against any and all claims, costs, damages, losses, liabilities, and expenses (including attorneys' fees and costs) arising out of or in connection with: (i) any Rental Agreement; (ii) a claim, which if true, would constitute a violation by the Member of its representations and warranties; or (iii) a claim arising from the breach by the Member or its Administrators of this Agreement; provided, however, in the case of (i) above, that 1000 Tools (a) gives written notice of the claim promptly to the Member; (b) gives the Member sole control of the defense and settlement of the claim (provided that the Member may not settle or defend any claim unless it unconditionally releases 1000 Tools of all liability and such settlement does not affect 1000 Tools' business or Service); (c) provides to the Member all available information and assistance; and (d) has not compromised or settled such claim.
14. 1000 Tools Indemnification. 1000 Tools shall indemnify and hold the Member and its affiliates, officers, directors, employees, attorneys, and agents harmless from and against any and all claims, costs, damages, losses, liabilities, and expenses (including attorneys' fees and costs) arising out of or in connection with: (i) a claim alleging that the Service

directly infringes a copyright, a U.S. patent issued as of the Effective Date, or a trademark of a third party; (ii) a claim, which if true, would constitute a violation by 1000 Tools of its representations or warranties; or (iii) a claim arising from breach of this Agreement by 1000 Tools; provided, however, in the case of (i) above, that the Member (a) promptly gives written notice of the claim to 1000 Tools; (b) gives 1000 Tools sole control of the defense and settlement of the claim (provided that 1000 Tools may not settle or defend any claim unless it unconditionally releases the Member of all liability); (c) provides to 1000 Tools all available information and assistance; and (d) has not compromised or settled such claim. 1000 Tools shall have no indemnification obligation, and the Member shall indemnify 1000 Tools pursuant to this Agreement, for claims arising from any Rental Agreement.

15. Disclaimer of Warranties. 1000 TOOLS AND ITS LICENSORS MAKE NO REPRESENTATION, WARRANTY, OR GUARANTY AS TO THE RELIABILITY, TIMELINESS, QUALITY, SUITABILITY, TRUTH, AVAILABILITY, ACCURACY, OR COMPLETENESS OF THE SERVICE OR ANY CONTENT ON THE SERVICE. 1000 TOOLS AND ITS LICENSORS DO NOT REPRESENT OR WARRANT THAT (A) THE USE OF THE SERVICE WILL BE SECURE, TIMELY, UNINTERRUPTED, OR ERROR-FREE OR OPERATE IN COMBINATION WITH ANY OTHER HARDWARE, SOFTWARE, SYSTEM, OR DATA; (B) THE SERVICE WILL MEET THE USER'S REQUIREMENTS OR EXPECTATIONS; (C) ANY STORED DATA WILL BE ACCURATE OR RELIABLE; (D) THE QUALITY OF ANY EQUIPMENT, SERVICES, INFORMATION, OR OTHER MATERIAL RENTED OR OBTAINED BY THE USER THROUGH THE SERVICE WILL MEET THE USER'S REQUIREMENTS OR EXPECTATIONS; (E) ERRORS OR DEFECTS WILL BE CORRECTED; OR (F) THE SERVICE OR THE SERVER(S) THAT MAKE THE SERVICE AVAILABLE ARE FREE OF VIRUSES OR OTHER HARMFUL COMPONENTS. THE SERVICE AND ALL CONTENT ON THE SERVICE IS PROVIDED TO THE USER STRICTLY ON AN "AS IS" BASIS. ALL CONDITIONS, REPRESENTATIONS AND WARRANTIES, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR NON-INFRINGEMENT OF THIRD PARTY RIGHTS, ARE HEREBY DISCLAIMED TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW BY 1000 TOOLS AND ITS LICENSORS.
16. Internet Delays. 1000 TOOLS' SERVICES MAY BE SUBJECT TO LIMITATIONS, DELAYS, AND OTHER PROBLEMS INHERENT IN THE USE OF THE INTERNET AND ELECTRONIC COMMUNICATIONS. 1000 TOOLS IS NOT RESPONSIBLE FOR ANY DELAYS, DELIVERY FAILURES, OR OTHER DAMAGE RESULTING FROM SUCH PROBLEMS.

17. Limitation of Liability. EXCEPT FOR EITHER PARTY'S INDEMNIFICATION OBLIGATIONS UNDER SECTIONS 13 or 14 IN NO EVENT SHALL EITHER PARTY'S AGGREGATE LIABILITY EXCEED THE AMOUNTS ACTUALLY PAID BY AND/OR DUE FROM THE MEMBER IN THE TWELVE (12) MONTH PERIOD IMMEDIATELY PRECEDING THE EVENT GIVING RISE TO SUCH CLAIM. IN NO EVENT SHALL EITHER PARTY AND/OR ITS LICENSORS BE LIABLE TO ANYONE FOR ANY INDIRECT, PUNITIVE, SPECIAL, EXEMPLARY, INCIDENTAL, CONSEQUENTIAL, OR OTHER DAMAGES OF ANY TYPE OR KIND (INCLUDING LOSS OF DATA, REVENUE, PROFITS, USE, OR OTHER ECONOMIC ADVANTAGE) ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE SERVICE, INCLUDING BUT NOT LIMITED TO THE USE OR INABILITY TO USE THE SERVICE, OR FOR ANY CONTENT OBTAINED FROM OR THROUGH THE SERVICE, ANY INTERRUPTION, INACCURACY, ERROR, OR OMISSION, REGARDLESS OF CAUSE IN THE CONTENT, EVEN IF THE PARTY FROM WHICH DAMAGES ARE BEING SOUGHT OR SUCH PARTY'S LICENSORS HAVE BEEN PREVIOUSLY ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.
18. Additional Rights. Certain states and/or jurisdictions do not allow the exclusion of implied warranties or limitation of liability for incidental, consequential, or certain other types of damages, so the exclusions set forth above may not apply to the Member.
19. General.
- 19.1. Publicity. 1000 Tools may represent in press releases, on its website, and on other promotional materials that the Member is a subscriber of the Service.
- 19.2. Governing Law; Jurisdiction; Arbitration. This Agreement shall be governed, construed and enforced in all respects by the laws of the State of Michigan. Other than a party's right to seek injunctive relief, any claim or dispute arising out of or relating to this Agreement shall be decided by binding arbitration before a single arbitrator. The parties shall equally split the arbitrator's fees.
- 19.3. Entire Agreement. This Agreement constitutes the entire understanding and agreement between the Member and 1000 Tools with respect to its subject matter. This Agreement may only be amended by mutual, written agreement of the parties.

ADDENDUM A

Background

As part of a special pilot project, 1000 Tools, Inc. has offered to waive MuniRent's subscription fee for the first two years of membership to all Members in the State of Michigan. The offer is valid for the initial 24 months from the time the Member signs and dates the signature page. The regular subscription fee is a range between \$100 - \$500 depending on fleet size.

No Membership Fees

During the initial 24 months, Michigan agencies will be able to join at no cost as observers, renters, or suppliers. Participation in equipment sharing is not required. This is offered as an opportunity for communities to test the platform and only rent from others when the need. Listing equipment on the website is also free of charge.

Transaction Fees

If a community decides to rent equipment from another municipality, each rental transaction has a fee that depends on the total rental cost. A transaction fee of 10% of the rental cost will be deducted after the rental from the owner's rental revenue. The renter will pay no additional transaction fee.

Fee schedules will be reviewed and revised after the trial period is over.

INTERGOVERNMENTAL AGREEMENT FOR EQUIPMENT AND SERVICES

Version: 1.6

Revision Date: March 24, 2014

This Intergovernmental Agreement for Equipment and Services is the master agreement between Members concerning the rental of Equipment through the Service. The terms and conditions of the Service between 1000 Tools and each Member are listed separately in the Service Terms and Conditions.

1. Introduction. The Members own certain equipment and provide certain services that may be useful to other Members. The Members agree that renting equipment and services promotes the cost-effective and efficient use of public resources. The Service, operated and maintained by 1000 Tools, allows the Members to post Equipment for rent on the Member Center, as the Owner of such Equipment, and also to rent Equipment from other Members of the Service, as a Renter of such Equipment. The Members agree to and accept this Intergovernmental Agreement for Equipment and Services to govern the transactions among themselves for the rental of Equipment through the Service.

2. Definitions. As used in this Agreement, the following terms shall have the following meaning:

"Administrator(s)" means the person or persons designated by the Member who are (a) authorized to subscribe to the service on the Member's behalf, (b) to administer the Member's use of the Service, (c) to manage the Member's account, and (d) who are authorized to enter into Rental Agreements and administer such agreement with other Members. “

“Agreement” means this Intergovernmental Agreement for Equipment and Services

"Equipment" means tools, equipment, and vehicles, and any services related to the operation of such tools, equipment, and vehicles.

"Equipment Documentation" means any guides, instructions, policies, FAQs and reference materials provided to a Renter by the Owner in connection with use of specific Equipment (in the event of any conflict between the terms of a Rental Agreement and the terms of any such Equipment Documentation, the terms of this Rental Agreement shall prevail).

"Member" means a public entity who has subscribed to and is using the Service. A Member may also be referred to as an Owner or a Renter as applicable under a Rental Form.

"Member Center" means the website or mobile application of the Service that allows Administrators, among other things, to enter into Rental Agreements.

"Owner" means the party designated in a Rental Form who is the owner or provider of the Equipment as rented and made available to a Renter.

"Rental Agreement" means an agreement between an Owner and a Renter to rent Equipment per the terms of this Intergovernmental Agreement for Equipment and Service, any Rental Form(s) related to this specific rental, whether written or submitted online via the Member Center, and any Equipment Documentation with respect to specific Equipment.

"Rental Form(s)" means the form(s) evidencing the rental of Equipment between Members, submitted in written form or online via the Member Center, specify, among other things: (a) the Owner, the Renter, and their respective Administrators; (b) the Equipment, including, as applicable, serial number and description; (c) the date and time the Equipment will be made available for use, the date and time the Equipment will be returned, the estimated rental period, the location for pick up or delivery of the Equipment; (d) any services provided in connection therewith; (e) the applicable rental fees, the billing period, and other charges as agreed to between the parties; and (f) any special instructions or other agreements between the parties, including Equipment Documentation.

"Renter" means the party to a Rental Agreement who is renting the Equipment from the Owner.

"Service" means MuniRent, the online Equipment listing and rental platform developed, operated, and maintained by 1000 Tools, accessible via the Member Center, and ancillary online or offline services related to MuniRent provided to the Members by 1000 Tools and its affiliates.

"1000 Tools" means 1000 Tools, Inc., a Delaware corporation, the owner and operator of the Service.

3. No Liability for 1000 Tools. The Members acknowledges and agrees that 1000 Tools is not a party to any Rental Agreement and has no liability under such agreement. The Members acknowledge and affirm that, if and to the extent permitted by law, they indemnify and hold 1000 Tools harmless from and against any and all claims arising out of or in connection with any Rental Agreement as provided in the Service Terms and Conditions for the Service.
4. General Terms and Conditions.
 - 4.1. The Members shall make available to each other the Equipment in the manner and on the terms and conditions provided for in the Rental Form(s). It is acknowledged by the Members, however, that Members are not in the business of selling, leasing, renting, or otherwise providing equipment and that the Members are acting only for their mutual convenience and efficiency.

4.2. Owners shall endeavor to provide the Equipment in good working order and to provide Renters with Equipment Documentation or any other information or special instructions reasonably necessary for the proper and safe operation of the Equipment. An Owner may, in its sole discretion, require that Equipment be operated only by such Owner's personnel. In so doing, Owner's personnel shall be deemed for all purposes an independent contractor and not an employee of the Renter.

4.3. Renters shall be solely responsible for selecting the proper Equipment for their needs and inspecting Equipment prior to use. Renters shall: (a) maintain possession of the Equipment during the Rental Period and shall not sublease or transfer the Equipment or the Rental Agreement; (b) keep the Equipment free and clear of all liens, charges, and encumbrances; (c) use the Equipment with due care, only with properly trained operators under adequate supervision, and only for its customary and intended purpose in accordance with the Equipment Documentation; (d) providing for safe operation and storage of the Equipment at all times during the Rental Period; (e) immediately discontinue use of the Equipment if it becomes unsafe and/or in a state of disrepair; (f) use the Equipment in compliance with all applicable laws and regulations; (g) return the Equipment to the Owner in as good order and condition as when received; and (h) not remove or deface any marks identifying the Owner as the owner of the Equipment.

4.4. Renters shall be responsible for repairs necessitated by misuse or negligent operation. Renters shall perform written maintenance checks prior to and after use and shall provide routine daily maintenance of Equipment during the period in which the Equipment is in Renters' possession or control. Renters shall not, however, be responsible for scheduled maintenance, preventative maintenance, or preventative repairs. Renter shall immediately notify Owner in the event of the Equipment being damaged or involved in an accident or injury.

4.5. Owners retain the right to terminate a Rental Agreement prior to the time of delivery if the Equipment is needed for other purposes, if providing the Equipment would be unduly inconvenient, or if for any other reason the Owner determines in its sole reasonable judgment that it is not in its best interest to provide the Equipment at that time. Owners further retain the right to terminate a Rental Agreement and retrieve the Equipment at any time, prior to or after delivery, in the case of emergencies or acts of God which, in the sole reasonable judgment of the Owner, may endanger the Equipment or be necessary for Owner's own use.

4.6. Renters shall pay all rental, time, mileage, service, transportation, refueling, fees, expenses and other charges in accordance with the Rental Agreement. Renters shall also pay all shipping, loading, unloading, assembling and dismantling expense.

5. Insurance. Members shall provide Certificates of Insurance to 1000 Tools, prior to entering into their first Rental Agreement and annually thereafter. Such Certificates will be made available to other Members upon request through a repository on the Member Center. Such Certificates shall meet the following requirements:
 - 5.1. General Liability Insurance. Coverage for “bodily injury,” “property damage,” and “personal and advertising injury”. Limits must be at least \$2,000,000 general aggregate, \$1,000,000 personal and advertising injury limit and \$1,000,000 per occurrence limit. Such policy shall also contain a waiver of subrogation endorsement as to claims against 1000 Tools.
 - 5.2. Additional Insured. Members shall name 1000 Tools as an additional insured on the General Liability policy on an ACORD CG 2010 or equivalent endorsement with 30-days notification of cancellation, and Renter’s General Liability policy should be considered Primary and all 1000 Tools’ policies as Non-Contributory. Any insurance that excludes boom damage or overturns is a breach.
 - 5.3. Umbrella Policy. Umbrella policy of not less than \$5,000,000 that covers the General Liability and Employer’s Liability policies. Members with \$5,000,000 combined single limit coverage for general liability is also acceptable.
 - 5.4. Workers’ Compensation and Employers’ Liability. State mandated required workers’ compensation insurance and employer’s liability insurance shall be maintained with limits of at least \$500,000 by accident, \$500,000 by disease and \$500,000 policy limit.
 - 5.5. Other Insurance. Property insurance of Owner that is sufficient to cover the value of the Equipment being rented.
6. Independent Contractor Status. The Members are independent contractors. Nothing herein shall alter the employment status of any worker providing services under any Rental Agreement. Such worker shall at all times continue to be subject to all standards of performance, disciplinary rules, and other terms and conditions of the employing Member. No Renter shall be responsible for the direct payment of any salaries, wages, compensation, or benefits for an Owner's workers performing services on behalf of Renter under a Rental Agreement. No Renter shall be liable for compensating or indemnifying any Owner employee for any injury or work arising in any way out of work provided pursuant to a Rental Agreement.

Each party shall be solely responsible for its own acts and those of its employees and officers under a Rental Agreement. Owners requiring that their personnel operate Equipment shall, if and to the extent permitted by law, hold harmless, indemnify and defend the Renter, its officers, agents, and employees from and against all claims arising solely by reason of any act or failure to act by such Owner's personnel. Notwithstanding the above, the Renter shall bear sole responsibility for ensuring that it has the authority to request the work, for its designs, and for any representations made to the Owner regarding site conditions or other aspects of the project or job.

7. NO WARRANTIES. EXCEPT AS SPECIFICALLY PROVIDED IN SECTION 3, THE EQUIPMENT IS PROVIDED FOR RENT "AS IS" WITHOUT ANY WARRANTIES, WHETHER WRITTEN, ORAL, STATUTORY, EXPRESS OR IMPLIED. TO THE EXTENT PERMITTED BY APPLICABLE LAW, OWNER SPECIFICALLY DISCLAIMS ANY WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.
8. NO SPECIAL DAMAGES. TO THE EXTENT PERMITTED BY APPLICABLE LAW, NEITHER PARTY SHALL BE LIABLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL, PUNITIVE OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF THIS AGREEMENT OR THE USE OF THE EQUIPMENT, HOWEVER SUCH DAMAGES ARISE AND/OR WHETHER SUCH DAMAGES ARE CLAIMED IN TORT, CONTRACT OR OTHER ACTION, EVEN IF THE OTHER PARTY HAS BEEN INFORMED OF THE POSSIBILITY OF SUCH DAMAGES. IN NO EVENT SHALL (1) OWNER'S LIABILITY FOR ANY CLAIM WHATSOEVER HEREUNDER (OR ASSOCIATED HEREWITH) EXCEED THE AMOUNT OF THE RENTAL FEE OR (2) RENTER'S LIABILITY FOR ANY CLAIM WHATSOEVER HEREUNDER (OR ASSOCIATION HEREWITH) EXCEED THE AMOUNT EQUAL TO THE REASONABLE REPAIR OR REPLACEMENT VALUE OF THE EQUIPMENT.
9. Dispute Resolution. In the event of any dispute or claim relating to or arising out of this Agreement, for any reason, the parties agree that all such disputes shall be fully resolved by binding arbitration conducted by a single arbitrator. All such disputes or claims must be raised and arbitration demanded by the complaining party within one-hundred eighty (180) days of the event or occurrence giving rise to the dispute or claim, or be forever waived. In the event either party invokes this dispute resolution procedure, the parties shall attempt to agree upon the selection and appointment of the single arbitrator. If they cannot agree, the complaining party may request a list of potential arbitrators from either the American Arbitration Association or the American Settlement Centers, and the parties shall select an arbitrator in accordance with the rules of the organization used. The arbitrator selected shall have full authority over all procedural matters, including

discovery, and shall have authority to grant any remedial relief authorized by applicable law or this Agreement. The arbitration shall be conducted in county of the complaining party, and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. Except as provided below, the parties waive their respective rights to have any such disputes or claims tried before a judge or jury. Notwithstanding the foregoing, the parties agree that either party may seek resort to the state or federal courts, for the limited purpose of seeking to preserve the status quo pending the outcome of arbitration.

10. Entire Agreement; Amendment; Severability. This Rental Agreement may only be amended by mutual, written agreement of the parties. The failure of either party to object to or act with respect to any conduct of the other party that is in violation of the terms of this Rental Agreement shall not be construed as a waiver thereof. If any provision of this Rental Agreement is for any reason and/or to any extent determined to be unenforceable under applicable law, the remaining provisions of this Agreement shall remain in full force and effect.
11. Governing Law. This Rental Agreement shall be governed by the laws of the State of Michigan.

MuniRent by 1000 Tools, Inc.

IN THE WITNESS WHEREOF, the Public Entity _____
(Member) has caused the INTERGOVERNMENTAL AGREEMENT FOR EQUIPMENT AND
SERVICES and MUNIRENT TERMS OF SERVICE to be executed by its duly authorized
representatives as the date of their signatures below:

_____ Signature of Officer	_____ Date	_____ Officer's title
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_____ Signature of Officer	_____ Date	_____ Officer's title
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_____ Signature of Counsel	_____ Date	_____ Counsel's title
-------------------------------	---------------	--------------------------



**Barr,
Anhut &
Associates,
P.C.**

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e-mail: . . .

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 30, 2014

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Correction City Fee Schedule

SUMMARY/BACKGROUND

Council adopted a comprehensive fee schedule on June 3, 2014, by resolution 2014-130. The schedule omitted a change for the Administrative Hearing Bureau fees that council approved on January 21, 2014, by resolution 2014-030, that approved a \$50 cost for filing a judgment lien, to be waived if paid in 30 days; and increased the AHB costs from \$200 to \$250. Our review of the fee schedule did not recognize the omission.

I am requesting that the fee schedule be corrected to include resolution 2014-030. A correction resolution is attached.

ATTACHMENTS: Proposed Resolution

RECOMMENDED ACTION: Correct the fee schedule to incorporate Resolution 2014-030.

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-181
August 7, 2014

Resolution to Correct Fee Schedule

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that: the comprehensive city fee schedule adopted by resolution 2014-130, June 3, 2014 be corrected to add a \$50 lien filing cost to judgments, waived if the judgment is paid within 30 days; and increase the Administrative Hearing Bureau costs to \$250, as provided in Council Resolution 2014-030, dated January 21, 2014.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



REQUEST FOR LEGISLATION
Aug. 7, 2014

From: Teresa Gillotti, Director of Community and Economic Development

Subject: Engineering design services contract for Border to Border TAP grant

The City of Ypsilanti was awarded a Transportation Alternatives Program (TAP) grant in the amount of \$647,426.01 for the construction of the enhanced mid-block crossing on Michigan Avenue, and related bicycle and pedestrian improvements along Grove road which will connect the final pieces of the Water Street segment of the Border to Border trail to be constructed this fall.

As part of the Bridge and Water Street Trail project, Mannik and Smith has been contracted by WCPARC to prepare construction documents for the mid-block crossing. This portion of the TAP grant funded project has been designed and submitted to MDOT for permitting. However, the Grove road segment, which is to include a non-motorized trail, ADA ramp installation, signal improvements and missing bicycle lane and sidewalk improvements, is yet to be designed.

OHM has provided a quote for the engineering design services in the amount of \$23,600 dollars. In conference with Mr. Lange, it appears that due to the funding for the Prospect Road project, these engineering services can be paid out of the Major Street fund.

RECOMMENDED ACTION: Approval

Attachments: Resolution
OHM proposal
TAP grant project timeline

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2014-182
August 7, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Ypsilanti City Council is working with Washtenaw County Parks and Recreation on completing segments of the county-wide Border to Border trail; and

WHEREAS, Ypsilanti has received two Natural Resources Trust Fund grants to complete segments of the Border to Border trail including the Heritage Bridge Project linking Riverside Park to Michigan Avenue and The Rivers' Edge Linear Park and trail which traverses the extent of the Water Street Redevelopment Area ending on South Grove Street; and

WHEREAS, on-street connections are needed for pedestrians and bicyclists first on Michigan Avenue, and later on S. Grove street connecting to North Bay Park; and

WHEREAS, completion of these two connections in conjunction with the larger Border to Border trail work this year will meet goals in the City's Master Plan, Non-Motorized Transportation Plan and Parks and Recreation Plan;

WHEREAS, the City applied for and was awarded a Transportations Alternatives Program (TAP) grant in the amount of \$647,426.01 to construct the Michigan avenue mid-block crossing and Grove Road non-motorized improvements; and

WHEREAS, OHM has put forth a proposal to provide engineering design services for the Grove Road project,

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the OHM proposal for engineering design services for the TAP grant project: Border to Border trail non-motorized links in City of Ypsilanti

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Application Details - TA 2014067.01, City of Ypsilanti, Border to Border trail non-motorized links in City of Ypsilanti, Approved

Schedule

Project Type: Construction

<u>Milestones</u>	<u>Date</u>
1. Plans and Estimate Complete:	11/22/2014
2. Grade Inspection Package submitted to MDOT:	11/22/2014
3. Right of Way Certified:	01/24/2015
4. Matching Funds Certified:	01/24/2015
5. Project Listed on Approved TIP/STIP:	11/14/2014
6. Advertisement Start Date:	05/01/2015
7. Construction Letting Date:	04/03/2015
8. Construction Start Date:	05/01/2015
9. Construction End Date:	11/15/2015

Will this project be paired with any future construction projects? No

Additional comments about the project schedule:

There are other projects in the area - in particular Prospect Street through the City, however, the two will not be paired.

ARCHITECTS. ENGINEERS. PLANNERS.



July 30, 2014

City of Ypsilanti
One South Huron Street
Ypsilanti, Michigan 48197

Attention: **Mrs. Teresa Gillotti, City Planner**

Regarding: **City of Ypsilanti**
TAP Grant Improvements
Proposal for Design Engineering Services

Dear Mrs. Gillotti:

OHM Advisors is pleased to submit this proposal for design engineering services for non-motorized improvements in the City of Ypsilanti.

PROJECT UNDERSTANDING

The City of Ypsilanti was recently awarded a Transportation Alternatives Program (TAP) grant for non-motorized improvements in the City. The City of Ypsilanti will utilize the grant to construct a portion of the Washtenaw County Border to Border (B2B) Trail from Michigan Avenue south to the Grove Street bridge over I-94. The project components include a pedestrian crossing of Michigan Avenue that will connect existing portions of the B2B Trail at Riverside Park and the River's Edge Linear Park, a 10-foot wide non-motorized path along Grove Street from the trailhead 1000' north of the Spring Street intersection to the Spring Street intersection, pedestrian crossing improvements at the Spring Street intersection, and bike lanes along Grove Street from Spring Street to the bridge over I-94. The budget for the construction costs for this project is \$647,426 with \$517,926 in federal TAP funds and \$129,500 in local match. The local match will include \$50,000 from the City of Ypsilanti, \$47,000 from the Washtenaw County Parks and Recreation Commission, \$10,000 from the Ypsilanti Downtown Development Authority, \$10,000 from the Ypsilanti Convention and Visitors' Bureau, \$10,000 from Wolfpack, and \$2,500 from the Huron River Watershed Coalition.

SCOPE OF SERVICE

OHM will provide design engineering services for the following components of the project:

- Non-motorized path along the west side of Grove Street from Spring Street approximately 1000' north to the trailhead.
- Intersection improvements at Spring Street including signal improvements to meet ADA criteria.
- Pavement marking removal and replacement on Grove Street from Spring Street to Prospect Road.
- ADA-compliant sidewalk repairs and gap installations on the west side of Grove from Prospect to the I-94 bridge.

The work is also exhibited on the attached maps from the TAP Grant application (Maps 3 & 4).

The pedestrian crossing at Grove Street and Prospect Road is being addressed as part of the Prospect Road project.

The City and Washtenaw County Parks have entered into a separate agreement with Mannik and Smith for the design of the Michigan Avenue work. OHM will incorporate the plan sheets, special provisions, and pay items for this work into the bid package.

Topographic Survey

OHM will prepare a topographic survey plan for the project area. The information collected for each segment will be customized to minimize cost.

- Non-motorized path along the west side of Grove Street from Spring Street approximately 1000' north to the trailhead. – Full topographic information from centerline of road to 10' west of westerly right-of-way.
- Intersection improvements at Spring Street including signal improvements to meet ADA criteria. Full topographic information including signal installation detail at the intersection.
- Pavement marking removal and replacement plan on Grove Street from Spring Street to Prospect Road. Limited topographic survey.
- ADA complaint sidewalk repairs and gap installations on the west side of Grove Street from Prospect Road to the north side of the I-94 bridge. Full topographic information from the Prospect/Grove intersection south to the I-94 bridge from the centerline of road to 10' west of the westerly right-of-way.

We will use the data collected to generate a base map for the design of this project. The full topographic survey will consist of the following:

1. Existing features visible without excavation and ground elevations at 50 ft. intervals along the limits of the survey (i.e. driveways, culverts, utility poles, etc.).
2. Underground utilities will be shown based on record drawings.
3. Utility structures within the existing right-of-way will be inventoried. Rim elevation, pipe size, material, and invert elevation will be provided for sanitary and storm structures.
4. Individual trees over 8" in diameter will be located and shown on the survey.

The limited survey will include:

1. Cross sections every 100 feet..
2. Data collected will be limited to right-of-way, back of curb, and pavement markings.

Engineering Design

OHM will convert the topographic survey information into base drawings. The base drawings will be field checked prior to the commencement of the design process. As part of the design phase, OHM will:

1. Prepare preliminary construction plans, showing line and grade of the proposed path for City and MDOT review.
2. Prepare technical specifications and special provisions for non-standard pay items detailing materials, equipment, and labor necessary to perform the work. Specifications will be prepared in a manner appropriate for insertion into the standard MDOT contract book.
3. Prepare an engineer's opinion of probable construction costs.
4. Prepare a bid sheet detailing all items of work and associated quantities using the MERL format.
5. Incorporate draft components received from Mannik and Smith for the Michigan Avenue crossing.
6. Submit the Grade Inspection (G.I.) package as required by MDOT.

7. Submit the G.I. package to the City as required by the complete streets ordinance.
8. Prepare soil erosion permit application as required to secure a permit from Washtenaw County. Permit applications will be completed with the City as the responsible party.
9. Attend the G.I.
10. Attend one Planning Commission meeting.
11. Prepare final detailed construction plans incorporating comments received from MDOT and the City.
12. Attend one meeting with Mannik and Smith to discuss incorporating the Michigan Avenue crossing components into the final submittal.
13. Incorporate final components received from Mannik and Smith for the Michigan Avenue crossing.
14. Provide final copies of detailed construction plans to the City and MDOT for project bidding.

FEE SCHEDULE

Services for topographic survey and engineering design will be performed on a lump sum basis for the following amount.

Topographic Survey and Engineering Design	\$23,600
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ADDITIONAL SERVICES

OHM will be pleased to provide any of the following additional services for this project on a time and material basis. Costs for these services would be provided under a separate proposal.

- Boundary surveys
- Easement document preparation
- Easement acquisition
- Any other services not specifically described in the scope of work

FURTHER CLARIFICATIONS AND ASSUMPTIONS

The above fee is based upon the following assumptions:

1. Coordination with Mannik and Smith beyond the effort identified above is not included. If additional effort is required to incorporate the Michigan Avenue crossing work into the bid package, this will be discussed with the City and provided on an hourly basis.
2. Design of water or sanitary system improvements is not included in this proposal. This will be addressed directly with YCUA.
3. It is not anticipated that easements will be required for this work. In the event it becomes apparent that additional right-of-way will be required to complete the project, OHM will provide a separate proposal for professional services to assist the City in preparing and obtaining easements.
4. The City of Ypsilanti will be the responsible party for the construction contract.
5. Services not included:
 - a. Bidding
 - b. Construction phase services such as, but not limited to, construction management, contract administration, construction observation, construction layout.
 - c. Permit fees.
 - d. Drainage or environmental studies.

DELIVERABLES

OHM will provide the City and MDOT with detailed construction plans and specifications. MDOT will use the plans and specifications to prepare bidding documents. We understand the project is scheduled for an April letting as outlined in the grant application.

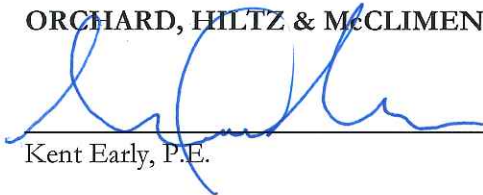
BASIS OF PAYMENT

OHM will invoice the City on a monthly basis in accordance with the Continuing Services Agreement between OHM and the City.

We thank you for this opportunity to provide professional engineering services. Should there be any questions, please contact us.

Sincerely,

ORCHARD, HILTZ & McCLIMENT, INC.


Kent Early, P.E.

 MARCUS McMANARA 

P:\0000_0100\0094140030_TAPGrant_PM\TAP_Proposal.docx

Map 3 - Trailhead south on Grove Road.

Segment 1 (to Spring Street) - Sidewalk removal and addition of Non-motorized trail

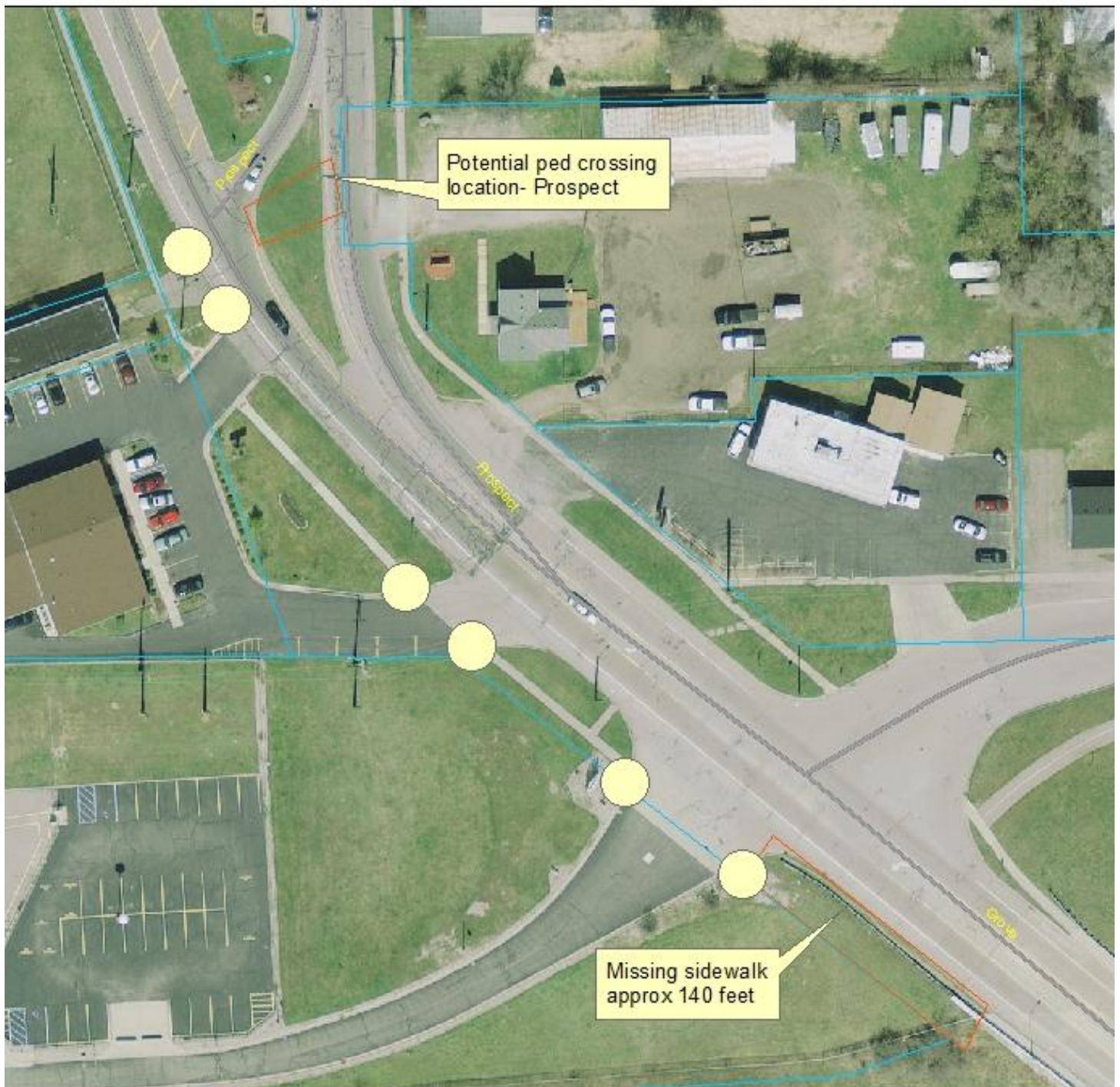
Segment 2 – Intersection of Grove/Spring – ADA ramps, signal upgrades, addition on northbound bicycle signal

Segment 3 – Spring street intersection to Grove Road bridge – fill in missing sidewalk, ADA ramps, northbound bike lane with appropriate distance separation from travel lane (continued on Map 4)



Map 4 - Trailhead south on Grove Road.

Segment 3 – Spring street intersection to Grove Road bridge – fill in missing sidewalk, ADA ramps, northbound bike lane with appropriate distance separation from travel lane (continued on Map 4). Note ped crossing link to be included in separate 2015 Prospect Road project.





REQUEST FOR LEGISLATION

July 8, 2014

August 7, 2014

From: Teresa Gillotti, Community and Economic Development Director

Subject: Birdscolors LLC application for OPRA tax exemption at 6-12 S. Washington

UPDATE:

At the July Council meeting, Councilmember Robb asked that staff work with the applicant on a revised proforma that took into consideration the change to future tax rates, in particular when the streets bond millages in 2016 and 2018 respectively. Those are shown in the change to millage rates in 2017 and 2019 respectively. The applicant then adjusted rate of increase for the millage to 1.08% based on the 12 year historical rate of increase (see additional spreadsheet tab).

According to their projections, it looks like the project might break even in year 13 (outside of the extent of the requested 12 year OPRA. There are many assumptions built into the project. At this point, the restaurant (commercial space) is shown as a rent/lease scenario rather than a projection for income from the restaurant. The applicant notes that because they are not at the point at being able to provide an accurate estimate, so the rent/lease scenario is most appropriate at this time. Staff is still recommending 12 year abatement at this time. Please send any questions or comments to Teresa Gillotti at 734-483-9646 or tgillotti@cityofypsilanti.com

SUMMARY & BACKGROUND:

Birdscolors, LLC purchased 6-12 S. Washington (former Elbow Room) in the fall of 2012 with the intent of rehabilitating the upper stories into finished residential units, while converting the first floor space to a restaurant. Portions of the building

The applicant is requesting an Obsolete Property Rehabilitation Act (OPRA) exemption for 12 years. The OPRA would effectively freeze the value of the improvements on the properties at the 2014 taxable value for improvements, approximately \$17,480. Investment and improvements to the properties would not be taxed during the lifetime of the abatement and would bring an estimated value to the applicant of **\$118,386.**

Attached is the application and supporting materials, including the affidavit of obsolescence from the City Assessor, summary from the applicant, proforma as well as construction estimates. Project construction is expected to start first on the upper story units, followed by work on the restaurant. The applicant is requesting to have 3 years to finish both phases of the project.

DDA Recommendation

As the properties in question are in the DDA, it was requested that the DDA Board provide a recommendation. The DDA did discuss the application at their June 19, 2014 meeting and have provided a resolution of unanimous support for the project, and is not seeking reimbursement for lost revenue.

City Review

The City review team met on June 2, 2014. The review team consisted of Aaron Powers and from WCA Assessing, Teresa Gillotti, Community and Economic Development, and Tim Colbeck from the DDA. The team reviewed the proformas and discussed the other details of the project. The team determined that the project meets the criteria set out in the City's tax abatement policy as well as the goals for the Blueprint for Downtown encouraging upper story residences and ground floor commercial.

The returns on investment are modest and do not show a significant uptick during the 12 years, so staff is recommending the full 12 year abatement.

RECOMMENDED ACTION: Approval of OPRA tax exemption for 12 years (2015 to 2026)

ATTACHMENTS: Birdscolors, LLC OPRA application and supporting materials
 OPRA Review sheet
 Assessor's Affidavit of Obsolescence
 Assessor's estimate (revised)
 Applicant proforma (revised)
 DDA resolution of support
 Resolution 2014-____, Approve Birdscolors, LLC OPRA application
 DDA District-wide OPRA District approval and map

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: 8/7/14

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Obsolete Property Rehabilitation Act, Public Act 146 of 2000 (the "Act"), provides for a tax incentive to encourage the redevelopment of obsolete buildings through the establishment of an Obsolete Property Rehabilitation District; and

WHEREAS, pursuant to PA 146 of 2000, the City of Ypsilanti is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts; and

WHEREAS, the Council of the City of Ypsilanti legally established an Obsolete Property Rehabilitation District that includes parcel #11-11-39-102-016 and parcel #11-11-39-102-017 (6-12 S. Washington St.) as part of a broader district including the three DDA districts on June 5, 2012 after a public hearing held on the same date as provided by section 3 of Public Act 146 of 2000; and

WHEREAS, the parcel at 6 and 12 S. Washington Street have been certified functionally obsolete by the City Assessor per P.A. 146 in September 2013; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in the City of Ypsilanti eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, the owners of the above referenced parcels, Birdscolors, LLC have submitted an application for an obsolete property as defined in section 2(h) of Public Act 146 of 2000 requesting an exemption for a period of 12 years as a function of the Act; and

WHEREAS, the application included all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate; and

WHEREAS, Birdscolors, LLC are not delinquent in any taxes related to the facility; and

WHEREAS, the owners of the above referenced parcel have proposed to rehabilitate currently vacant, fire-damaged, and functionally obsolete structure into first floor commercial space, and upper story residential; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Ypsilanti; and

WHEREAS the rehabilitation includes improvements aggregating approximately 100% of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

WHEREAS, the review committee met on June 2, 2013 and recommends approval of the application for a period of twelve years (2015-2026); and

WHEREAS, the application is not recommended for an extension; and

WHEREAS the completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, increase commercial activity, revitalize urban areas, and increase number of residents in the community in which the facility is situated.

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000 on July 8, 2014; and

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council hereby grants an Obsolete Property Rehabilitation Exemption for a period of 12 years beginning December 31, 2014 and ending December 30, 2026 for the real property, excluding land, located in the Obsolete Property Rehabilitation District which include parcel #11-11-39-102-016 and parcel #11-11-39-102-017 (6-12 S. Washington St.) pursuant to the provisions of PA 146 of 2000, as amended, subject to completion of the renovations by within three years of final approval of exemption certificates by the State Tax Commission, and to the taxes on the property being paid on time.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by Public Act 146 of 2000, as amended. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and two copies of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption. A statement from the assessor of the local unit of government, describing the required obsolescence has been met for this building, is required with each application. Rehabilitation may commence after establishment of district.

Applicant (Company) Name (applicant must be the OWNER of the facility)		
Birdscolors LLC		
Company Mailing address (No. and street, P.O. Box, City, State, ZIP Code)		
4631 Midway Drive, Ann Arbor MI 48103		
Location of obsolete facility (No. and street, City, State, ZIP Code)		
6-12 S. Washington, Ypsilanti MI 48197		
City, Township, Village (indicate which)		County
City of Ypsilanti		Washtenaw County
Date of Commencement of Rehabilitation (mm/dd/yyyy)	Planned date of Completion of Rehabilitation (mm/dd/yyyy)	School District where facility is located (include school code)
demolition: 11/15/2013	12/01/2016	Ypsilanti
Estimated Cost of Rehabilitation	Number of years exemption requested	Attach Legal description of Obsolete Property on separate sheet
500,000	12	
Expected project likelihood (check all that apply):		
☒ Increase Commercial activity	☐ Retain employment	☒ Revitalize urban areas
☒ Create employment	☐ Prevent a loss of employment	☒ Increase number of residents in the community in which the facility is situated
Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment _____		
Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion.		
☒		

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by Public Act 146 of 2000, as amended, and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of Public Act 146 of 2000, as amended, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents)	Telephone Number	Fax Number
Marcela Rubio-Orozco	734-276-9526	
Mailing Address	Email Address	
4631 Midway Drive, Ann Arbor MI 48103	rubiom@gmail.com	
Signature of Company Officer (no authorized agents)	Title	
	owner	

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

The Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 is to be completed by the Assessor.

Signature	Date application received

FOR STATE TAX COMMISSION USE

Application Number	Date Received	LUCI Code

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application and Instruction items (a) through (f) on page 1, and a separate statement of obsolescence from the assessor of record with the State Assessor's Board. All sections must be completed in order to process.

PART 1: ACTION TAKEN

Action Date: _____		
☐ Exemption Approved for _____ Years, ending December 30, _____ (not to exceed 12 years)		
☐ Denied		
Date District Established	LUCI Code	School Code

PART 2: RESOLUTIONS (the following statements must be included in resolutions approving)

A statement that the local unit is a Qualified Local Governmental Unit. A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of Public Act 146 of 2000. A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit. A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years. A statement that a public hearing was held on the application as provided by section 4(2) of Public Act 146 of 2000 including the date of the hearing. A statement that the applicant is not delinquent in any taxes related to the facility. If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit. A statement that all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.	A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000. A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District. A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district. A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in. A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000. A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.
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PART 3: ASSESSOR RECOMMENDATIONS

Provide the Taxable Value and State Equalized Value of the Obsolete Property, as provided in Public Act 146 of 2000, as amended, for the tax year immediately preceding the effective date of the certificate (December 31st of the year approved by the STC).

Taxable Value	State Equalized Value (SEV)
Building(s)	
Name of Governmental Unit	Date of Action on application Date of Statement of Obsolescence

PART 4: CLERK CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

Name of Clerk	Clerk Signature	Date	
Clerk's Mailing Address	City	State	ZIP Code
	Telephone Number	Fax Number	Email Address

Mail completed application and attachments to: Michigan Department of Treasury
 State Tax Commission
 P.O. Box 30471
 Lansing, Michigan 48909-7971

If you have any questions, call (517) 373-2408.

For guaranteed receipt by the State Tax Commission, it is recommended that applications and attachments are sent by certified mail.

Application for Obsolete Property Rehabilitation Exemption Certificate
Birdscolors LLC
6-12 S. Washington

a) General Description of Facility

The plan is to renovate 6-12 S. Washington in Ypsilanti. This building is located in the historic district of the City of Ypsilanti. The two-story and approximately 6,000 square foot building has been out of use for the past three years. Most recently, the first floor of the building was used as a dive bar with live music entertainment, while the second floor was left vacant. The second story has suffered considerable fire damage. Previously, this building was two separate buildings that were joined. We are unsure of the year the buildings were built, however, we do know that a significant renovation occurred in 1951. We believe it was during this renovation that the building's façade was updated to its current look.

b) General Description of Proposed Use

Our goal is to convert the second floor of the building into two apartments: a three-bedroom and a two-bedroom. The first floor would be renovated to create a space for a restaurant/bar establishment with seating for about 80 people.

c) Description of the general nature and extent of rehabilitation

This building has suffered from a significant amount of neglect. We plan on gutting the place, and updating the electrical, the hvac, and the plumbing as well as replacing the roof, and adding a sprinkler system. In order to allow access to the apartments from the front of the building we will also move a staircase. In the downstairs, we will also move the bathrooms. We hope to restore the façade, and possibly create a storefront if resources allow it, and if the historical committee approves it.

d) List of fixed building equipment that will be part of the rehabilitation

We plan to update the hvac system of the building, and add a sprinkler system. We plan to keep the current bar that is in the space.

e) Time schedule

We will be working in phases for this remodel. We will gut-out the first and second floors of the building, and remodel the second floor in the initial phase. We expect to begin this phase of the project by the summer of 2014. Due to limited funds, we will not be completing the downstairs remodel initially, but plan to complete it within the next three years, hopefully sooner.

f) Economic advantages from exemption

This exemption will create an economic advantage by creating a draw to the downtown Ypsilanti area with the addition of residential quarters and eventually of a restaurant/bar venue. The living space created will add to the foot traffic in the area, which will further enhance the vibrancy of the downtown area. Furthermore, by creating a restaurant venue, we will be creating jobs in the historical district of Ypsilanti. In order to feasibly make these improvements we will need the assistance of the OPRA exemption. As the attached pro-forma statement demonstrates, the exemption will allow for the cashflow needed, to service the debt required to undertake the rehabilitation of the building, and possibly extend the amount of improvements.

12 Year Projection

Project Name: Birdscolors
Project Address: 6-12 S. Washington

Income Adjuster: 2.25% Expense Adjuster: 3.00%

WITH OPRA EXEMPTION												
Income:	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12
Gross Effective Income	\$ 23,994	\$ 24,534	\$ 55,218	\$ 56,460	\$ 57,730	\$ 59,029	\$ 60,357	\$ 61,715	\$ 63,104	\$ 64,524	\$ 65,976	\$ 67,460
Expenses:												
Administrative	\$ 900	\$ 927	\$ 5,285	\$ 5,444	\$ 5,607	\$ 5,775	\$ 5,948	\$ 6,126	\$ 6,310	\$ 6,499	\$ 6,694	\$ 6,895
Maintenance	\$ 2,200	\$ 2,266	\$ 3,134	\$ 3,228	\$ 3,325	\$ 3,425	\$ 3,528	\$ 3,634	\$ 3,743	\$ 3,855	\$ 3,971	\$ 4,090
Operating	\$ 2,150	\$ 2,215	\$ 6,281	\$ 6,469	\$ 6,663	\$ 6,863	\$ 7,069	\$ 7,281	\$ 7,499	\$ 7,724	\$ 7,956	\$ 8,195
Taxes & Insurance	\$ 7,200	\$ 7,416	\$ 8,368	\$ 8,619	\$ 8,878	\$ 9,144	\$ 9,418	\$ 9,701	\$ 9,992	\$ 10,292	\$ 10,601	\$ 10,919
Total Expense:	\$ 12,450	\$ 12,824	\$ 23,068	\$ 23,760	\$ 24,473	\$ 25,207	\$ 25,963	\$ 26,742	\$ 27,544	\$ 28,370	\$ 29,222	\$ 30,099
NOI (w/o Res & Debt Svc)												
	\$ 11,544	\$ 11,710	\$ 32,150	\$ 32,700	\$ 33,257	\$ 33,822	\$ 34,394	\$ 34,973	\$ 35,560	\$ 36,154	\$ 36,754	\$ 37,361
Replacement & Op Reserves												
	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200
Debt Service*	\$0	\$0	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763
Cashflow After Debt Svc:	\$9,344	\$9,510	\$6,187	\$6,737	\$7,294	\$7,859	\$8,431	\$9,010	\$9,597	\$10,191	\$10,791	\$11,398

WITHOUT OPRA EXEMPTION												
Income:	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12
Gross Effective Income	\$ 23,994	\$ 24,534	\$ 55,218	\$ 56,460	\$ 57,730	\$ 59,029	\$ 60,357	\$ 61,715	\$ 63,104	\$ 64,524	\$ 65,976	\$ 67,460
Expenses:												
Administrative	\$ 900	\$ 927	\$ 5,285	\$ 5,444	\$ 5,607	\$ 5,775	\$ 5,948	\$ 6,126	\$ 6,310	\$ 6,499	\$ 6,694	\$ 6,895
Maintenance	\$ 2,200	\$ 2,266	\$ 3,134	\$ 3,228	\$ 3,325	\$ 3,425	\$ 3,528	\$ 3,634	\$ 3,743	\$ 3,855	\$ 3,971	\$ 4,090
Operating	\$ 2,150	\$ 2,215	\$ 6,281	\$ 6,469	\$ 6,663	\$ 6,863	\$ 7,069	\$ 7,281	\$ 7,499	\$ 7,724	\$ 7,956	\$ 8,195
Taxes & Insurance	\$ 7,200	\$ 11,934	\$ 12,657	\$ 20,917	\$ 21,222	\$ 20,879	\$ 21,189	\$ 21,505	\$ 21,827	\$ 22,155	\$ 22,490	\$ 22,830
Total Expense:	\$ 12,450	\$ 17,342	\$ 27,357	\$ 36,058	\$ 36,817	\$ 36,942	\$ 37,734	\$ 38,546	\$ 39,379	\$ 40,233	\$ 41,111	\$ 42,010
NOI (w/o Res & Debt Svc)												
	\$ 11,544	\$ 7,192	\$ 27,861	\$ 20,402	\$ 20,913	\$ 22,087	\$ 22,623	\$ 23,169	\$ 23,725	\$ 24,291	\$ 24,865	\$ 25,450
Replacement & Op Reserves												
	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200
Debt Service*	\$0	\$0	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763	\$23,763
Cashflow After Debt Svc:	\$9,344	\$4,992	\$1,898	(\$5,561)	(\$5,050)	(\$3,877)	(\$3,341)	(\$2,795)	(\$2,238)	(\$1,672)	(\$1,098)	(\$514)

*Phase 1 of rehabilitation will not be financed through outside sources.



City of Ypsilanti

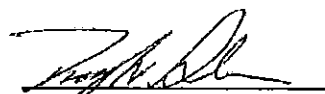
Planning & Development Department

AFFIDAVIT OF DOUGLAS SHAW

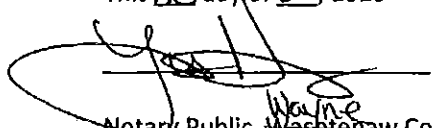
STATE OF MICHIGAN)
) SS:
COUNTY OF WASHTENAW)

Douglas Shaw, being sworn, says:

1. I have personal knowledge of the facts stated in this affidavit and, if sworn, as a witness, I am competent to testify hereto.
2. I am the City Assessor, Level III, for the City of Ypsilanti in the State of Michigan.
3. I have inspected the specific property located at 6 and 12 S. Washington. The Property suffers from severe physical depreciation and is currently vacant.
4. On the basis of my physical inspection of the specific aforementioned property, I have determined that this property is "functionally obsolete" and is unable to be used to perform as intended due to extreme structural damage and deficiencies and inadequacies in design and construction.


Douglas Shaw

Subscribed and sworn to before me
This 23 day of September, 2013


Notary Public, Washtenaw County, MI
My commission expires:
Acting In Washtenaw County, Michigan

LYNETTE HOBYAK
Notary Public, State of Michigan
County of Wayne
My Commission Expires Jan. 06, 2016
Acting In the County of Wayne



Obsolete Property Rehabilitation Act (OPRA) (PA 146) Tax Exemption Application Review Worksheet

Property Address 6-12 S. Washington Street Date 6-2-2014

Business/ Applicant name Birdscolors, LLC

Is the applicant current on tax payments?	Both parcels are up to date on tax payments as confirmed with City and County treasurer – 6-2-2014.
Is the property a commercial property or a commercial housing property?	The property is commercial – the downstairs will be part of phase II build-out into a restaurant. Two residential units will be added on the second floor. The parcels are zoned B-3, Central business district.
Does the property meet the definition of “blighted” or “functionally obsolete” as defined by the Brownfield Redevelopment Financing Act of 1996? Briefly explain.	Affidavit verifying obsolescence granted in Sept. 2013
Is the company a new economy business or an innovative business model? Is it a green technology? Describe.	Birdcolors, LLC intended reuse will be restaurant and two upper story residential units. It will provide green redevelopment as it will be adaptive reuse of existing historic buildings. No expected new economy businesses.
Number or percentage of jobs created by project for resident of Ypsilanti? (includes contractors and sub contractors)	(waiting on applicant)
What salaries are being offered to employees? (living wage or better?) 2010 – Living wage is \$12.75 /hour without health insurance and \$10.88/ hour with health	(waiting on applicant)

insurance	
Are there opportunities for advancement, and/ or training opportunities available to employees? Describe or List	N/A
(Historic District Only)Has the project been approved by Historic District Commission? Date of approval? (please note any conditions of approval)	The owners
Has a Certificate of Occupancy been obtained? What was the date granted?	Certificate of Occupancy expected upon completion of improvements for both restaurant and residential spaces.
List reasons given by applicant that Tax Abatement is necessary for project to occur.	From applicant letter: "The exemption will create an economic advantage by creating a draw to the downtown Ypsilanti area with the addition of residential quarters and eventually of the restaurant/bar venue. The living space created will add to the foot traffic in the area, which will further enhance the vibrancy of the downtown area. Furthermore, by creating a restaurant venue, we will be creating jobs in the historical district of Ypsilanti. In order to feasibly make these improvements we will need the assistance of the OPRA exemption. As the attached pro-forma statement demonstrates, the exemption will allow for the cash flow needed to service the debt required to undertake the rehabilitation of the buildings, and possibly extend the amount of improvements.

Birdscolors LLC / Elbow Room
6 & 12 S Washington
OPRA Estimates
Prepared by City Assessor

								STATE EX EXPIRES							OPRA EXPIRES
	Tax Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	
Land	Est. Value	21,700	22,351	23,022	23,712	24,424	25,156	25,911	26,688	27,489	28,314	29,163	30,038	30,939	
Value	Est. Taxes	\$1,663	\$1,713	\$1,764	\$1,817	\$1,871	\$1,927	\$1,985	\$2,045	\$2,106	\$2,169	\$2,234	\$2,301	\$2,371	
Frozen	Frozen Value	23,300	23,300	23,300	23,300	23,300	23,300	23,300	23,300	23,300	23,300	23,300	23,300	23,300	
Bldg Value	Est. Taxes	\$1,366	\$1,366	\$1,366	\$1,366	\$1,366	\$1,366	\$1,366	\$1,366	\$1,366	\$1,366	\$1,366	\$1,366	\$1,785	
Rehab	Est. Value	137,500	141,625	145,874	150,250	154,757	159,400	164,182	169,108	174,181	179,406	184,789	190,332	196,042	
Value	Est. Taxes	\$1,650	\$1,700	\$1,750	\$1,803	\$1,857	\$1,913	\$3,940	\$4,059	\$4,180	\$4,306	\$4,435	\$4,568	\$15,072	
Total Est. Taxes		\$4,678	\$4,778	\$4,880	\$4,986	\$5,094	\$5,206	\$7,291	\$7,469	\$7,652	\$7,841	\$8,035	\$8,235	\$19,227	

BENEFIT OF OPRA

	Tax Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	
Total Est. TV		182,500	187,276	192,195	197,262	202,481	207,856	213,393	219,096	224,970	231,020	237,251	243,670		
Total Est. Taxes	without OPRA	\$13,983	\$14,349	\$14,726	\$15,114	\$15,514	\$15,926	\$16,350	\$16,787	\$17,237	\$17,700	\$18,178	\$18,670		
Benefit of OPRA		\$9,304	\$9,571	\$9,846	\$10,128	\$10,420	\$10,720	\$9,058	\$9,318	\$9,585	\$9,860	\$10,143	\$10,434	\$118,386	

LOSS TO THE CITY

	Tax Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	
Total Est. TV		182,500	187,276	192,195	197,262	202,481	207,856	213,393	219,096	224,970	231,020	237,251	243,670		
City Operating Mills		21.8025	21.8025	21.8025	21.8025	21.8025	21.8025	21.8025	21.8025	21.8025	21.8025	21.8025	21.8025		
Loss in City Revenue		\$3,979	\$4,083	\$4,190	\$4,301	\$4,415	\$4,532	\$4,653	\$4,777	\$4,905	\$5,037	\$5,173	\$5,313	\$55,356	

June 19, 2014
2014-21

**DOWNTOWN DEVELOPMENT AUTHORITY
RESOLUTION OF SUPPORT FOR AN OBSOLETE PROPERTY REHABILITATION
ACT (OPRA) CERTIFICATE APPLICATION FOR 6-12 S. WASHINGTON ST.
(FORMER ELBOW ROOM)**

The following preamble and resolution were offered by Member K. Hill and supported by Member L. Greden.

WHEREAS, 6-12 S. Washington is a currently vacant property located in the Downtown District of the Ypsilanti DDA; and

WHEREAS, Birdscolors LLC has been formed with the mission of redeveloping the vacant Elbow Room properties; and

WHEREAS, the Birdscolors LLC is requesting that the City approve an OPRA certificate to support the proposed redevelopment of the property; and

WHEREAS, 6-12 S. Washington is located within the pre-approved OPRA District; and

WHEREAS, the applicant has made the case that the OPRA designation is required to make the project financially achievable; and

WHEREAS, granting an OPRA to 6-12 S. Washington will result in a freeze of taxable value at its 2014 assessed rate for 12 years; and

WHEREAS, the YDDA will not request the City reimburse the DDA for lost TIF revenues if the OPRA is approved;

NOW, THEREFORE, BE IT RESOLVED THAT

1. the Ypsilanti DDA supports the granting of an Obsolete Property Rehabilitation Act (OPRA) exemption certificate for 6-12 S. Washington to assist with the complete restoration of the property and return to active use.
2. all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are and the same hereby are rescinded.

AYES: J. Dauphine, A. Edmonds, J. French, A. Gainsley, L. Greden, K. Hill, R. Savvides, P. Schreiber, R. Smith, and M. Teachout

NAYS: none

ABSTAINED: none

YES:10 NO: 0 ABSENT: 1 VOTE: affirmed



REQUEST FOR LEGISLATION

From: Stan Kirton, DPS Director

Date: August 7, 2014

Subject: Approval of Proposal from Orchard, Hiltz & McCliment, Inc. for Additional Design Engineering Services for the Prospect Corridor Road Improvement Project

Summary and Background:

The Prospect Road Corridor Improvements Project is slated for construction in the 2015 construction season. Federal Surface Transportation – Urban funds had been appropriated for this project through the City of Ypsilanti by WATS; \$75,000 in 2014 which has been deferred to 2015, \$360,000 in 2015 and \$460,000 in the 2016 as an Advanced Construction (AC). Total federal aid for this project will be approximately \$895,000. The project included full depth reconstruction of Prospect Road between Holmes Road and Forest Avenue, full road reconstruction between Forest Avenue and Cross Street and mill and overlay pavement rehabilitation from Cross Street to S. Grove Street in the 2015 construction season. The estimated construction costs with contingency for this project are approximately \$1,144,000. The original estimated total cost to the City had been \$566,800.

Recent legislation from the State of Michigan dedicating funds for urgent road improvements through the Priority Road Improvement Program (PRIP) has been passed. Through the efforts of State Representative David Rutledge, the state has awarded the City of Ypsilanti with a grant in the amount of \$1,900,000 for road improvement to the Prospect Road Corridor between Holmes Road and Grove Road. This grant will fund all design engineering, construction engineering and construction costs associated with this project.

The additional funding will allow the city to enhance the original scope of work to include full road reconstruction of Prospect Road from Holmes Road to Cross Street and from Martin Place to Michigan Avenue during the second phase slated for the 2015 construction season. The first phase includes pavement resurfacing along Prospect Road from Michigan Avenue to Grove Road. The scope of work for this segment includes removal and replacement with HMA of 2.5" of the existing road surface, select pavement and curb replacement and base (sub

grade) repairs as needed. The side walk ramps on the intersecting side streets will also be replaced.

It is necessary to secure design engineering services for the increased scope of work for this project. The original design engineering services proposed by OHM and approved by council for the original scope of work was at a not to exceed cost of \$105,800. OHM's proposal (attached) outlines additional design services for the lump amount of \$42,500. If council approves the proposal for additional design engineering, the total design engineering costs for this project will be at a not to exceed cost of \$148,300.

Attachments: OHM Proposal for Additional Design Engineering Services, Detailed Scope of Services, Resolution

Recommended Action: Approval

Date Received: July 28, 2014 Agenda Item No.: 2014-183

City Manager Comments: _____

For Agenda of August 7, 2014 Finance Director Approval _____

Council Action Taken: _____



Resolution No. 2014-183
August 7, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Federal Surface Transportation Program - Urban funding had originally been programmed for repairs including full depth reconstruction, asphalt milling and overlay, selective curb/gutter replacement and drainage improvements for Prospect Road between Holmes Road and South Grove Road in the 2015 construction season; and

WHEREAS, recent State Legislation allocated funds to the Priority Road Improvement Program (PRIP); and

WHEREAS, the City of Ypsilanti was awarded a grant through the PRIP in the amount of \$1,900,000 for the reconstruction of Prospect Road between Holmes Road and Grove Road; and

WHEREAS, additional design engineering services are needed to accommodate the increased scope of work afforded by the PRIP Grant for this road project; and

WHEREAS, Orchard, Hiltz and McCliment (OHM) has provided an exemplary level of service to the City of Ypsilanti on similar street improvement projects, and possesses a depth of experience with the infrastructure in the project area; and

WHEREAS, it is necessary to secure additional design engineering services as proposed by OHM for the amount of \$42,500 to be added to the original design engineering services proposal of a not to exceed amount of \$105,800 to keep this project on schedule;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the additional design engineering and geotechnical testing services proposal submitted by Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI bringing the total design engineering to a not to exceed cost of \$148,300; and

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

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

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE

July 8, 2014

City of Ypsilanti
One South Huron Street
Ypsilanti, Michigan 48197

Attention: Mr. Ralph A. Lange, City Manager

Regarding: City of Ypsilanti
Prospect Road Reconstruction
Priority Road Improvement Program (PRIP)

Dear Mr. Lange:

The City has been awarded a state grant through the Priority Road Improvement Program (PRIP). Following this notification, a conference call was conducted. Meeting attendees were yourself, Stan Kirton, Marcus McNamara (OHM), and Larry Doyle (MDOT).

This correspondence summarizes our understanding of the discussion held at the meeting, and the impact on the Prospect Road project funding, schedule, and phasing.

Key points:

1. The City has been awarded a \$1,900,000 State grant
2. The grant must be spent on Prospect Road between Grove and Holmes
3. The grant does not require local matching contribution. However, the grant is capped at \$1,900,000 so project costs in excess of that amount are 100% City responsibility
4. The eligible project costs under the grant include construction, design engineering, and construction engineering
5. The project will not be bid through the State Local Agency Program (LAP) process. The project will be bid by the local municipality in conformance with their charter purchasing requirements.
6. Some portion of the work is to be completed this construction season
7. The project may be completed under multiple phases and/or construction contracts

OHM has reviewed the project based on these parameters. We are proposing a project phasing that will allow a significant portion (approximately 3,200 lft) of the corridor to receive a new asphalt surface this construction season. The remaining 4,350 lft of the corridor will be completed starting in early 2015. The construction work would be bid under two separate contracts. The techniques to be utilized for each segment were reviewed in order to most efficiently apply the grant to the entire corridor. The existing road surface condition and thickness were considered when selecting the appropriate construction method. The proposed project includes mill and overlay from Michigan to Grove and from Cross to Martin Place. Full reconstruction is proposed from Michigan to Martin Place, and from Cross to Holmes.

The proposed project schedule and costs are provided below:

Proposed Phasing and Schedule

Phase I:		
Work:	Mill and overlay with localized base repairs and concrete curb repair	
	Prospect Road from Michigan Avenue to 150' north of Grove intersection	
	Plans Available for Pickup	Monday, August 04, 2014
	Bids Due	Tuesday, August 26, 2014
	Council Award	Tuesday, September 02, 2014
	Precon / Project Start Date	Monday, September 15, 2014
	Substantial Completion	Saturday, November 15, 2014
	Final Completion	Tuesday, June 30, 2015
Phase II		
Work:	Reconstruction of Prospect Road from Holmes to Cross	
	Mill and Overlay of Prospect Road from Cross to Martin Place	
	Reconstruction of Prospect Road from Martin Place to Michigan Avenue	
	Reconstruction of Prospect Road and Grove Road Intersection	
	Plans available for pickup	Monday, February 09, 2015
	Bids due	Tuesday, March 03, 2015
	Council Award	Tuesday, March 17, 2015
	Precon / Project Start Date	Sunday, April 13, 2014
	Substantial Completion	Thursday, October 01, 2015
	Final Completion	Tuesday, December 01, 2015

Opinion of Probable Cost

Phase I - Fall 2014		
	Construction Cost	\$339,000
	Design Engineering	\$34,000
	Construction Engineering	\$58,000
	Subtotal - Phase I	\$431,000
Phase II - Spring 2015		
	Construction Cost	\$1,328,000
	Design Engineering	\$133,000
	Construction Engineering	\$226,000
	Subtotal - Phase II	\$1,687,000
Total Project Cost (Phase I & II)		\$2,118,000
	State Grant	\$1,900,000
	Local Share	\$218,000

Additional Impacts:

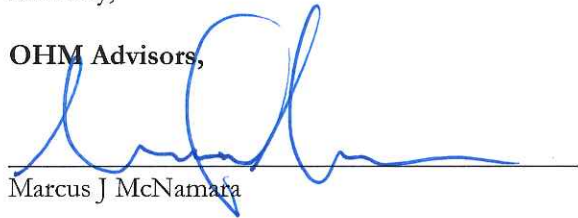
The transfer of the primary funding source for the Prospect Road corridor project from Transportation Improvement Program (TIP) funding to Priority Road Improvement Program (PRIP) funding will have an impact on other projects the City has scheduled or is considering. OHM has identified the primary impacts as follows, however we note that additional impacts may be identified as the PRIP funding rules are finalized and communicated to the City by MDOT:

1. The reconstruction of the intersection at Grove Road will need to be coordinated with the TAP grant project, as well as the City Planning Commission. This work is proposed to be included in Phase II, which will allow time for that coordination to occur.
2. The City was awarded a safety grant for signal improvements and pedestrian upgrades at the intersection of Michigan Avenue and Prospect Road. This project was originally intended to be included in the Prospect Road corridor project. Due to the new funding, this is no longer feasible, so the safety grant project will be bid separately, following the MDOT LAP requirements and bidding schedule.
3. The City has \$895,000 in Federal Aid earmarked for Prospect Road in the Transportation Improvement Program (TIP) over the next three years (2014, 2015, & 2016). The City will need to identify a replacement project for this funding. The TIP will need to be updated and approved by SEMCOG and FHWA before funds can be obligated.

Should there be any questions, please contact us.

Sincerely,

OHM Advisors,



Marcus J McNamara

Cc: Stan Kirton, DPS Director
Kent Early, PE, OHM
File

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July 28, 2014

City of Ypsilanti
One South Huron Street
Ypsilanti, Michigan 48197

Attention: **Mr. Stan Kirton, Director DPS**

Regarding: **City of Ypsilanti**
Proposal for Engineering Services – Additional Scope
Prospect Road Corridor Improvements
Holmes Road to Grove Street

Dear Mr. Kirton:

Orchard, Hiltz & McCliment, Inc. (OHM) is pleased to submit this proposal for additional engineering design services for the Prospect Road Corridor Improvements project in the City of Ypsilanti.

PROJECT UNDERSTANDING

OHM was previously authorized by the City to prepare design plans for the project. The project was to be funded through the Surface Transportation Program – Urban (STP-U) and therefore would be bid by Michigan Department of Transportation (MDOT).

The City has since been awarded a State grant through the Priority Road Improvement Program (PRIP). Several elements of the project as well as the design tasks have changed due to the change in funding source from the Surface Transportation Program – Urban (STP-U).

1. The project will be bid locally instead of through MDOT
2. This project will be bid and constructed in two phases
 - a. Phase I – Grove to Michigan Avenue
 - b. Phase II – Michigan Avenue to Holmes & Prospect and Grove Intersection
 - c. Note: Michigan Avenue and Prospect Intersection to be completed separately under Safety Grant Project
3. The project will include full reconstruction instead of rehabilitation work for Prospect between Holmes and Forest, and between Michigan and Martin Place

SCOPE OF SERVICES

We have attached a detailed scope of additional design services to this proposal as Exhibit A.



SCHEDULE

We understand that the City desires to construct Phase I this construction season, and Phase II in 2015.

FEE SCHEDULE

OHM proposes to provide the additional professional design services outlined above for a lump sum cost of \$42,500.

BASIS OF PAYMENT

OHM will invoice the City on a monthly basis in accordance with the continuing services agreement between OHM and the City.

We thank you for this opportunity to provide professional engineering services. Should there be any questions, please contact us.

Sincerely,

OHM Advisors,

Kent J. Early, PE
Director of Municipal Engineering

Attachments

Cc: Mr. Ralph A. Lange, City Manager
Marcus McNamara, OHM
File

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Exhibit A – Additional Design Services Prospect Road Corridor Improvements between Holmes and Grove

A. General

The Consultant will provide additional design services for the following improvements within the Prospect Road corridor:

Phase I

- Pavement resurfacing along Prospect Road from Michigan Avenue to Grove Street. This segment will receive removal and replacement of 2.5 inches of HMA. Spot pavement, curb, and base repairs will be made prior to the overlay.
- Replacement of intersecting side-streets sidewalk ramps (Towner & Davis) to be ADA compliant.

Phase II

- Full road reconstruction of Prospect Road from Holmes Road to Cross Street and from Martin Place to Michigan Avenue. This segment will include full removal of the existing road and curb and gutter and replacement with 7 inches of HMA over 8 inches of aggregate base, underdrain and new curb and gutter. The bridge over the railroad is being resurfaced as part of a stand-alone project this construction season and is not included.
- Pavement resurfacing along Prospect Road from Cross Street to Martin Place. This segment will receive removal and replacement of 2.5 inches of HMA. The pavement condition in this area does not warrant full removal and replacement. Spot pavement and curb repairs will be made if needed prior to the overlay.
- Replacement of intersecting street sidewalk ramps (Martin Pl, Locust St, High St, Cross/Miles, Maple St, Oak St, Forest Ave, Gordon Ave, Thomas St) to be ADA compliant.
- Lane configuration, lane widths, pedestrian routes, and bike routes will be reviewed during design phase.
- Project will meet complete streets ordinance requirements.
- Design will incorporate Border to Border Trail needs at the intersection of Prospect Road and Grove Street.

The following are not expected to be part of either phase of the project and are not included in the scope:

- Reconstruction and signal safety improvements at Michigan Avenue intersection. This work will be done as a separate project.
 - Resurfacing of bridge crossing over Railroad tracks near Michigan Avenue (Being completed in 2014 as a separate project)
 - Signal installations or upgrades.
 - Streetscaping – Trees, decorative materials, etc.
 - Street lighting
 - Road widening
 - Acquisition of grading permits or additional right-of way.
 - Water main replacement
 - Sanitary sewer main line replacement (Structure adjustments are included)
 - Storm sewer main line replacement (Structure adjustments are included)
-



Exhibit A – Additional Design Services Prospect Road Corridor Improvements between Holmes and Grove

B. Design Phase Service

The following tasks will be completed in addition to the original scope of services:

1. Design
 - a. Plan and Contract Preparation
 - i. Prepare two sets of contract bid documents to accompany the design plans. Contract documents will include the following sections:
 - a. Advertisement
 - b. Instructions to Bidders
 - c. Insurance Requirements
 - d. Wage Requirements
 - e. Bid Form
 - f. Bonds
 - g. General Conditions
 - h. Special Provisions
 - ii. Prepare two sets of detailed construction plans.
 - a. Phase I - Rehabilitation of Prospect from Grove to Michigan.
 - b. Phase II - Reconstruction of Prospect from Holmes to Cross and Martin Place to Michigan and rehabilitation of Prospect from Cross to Martin Place. This phase also includes the reconstruction of the Grove Street intersection to accommodate the non-motorized crossing.
 - iii. Anticipated Project Plan Sheets Phase I:
 - Cover Sheet (1)
 - Typical Section Sheet (2)
 - Miscellaneous Detail Sheet (2)
 - Note Sheet (1)
 - Legend Sheet (1)
 - Alignment Sheet (1)
 - Construction Sheets Plan View only (4)
 - Soil Erosion Sheets (1)
 - Detailed Grading Sheets (1)
 - MOT/Stage Construction Sheets (2)
 - Pavement Marking and Signing Details (1)
 - MDOT Special Details (2)
 - YCUA Sanitary & Water Standard Details (5)

Estimated Plan Sheet Total – 24 sheets
 - iv. Anticipated Project Plan Sheets Phase II:
 - Cover Sheet (1)
 - Typical Section Sheet (2)
 - Miscellaneous Detail Sheet (2)
 - Note Sheet (1)



Exhibit A – Additional Design Services Prospect Road Corridor Improvements between Holmes and Grove

- Legend Sheet (1)
- Alignment Sheet (1)
- Removal Sheets (4)
- Construction Sheets Plan and Surface Profile (6)
- Soil Erosion Sheets (3)
- Detailed Grading Sheets (3)
- MOT/Stage Construction Sheets (4)
- Pavement Marking and Signing Details (6)
- Washtenaw County Standard Details (2)
- MDOT Special Details (2)
- YCUA Sanitary & Water Standard Details (5)

Estimated Plan Sheet Total – 43 sheets

2. Bidding

- a. Final bid package will include the following:
 - i. Production and distribution of 20 copies of the bid package, which includes
 - i. (24"x36") paper plans
 - ii. Full contract book including bid form, agreement, bond requirements, contract conditions, special provisions for non-standard pay items
 - ii. Electronic plans and contract books in pdf format
 - iii. Engineer's Opinion of Probable Construction Cost
- b. Answer questions during the bidding process and issue addenda if needed.
- c. Review bids and provide bid tabulation and recommendation to the City.

C. City Responsibilities

- 1. As identified previously



**Barr,
Anhut &
Associates, P.C.**
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John M. Barr
Karl A. Barr
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired

To: Frances McMullan, Ypsilanti City Clerk
From: John M. Barr, Ypsilanti City Attorney
Date: 8/1/2014
Re: Charter amendments

Enclosed with this memo are 11 proposed charter amendment resolutions to place charter proposals on the ballot. Also a supporting RFL for each resolution.

Would you please put before council at the first convenient time? Thank you.



**Barr,
Anhut &
Associates, P.C.**
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William F. Anhut ~ Of Counsel – Retired
Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Proposed Charter Amendments

SUMMARY/BACKGROUND

The present city charter provides for an election every 16 years to determine if a charter commission should be called. A charter commission was elected in November, 2010 and the charter commission proposed a charter revision. The proposal went to a vote and was defeated.

There were a number of provisions in the revision proposal that had merit. Councilmember Murdock is requesting that City Council review the provisions that they feel have merit and call an election to amend the charter. The law requires that in a charter amendment that each amendment only covers one subject.

The proposed amendments would:

1. Remove the mandatory revision process.
2. Permit publication of ordinance by city website when authorized by law.
3. Provide the city clerk act as city manager in the absence of the city manager.
4. Permit city council to discontinue city boards and commissions.
5. Allow ordinances immediate effect upon 2/3 council vote.
6. Provide for council meetings once a month instead of every 30 days.
7. Allow city council members to serve on city boards and commissions.
8. Provide that city candidates for office file petitions on the 15th Tuesday before the primary election, or according to state law.
9. Allow sale of land after a public hearing by resolution.
10. Allow city council to remove members of boards and commissions by 2/3 vote.
11. Provide that legislation to confirm a special assessment roll within the City by resolution, when permitted by law.



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

August 1, 2014
Page 2

Each proposal will require a separate resolution and will have a separate RFL explaining the rationale.

ATTACHMENTS: RFL for each proposal and resolution

RECOMMENDED ACTION: Consider each proposal separately

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



**Barr,
Anhut &
Associates, P.C.**
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William F. Anhut ~ Of Counsel – Retired
Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Charter Amendment to Remove Mandatory Revision Process

SUMMARY/BACKGROUND

The Charter currently requires that voters decide every 16 years whether to revise the Charter. This provision has never resulted in any revisions. This amendment provides that charter revisions would be according to state law, where the revision process is either initiated by City Council or by petition.

ATTACHMENTS: Proposed Charter Amendment

RECOMMENDED ACTION: Review and adopt

DATE RECEIVED:_____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-184
August 7, 2014

Resolution to Amend the City Charter to remove the mandatory revision process every 8th general election and allow for revision of the City Charter by applicable state law

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

WHEREAS, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that Article XI, Section 11.07 of the Ypsilanti City Charter shall be amended as follows:

11.07. Revision.

This Charter may be revised as provided by State law.

The current charter section(s) being altered by this amendment provides as follows:

11.07. Charter revision question.

The question of whether there shall be a general revision of the City Charter shall be submitted to the voters of the City of Ypsilanti at the 8th general City election after the effective date of this Charter and at every 8th general City election thereafter and may be submitted at other times in the manner provided by law.

Members of the Commission shall be elected at the same time as the vote on the question.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall Article XI, Section 11.07 of the Ypsilanti City Charter be amended to remove a mandatory charter revision process every 8th general city election and instead provide that the Charter may be revised as provided by State law, being MCL 117.18 et seq., which provides that revisions may be initiated by City Council or by initiatory petition?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**Barr,
Anhut &
Associates, P.C.**
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William F. Anhut ~ Of Counsel – Retired
Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Amendment to permit publication of ordinance by City website when authorized by law

SUMMARY/BACKGROUND

This amendment would provide for cost savings in publication, if and when publication of an ordinance on a website is permitted by state law.

ATTACHMENTS: Proposed Charter Amendment

RECOMMENDED ACTION: Review and adopt

DATE RECEIVED:_____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-185
August 7, 2014

Resolution to amend the City Charter to permit the publication of ordinances and notices by newspaper, posting in at least three conspicuous places within the city, or placing such on the City's website in a manner as to make it easily accessible to the public

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

WHEREAS, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that the fourth sentence of Article II, Section 2.06 of the Ypsilanti City Charter shall be amended as follows:

A Member charged with conduct constituting ground for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published at least one week in advance of the hearing.

BE IT FURTHER RESOLVED that Article II, Section 2.10(d) of the Ypsilanti City Charter shall be amended as follows:

"Publish" Defined. As used in this Section, the term "publish" means publishing as provided in Section 11.13: (1) The ordinance or a brief summary, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

BE IT FURTHER RESOLVED that Article V, Section 5.05(a) of the Ypsilanti City Charter shall be amended as follows:

(a) Notice and Hearing. The City Council shall publish the general summary of the budget and a notice stating:

- (1) The times and places where copies of the message and budget are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

BE IT FURTHER RESOLVED that Article V, Section 5.12(a) of the Ypsilanti City Charter shall be amended as follows:

(a) Notice and Hearing. The City Council shall publish the general summary of the capital program and a notice stating:

- (1) The times and places where copies of the capital program are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

BE IT FURTHER RESOLVED that the fourth paragraph of Article X, Section 10.07 of the Ypsilanti City Charter shall be amended as follows:

When approval of the voters of the City is required, the ordinance as approved by the City Council shall be published not less than 30 days before the election at which it is submitted to the voters. The City Council may not call a special election unless the expense (as determined by the City Council) of holding the election has first been paid to the Treasurer by the grantee.

BE IT FUTHER RESOLVED that Article XI, Section 11.03 of the Ypsilanti City Charter shall be amended as follows:

- (a) Within six months after the effective date of this Charter, the Planning Commission shall review a list of all real property owned by the City and shall designate certain parcels as protected lands based on the character of the land as parkland, likely parkland or environmentally sensitive land such as wetlands or riverfront.

Protected lands may not thereafter be sold or disposed of without a vote of the people or the potential for a vote of the people. Land will be considered sold or disposed of when there has been a binding grant of rights in the land for any period of time to any individual or organization which is likely to significantly affect the character or use of the land during the period of the grant or after. A parcel with a market value of \$500,000 or more may not be sold or disposed of without a vote of the people. A parcel of protected land with a market value of less than \$500,000 may not be sold or disposed of

until 45 days after a public hearing before the City Council on the question. There shall be a prominent notice of the public hearing published. If petitions with signatures amounting to ten percent of the vote cast for Mayor in the most recent election are filed in the office of the City Clerk requesting a vote of the people on the sale or disposition, the City Council shall either cancel the proposed sale or disposition or schedule a vote of the people. A majority of affirmative votes shall be required to approve the sale or disposition of land.

(b) In accordance with State law, no park or cemetery or any parts of a park or cemetery may be sold except where the park is not required under an official master plan of the City unless approved by a majority of the voters voting thereon at a general or special election.

BE IT FURTHER RESOLVED that Article XI of Ypsilanti City Charter shall be amended by adding a new Section 11.13 that reads as follows:

11.13 Publication defined.

Unless otherwise required by law or this Charter, the requirement contained in this Charter for the publishing or publication of notices, ordinances, or proceedings of city council or other city boards, commissions, or authorities is met by publishing (a) at least once in a newspaper published in the English language for news of general character, with general circulation at regular intervals in the city for at least one (1) year immediately prior to the publication of the notice, ordinance, or proceeding; (b) by posting in at least three (3) conspicuous places within the city; or (c) placing such on the City's website in a manner as to make it easily accessible to the public. If an applicable law requires a different method of publication, then that law will control.

Prima facie evidence of such publication, and when this Charter requires the mailing of notices, must be in the form of an affidavit of the officer or employee responsible for such mailing or posting.

The current charter section(s) being altered by this amendment provides as follows:

2.06. Judge of qualifications (fourth sentence).

A Member charged with conduct constituting ground for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing.

2.10(d) *"Publish" Defined.*

As used in this Section, the term "publish" means to print in one or more newspapers or equivalent media of general circulation in the City: (1) The ordinance or a brief summary, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

5.05 City Council action on budget.

(a) Notice and Hearing. The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the budget and a notice stating:

- (1) The times and places where copies of the message and budget are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

5.12 City Council action on capital programs

(a) Notice and Hearing. The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital program and a notice stating:

- (1) The times and places where copies of the capital program are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

10.07 Limitation on a franchise (fourth paragraph)

When approval of the voters of the City is required, the ordinance as approved by the City Council shall be published in a daily newspaper or equivalent of general circulation in the City not less than 30 days before the election at which it is submitted to the voters. The City Council may not call a special election unless the expense (as determined by the City Council) of holding the election has first been paid to the Treasurer by the grantee.

11.03 Protected lands

- (a) Within six months after the effective date of this Charter, the Planning Commission shall review a list of all real property owned by the City and shall designate certain parcels as protected lands based on the character of the land as parkland, likely parkland or environmentally sensitive land such as wetlands or riverfront.

Protected lands may not thereafter be sold or disposed of without a vote of the people or the potential for a vote of the people. Land will be considered sold or disposed of when there has been a binding grant of rights in the land for any period of time to any individual or organization which is likely to significantly affect the character or use of the land during the period of the grant or after. A parcel with a market value of \$500,000 or more may not be

sold or disposed of without a vote of the people. A parcel of protected land with a market value of less than \$500,000 may not be sold or disposed of until 45 days after a public hearing before the City Council on the question. There shall be a prominent notice of the public hearing published in a newspaper of general circulation in the City. If petitions with signatures amounting to ten percent of the vote cast for Mayor in the most recent election are filed in the office of the City Clerk requesting a vote of the people on the sale or disposition, the City Council shall either cancel the proposed sale or disposition or schedule a vote of the people. A majority of affirmative votes shall be required to approve the sale or disposition of land.

(b) In accordance with State law, no park or cemetery or any parts of a park or cemetery may be sold except where the park is not required under an official master plan of the City unless approved by a majority of the voters voting thereon at a general or special election.

11.13.

Article XI of the Ypsilanti City Charter does not currently contain a Section 11.13.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall sections 2.06, 2.10(d), 5.05(a), 5.12(a), 10.07, and 11.03 of the Ypsilanti City Charter be amended and Section 11.13 be added to permit the publication of ordinances, notices, or proceedings by one or more of the following methods: (a) at least once in a newspaper published in the English language for news of general character, (b) by posting in at least three (3) conspicuous places within the city, or (c) placing such on the City's website in a manner as to make it easily accessible to the public?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all

supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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William F. Anhut ~ Of Counsel – Retired
Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Amendment to provide that the Clerk act as Manager in the event of vacancy

SUMMARY/BACKGROUND

The amendment would provide clear direction if and when a vacancy occurs
in the office of City Manager

ATTACHMENTS: Proposed Charter Amendment

RECOMMENDED ACTION: Review and adopt

DATE RECEIVED:_____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-186
August 7, 2014

Resolution to Amend the City Charter to provide that the City Clerk automatically serves as Acting City Manager during a vacancy or absence in the office of City Manager until otherwise designated by City Council

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

WHEREAS, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that Article IV, Section 4.02 of the Ypsilanti City Charter shall be amended as follows:

The City Clerk will serve as Acting City Manager during a vacancy or absence in the office of the City Manager until Council designates a different qualified person to perform the duties of the City Manager, whether permanently or on an interim basis.

For the purposes of this Section, “absence” means when the holder of an office is not present in office for an appreciable amount of time and is otherwise unable to fulfill the duties of said office. An absence may include incapacity, and extended illness, or when the office holder cannot otherwise be located during an emergency. Also for the purposes of this Section, “vacancy” means when an office is unoccupied. A vacancy may operate by death, resignation, or abandonment.

The current charter section(s) being altered by this amendment provides as follows:

4.02. Acting city manager.

The Council shall designate a qualified person to perform the duties of the City Manager during a vacancy or absence in the office. In the event of an emergency, the City Clerk will serve as Acting City Manager until the next Council meeting.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall Article IV, Section 4.02 of the Ypsilanti City Charter be amended to provide that the City Clerk automatically serves as Acting City Manager during a vacancy or absence in the office of the City Manager until otherwise designated by City Council?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Amendment to permit Council to discontinue boards and commissions

SUMMARY/BACKGROUND

The present Charter does not address how to discontinue a board or commission that is no longer needed.

ATTACHMENTS: Proposed Charter Amendment

RECOMMENDED ACTION: Review and adopt

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-187
August 7, 2014

Resolution to Amend the City Charter to permit
City Council to discontinue City boards and commissions

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

WHEREAS, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that the first paragraph of Article IX, Section 9.03 of the Ypsilanti City Charter shall be amended as follows:

The Council may create or discontinue, by ordinance, boards and commissions as the Council deems necessary or of benefit to the City of Ypsilanti. Council will provide for the duties and functions of boards and commissions, subject to law. The boards and commissions shall not administer any activity, department, or agency of the City government unless specifically required to do so by State statute, but shall serve solely in an advisory capacity or in the capacity of a quasi-judicial appeal board.

The current charter section(s) being altered by this amendment provides as follows:

9.03. Boards (first paragraph).

The Council may create, by ordinance, boards and commissions which the Council deems necessary or of benefit to the City of Ypsilanti and provide for their duties and functions subject to law. The boards and commissions shall not administer any activity, department, or agency of the City government

unless specifically required to do so by State statute, but shall serve solely in an advisory capacity or in the capacity of a quasi-judicial appeal board.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall the first paragraph of Article IX, Section 9.03 of the Ypsilanti City Charter be amended to allow for the discontinuance of City boards and commissions by City Council?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Amendment to allow ordinances immediate effect upon 2/3 Council vote

SUMMARY/BACKGROUND

There are times when speed is important. This amendment would allow immediate effect of certain types of ordinances when the super majority is convinced it is in the public interest. Emergency ordinances would be retained with one reading.

ATTACHMENTS: Proposed Charter Amendment

RECOMMENDED ACTION: Review and adopt

DATE RECEIVED: _____ AGENDA ITEM NO. 2014-195

CITY MANAGER COMMENTS:

FOR AGENDA OF: 8/7/14 FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-188
August 7, 2014

Resolution to Amend the City Charter to permit certain ordinances to
become effective immediately upon adoption by 2/3
of City Council and publication

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

WHEREAS, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that Article II, Section 2.10(c) of the Ypsilanti City Charter shall be amended as follows:

(c) Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective after publication at the expiration of 30 days after adoption or at any later date specified therein. An ordinance may become effective immediately after adoption upon publication if all of the following apply:

- i. The ordinance does not adopt or amend an administrative code, provide for a fine or other penalty, or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- ii. A resolution, which is adopted by affirmative vote of 2/3 of the Members of Council present at the meeting at which the ordinance is enacted, provides for the ordinance to have an immediate effect upon adoption.
- iii. Such a resolution provides for the reason that the ordinance takes effect immediately upon adoption and publication.

The current charter section(s) being altered by this amendment provides as follows:

2.10. Ordinances in general.

(c) Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective after publication at the expiration of 30 days after adoption or at any later date specified therein.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall Article II, Section 2.10(c) of the Ypsilanti City Charter be amended to permit City Council to, after a resolution that so declares and provides for the reason is passed by 2/3 of the Members of City Council present, have an ordinance (other than an ordinance that adopts or amends an administrative code, provides for a fine or other penalty, or establishes a rule or regulation for violation of which a fine or penalty is imposed) become effective immediately upon publication?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Amendment to provide for Council meetings once per month

SUMMARY/BACKGROUND

The current Charter provides that City Council must meet at least once every thirty days. Changing this requirement to once per month allows greater flexibility in the schedule of Council meetings to better reflect actual need.

ATTACHMENTS: Proposed Charter Amendment

RECOMMENDED ACTION: Review and adopt

DATE RECEIVED:_____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-189
August 7, 2014

Resolution to Amend the City Charter to provide that City Council
must meet at least once a month, as opposed
to once every 30 days.

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

WHEREAS, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that the first sentence of Article II, Section 2.08(a) of the Ypsilanti City Charter shall be amended as follows:

(a) Meetings. The Council shall meet regularly one or more times every calendar month, at such times and places as the Council may prescribe by rule.

The current charter section(s) being altered by this amendment provides as follows:

2.08. Procedure.

(a) Meetings. The Council shall meet regularly one or more times every 30 days, at such times and places as the Council may prescribe by rule.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall the first sentence of Article II, Section 2.08(a) of the Ypsilanti City Charter be amended to provide that City Council must meet at least once a month rather than the current requirement that City Council must meet at least once every 30 days?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Amendment to allow Councilmembers to serve on City boards and commissions

SUMMARY/BACKGROUND

This is currently only permitted if required by law. The Planning Commission unsuccessfully recommended to the Charter Commission that the Charter be changed to allow for a councilmember to serve on the Planning Commission thinking that this would provide some avenue of communication and coordination between the two bodies. There are also times that an elected member may be desirable to serve on other commissions, especially with intergovernmental organizations, such as YCUA or AAATA. The appointment process would remain the same with the Mayor recommending and Council approving. Other communities such as the City of Ann Arbor and Ypsilanti Township have elected officials serving on their boards and commissions.

ATTACHMENTS: Proposed Charter Amendment

RECOMMENDED ACTION: Review and adopt

DATE RECEIVED:_____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-190
August 7, 2014

Resolution to Amend the City Charter to allow members of City Council to serve on City boards and commissions when permitted by law

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

WHEREAS, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that the second paragraph of Article IX, Section 9.03 of the Ypsilanti City Charter shall be amended as follows:

All members of the City boards and commissions established under this Charter, by statute or otherwise, shall be appointed by the Mayor, subject to the approval and confirmation by a majority vote of the City Council. Council Members may be appointed to serve on a board or commission when permitted by law. Whenever any statute or law requires that the appointment of members of a board or a commission established under this Charter, by statute or otherwise, be by the chief executive or administrative officer of the City, such chief executive or administrative officer, for the purposes of such appointment, shall be deemed to be the Mayor, and an appointment in such cases shall be subject to the approval and confirmation by a majority vote of the City Council.

The current charter section(s) being altered by this amendment provides as follows:

All members of the City boards and commissions established under this Charter, by statute or otherwise, shall be appointed by the Mayor, subject to

the approval and confirmation by a majority vote of the City Council. Council Members may be appointed by the Council to serve on a board or commission only when the service is required by State law. Whenever any statute or law requires that the appointment of members of a board or a commission established under this Charter, by statute or otherwise, be by the chief executive or administrative officer of the City, such chief executive or administrative officer, for the purposes of such appointment, shall be deemed to be the Mayor, and an appointment in such cases shall be subject to the approval and confirmation by a majority vote of the City Council.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall the second paragraph of Article IX, Section 9.03 of the Ypsilanti City Charter be amended to allow members of City Council to serve on City boards and commissions when permitted by law?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Amendment to provide that candidates for City office file petitions on the 15th Tuesday before the primary, or according to state law.

SUMMARY/BACKGROUND

This proposal is to bring the Charter into sync with current state law.

ATTACHMENTS: Proposed Charter Amendment

RECOMMENDED ACTION: Review and adopt

DATE RECEIVED:_____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-191
August 7, 2014

Resolution to Amend the City Charter to provide that candidates for City office file their petition on the 15th Tuesday before the primary election, or according state law.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

WHEREAS, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that the third paragraph of Article III, Section 3.06 of the Ypsilanti City Charter shall be amended as follows:

Nominating petitions shall be filed with the City Clerk not later than 4:00 p.m., local time, on the fifteenth Tuesday preceding the regular City primary election, or as provided by state law. The City shall publish notice of the last day and time for filing nomination petitions at least one (1) week and not more than three (3) weeks before that date.

The current charter section(s) being altered by this amendment provides as follows:

Nominating petitions shall be filed with the City Clerk not later than 4:00 p.m., local time, on the twelfth Tuesday preceding the regular City primary election. The City shall publish notice of the last day and time for filing nomination petitions at least one (1) week and not more than three (3) weeks before that date.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall the third paragraph of Article III, Section 3.06 of the Ypsilanti City Charter be amended to provide that candidates for City office file their petition with the City Clerk on the fifteenth Tuesday before the primary election, as is the current deadline provided by state law, or as state law may otherwise provide in the future?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Amendment to allow the sale of land, after public hearing, by resolution

SUMMARY/BACKGROUND

Experience has shown that requiring an ordinance is cumbersome and time consuming. The recommendation is to have a public hearing and resolution when considering the sale or lease of City-owned land.

ATTACHMENTS: Proposed Charter Amendment

RECOMMENDED ACTION: Review and adopt

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-192
August 7, 2014

Resolution to Amend the City Charter to provide that City Council may sell or lease city-owned land by resolution after a public hearing is held.

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

WHEREAS, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that Article II, Section 2.09 of the Ypsilanti City Charter shall be amended as follows:

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (a) Adopt or amend an administrative code or establish, alter, or abolish any City department, office or agency;
- (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (c) Levy taxes;
- (d) Grant, renew, or extend a franchise;
- (e) Regulate the rate charged for its services by a public utility;
- (f) Authorize the borrowing of money;
- (g) Regulate land use and development; or
- (h) Amend or repeal any ordinance previously adopted.

Council may provide for the conveyance or lease of any City land by resolution after a public hearing is held, where notice of such public hearing is published at least seven days prior.

Acts other than those referred to in this Section may be done either by ordinance or by resolution as long as they conform to the specific provision of this Charter.

The current charter section(s) being altered by this amendment provides as follows:

2.09. Action requiring an ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (a) Adopt or amend an administrative code or establish, alter, or abolish any City department, office or agency;
- (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (c) Levy taxes;
- (d) Grant, renew, or extend a franchise;
- (e) Regulate the rate charged for its services by a public utility;
- (f) Authorize the borrowing of money;
- (g) Convey or lease or authorize the conveyance or lease of any land of the City;
- (h) Regulate land use and development; or
- (i) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution as long as they conform to the specific provision of this Charter.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall Article II, Section 2.09 of the Ypsilanti City Charter be amended to provide that an action of City Council to convey or lease City-owned land may be by resolution following a public hearing rather than by ordinance, which is currently required?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney

General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Amendment to allow Council to remove members of boards and commissions by 2/3 vote

SUMMARY/BACKGROUND

The current Charter provides that board members may only be removed by recommendation of the mayor. This amendment would allow removal by 2/3 vote, including the mayor, and would allow Council or the mayor to recommend the removal.

ATTACHMENTS: Proposed Charter Amendment

RECOMMENDED ACTION: Review and adopt

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-193
August 7, 2014

Resolution to Amend the City Charter to allow City Council to
remove members of City boards and commissions for cause with a
2/3 affirmative vote

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

WHEREAS, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that Article IX, Section 9.03 of the Ypsilanti City Charter shall be amended to add a new third paragraph as follows:

In addition to those reasons and limitations set forth in the ordinances creating the board or commission, members of City boards and commissions appointed under this Section may be removed from office upon a 2/3 affirmative vote of City Council for misfeasance, malfeasance, or nonfeasance in office, or as otherwise authorized by statute.

The current charter section(s) being altered by this amendment provides as follows:

Article IX, Section 9.03 of the Ypsilanti City Charter does not currently contain a third paragraph.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall Article IX, Section 9.03 of the Ypsilanti City Charter be amended to add a third paragraph to allow City Council to remove members of City boards and commissions for misfeasance, malfeasance, or nonfeasance in office, or as otherwise authorized by statute with a 2/3 affirmative vote?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 1, 2014

FROM: John M. Barr

SUBJECT: Amendment to provide that legislation to confirm a special assessment roll within the City by resolution, when permitted by law

SUMMARY/BACKGROUND

The Charter presently does not mesh with the City Code. The Charter requires one thing and the Code another. This amendment would bring them both into harmony. The special assessment procedure is long and complicated and adoption by resolution will smooth the process. With the exception of limited special assessment purposes, this amendment also brings the procedure within the statutory requirements.

ATTACHMENTS: Proposed Charter Amendment

RECOMMENDED ACTION: Review and adopt

DATE RECEIVED: _____ AGENDA ITEM NO. 2014-194

CITY MANAGER COMMENTS:

FOR AGENDA OF: 8-7-14 FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2014-194
August 7, 2014

Resolution to Amend the City Charter to provide that legislation
to confirm a special assessment roll within the City by resolution,
when permitted by law

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

WHEREAS, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that Article VIII, Section 8.03(b)(4) of the Ypsilanti City Charter shall be amended as follows:

(4) A final special assessment roll shall be confirmed by the Council only after a public hearing has been held by the Council for the purpose of reviewing such roll and hearing any objections. The meeting shall be held not less than ten (10) days after notice has been published and sent by first class mail to all property owners in the proposed special district as shown by the current assessment roll of the City. After such hearing the Council may, by resolution, confirm such special assessment roll or may make any corrections necessary and confirm it as corrected; or the Council may refer it for revision or may annul it and direct a new assessment roll to be made. In either case the special assessment procedure set forth in this Section shall be followed as in respect to the previous original assessment. Such action confirming the special assessment roll must be by ordinance only if so required by applicable law. Upon

confirmation of a special assessment roll, the special assessments shall be final.

The current charter section(s) being altered by this amendment provides as follows:

(4) A final special assessment roll shall be confirmed by the Council only after a public hearing has been held by the Council for the purpose of reviewing such roll and hearing any objections. The meeting shall be held not less than ten (10) days after notice has been published and sent by first class mail to all property owners in the proposed special district as shown by the current assessment roll of the City. After such hearing the Council may, by ordinance, confirm such special assessment roll or may make any corrections necessary and confirm it as corrected; or the Council may refer it for revision or may annul it and direct a new assessment roll to be made. In either case the special assessment procedure set forth in this Section shall be followed as in respect to the previous original assessment. Upon confirmation of a special assessment roll, the special assessments shall be final.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall Article VIII, Section 8.03(b)(4) of the Ypsilanti City Charter be amended to provide that City Council may confirm a special assessment roll within the City by resolution, when permitted by law, rather than by ordinance as is currently required?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2014-195
August 7, 2014

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: