

1. City Council Regular Meeting Agenda

Documents:

[7-21-15 REVISED FINAL AGENDA.PDF](#)

2. City Council Regular Meeting Packet

Documents:

[7-21-15 REVISED 4 COUNCIL PACKET.PDF](#)

3. City Council Regular Meeting Action Minutes

Documents:

[7-21-15 B ACTION MINUTES.PDF](#)



Revised – 7/21/15

**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, JULY 21, 2015
6:00 P.M. – WORK SESSION
7:00 P.M. – OPEN SESSION**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Anne Brown	P A	Council Member Robb	P A
Council Member Nicole Brown	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Edmonds	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. WORK SESSION – 6:00 – 7:00 p.m.

Work Session to discuss fee schedule.

VII. INTRODUCTIONS –

VIII. PRESENTATIONS –

Presentation on the Eastside County Recreation Center – Coy Vaughn

Presentation on website design refresh – Dan Schultz, CivicPlus

IX. AUDIENCE PARTICIPATION –

X. REMARKS BY THE MAYOR –

XI. MINUTES –

Resolution No. 2015-153, approving minutes of July 7, 2015.

XII. CONSENT AGENDA –

Resolution No. 2015-154

1. Resolution No. 2015-155, approving delegate and alternate to the Municipal Employees' Retirement System (MERS) 69th Annual Meeting.

2. Resolution No. 2015-156, approving purchase of two (2) Ford interceptor police vehicles from Gorno Ford.
3. Resolution No. 2015-157, approving the use of YCUA City Division Reserve for construction funds for the Adams Street Water Main Replacement.

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS -

- ~~1. Resolution No. 2015-158, approving First Amendment to the Purchase Agreement with Washtenaw County for the sale of a portion of the Water Street Project for the construction of a recreation center.~~
2. Resolution No. 2015-128, approving fee schedule.
3. Resolution No. 2015-159, awarding City Attorney contract.
4. Resolution No. 2015-160, awarding contract for janitorial services.
5. Resolution No. 2015-161, approving design engineering services with OHM for traffic signal upgrades at Prospect Road and Michigan Avenue.
6. Resolution No. 2015-162, awarding Property and Liability Insurance contract.
7. Resolution No. 2015-163, approving appointments to City Boards and Commissions.
8. Resolution No. 2015-163A, approving a non-resident appointment to City Boards and Commissions.

XIV. LIASON REPORTS –

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Washtenaw Metro Alliance
- D. Urban County
- E. Freight House
- F. Parks and Recreation
- G. Millennial Mayors Conference
- H. Ypsilanti Downtown Development Authority
- I. Eastern Washtenaw Safety Alliance

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. 2015-164, adjourning the Council meeting.



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Resolution No. 2015-164, adjourning the Council meeting.



Resolution No. 2015 – 153
July 21, 2015

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of July 7, 2015 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Draft

**CITY OF YPSILANTI
REGULAR MEETING MINUTES
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
Tuesday, July 7, 2015
~~6:00 P.M. – WORK SESSION~~
7:00 P.M. – REGULAR SESSION**

I. CALL TO ORDER –

The meeting was called to order at 7:02 p.m.

II. ROLL CALL –

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

Council Member Nicole Brown moved to excuse the absences of Mayor Pro-Tem Richardson and Council Member Vogt (Support: Council Member Anne Brown).

On a voice vote, the motion carried and the absences were excused.

III. INVOCATION –

Mayor Edmonds asked all to stand for a moment of silence and mentioned the passing of State Representative David Rutledge's wife, Geraldine Rutledge.

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. ~~WORK SESSION: 6:00 – 7:00 p.m. – DDA BOARD OF DIRECTORS~~

VI. INTRODUCTIONS –

Mayor Edmonds introduced the following individuals: Former EMU President Susan Martin and her Husband Larry, EMU Special Advisor to the President Leigh Greden, Non-Motorized Chair Bob Krzewinski, 826 Michigan Program Manager D'Real Graham, Ypsilanti resident Tony Morgan, Assistant City Attorney Dan DuChene, Fire Chief Max Anthouard, Marcus McNamara, OHM, and Russell Rose, EMU.

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VII. AGENDA APPROVAL –

Council Member Nicole Brown moved to approve the agenda (Support: Council Member Anne Brown).

Council Member Robb asked to remove Resolutions No. 2015-147 and 2015-148 from the Consent Agenda.

On a voice vote, the motions carried and the agenda was approved as amended.

VIII. PRESENTATIONS –

1. Proclamation in recognition of the retirement of Susan Martin, EMU President.
Mayor Edmonds read a proclamation honoring Dr. Susan Martin for her years of service.

Dr. Susan Martin stated that she attended Ypsilanti Community events when she first began at Eastern Michigan University adding that Ypsilanti is such an excellent College Town. She is encouraged by the relationship formed between the University and the City.

Mayor Edmonds recognized Larry Martin, a professor at Michigan State University.

Mayor Edmonds introduced and welcomed Dr. Ben Edmondson, the new Ypsilanti Community Schools Superintendent.

Dr. Edmondson thanked Dr. Martin for her service to Eastern, and commented that during the pursuit of his Ph.D. he attended Eastern Michigan, which was the best colligate experience in his academic career. He recognized the Board of Education, who have been very supportive, and introduced Dr. Celeste Hawkins, Meredith Schindler, Maria Sheller Edwards, and Ellen Champagne. He stated that he will be sending letters to faculty, students and their families and read aloud the letter addressed to faculty.

Council Member Nicole Brown thanked Dr. Edmondson and complimented him on his letter to faculty. She stated Dr. Martin was the president of Eastern while she was a student and graduated under her tenure. She thanked Dr. Martin for her support of the student body and that she had an effect on she choosing to run for public office.

Council Member Murdock thanked Dr. Martin for her service to EMU and said that she was instrumental in building a stronger relationship with Ypsilanti. He stated he is looking forward to working with Dr. Edmondson and that the success of the community and the school system are linked.

City Manager Lange thanked Dr. Martin for her work to strengthen the university's relationship with the City. He stated he looks forward to working with Dr. Edmondson in the future.

Council Member Anne Brown stated during Dr. Martin's tenure the grounds of EMU become more walkable under her administration. She thanked Dr. Edmondson and stated the City is looking forward to working with him.

IX. AUDIENCE PARTICIPATION –

1. Bob Krzewinski, Non-Motorized Committee Chair, 706 Dwight St., endorsed Resolution No. 2015-150 the “Mayor’s Challenge” to improve bicycle safety. He stated the Mayor’s Challenge began in response to the increase in bicycle fatalities. He said it is no cost to the City and will increase access to the Department of Transportation resources. He stated many of the requirements have already been completed by the City and the Non-Motorized Commission.
2. Anthony Morgan, 612 N. Congress, stated Ypsilanti has a false sense of community and feels a large number of residents are not represented by City Council. He said the job of the White House is to handle the affairs of white people, as is the State House and local governments. He said a petition has been started asked for a civil ordinance that would protect the rights of citizens of color.
3. Nathan Phillips, 509 N. Washington St., stated he was detained by the police and accused of stealing his landlord’s lawn mower which he was borrowing to mow the lawn of a local business to earn money. He said he was stopped and arrested for theft and placed in jail from 6:00 p.m. until 3:00 a.m. He said he has not received anything from the Police Department explaining what will happen as a result of the arrest. He said one of his accusers was in attendance at a party where racist comments were directed toward him and he believes that the accusation was in retaliation of that incident.
4. Francisco Garcia, 26 N. Huron, stated he is being nominated for the Ypsilanti Downtown Development Authority (YDDA) and wanted to introduce himself to Council. He said he was born and raised in Ypsilanti, attended Ypsilanti Public Schools, and has lived in Ypsilanti for over 20 years. He said he would be happy to meet with any members of Council if they have questions.

Council Member Anne Brown asked if Mr. Garcia was a business owner. Mr. Garcia replied he is not; he is a software developer for Huron Valley Physicians Association.

Mayor Edmonds said Mr. Garcia would fulfill the state statute requiring a resident to sit on the DDA Board.

X. REMARKS BY THE MAYOR –

- Stated she would look into the issues discussed by Mr. Phillips, and would speak with the Police Chief and the City Manager. She thanked Mr. Morgan for sharing his comments, apologized for the time limit, and invited him to finish during the second audience participation at the end of the meeting. She informed him if he wished, he could send a letter to Council with further information. She thanked Mr. Garcia for introducing himself to Council.
- Council Member Anne Brown asked if Mr. Morgan filed a formal complaint with the Human Relations Commission, to which Mr. Morgan responded he has not but that he will be going to court regarding a citation. Mayor Edmonds added that Mr. Morgan could file a police complaint and the forms are available at City Hall and the Police Department.

- Council Member Murdock stated Mr. Phillips told him he would provide Council with information and asked that Mr. Phillips follow-up with him.

XI. MINUTES –

Resolution No. 2015-145, approving minutes of June 2, June 9, June 16, 2015

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of June 2, June 9 and June 16, 2015 be approved.

OFFERED BY: Council Member Nicole Brown

SUPPORTED BY: Council Member Anne Brown

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

XII. CONSENT AGENDA –

Resolution No. 2015-146

1. ~~Resolution No. 2015-147, adopting a FOIA Policy and Record Inspection Policy for the City of Ypsilanti.~~ **(Moved and heard during Section XII, "Resolutions/Motions/Discussions")**
2. ~~Resolution No. 2015-148, designating the Washtenaw Legal News as the official newspaper of record.~~ **(Moved and heard during Section XII, "Resolutions/Motions/Discussions")**
3. Resolution No. 2015-149, approving contract for professional services by the City of Ypsilanti for the Board of Trustees City of Ypsilanti Fire and Police Retirement System.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Board is vested with the authority and fiduciary responsibility for the administration, management and operation of the City of Ypsilanti Fire and Police Retirement System and may retain such professional and clerical services as are required for the proper administration of the Retirement System; and;

WHEREAS, the Board hereby desires to engage the City of Ypsilanti as an independent contractor to perform certain administrative services; and

WHEREAS, the City has the capacity and desires to provide said services to the Board of Trustees

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the City entering into the attached contract between the two parties and authorizes the City Manager to sign on their behalf.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Nicole Brown

4. Resolution No. 2015-150, enrolling the City of Ypsilanti in the "Mayors Challenge" to improve bicyclist and pedestrian safety.

**RESOLUTION ENROLLING THE CITY OF YPSILANTI
IN THE "MAYORS CHALLENGE" TO IMPROVE BICYCLIST AND PEDESTRIAN SAFETY**

WHEREAS, in response to high pedestrian and bicyclist traffic injuries/deaths across the United States, U.S. Department of Transportation (USDOT) Secretary Anthony Foxx has issued the "Mayor's Challenge" for Mayors and local elected officials to take significant action to improve safety for bicyclists and pedestrians of all ages and abilities; and

WHEREAS, the Mayor Challenge is a no-cost program with participating communities will have the opportunity to participate in peer-to-peer sessions, topical webinars, receive USDOT updates, and other benefits; and

WHEREAS, Mayors Challenge activities that would be required by the City of Ypsilanti participating in the Challenge (a statement through the Mayor on the importance of bicycle and pedestrian safety, the forming of a local action team) will be accomplished by the City's Non-Motorized Advisory Committee which endorses the Mayors Challenge; and

WHEREAS; many of the recommended actions by the Mayors Challenge have either been accomplished by the City (enact a Complete Streets ordinance) or are actively being worked on by the Non-Motorized Advisory Committee (i.e. identify and address barriers to make streets safe and convenient for all road users, gather and track biking and walking data, educate and enforce proper road use behavior by all, etc.).

NOW, THEREFORE, BE IT RESOLVED That the Ypsilanti City Council agrees to sign on to the U.S. Department of Transportations Mayor's Challenge to improve bicycle and pedestrian safety.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Nicole Brown

On a roll call, the vote to approve the Consent Agenda was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Absent	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

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

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. ~~Resolution No. 2015-105, approving Ordinance No. 1244: Adoption, Amendment and Restatement of the Depot Town Development Plan and Tax Increment Financing Plan on Second and Final Reading. (***Moved to 8/4/15***)~~
2. Resolution No. 2015-147, adopting a FOIA Policy and Record Inspection Policy for the City of Ypsilanti.

RESOLUTION ADOPTING A FOIA POLICY AND RECORD INSPECTION POLICY FOR THE CITY OF YPSILANTI

WHEREAS, The State of Michigan adopted the Freedom of Information Act (FOIA) in 1976; and

WHEREAS, the purposes of FOIA, among others, is to provide the public access to certain public records of public bodies, to permit certain fees, and to provide remedies and penalties; and

WHEREAS, the City is a “public body” as defined by FOIA; and

WHEREAS, the State of Michigan has approved certain amendments to FOIA that took effect on July 1, 2015; and

WHEREAS, among other changes to the statute, FOIA requires that public bodies establish and make publicly available policies and guidelines in order to charge a fee for requests made under the Act; and

WHEREAS, the City Attorney has drafted a FOIA policy (titled “Procedures and Guidelines”), a summary of this policy, and forms for the execution of this policy; and

WHEREAS, the policy and forms are in compliance with the newly effective amendments to FOIA; and

WHEREAS, the City Attorney has also drafted a policy for inspection of records for verbal requests of records and other requests not covered under FOIA or the City's FOIA policy.

NOW THEREFOR BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that: The attached FOIA Procedures and Guidelines are adopted by the City of Ypsilanti.

BE IT FURTHER RESOLVED, that the attached Policy for Public Inspection of Records is adopted by the City of Ypsilanti.

BE IT FUTHER RESOLVED, that the links to these policies, as well as the attached FOIA policy summary and all forms, are to be placed on the City's website and that all said documents are to be updated to include the location of the relevant policy and summary.

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Nicole Brown

City Attorney John Barr stated the Magna Carta was approved in England 800 years ago, which outlines certain rights for the people; one being a representative government. He said because of that right citizens have the ability to know what the government is doing, which is the basis of the Freedom of Information Act. He stated governments are allowed to charge for the production of these documents, and the state legislature wanted to impose a cap on what municipalities could charge.

Assistant City Attorney Dan DuChene stated in order to charge a fee under the new amendment, a public body is required to adopt a FOIA policy and make it available to the public. Council Member Robb asked for a definition and example of "contracted labor". Mr. Duchene responded that contracted labor is relative to redaction or separating exempt from non-exempt materials. He said the contracted person would be the individual, such as an attorney, who examines the materials to decide what is exempt. Council Member Robb stated that provision is not included in Ann Arbor's policy. He asked why Ypsilanti would include it in its policy. Mr. DuChene responded Ann Arbor has complete in house counsel, and may not have needed that option available. Council Member Robb asked what is meant by "the cost will be charged only if the city has the technological ability necessary to provide the public record in the requested non-paper physical media format". Mr. DuChene responded if a request is made for records on a CD and the City did not have a CD burner it would not have the technological ability to provide the record on that format. Council Member Robb stated any forms created should be available on-line and fillable. He said technology keeps advancing and the City needs to keep up with it. Mr. DuChene replied there is no reason why these forms cannot be fillable on the City's websites. Council Member Robb asked if it is state statute that incarcerated individuals are not entitled to FOIA materials. Mr. DuChene responded in the affirmative. Council Member Robb asked if the City can still provide FOIA materials to incarcerated individuals. Mr. Duchene responded the purpose of the statute is to provide non-exempt records to non-incarcerated individuals.

Mr. Barr stated the City's policy can be less restrictive and could provide incarcerated individuals the ability to submit a FOIA request. Council Member Robb stated he would like to remove the section that does not award prisoners the ability to FOIA. Mr. Barr stated the reason the provision is included

in the state statute is, before the provision was created, there was a flood of FOIA requests from prisons. He said it took jurisdictions a substantial amount of time and, suggested Council think very carefully before it decides to remove that provision. He said there are mechanisms in place that provide prisoners the ability to gather information. Council Member Robb asked Mr. Barr if he was the FOIA coordinator before July 1, 2015. Mr. Barr replied in the affirmative.

Council Member Robb asked how many FOIA requests the City received from prisoners before July 1, 2015. Mr. Barr responded that this provision has been included in the law for some time. He stated there are few people that file an abundance of FOIA requests and this law addresses that by limiting the number of requests a person can make.

Mr. DuChene stated when a FOIA request is made, and the City estimates the fee to be higher than \$50, if the requesting individual has unpaid fees or picked up past requested documents, the City may charge them a 100% deposit instead of a 50% deposit.

Mayor Edmonds asked if another FOIA request can be made if an individual has not paid for a previous request. Mr. DuChene replied if an individual has not paid a FOIA request in a year the only way a person can avoid paying the 100% deposit is if they pay for the original request.

Council Member Robb stated he would like the FOIA policy posted on the City website. Mr. DuChene asked if FOIA responses should be posted on the City website. Council Member Robb responded in the affirmative, and said he does not see why that information should not be made available.

Mr. DuChene stated in his opinion there is a conflict in the language of the FOIA policy that states if there is content on the City's website, the public body would be required to notice the public of the location when responding to requests. He stated if many requests are made and the employee is unaware it could cause issues for the City. Council Member Murdock asked if items requested that are already included on the City's website, could they simply be informed of its location. Mr. DuChene responded the only way to answer a FOIA request is in writing.

Council Member Murdock asked how FOIA request fees are structured. Mr. DuChene responded fees are based on costs of materials and labor needed to complete the request.

Council Member Murdock asked if FOIA request fees are included in the City fee schedule. Mr. DuChene replied they are not; fees are based on actual costs. He said FOIA costs can be added to the fee schedule if Council wishes. He stated in the new policy the fee structure is by far the most complicated and he is not certain if the City will fully recoup the cost of FOIA requests.

Council Member Murdock stated if an individual makes a FOIA request and all they ask for is an electronic copy, how would the fee be structured? Mr. DuChene responded the fee would be based on labor associated with completing that request.

Council Member Robb stated fees for FOIAs are included in the fee schedule, however, the fees do not detail charges associated with toner costs and things of that nature. He said fees are listed as the first three pages cost \$3 and each additional page is \$.50.

Mr. DuChene responded the new FOIA statute would not allow the City's current fee structure.

City Manager Lange stated Council will be holding a work session to discuss the fee schedule during the July 21st Council meeting.

Mayor Edmonds asked if there is a reason the web address for the FOIA policy is left blank. Mr. DuChene responded because he is uncertain where this information will be located on the website. Mayor Edmonds asked could the policy state the web address as "cityofypsilanti.com", or does the information need to be more specific. Mr. DuChene replied if the policy is amended the city attorney can make that change and notify Council. He added the web address listed in the policy needs to be exact.

Council Member Robb said if the policy is placed on the homepage, is what the Mayor is suggesting would be correct. Mr. DuChene replied in the affirmative.

Mr. Lange responded the whole policy would not be put on the homepage it would only include a link, and asked if that would meet the requirement. Council Member Robb responded yes, because that is the location. Mr. DuChene responded that is interpretive and he understands it is the location defined is where it is on the server. Council Member Robb stated Council could create an address at this meeting.

Mayor Edmonds recommended cityofypsilanti.com\FOIA and if it needs to be amended that is at the discretion of the City Attorney.

Council Member Robb moved to amend the policy adding cityofypsilanti.com\FOIA as the web address and that all completed FOIA requests should be listed on the City website.

With no support, the amendment failed.

Council Member Murdock, supported by Council Member Anne Brown to list cityofypsilanti.com\FOIA as the web address in the policy.

On a voice vote, the motion carried and the amendment was approved.

Council Member Murdock asked if the provision that does not allow incarcerated individuals to make FOIA requests is included in the policy. Mr. DuChene responded in the affirmative.

Council Member Murdock stated incarcerated individuals have other avenues of obtaining information.

Council Member Robb stated if that is the case, why leave that provision in the policy? Council Member Anne Brown responded through her experience with the Washtenaw County Sheriff's Department, the County has experienced large costs due to FOIA requests from incarcerated individuals. She stated she would not be in favor of removing the provision.

On a roll call, the vote to approve Resolution No. 2015-147 as amended was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Absent	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

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

3. Resolution No. 2015-148, designating the Washtenaw Legal News as the official newspaper of record.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Washtenaw Legal News, a newspaper of general circulation, be designated as the official newspaper of the City of Ypsilanti, for placement of all required publication notices and display advertisements.

OFFERED BY: Council Member Anne Brown

SUPPORTED BY: Council Member Nicole Brown

City Clerk Frances McMullan stated the City's previous newspaper of record "Washtenaw Now" is no longer in operation. She said staff researched possible replacements and recommends Washtenaw County Legal News. She said this recommendation is based on the cost, which is much lower than the other possible newspapers. She stated the Eastern Echo was examined but was removed as a possibility because of its inconsistent publishing schedule.

Council Member Anne Brown asked how often is Washtenaw County Legal News published. Ms. McMullan responded it is published Mondays and Thursdays. She informed Council that Washtenaw County Legal News is not as common as the other newspapers examined. However, since legislation has changed, and the City is not required to publish as many public notices in a newspaper of record and instead most notices can be published on the website.

Mayor Edmonds asked what the Sun Times News was. Ms. McMullan responded it is a paper out of Saline.

Council Member Murdock stated the front of the City's webpage should include a link to all legal notices. Ms. McMullan replied staff is already preparing to create that link after the website is refreshed.

Council Member Murdock stated he tried to access Washtenaw County Legal News and was told he needed to be a subscriber. Ms. McMullan responded a subscription is not necessary. Council Member Robb stated a subscription is necessary to access the full notice.

Council Member Anne Brown asked that an alert be given when a new legal notice is published on the website. Ms. McMullan responded she can share that with Assistant to the City Manager Ericka Savage.

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Council Member Murdock stated public notices on the website are not necessarily legal notices and a spate link should be created for them.

Council Member Anne Brown asked what the City's budget was last year for publications. Ms. McMullan responded she does not have the exact data with her, but the line item has been reduced because the City is not required to publish all notices. City Attorney Barr stated the City budgeted \$20,000. Ms. McMullan replied the City budgeted for \$20,000 but that amount is not specific to published public notices.

Council Member Murdock asked if the City subscribes to Washtenaw Legal News and places a link on the website if visitors could open the page. Ms. McMullan responded she has not researched that possibility.

Council Member Nicole Brown stated Washtenaw County Legal News subscription costs \$4.99 a day and \$80.00 a year.

Mayor Edmonds stated if a resident is able to follow a link from the City website and the print version is available at the Library, residents would have adequate access to public notices.

Council Member Murdock stated 99 out of 100 people have no idea Washtenaw County Legal News exists. Ms. McMullan agreed with Councilmember Murdock.

City Manager Lange stated he is in support of Council Member Murdock's suggestion of the city subscribing to the paper and placing a link on the City's website.

Council Member Robb stated more than likely the City's subscription would be canceled because it would be sharing the newspaper without the consent of Washtenaw County Legal News.

Ms. McMullan stated if Council wishes, this item could be tabled to perform further research. She added there is a link to Washtenaw County Legal News on the City of Ann Arbor's website.

Mayor Edmonds asked Ms. McMullan to ask local libraries if they carry a subscription to the Washtenaw County Legal News. Ms. McMullan stated she would assume those libraries carry a subscription to Washtenaw County Legal News.

Council Member Murdock stated if the information is on the website residents would have access to notices.

Mayor Edmonds stated if the paper is located at the library it would provide free access to those who do not have a computer.

Mr. Lange asked for clarification why Washtenaw County Legal News would cancel the City's subscription if it provides a link to items the City paid to publish. Council Member Robb responded Washtenaw County Legal News is in the business to make money, and if the City is providing their product for free it would certainly cancel the City's subscription.

Ms. McMullan stated she will need to investigate further, and is uncertain if the City would be able to provide a link to the paper.

City Council Meeting Minutes
July 7, 2015

Council Member Robb stated he is on the City of Ann Arbor's website and asked for clarification.

Council Member Nicole Brown moved, supported by Council Member Anne Brown for a five minute recess.

On a voice vote, the motion carried and the meeting recessed.

Ms. McMullan responded the City of Ann Arbor's website states the legal publications are on Washtenaw County Legal News and if the ordinance is clicked on, it links to a PDF of the notice.

On a roll call, the vote to approve Resolution No. 2015-148 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Absent	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

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

4. Resolution No. 2015-151, rejecting bids for Ypsilanti Fire Department roof.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, out of six potential bidders the City of Ypsilanti Fire Department received only one bid for the replacement of the fire station roof system for an amount of \$163,339 and only \$120,000 is budgeted for this project; and

WHEREAS, there is a better opportunities to receive competitive bids during the fall when contractors are more actively looking for jobs.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council reject the \$168,339.00 bid received by VJM Design and Build and to reopen the bid in when contractors are more actively looking for jobs.

OFFERED BY: Council Member Anne Brown

SUPPORTED BY: Council Member Nicole Brown

City Manager Lange stated this process began almost a year ago and one of the things the City was focused on was this project was not for a brand new roof. He stated when the roof was initially bid, there was an issue with the r-factor. He stated because of many issues, including the loss of time, the price of the roof increased significantly. He asked for a complete discussion of specifications and Council's tolerance for green versus cost.

Fire Chief Max Anthouard stated currently the fire station's roof with a very low coefficient around five as a result the fire station has a high energy cost. He stated \$120,000 is in the budget to replace the

roof but the bid was much higher. He stated the leaks can be repaired in the roof which will buy the City three to six months to providing more time to receive bids.

Lee Mamola, Architect and Project Manager, OHM, stated he became involved with this project in January 2015. He said this project has had many issue included market conditions, construction business, and lack of competition. He stated the timing of the bids in mid to early summer was a factor and this project is more than a simple roof job due to drainage pipes. He said because of those issues, roofing contractors became general contractors and many of the contractors backed out and the City received only one bid. He stated if the City is considering other improvements to buildings, those projects could be grouped with the fire station roof, and could be more competitive among general contractors. He said this project should be sent out for bid no later than November to receive bids around Christmas. He stated the roof system itself is unique in that it uses a flat concrete deck which will require it to be glued, or adhered, a more expensive process.

Mayor Edmonds asked for an explanation of why the lower bay and the occupied areas are listed as a variable R – Value. Mr. Mamola stated drains are located in the corners of the roof and require the roof to be pitched allowing less room for insulation at different points of the roof.

Council Member Murdock asked if Council rejects the bid and the only change of the project would be its timing, and the pursuit of a general contractor, if it would change the bid amounts. Mr. Mamola responded that historically that is what happens. Council Member Murdock stated he is reluctant to make any significant changes to the project. Mr. Mamola stated there are some changes that could be made that would not significantly alter energy efficiency.

Council Member Murdock asked if there are projects that could be bundled with this project. City Manager Lange responded that the roof of City Hall requires some work. He stated he would like to scale the project back slightly to provide savings. He stated it is his understanding that because it is not a new roof it would not have to meet the R – 36 standard.

Mr. Mamola stated there are two codes; one is the energy code and the other is the building code. He said the project will be following the building code which is less stringent. Mr. Lange asked what would be an acceptable R – Factor. Mayor Edmonds asked if a structural assessment has been completed to determine load capacity. Mr. Mamola responded in the affirmative that the fire station roof is very strong.

Mayor Edmonds asked if green roofs were examined especially for the lower bay. Mr. Mamola responded a green roof would work against creating competitive bidding. Mayor Edmonds stated a company in Berrien County, Michigan would develop the specifications for the roofer to complete. She stated the possible energy savings make it worthy of looking into.

Council Member Murdock stated when this project was first introduced the scope was to repair the roof and the roof membrane. He stated the insulation has deteriorated since installed in the 1970's He said an agreement was made that the R – rating would be between R – 5 and R – 45, and asked if the agreed levels have been adjusted. Mr. Lange suggested the City choose a lower R - rating than originally discussed. He stated the roof needs a load capacity strong enough to install solar panels.

Council Member Murdock stated solar panels were too heavy to be installed in the original design. Mr. Lange responded that was not the original design. Council Member Murdock replied that it was, and he would forward Mr. Lange the memo that he sent.

Council Member Anne Brown asked what the projected costs are of the short term fix that would allow time for the project to go out for bid. Chief Anthouard responded the firefighters would perform the patching themselves.

Mayor Edmonds asked if the action needed is to reject the bid. Mr. Lange replied that is the only action, but staff needs clear direction of the specifications Council wants for the roof.

Council Member Anne Brown asked if this is the recommendation of staff. Mr. Mamola responded there are different insulation layer thicknesses, and drainage pipes could be rearranged. Mayor Edmonds stated she would like several repair options to examine.

Mr. Mamola stated the R – Values that were bid were values that meet current code. He stated the energy code in Michigan is in the process of changing, and if this project can start before that change it will help keep costs down.

Mr. Lange asked how much time Council would like staff to invest in an assessment of a green roof. Mayor Edmonds stated the structural engineering is completed, and it should not take much time to complete an assessment. Mr. Mamola agreed it would not take that long to complete an assessment, but the issue is the low roof and the wall and how to flash and terminate the transition.

Mayor Edmonds stated if this takes a long period of time, it should be reported to Council. Mr. Mamola stated he is confident an assessment could be completed quickly.

Council Member Murdock stated the City should try to meet the codes it requires of others.

Council Member Robb asked when the roof is replaced what will it save the City in energy costs. He said it should be kept in mind when discussing costs that this roof needs to last the City 30 years. Mr. Lange stated the new LED lights should save a great deal of money.

On a roll call, the vote to approve Resolution No. 2015-151 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Absent	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

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

XIV. LIASON REPORTS –

SEMCOG Update – Council Member Nicole Brown attended the General Assembly and, and a vote was held to elect a new chair.

- A. Mayor Edmonds stated she has been sitting on a SEMCOG taskforce, chaired by Yusaf Rabbi, examining transportation planning in the seven county regions, and how it affects core services.
- B. Washtenaw Area Transportation Study – nothing to report
- C. Washtenaw Metro Alliance – no meeting
- D. Urban County – meeting canceled
- E. Freight House – Council Member Murdock stated the mandatory walk through for the bid process will be held on Friday, July 10th at 10:00 p.m.
- F. Parks and Recreation – Council Member Anne Brown stated the DIA Inside Out kick-off will be on August 7th. She said the kick-off will be in conjunction with First Friday's and there is discussion of coordinating that with Bike Ypsi. She said she and Economic Development Director Beth Ernat have had a meeting to discuss a public/private partnership to maintain the park system and list possible stakeholders. She stated Assistant to the City Manager Ericka Savage and Shamar Herron, Michigan Works, and job postings have been made for an events intern and a parks intern.

Mayor Edmonds suggested that Ms. Savage keep up with Michigan Works until the interns are on staff. She said those jobs have been posted all summer and still have not been filled. Council Member Anne Brown replied the jobs were recently posted, and are currently on track to be filled.

Mayor Edmonds asked if the Freight House Request for Proposals (RFP) was distributed to minority contractors. Council Member Murdock replied the City performed the RFP. Mayor Edmonds asked City Manager Lange if the RFP was distributed to minority contractors. Mr. Lange replied he will look into who the RFP was distributed to. Council Member Anne Brown stated as of Thursday, July 2nd the organization representing minority contractors did not have the RFP. She added she was informed there is an issue with opening the RFP on the City's website. Mr. Lange stated the RFP was posted on MITIN.

Council Member Anne Brown asked Mr. Lange to contact Ricky Jefferson regarding the bid.

- G. Millennial Mayors Conference – No meeting
- H. Ypsilanti Downtown Development Authority – Mayor Edmonds stated the work session with the DDA Board has been rescheduled to the August 4th meeting. Stated the Depot Town Merchants Association paid to have the rain gardens in Depot Town replanted with trees.
- I. Eastern Washtenaw Safety Alliance – Council Member Anne Brown stated the meeting scheduled meeting in July may be moved to the beginning of August.

XIV. COUNCIL PROPOSED BUSINESS –

Robb

- Asked for an update on the Bay Logistics assessment issue concerning dynamometers. Mr. Lange replied the City is unable to trace information that long ago. Council Member Robb responded he received an email from the City Assessor that she would schedule a meeting with Bay Logistics.

Mr. Lange stated he will check with the City Assessor.

- Asked for an update on Bay Logistics site plan, and asked if an AHB citation has been written. Mr. Lange responded he spoke with Economic Development Director Ernat who informed him the City has begun a compliance process.
- Asked when Council will be brought a policy for police body cameras. Mr. Lange responded Chief DeGiusti is sitting on a state committee to develop a statewide policy, but he will contact the Chief for an update.
- Asked if a DTE easement for Riverside Park will be brought to Council. Mr. Lange replied there was an effort to bring DTE to the table for a discussion, but staff ran into issues due to a private easement adjacent to the location. He said he will contact DTE to bring them to the negotiation table.

Council Member Robb asked if the City has any exposure for allowing DTE to be in Riverside Park for seven months without Council Approval. Mr. Lange responded in the negative.

- Stated the City is halfway through the calendar year, and asked when a work session will be held to discuss healthcare. Mr. Lange replied Council may set a date at its pleasure. Mayor Edmonds suggested the September 1st Council Meeting.

Council Member Robb asked why work sessions are not being scheduled for Tuesdays that do not have a regular meeting scheduled. Council Member Anne Brown responded that might be the result of vacations.

Council Member Robb replied if healthcare has not been discussed prior to September, no changes will be made. Mr. Lange stated staff is meeting with another broker to create competition.

- Asked if Council will be brought a contract for the City website, or is this being only handled by staff. Mr. Lange responded the amount needed to pay for the website refresh is under \$25,000 and in the purchasing power of the City Manager. Council Member Robb stated the idea that anything under \$25,000 does not need to come before Council circumvents the authority of Council.

Mayor Edmonds added Council stated it wanted to provide input on the City's website during budget sessions.

Council Member Robb stated his issue is staff selected the current website which is problematic. He stated he is concerned that this attempt will follow the same path, and he would like the opportunity to provide input. Mayor Edmonds agreed, and said Council does not have to micromanage the complete design of the page, but she is concerned that the contract will not solve current issues with the website.

Mr. Lange asked Council to provide staff with direction of what staff will ensure that Council input will be included in the contract.

Council Member Anne Brown stated Council should form an ad hoc committee to discuss what the website should include. Council Member Nicole Brown stated she does not feel the process would take that long, and it should be able to be decided in one meeting. Mayor Edmonds stated she would be willing to form an ad hoc committee.

Council Member Anne Brown stated her concern is Council keeps saying what it would like to see, but it has not said what Council wishes to do and when. She asked if Council wants staff to provide a presentation. Mayor Edmonds stated she would like staff to provide a presentation at the next meeting describing the scope of service provided.

- Stated the Quatro property, on North St. between Lincoln and Park, consistently does not mow the grass and dumps construction materials on the property. He said staff has allowed this to happen and it has become a huge issue. He stated he would like an AHB citation issued to the property, but this issue occurs year after year, and he would like this matter to be completely solved.

Mr. Lange asked for the address of the property. Council Member Robb responded 201 Park.

- Asked Mr. Lange for his summary for evaluations so that they can be distributed to Council.

Council Member Anne Brown asked if there are tools Council can examine to better understand employee evaluations. She asked if there is an evaluation committee.

Council Member Robb responded in the affirmative, and it includes: Mayor Pro-Tem Richardson, Council Member Vogt, and himself.

Nicole Brown

- Asked Council if the work session scheduled for August 4th could be changed to an off Tuesday because she will not be able to attend the August 4th meeting. Mayor Edmonds stated DDA Board and Staff will need to be notified of the possible schedule change. She asked if, August 3rd would work for Council. Council Member Murdock asked if there would be an agenda for that meeting. Mayor Edmonds stated it is a working session, but she is uncertain if the DDA will be presenting their strategic plan. Council Member Murdock asked if any action would be taken at the meeting.

Mayor Edmonds asked how many Council Members would need to be present to approve the Depot Town TIF renewal. Council Member Robb stated four yes votes would approve the TIF renewal.

Ann Brown

- Stated the regularly scheduled City Council Meeting on October 20th will be held at the Eastern Michigan University Student Center. She said the Office of Government and Community Affairs will be hosting the meeting.

Murdock

- Stated representatives from Just Energy are soliciting in the City without the proper permits, and asked if a cease and desist order could be applied to Just Energy.

City Attorney Barr stated the Attorney's Office will look into that matter, or Just Energy can be taken to circuit court. He asked Mr. Murdock to provide him names of residents who have complained.

Council Member Ann Brown stated Rhode Management, as a part of the Strong Housing project, awarded only four or five contracts to local contractors. She said that she would like Council to form a policy requiring 70% contracts of a City project be awarded to local contractors.

Mayor Edmonds stated Washtenaw County Office of Economic Development has become experts on local preference policies. She stated one of the methods is awarding companies additional points for hiring local contractors. She stated the County would be useful for policy development for local procurement. Council Member Murdock stated the City has delved into this on several occasions, but each time has run into various roadblocks. Mayor Edmonds stated the point system has been successful and Tony VanDerworp from the County can share this information with Mr. Barr.

- Asked for an update on the \$90,000 DDA reimbursement.

Mr. Lange responded he spoke with Fiscal Services Director Marilou Uy and it was beyond City records. He said she is currently on vacation, but will follow up with her when she returns.

- Stated he has been investigating if the City can modify its vacant building ordinance to require property owners to maintain their buildings, particularly, windows and screening. Stated he has researched ordinances from other jurisdictions and he will share those with Council and staff.
- Stated President Obama announced new programs that would provide solar panels to low income areas, specifically at subsidized housing. He said those programs could both benefit Parkridge and future developments on Water Street. He added Herman Kittle has informed the City it did not wish to install solar panels, but this program may assist in leveraging them to be installed.

XV. COMMUNICATIONS FROM THE MAYOR –

- Stated she has spoken to staff about diving deeper into the property maintenance code to examine tools available and other possible strategies. She stated some specific buildings in mind are Abe's Coney Island which will be doing work. She stated the Township has had success with their vacant residential property strategy and are possible to form a similar vacant commercial space strategy.
- Stated 16 N. Washington has been given a final warning, and his six month window ends in September.

Council Member Robb stated the owner of 16 N. Washington is currently in the hospital. He said the property is being used for a storage unit in a B3 zone. He said he is not certain more tools will assist in solving this problem, if the City has not used the tools that it already has.

- Stated she and Economic Development Director Ernat met with Villa Healthcare representatives who purchased the former Bortz building and have discussed expanding the building to the rear which could produce additional revenue for the City.
- Stated she met with Senator Debbie Stabenow, and staff to share City budget projections and discuss possible federal aid.
- Informed Council she is a part of an equity group looking at anchor businesses as economic developers.
- Stated she has met with the LDFA, which is still awaiting the extension which would include Adrian as a satellite community. She said Eastern Washtenaw County will be receiving \$120,000 to \$150,000, which hopefully can be leveraged and spent on Ypsilanti projects. She stated she would be happy to invite Ypsilanti's LDFA representation to a Council meeting to provide an update.

Nominations:

YDDA

Francisco Garcia (appointment replacing Brienne Willcock, resident)
26 N. Huron St. #1
Ypsilanti, MI 48197
Term Expiration: 7/7/2019

YDDA

Jelani McGadney (appointment replacing James Dauphine)
119 College Place #6
Ypsilanti, MI 48197
Term Expiration: 7/7/2018

SmartZone LDFA

Phil Tepley (appointment replacing Saeed Bilal)

725 E. Grand Blvd.
Ypsilanti, MI 48198
Term Expiration: 12/4/2016

Council Member Nicole Brown moved, supported by Council Member Anne Brown to extend the meeting by ten minutes.

On a voice vote, the motion carried and the meeting was extended.

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

- Stated Prospect Rd. construction continues, and the City has received two change orders.
- Stated the Heritage Bridge and Border to Border Trail has held pre-construction meetings. He said construction on the trail should begin in two to three weeks. He said the City will need to move quickly to execute a contract with DTE for the underground electric grid.

Council Member Murdock asked if there will be a ground breaking ceremony for the Border to Border Trail and the Heritage Bridge.

Mr. Lange replied there is nothing planned, but if Council wishes there can be.

Council Member Murdock responded the City should hold a ground breaking for those projects.

- Stated he has spoken with representation from the recreation center which should reach an agreement on July 21st. He said it still will not be a final agreement, but once a contract is reached with DTE regarding the underground electric grid it will free up County funds for its installation.

Mayor Edmonds said she was under the impression once a contract is signed with DTE construction will begin a year later. Mr. Lange replied that is what he was told but the City needs construction to begin earlier to align with construction of the Border to Border Trail.

Council Member Anne Brown asked when the agreement will be going before the Commissioners. Mr. Lange responded he is not certain.

- Stated Council will be presented with the final design of the recreation center in the near future.
- Stated City Hall is being equipped with solar panels and Parkridge Center and the Senior Center have been completed. He stated this alone will save the City \$1000 in energy cost a year.

- Stated he attended the Commissioners meeting regarding the Ypsilanti Area Convention and Visitor's Bureau.

Council Member Anne Brown thanked Mr. Lange and staff that attended that meeting.

- Stated next the County Road Commission will provide another half mil.

Council Member Murdock stated he personally thinks that the City should wait to see if anything will come from the state. He said he is not sure that the votes are there on the County Board to pass this mil.

XVII. AUDIENCE PARTICIPATION –

1. Nathan Phillips, 509 N. Washington St., stated a month ago he asked the Heritage Festival Committee if he could hold a Native American Encampment which the committee agreed to, but would be unable to assist financially. He stated the committee wanted him to come up with \$5,000 to organize the encampment, but he believes he would only need \$2,000. He asked if the City could help him with funds to organize the event.

XVIII. REMARKS FROM THE MAYOR –

- Recommended Mr. Phillips approach the Convention and Visitors Bureau to request funds. She said the CVB has a formal sponsorship request process and he would have the ability to fill out the necessary paperwork to be reviewed for sponsorship.

XIX. ADJOURNMENT -

Resolution No. 2015-152, adjourning the City Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Nicole Brown

On a voice vote, the motion carried and the meeting adjourned at 10:12 p.m.



Resolution No. 2015 – 154
July 21, 2015

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2015-155, approving delegate and alternate to the Municipal Employees' Retirement System (MERS) 69th Annual Meeting.
2. Resolution No. 2015-156, approving purchase of two (2) Ford interceptor police vehicles from Gorno Ford.
3. Resolution No. 2015-157, approving the use of YCUA City Division Reserve for construction funds for the Adams Street Water Main Replacement.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE



REQUEST FOR LEGISLATION
July 21, 2015

To: Mayor and City Council
From: Ralph A. Lange, City Manager
Date: July 21, 2015
Subject: MERS 69th Annual Meeting

SUMMARY/BACKGROUND:

It is requested that the City Council agenda for July 21, 2015 include consideration of a resolution authorizing the attendance of one delegate to attend the Municipal Employees' Retirement System (MERS) Annual Meeting, scheduled for October 8 – 9, 2015, in Grand Rapids, MI.

MERS requires an election by secret ballot for the employee delegate. The election process was conducted from April 6, 2015 through April 24, 2015. The employees elected James Jackson from the Ordinance Enforcement Office as the employee delegate, with Anthony Bostic from the Department of Public Services as the alternate.

The registration fee is \$175 per person which has already been put aside in the Human Resources Budget for FY 2015/2016. Because the MERS Annual Meeting is being held in Grand Rapids and activities will be held at night, lodging will be necessary at the cost of \$141 per person plus tax. Therefore, the total amount of funds required to attend the meeting will be \$316 plus tax.

RECOMMENDED ACTION:

It is recommended that the City Council approve the selection of James Jackson as delegate to attend the MERS Annual Meeting. Should he be unable to attend, Anthony Bostic would be the alternate to take his place.

ATTACHMENTS: Proposed Resolution

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: 07/21/2015

CITY MANAGER COMMENTS:

FINANCE DIRECTOR APPROVAL: _____



Resolution No. 2015-155
July 21, 2015

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 October 8 – 9, 2015 in Grand Rapids, MI and

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

WHEREAS, the employees have elected James Jackson from the Ordinance Enforcement Office as delegate with Anthony Bostic from the Department of Public Works as the alternate,

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

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION
July 21, 2015

FROM: Chief of Police Tony DeGiusti

SUBJECT: Replacement of Patrol Vehicles

Summary and Background:

In the FY 2015-16 budget funds were allocated from the Motor Pool account for the replacement of two patrol vehicles due to excessive wear, mileage and maintenance costs to safely operate the vehicles. The vehicles are scheduled to be replaced by two 2015 Ford Police Interceptors. The Ford Police Interceptor is specifically designed to be a patrol vehicle. It is equipped with all wheel drive for superior handling in all types of weather and will accommodate some of the current equipment at the police department. The cost to replace each vehicle is \$24,520.00 or a total of \$49,040.00.

The vehicle will be purchased under state bid pricing from Gorno Ford of Woodhaven, MI.

Action Requested:

Approve the purchase of two (2) 2015 Ford Police Interceptors from Gorno Ford in the amount of \$49,040.00 to be paid for from the Motor Pool account #641-7-9330-987-10.

City Manager Approval: _____ Council Agenda Date: _____

City Manager Comments:

Finance Director Approval: _____



REVISED
Resolution No. 2015-156
July 21, 2015

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 2015 Ford Police Interceptors; and

WHEREAS, the City of Ypsilanti Police Department has been allocated funds in the FY 2015-16 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; and

THEREFORE BE IT RESOLVED, that the \$49,040.00 to purchase and outfit this vehicle be expended from the \$80,000 budgeted in account 641-7-9330-987-10.

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

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



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

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

REQUEST FOR LEGISLATION

DATE: July 15, 2015

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Use of YCUA City Division Reserve for Construction Funds

SUMMARY/BACKGROUND

City Council has approved improvements to North Adams Street between Pearl and Cross streets. This project includes a water main project in conjunction with street improvements. Section 106-497 of the Code of Ordinances for the City of Ypsilanti provides for the creation and funding of a capital improvement fund and these funds may not be used for any purpose except by authority of YCUA board of commissioners, with the recommendation of the City Council.

The YCUA Board of Commissioners has approved and recommends using \$236,250 of this fund for this work. Attached is a letter from Jeff Castro, Director of YCUA, which specifies the costs for this project.

ATTACHMENTS: Proposed Resolution
Letter from Jeff Castro, YCUA Director

RECOMMENDED ACTION: Review and Consideration

DATE RECEIVED: _____ AGENDA ITEM NO. _____

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



RESOLUTION NO. 2015-157
July 21, 2015

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, at its June 24, 2015 regular meeting, the YCUA Board of Commissioners recommended to the Ypsilanti City Council that the YCUA City Division Reserve for Construction Fund be used to finance the North Adams Street water services project; and

WHEREAS, the use of these funds requires the approval of City Council; and

WHEREAS, said water services project will be done in conjunction with the City's road improvement project for North Adams Street between Pearl and Cross streets; and

WHEREAS, MDOT is overseeing the project on behalf of the City and has included the replacement of the existing water main and appurtenances on YCUA's behalf; and

WHEREAS, the cost of construction and engineering for the project is estimated to be \$236,250;

NOW THEREFOR BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that: the City Council authorizes YCUA to use the YCUA Division Reserve for Construction Fund for the North Adams Street water services project up to the amount of \$236,260, pursuant to Sec. 106-497 of the Code of Ordinances for the City of Ypsilanti.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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Environmentally Safe Water and Wastewater Services to Our Customers

YPSILANTI COMMUNITY UTILITIES AUTHORITY

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

June 29, 2015

VIA FIRST CLASS MAIL

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

Re: **The Use of YCUA City Division Reserve for Construction Funds
Adams Street Water Main Replacement**

Dear Council Member:

At its regular meeting on June 24, 2015, the Ypsilanti Community Utilities Authority Board of Commissioners approved a water main project on Adams Street between Pearl Street and West Cross Street in the City of Ypsilanti. The water services project will be done in conjunction with the City's road improvement project. MDOT is overseeing the project on behalf of the City and has included the replacement of the existing water main and appurtenances on YCUA's behalf. The project will be similar to prior collaborative efforts between the Authority and the City, most recently on West Cross Street between Wallace and Washtenaw.

The YCUA Board of Commissioners recommends to the City Council that the YCUA City Division Reserve for Construction Fund be used to finance this project. The YCUA Board approved a project cost including construction engineering of \$236,250 and recommends the City Council authorize the use of the YCUA City Division Reserve for Construction Fund use up to this amount. City Council authorization is required for the Authority to use this fund. As of May 31, 2015, the fund contained \$595,547.11.

Sincerely,

Ypsilanti Community Utilities Authority

JC/kks

cc: YCUA Board of Commissioners
Mr. Dwayne Harrigan
Mr. Scott Westover
Ms. Amanda Edmonds, Mayor
Ms. Lois Richardson, Mayor Pro-Tem
Mr. Ralph A. Lange, City Manager
Ms. Frances McMullen, Clerk
Ms. Marilou Uy, Fiscal Director



To: Mayor Edmonds & City Council
From: Ericka Savage, Assistant to the City Manager
Date: June 16, 2015
RE: **FY 2015-2016 Fee Schedule**

Office of the City Manager

REQUEST FOR LEGISLATION SUMMARY/BACKGROUND

Several years ago, City Council removed fees from the Municipal Code Ordinances and currently the policy is to adopt fees and penalties annually, by resolution. Fees are now compiled into one document, thereby eliminating the cost of reprinting ordinances each year.

City staff has reviewed the fees and compiled the attached amendments for Fiscal Year 2015-2016. Amendments to the fee schedule are highlighted in yellow.

ATTACHMENTS: FY 2015-2016 Fee Schedule Resolution

RECOMMENDED ACTION: Approval

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:

**A RESOLUTION SETTING FEES**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the attached fee schedule is adopted pursuant to the Ypsilanti City Code, and the following fees relating to various sections of the City Code and activities of the City are hereby established, and the various City Departments are authorized to charge and collect such fees effective immediately.

City of Ypsilanti Fee Schedule (PROPOSED FY 2015-2016)

			CURRENT FEE	PROPOSED FEE
Dept./Div.	Ordinance Sec. No.	Type of Fee	Fee (\$)	Fee (\$)
All Depts.		Copy charges – 8 1/2 x 11 inch sheet – per page		
		1 through 6 pages	0.5	
		More than 7 pages (per page)	0.15	
		Notary Public Service - Signature and seal (per notarized document)	10	
		Iron Mountain retrieval (per box)	45.15	
		Iron Mountain refile (per box)	45.15	
		FOIA fees (Hardcopy & Electronic)		
		Small FOIA request		
		First 3 pages	3	
		Each additional page	0.5	
		Large FOIA request		
		—hourly charge + \$.15 per page	0.15/page	
		—Compact Disc—	1	
		Freedom of Information Act (FOIA) Requests		Actual cost; See FOIA Policy
Assessor	22-35	New business registration fee Business License Application Fee	86	90
		Real Estate agent access to sketch program	0	
		Copy of building sketch	0.5	
		Tax Abatement Application Fees	See Planning Department Fees	

Building		Plan Review	20% of permit cost as deposit + balance of review costs due when permit issued	
		Zoning review-assessory structures and fences	65	70
		Permits		
	18-3	Building Permit		
		First \$1,000 of construction value or less	50	55
		Each additional \$1,000 or fraction thereof	9	11
		Demolition Permit	50	55
		First \$1,000 of work contract or less	50	11
		Plumbing Permit (per inspection/service/unit)	50	55
		Electrical Permit (per inspection/service/panel/unit)	50	55
		Mechanical Permit (per inspection / service / system / unit / appliance)	50	55
		Each additional \$1,000 or fraction thereof	9	11
	94-193	Outdoor Café, Restaurant, and Beer Garden Annual Fee	75	
Building		All other permit (minimum fee)	50	55
		Contractor's registration; expires March 31 of each year		
		Residential builders, alteration and maint.	32	
		Sign contractor license/registration	32	
	18-31(b)	Appeals to Building Board of Appeals		
Building		per structure	County fees +52	
		Certificate of Occupancy (each unit or tenant)		
		Commercial	50	
		Residential	50	
	18-153	Certificate of Compliance Inspection Fees (rental		
		Multiple Family-3 or more dwelling units		
		Initial certification inspection	50	
		Re-certification inspection	42	
		Re-inspection	40	
		Single Family and Duplex		
		Initial certification inspection	75	
		Re-certification inspection	65	
		Re-inspection	55	
		City scheduled inspection	42	
		Search warrants obtained for inspection	65	
		Rooming House - 1-3 sleeping rooms	55	
		Rooming House - 4-7 sleeping rooms	100	
		Rooming House - 8-11 sleeping rooms	160	
		Rooming House - 12-15 sleeping rooms	210	
		Rooming House - 16+ sleeping rooms	260	
		Late cancellation or no-show inspection	55	

		Commercial/residential certificate of occupancy	55	
	18-153	Commercial/Residential Certificant of Occupancy		
		Business Occupancy Permit- Without Change of Use		75
		Business Occupancy Permit- With Change of Use		150
Building		Vacant Buildings		
	18-190	Vacant Building Inspection Fee	75	
		Escrow Account (Monthly)		
		Vacant building - not "regularly occupied"	50	
		New building/structure	50	
		All other vacant buildings - including dangerous buildings	300	
	42-69	Maintenance of exterior premises - City cleanup *Plus actual cost of hired contractor	50+*	
Planning and Development		Zoning		
	122-98	Master Plan amendment	350	
		Zoning Map amendment	1000	
	122-134	Zoning Text amendment	1000	
		Area Variance - SF Residential	200	
		Area Variance - other use	450	
		Use Variance	450	
		All variance types: each variance requested beyond first on same site/application.	450	
	122-134	Site Plan Review (*plus engineering review fees)	500+*	
		Site Plan review (additional revision review)	75	
		Site inspections by P&D Dept. staff after first compliance inspection	25	
		Alley/Street Closure (Application fee plus construction escrow)	900	750 fee + 1000 escrow
		Alley/Street Vacation	1000	1500
		Pre-development meeting (related to site plan)	75	
	122-122	Administrative fee for site work started without issuance of applicable permit	50	
	122-574	PUD Application	1000	
		(*plus \$5/1,000 sf of new or redeveloped non-residential or \$5/unit of new or redeveloped residential construction and engineering review fees)(see note 1)		
		PUD Application (Adaptive Re-Use) and Historic only) new in 2012	550	
		Tax Abatement Application Fee Breakdown		
		Creation of a District (public notice, preparation for City Council)	200	
		Application Review and Recommendation	500	
		Site inspections by P&D Dept. staff after first compliance inspection	25	
		Alley/Street Closure	900	
		Alley/Street Vacation	1000	
		Lot split application	50	

		Appeal of staff interpretation	250	
		Specific interpretation	250	
		Special Exception permit for fee in-lieu of providing off street parking (per space)	600	
	122-163	Special Use permit	300	
	122-878-122-864	Sign inspection fee, per sign:	100	
		Sidewalk Signs	25	
		Modification of Standard Request	75	
		Aerial Photos/Overlays	Staff time & materials	
	122-35(7)	Temporary Use-Concession Sale Review		50
	122-201	Designation of Special Nonconforming Status		400
	122-816	Garden on vacant residential lot	25	
		Sketch Plan		100
Planning and Development		General & Administrative		
		Zoning Map Copies		
		Zoning Map, per page	3.5	
		Zoning Map and Details	20	
		Zoning Map (specific section)	6 per section	
	1-15	Zoning Ordinance Copy (250 pages)	25	
		Zoning Ordinance, per page first through fifth	0.5	
		Zoning Ordinance, per page, sixth thru twenty-fifth	0.15	
		Zoning Verification Letter	50	
		Code Compliance Letter	150	
		Master Plan Copy	20	
		Non-Motorized Plan	20	
		Plan Review	20% of permit cost as deposit + balance of review costs due when permit issued	
Planning and Development		Historic Preservation		
	54-81	Historic District work permit application fee, filing (plus \$5 per \$3000 of labor and material)	30+*	
		Administrative Fee for HDC work started without issuance of applicable permit	50	
		Historic District Map	2.5	
		Engineering Site Review Phase		
		Site Plan Review		500
		Site Plan Review-Beyond Initial Two		250
		Site Plan Review-Planned Unit Development-Adaptive Reuse PUD		500
		Site Plan Review-Planned Unit Development-Less Than 5 Acres		1000
		Site Plan Review-Planned Unit Development-More Than 5 Acres		1800
		Planned Unit Development Review-Beyond Initial Two		500

Engineering		Preapplication Meeting		200
		Engineering Plan Review Phase		
		Construction Estimate Less Than \$50,000		4.5% - Minimum 500
		Construction Estimate Between \$50,000 - \$100,000		4% + Minimum 2,200
		Construction Estimate Between \$100,000 - \$500,000		2% - Minimum 4,000
		Construction Estimate More Than \$500,000		1.5% - Minimum 9,800
		Engineering Construction Phase		
		Construction Estimate Less Than \$50,000		8.0% - Minimum 1,000 Construction Escrow
		Construction Estimate Between \$50,000 - \$100,000		4,000 + 7.0% of amount over 50,000 Construction Escrow
		Construction Estimate Between \$100,000 - \$500,000		8,000 + 5.0% of amount over 100,000 Construction Escrow
		Construction Estimate More Than \$500,000		28,000 + 4.0% of amount over 500,000 Construction Escrow
	Notes: Site Plan and Engineering Plan Review fees are nonrefundable. Initial Site Plan Review Fee covers two reviews. Initial Engineering Plan Review Fee covers three reviews. Construction Escrow collected in excess of incurred costs will be refunded upon final acceptance of project. Construction Escrow collected in excess of incurred costs will be refunded upon final acceptance of project. These fees are for the City Engineer only. Additional fees from the Planning and Development,			
Clerk				
		City Charter	15	
	6-31	Liquor License Fees:		
		"A" Hotel	500	
		"B" Hotel	500	

Clerk		"C" Hotel	500	
		"Tavern" beer and by the glass	500	
		"SDD" package liquor	500	
		"SDM" package beer and wine	500	
		If more than one class of license held		
		(Fee per class held)	25	
		Transfer of ownership, including partner	500	
		Transfer of location	300	
		Addition of space	300	
		Deletion of partner	300	
		Addition of special permit, i.e entertainment, dancing or Sunday sales	315	
		Wine Maker License	500	
		Micro Brewer License	500	
	6-43	Application for license to sell	500	
		Additional fee for DDA location	110	
Clerk		Entertainment & Misc. Fees		
	10-47	Amusement arcades: license application	165	
		transfer fee	30	
		multi-agents- each	30	
	10-51	Fee per amusement machine	15	
	10-54	License fee per device	15	
	10-72	Application fee for amusement device license, application fee	25	
	10-75	Application fee per machine	15	
		Grant of license per machine	15	
	10-139	Billiard room, pool hall, license fee	200	
		per table	15	
	10-196	Cabaret license fee, per year	80	
	22-76	Bed and breakfast application fee	80	
	22-80	Annual bed and breakfast, inn license fee	175	
	22-117	Health club license application fee	80	
	22-121	Annual health club fee	175	
	22-178	Peddlers license application fee, investigation fee	100	
	82-47	Secondhand dealer license application fee	100	
	82-49	Issuance of annual 2nd hand dealer license	100	
	22-182	House to house soliciting by established business, various fee (monthly rate)	80	
		Mayor Offciating Wedding Ceremony	50	
		Taxicab Fees		
	114-68	Taxicab license fee	115	
	114-71	Taxicab license transfer fee	55	
	114-91	Taxicab bond plate fee	115	
	114-92	Taxicab duplicate license fee	30	
	114-93	Taxicab transfer bond plate fee	80	
	114-113	Taxicab driver's license fee: new license	30	

Clerk		Renewal fee	25	
		Duplicate	15	
	114-136 (1)	Rates of Fare		
		Mileage/Flag Drop		
		Flag Drop	2	
		Mileage after flag drop	0.25 per 1/8 mile or 2.00 per mile	
		Waiting Time	0.25 per 45 seconds	
	114-136 (2)	Hourly Rate (all time after first hour in .25 hour increments)	21 per hour	
Clerk		Voting Fees		
		Qualified Voter File (disks)	10	
		printed voter listing (same as copy charges)		
		Ward/Precinct/Polling Location Maps		
		8x11	2.5	
		11x17	3.5	
		18x24	10	
		24x36	15	
		36x48	20	
Treasurer		Traffic and Vehicle Fees		
	102-104 (a) (3)	Contractor service pass (ea)	22	
	102-104 (a) (4)	Employee service pass (ea)	200	
		annual renewal	200	
	102-106 (a)	Fine for parking without permit	50	
	102-104 (a) (3)	Contractor service pass (ea)	22	
	102-104 (a) (4)	Employee service pass (ea)	200	
		annual renewal	200	
	102-105 (d)	Residential parking permit fee, first permit	22	
		each additional permit	22	
		renewal	11	
		second resident visitor pass	11	
		non-resident service vehicle pass	22	
		non-resident service vehicle pass renewal	11	
		Non-resident visitor pass issued with first service vehicle pass	0	
		replace lost visitor pass	22	
		replace lost service vehicle pass	22	
		replace lost residential pass	22	
	102-106 (b&c)	Use of non-owned permit	100	
		Use of permit for commuter parking	100	

	102-135 (d)	Parking permit fee for residents in B-3 district		
		for 4 months	75	
		for 1 year	200	
	102-192	Civil Infraction - Pedestrian or other traffic on the median.	50	
Treasurer		Misc. Fees		
		Return check for NSF		
		first check	45	
		second and subsequent NSF check from same person or entity within one year (per check)	57	
		Downtown employee parking		
		for four months	75	
		annual	200	
		Online payment fees		
		Amount of payment due is between: \$2.00-\$66.00	2.00/payment	
		Payment amount that exceed \$67.00	3% of payment	
Administrative Hearings Bureau		Building Regulations		
	18-52	State construction code	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
	18-92	Property maintenance code	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
	18-115	Violations generally	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	

	18-134 A&B	Allow occupancy without certificate of compliance	1st Violation: \$100	
			2nd Violation: \$300	
			3rd Violation: \$500	
Administrative Hearings Bureau		Environment & Nuisance		
	42-55	Property maintenance nuisance	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
	42-68	Litter (see 70-38)	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$150, \$175 after 10 business days	
			3rd Violation: \$300, \$325 after 10 business days	
	50-34	Fire Prevention Code (when designated as blight violation)	\$100-\$500, plus \$25 after 10 business days	
	71-72	Specific Violations (raw building materials, junk waste, abandoned refrigerators)	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$150, \$175 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
		Solid Waste		
	86-32	Disposal arrangements	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	

Administrative Hearings Bureau			3rd Violation: \$200, \$225 after 10 business days	
	86-33	Commercial properties	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
	86-34	Residential properties	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
	86-35	Multiple Dwellings	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
	86-54	Peak Times	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
	Snow Removal			
	94-136	Snow removal from sidewalk adjacent to residential and commercial premises	1st Violation: \$15, \$40 after 10 business days	

Administrative Hearings Bureau			2nd Violation: \$50, \$75 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
	94-136	Snow removal from parking lot serving less than 10 dwelling units	1st Violation: \$15, \$40 after 10 business days	
			2nd Violation: \$50, \$75 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
	94-136	Snow removal from parking lot serving 10 or more dwelling units	1st Violation: \$15, \$40 after 10 business days	
			2nd Violation: \$50, \$75 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
	110-34	Trees and shrubs	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
Administrative Hearings Bureau		Vegetation		
	110-81	Grass and weed control	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
	110-85	Lien collection charge for cost of cutting weeds	50	
		Zoning Violations		

Administrative Hearings Bureau	122-8	Zoning	1st Violation: \$50, \$75 after 10 business days	
			2nd Violation: \$100, \$125 after 10 business days	
			3rd Violation: \$200, \$225 after 10 business days	
Administrative Hearings Bureau		AHB Ordinance Costs		
		Abatement costs	Actual cost plus fee	
		Prosecution Costs	75	
		Building Costs	75	
		Administrative Hearings Bureau (AHB) Costs	250	
		Administrative Hearings Bureau Costs - Waiver	Waive \$50 in AHB Costs if paid within 30 days	
		State JSA (set by state statute)	10	
		Continuance/Adjournment	50	
		Default	50	
		Show Cause	50	
		Motion to Set Aside Default	50	
Department of Public Services		Street cut or curb cut - per opening	60	
		Right of Way permit	60	
		Bond amount: Contractor shall furnish either a cash bond or a performance bond acceptable to the City of Ypsilanti and in compliance will all requirements of law that is to remain in effect for a period of not less than one (1) year from date of application.		
		property line to back of curb	3000	
		property line to 1/2 pavement width	5000	
		property line to full pavement width	10,000	
	94-112	Moving building, license application fee (*Owner also responsible for materials used)	320+*	
		Recycle bins - each	9	
		Trash Stickers	2	
	110-77	Manufactured Fertilizer Commercial Applicator	25	
		Administrative Fees		
		Administration fee (monthly billings & special service invoices)	10% for annual amounts less than \$25,000	
		Administration fee (monthly billings & special service invoices)	5% for annual amounts over \$25,000	

Department of Public Services		Late fee for invoices		
		Over 30 days	2%	
		Over 60 days	Additional 2%	
		Penalty fee for failing to apply for Right of Way, excavation, curb cut permit or sidewalk replacement permit before work begins. Fee is in addition to permit fee.	60	
		Removal of abandoned materials in City Right-of-Way (Barricades, Construction Signs, etc.)	50	
		Daily Storage Fee per item for abandoned materials removed from City Right-of-Way (Barricades, Construction Signs, etc.)	3	5
Facilities		Facilities and Public Property		
	78-124	Fees for rental of Senior Citizens center, Parkridge Community Center and Rutherford Pool (Reservation Fees (per hour, non-refundable, due 60 days in advance)		
		Senior Center (2 hr min.)	40/hr	
		Parkridge Community Center (2 hr. min.)	30/hr	
		Damage deposit (refundable, due 14 days in advance)	200	
		Fees for Rutherford Pool shall be determined by the Friends of		
		Senior Center, Parkview and Pool renters shall reimburse the City for		
		Fees for the Freighthouse and Farmers Market shall be determined by		
Parks	78-125	Park Reservation Fees		
		Gazebo Rental (Riverside Park)	100/ first 2 hours, 25 each additional hour	
		Pavillion Rental (resident)	55/first 2 hours, 25 each additional hour	
		Pavillion Rental (nonresident)	65/first 2 hours, 25 each additional hour	
		Riverside Park Key (refundable deposit)	20	25
		Security deposit for the Gazebo and Pavilions are merged into		
		Rental fees for Riverside and Frog Island park are merged into		
		Special Event Applicant shall reimburse the City for actual costs		
Fiscal Services		Reprint of W-2/1099-R	6	
		Copy of Payroll check stub	6	
Film Permits	10-312	Permit for Film on Public Property	250	
		Permit for Film on Private Property	100	
		Deposit (if City Services are required)	3000	
		Daily Public Property Use-per day	107	
	10-312 /10-268	Parking Space Rental/per day	25	

Special Events Parking		Parking Officer	29	
		Special Events Parking Permit	10/day	
		Parking Lot Rental (Class 1 and 2 Events)		\$250/day & up
		Parking Lot Rental (Class 3 and 4 Events)		\$350/day & up
		Notes: The City reserves the right to approve public parking lot rentals on a case by case basis as well as charge for parking during special events.		
Special Events Labor		Labor Fees:		
		Police Officer	53/hr	
		Police Sergeant	67/hr	
		Police Lieutenant	69/hr	
		Police Chief	47/hr	
		Dispatcher	69/hr	
		Dispatch Supervisor	87/hr	
		Dispatch	35/hr	
		Firefighter	36/hr	
		Firefighter Officer	43/hr	
		Fire Chief	80/hr	
		DPS Operator ST	34/hr	
		DPS Operator OT	51/hr	
		DPS Operator DT	68/hr	
		DPS Supervisor ST	40/hr	
		DPS Supervisor OT	60/hr	
		DPS Supervisor DT	80/hr	
Special Events Administrative Services		Parade Route	81	
		Traffic Control Plan	81	
		Walk/Run Route	81	
		Special Event Applicant shall reimburse the City for all actual costs incurred by the Ypsilanti Department of Public Works and Police Department related to the event as determined no later than 14 days prior to the event during pre-event meeting. (employee and equipment costs shall be reimbursed at hourly rate +10% (non-profit events) or +15% (for-profit events))		
		Equipment: Police & Fire		
		Mobile Command	11.44	
		Police Cruiser	8.09	
		Class 1 Engine	450	
		Aerial Truck	650	
		Support Vehicle	150	
		Equipment: Department of Public Services		
		Custom Temp No Parking Signs Includes Date & Time (per bundle of 10)	25.00/per 10	
		Barricades - small	4.00/Day	

Special Events Equipment		Barricades - large (for street closures)	15.00/Day	
		Traffic Cones 18" or 25"	2.00/Day	
		Traffic Cones 42"	3.00/Day	
		Road Signs	8.00/Day	
		Car - Crown Vic (V #23)	7.44	7.53
		Arrowboard (V #2)	4.67	5.47
		Snow Blower (V #3)	3.18	3.15
		Stake Truck (V #131)	9.52	9.36
		Dump Truck (V #100)	39.56	39.28
		Pickup Truck (V #101)	9.32	9.24
		Small Dump truck (V #104)	9.32	9.24
		Large Dump truck-no plow (V #109 no plow)	39.56	39.28
		Large Dump truck with plow (V #109)	54.13	52.32
		Van with aerial lift (V #112)	19.31	SOLD
		Trailer (V-117)	5.92	8.74
		Weed Whip (V #423)	2.79	4.82
		Mower (V 448)	23.59	23.6
		Sweeper (V #139)	86.12	89.72
		Loader (V #129)	77.46	90.91
		Rear Packet Truck (V#603)	24.33/hr	24.19/hr
		Bobcat (V#128)	39.15/hr	51.87/hr
		Bobcat with Palled Fork	43.89/hr	56.23/hr
		Bobcat with Backhoe	42.77/hr	55.51/hr
		Bobcat with Snow Pusher	168.52/hr	175.19/hr
	110	Manufactured Fertilizer Commercial Applicator	25	
Special Events Application and Permit Fees	10-268	Festival - Special Events use fees and Park Registration Fees (merged in Special Events Application Fee (nonrefundable)	25	
		Special Events Permit Fees (nonrefundable, due 14 days in advance)		
		Class 4a events (alcohol, more than 10,000 participants)	500/day	
		Class 4 events (more than 10,000 participants)	400/day	
		Class 3a events (alcohol)	300/day	
		Class 3 events	200/day	
		Class 2 events	65	
		Class 1 events	55	
		Local Street Closure Permit (per street)	100	
		Major Street Closure Permit (per street)	160	
		Recurring Event Permit	See Special Events Policy	
		Wedding Permit	See Special Events Policy	
		Noise Permit	20	
		Sign/Banner Permit	28	

		Banner fees (non-refundable, due 30 days in advance, must receive	(2 hours min.)	
		Event Security deposit (refundable, due 14 days in advance)		
		Class 4a events (alcohol, more than 10,000 participants)	6000	
		Class 4 events	5000	
		Class 3a events (alcohol, less than 10,000 participants)	2000	
		Class 3 events	1000	
		Class 2 events	500	
		Class 1 events	100	
		Surety bond in lieu of damage deposit (subject to City Attorney	10,000	
Special Events Capital Park Improvement		Capital Park Improvement Fee		
		Class 1 events	0	
		Class 2 events	0	
		Class 3 Events	250/day	
		Class 3a events	1000/day	
		Class 4 events	1000/day	
		Class 4a events	1000/day	
Special Events Utilities		Utility Fee-Electric		
		Class 4 events	\$100/Day	
		Class 3 events	\$100/Day	
		Class 2 events	25/Day	
		Class 1 events	25/Day	
		Utility Fee-Water		
		Class 4 events	50/Day	
		Class 3 events	50/Day	
		Class 2 events	15/Day	
		Class 1 events	15/Day	
	10-271	Vendors requiring hard wiring electricity (Licensed electrician required to complete permit application. Work must be inspected by City Bldg. Dept.)	No Hard Wiring	
Special Events Trash & Site Restoration		Banner fees (non-refundable, due 30 days in advance, must receive approval from business district association)	Actual Cost (2 hours min.)	
		Trash and Clean Up		
		Applicant(s) shall reimburse the City for actual costs of cleanup (including but not limited to Public Works employees) required if applicant fails to comply with cleanup agreement.(employee costs shall be reimbursed at hourly rate +10% overhead)		
		Trash per cubic yard	30.00/cy	
		Site Restoration		
		Failure to restore site by 1:00 p.m. day following event	50/day	

		City site restoration	\$150, plus labor and fringes	
Ordinance		Animals		
	14-3	Impoundment fees - reclaim fee	16	
	14-34	Animal license, reapplication fee - human s.	11	
	14-53	Various animal license fees - New Ordinances		
	14-54	Animal license replacement fee		
	14-84	Animal permit reapplication		
		If application made before March 1	12	
		Delinquent application	16	
		Application following July 10	6	
		Delinquent application following July 10	8	
	14-86	Animal permit transfer	11	
	14-131	Kennel license	78	
	14-13	Chicken Permit Application	25	
		Medical Marijuana		
	22-205	Medical Marijuana Application	2500	
	22-205	Application Renewal	1100	
Police/Fire: Cost Recovery for Emergency Services	38-135	Fire Emergency Response		
		CLASS 1 ENGINE	450 with crew	
		AERIAL TRUCK	650 with crew	
		SUPPORT VEHICLE	150 with crew	
		FIRE FIGHTER	36	
		FIRE OFFICER	43	
		FIRE INSPECTOR	43	
		EMS Standby (2 EMTs)	\$80 / Hour	
		Fire Standby Pyrotechnic (includes inspection)	250	
		Fire Display (includes inspection)	250	
		Fire inspection	50	
		Fire investigations	500	
		Fire permits	50	
	38-40	False Alarms and Illegal Burns		
		False alarm and illegal burn fees		
		first occurrence in calendar year	0	
		second occurrence in calendar year	warning	
		third, fourth and fifth occurrences in calendar yr.		
		for Police	100	
		for Fire	300	
		six or more occurrences in calendar year		
		for Police	200	
		for Fire	1000	
	38-78	Incidents Involving Persons Driving Under The Influence		
		OWI	155	

		OWI with accident	205	
		OWI with blood draw	230	
Police/Fire: Records and Reports		Accident or incident report / Arson investigation report	15	Actual cost; See FOIA Policy
		Police Report	10	Actual cost; See FOIA Policy
		per additional page	1	Actual cost; See FOIA Policy
		Local Records Check	30	
		Letter of identification	n/a	
Police		Bicycle Registration Fees		
	102-34 (6.30(5))	Bicycle registration fee	5.00	
	102-34 (6.30(6))	Bicycle registration fee - change of ownership	5.00	
	102-34 (6.30(7))	Bicycle registration fee - loss of license plate	5.00	
		Bike license	n/a	
		Transfer of bike license	n/a	
		Parking Fees		
	102-61 (a)	Parking rates: per hour	0.75	
	102-61 (b)	10 hour parking per hour	0.50	
	102-62	Impound Vehicles:		
		Impound - private property	30.00	
		Impound - police -tow-admin. fee	40.00	
	102-81 (a)	Parking violations - failure to admit responsibility	15.00	
		additional notice violation fee	25.00	
	102-82	Schedule of violation fees:		
		Blockading: alley, sidewalk, crosswalk, driveway, emergency exit, fire escape, traffic	35.00	
		Blockading: traffic	35.00	
		Display advertising	25.00	
		Displaying cars "for sale" on City property	25.00	
		Improper parking	25.00	
		Parking alongside/opposite street excavation	25.00	
		Parking for over 48 hours	25.00	
		Parking in Fire lane	30.00	
		Parking in emergency snow route	125.00	
		Parking in handicapped zone	100.00	
		Parking in prohibited zone, including bus stop, taxi stand and loading zone		
		Parking left side to curb (except on one-way streets)	25.00	
		Parking motor running, car unattended	25.00	
		Parking not fully within metered space	25.00	
		Parking of inoperative vehicle	25.00	
		Parking on a bridge	25.00	

Police		Parking on front or side lawn	25.00	
		Parking on margin	25.00	
		Parking on private property	25.00	
		Parking on street during maintenance hours (2 am to 6 am)	25.00	
		Parking opposite a fire station curb	25.00	
		Parking over 12" from curb	25.00	
		Parking over legal limit:		
		if paid at the City Treasurer's office before the end of the next business day following issuance	20.00. If not paid within 10 days, additional 30.00 added by court	
		Parking to wash/polish/grease/repair vehicle	25.00	
		Parking w/o permit / residential permit required	50.00	
		Parking w/ expired meter:		
		if paid at the City Treasurer's office before the end of the next business day following issuance	20.00. If not paid within 10 days, additional \$30 added by Court	
		Parking within 15 ft. of a fire hydrant	50.00	
		Parking within 20 ft of a cross walk	25.00	
		Parking within 200 ft of a crash scene	25.00	
		Parking within 30 ft of stop sign	25.00	
		Parking within 50 ft of R/R crossing	25.00	
		Parking within 500 ft of a fire scene	25.00	
		Parking: blocking fire hydrant	50.00	
		Parking: double parking	25.00	
		Parking: night parking in prohibited zone	25.00	
		Safety zone and curb	25.00	
		Selling merchandise from vehicle	50.00	
		Unauthorized parking on city property	25.00	
		*** For all fees in this section: If defendant fails to admit responsibility		
Police		Audio/Visual		
		Photograph- Digital Print	3/photo	Actual cost; See FOIA Policy
		Photograph- Disk	25/disk	Actual cost; See FOIA Policy
		Photo processing (per photo + applicable FOIA charges)	1/photo	Actual cost; See FOIA Policy
		Audio disks (i.e., 911 calls)	25/disk	Actual cost; See FOIA Policy
		In-car camera video	25/disk	Actual cost; See FOIA Policy
		Station Video	25/disk	Actual cost; See FOIA Policy

		Processing cassette tapes/cds/dvds (per 15 minutes)	Sgt's hourly rate	Actual cost; See FOIA Policy
Police		Misc. Police Fees		
		Public vehicle license	30	
		Replacement of valid public vehicle license	30	
		Gold and silver registration (approval)	55	
		Gold and silver registration (if denied)	35	
		Preliminary Blood Testing (court ordered)	20	
		Fingerprinting (court ordered and liquor control only)	No Charge	
		Fingerprinting (Live scan)	65	
		Fingerprinting (Ink prints)	20/card	
		Gun purchase (first card)	0 (State law) \$10 for notarizing	
		Processing bond money for other departments	10 (State law)	
		24 hour Liquor License	n/a	
OFFERED BY: SUPPORTED BY: Vote				



To: Mayor Edmonds & City Council
From: Ericka Savage, Assistant to the City Manager
Date: June 16, 2015
RE: Contract for Legal Services

Office of the City Manager

SUMMARY & BACKGROUND

Per the City Charter (Section 4.07) there shall be a legal officer of the City appointed by the City Manager subject to confirmation by the City Council and not subject to the requirements of the merit system. In September 2008, the City awarded the legal officer contract to Barr, Anhut & Associates. In 2012 the contract was extended.

The City's contract with Barr Anhut includes a general retainer of \$52,140.00 and a prosecution retainer of \$105,000.00, which are fixed annual costs of 157,140.00. Their variable costs are billed at \$120/hr. In October 2014, I along with the City Manager Intern began an in-depth analysis of the City's legal billing structure to determine if there were ways to save on all variable legal costs. Years of invoices were gathered and several documents were prepared and attached for your review:

- A breakdown of variable billing from Barr Anhut
- A breakdown of "Miscellaneous Litigation" billing from Barr Anhut
- Variable legal costs by firm for FY 12-13 and FY 13-14
- Variable legal costs by topic for FY 12-13 and FY 13-14

BILLING BY BARR ANHUT & ASSOCIATES

After breaking down the data, it was determined that the City was summarize as follows (see the attachments for details):

I. General Legal Services

- a. 2014 Total expenditures (fixed and variable): \$97,260
- b. 2013 Total expenditures (fixed and variable): \$93,300

II. Prosecution Legal Services

- a. 2014 Total expenditures (fixed and variable): \$128,360
- b. 2013 Total expenditures (fixed and variable): \$132,120

2014 General Legal and Prosecution Total Expenditures: \$225,620
2013 General Legal and Prosecution Total Expenditures: \$225,420

III. Litigation (\$120/hour)

- a. 2014 Total expenditures: \$87,240
- b. 2013 Total expenditures: \$82,300

BILLING BY ALL OTHER FIRMS

- FY 12-13: \$117,138.56
- FY 13-14: \$63,605.43

STRATEGY FOR RFP PROCESS

One of the City Manager's strategies has been to seek annual contracts with service providers in order to manage costs and be more efficient in financial projections. Recognizing that it is very rare for any law firm to offer annual retainers, the City prepared the RFP requesting such, but recognizing that a rebid may be necessary if no firm complied. The RFP is attached for your review.

HIGHLIGHTS OF THE RFP

- Eliminated the current structure of variable billing from the Legal Officer, with the exception of litigation, and created an Annual Retainer that includes both general matters and prosecution.
- Added the Administrative Hearings Bureau legal services to the Annual Retainer.
- Requires the Legal Officer's retainer to absorb all "general" legal matters, including real estate, employment, regulatory, contracts, construction, professional services, personal property purchases, easements, licenses, etc..., and only contract with Special Counsel in highly-specialized areas (e.g. labor, bond, etc...)
- Requires the Legal Officer to facilitate and manage all Special Counsel contracts and be the point of contact for billing matters.
- Requires that non-litigation hours billed in addition to the Annual Retainer will not be permitted without prior, written consent of the City Manager or City Council.

SELECTION PROCESS

Four (4) law firms submitted a proposal for these legal services. A breakdown of the bid responses are attached for your review. Oliver Law Group and Cummings McClorey were rejected as noncompliant. The firms Barr Anhut and Beir Howelett were compliant with the following bids:

Barr Anhut: \$220,000 Annual Retainer/ \$125 hourly litigation billing

Beir Howelett: \$253,125 Annual Retainer/\$125 hourly litigation billing

RECOMMENDATION

Staff recommends entering a three (3) year contract with Barr, Anhut & Associates to be the Legal Officer for the City, with the option of two 1-year extensions. In addition to being the lowest bid, Barr Anhut was accepted in recognition of John Barr's invaluable 30 years of experience, institutional knowledge and commitment to the City of Ypsilanti. Mr. Barr and his associates are very well respected within the community and have a wealth of knowledge to advance the City through this very critical time of financial stabilization.

Barr Anhut will continue to be assigned litigation matters, when feasible, and will be responsible for coordinating the firm's extensive experience with the services of other firms that can better assist in highly specialized areas.

Mr. Lange and I have met with John Barr and Dan DuChene twice to discuss the firm's bid and expectations under the contract.

NOTE: Throughout this processes, I have engaged with Rick Fanning of Keller Thoma to review the RFP and assist the City in preparing the contract with Barr Anhut.

RECOMMENDED ACTION: APPROVAL

ATTACHMENTS:

- Variable legal costs by firm for FY 12-13 and FY 13-14
- Variable legal costs by topic for FY 12-13 and FY 13-14
- A breakdown of Barr Anhut billing by topic
- RFP for Legal Services
- Summary of bids for Legal Services
- Barr Anhut & Associates Bid
- Contract with Barr, Anhut & Associates



Resolution No. 2015-159
July 21, 2015

RESOLVED BY THE CITY COUNCIL OF YPSILANTI

WHEREAS, The City of Ypsilanti requested proposals for legal services to provide an Annual Retainer for general and prosecution legal services and an hourly rate for litigation services; and

WHEREAS, staff has analyzed said proposals, and evaluated the law firms on their compliance, qualifications and cost; and

WHEREAS, staff is recommending to City Council that Barr, Anhut & Associates be selected to represent the City for legal services for the annual sum of \$220,000 for general and prosecution matters and \$125 per hour for litigation matters.

NOW THEREFORE IT IS RESOLVED THAT the City Council approves the recommendation of the City Manager for Barr, Anhut & Associates to represent the City for legal services and is authorized to sign a three (3) year contract based on the firm's bid.

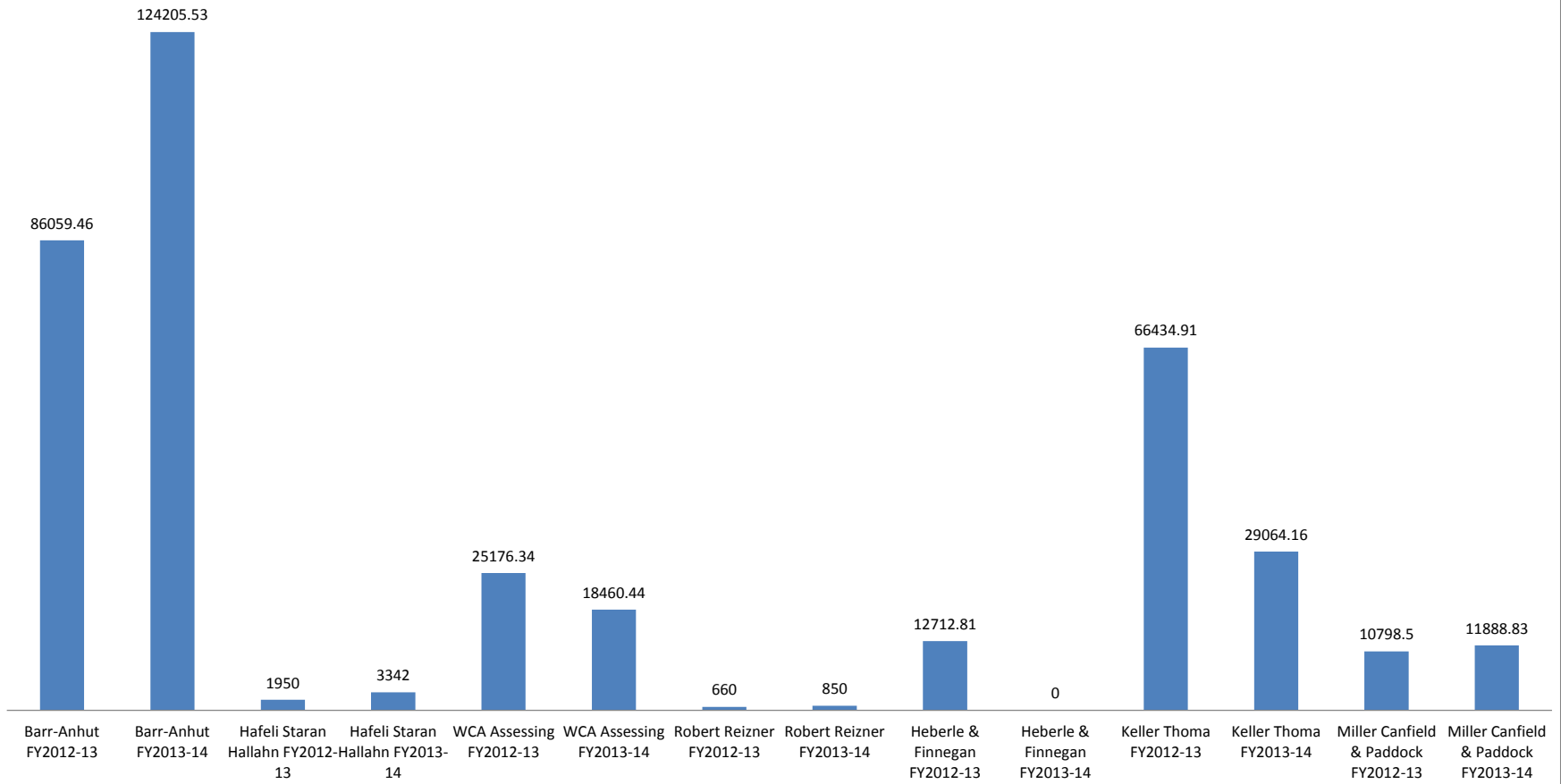
OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

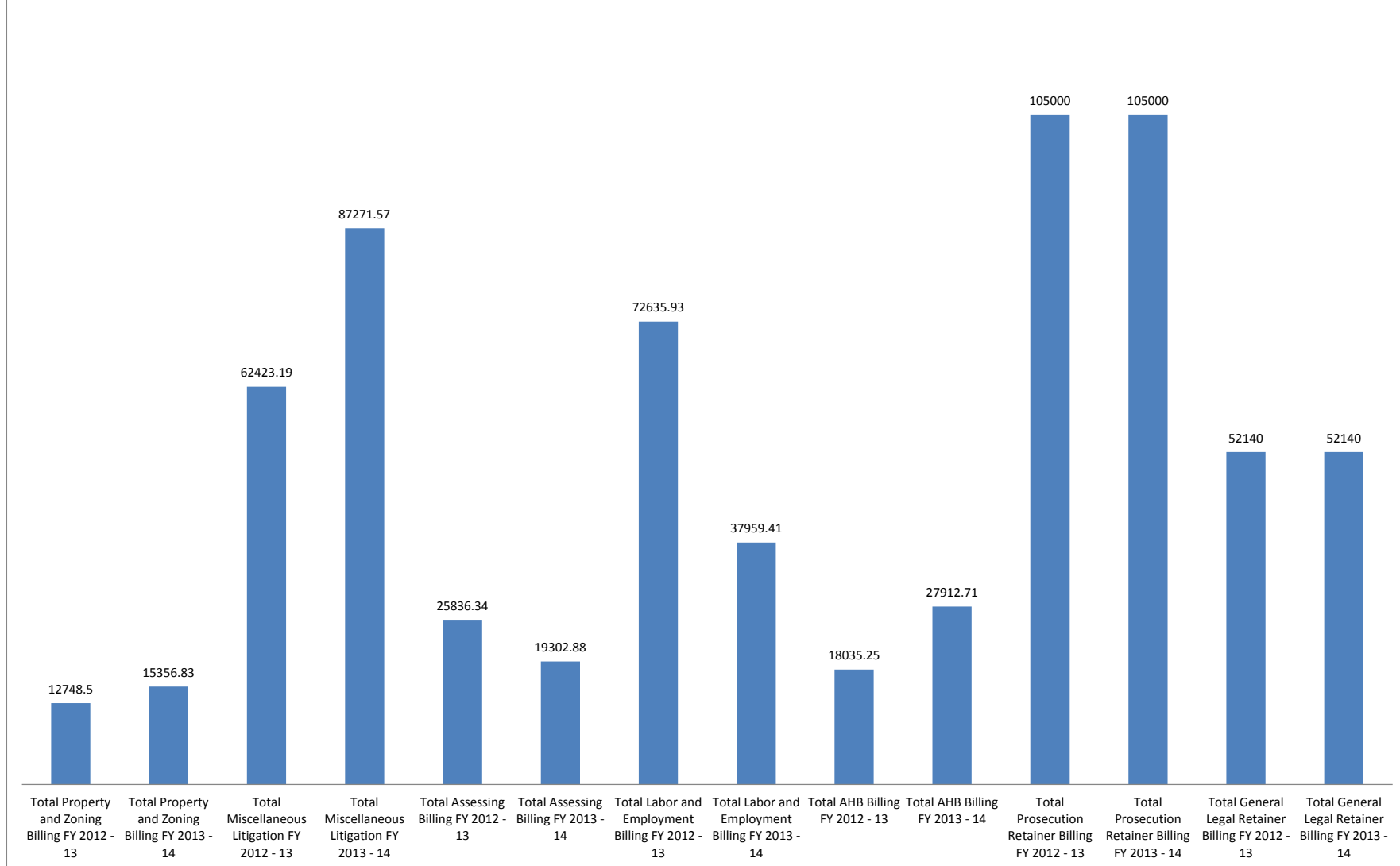
Yearly Variable Billing by Firm

■ Yearly Variable Billing by Firm



Annual Legal Billing by Topic

■ Annual Legal Billing by Topic



This document breaks down billable hours by Barr Anhut. Bills are not prepared in this format. We broke down two years to better understand categories billed by the firm. The hours labeled as "general" and "prosecution" are included in the fixed retainer. The other categories are billed.

Breakdown of Barr Anhut Billable Hours by Topic

2014	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year Totals
General	82.93	72.08	79.63	87.65	73.30	82.50	80.35	63.30	81.60	86.30	71.85	56.50	917.99
Prosecution	68.00	106.00	82.05	68.50	73.05	100.55	87.05	118.80	104.75	118.50	107.00	72.50	1106.75
Litigation	89.60	77.35	80.75	52.17	56.15	32.10	39.25	47.50	61.05	54.15	111.45	25.75	727.27
Misc	62.95	21.40	34.05	31.00	2.30	14.40	43.15	30.00	28.00	37.55	26.70	11.05	342.55
AHB	25.80	16.75	10.00	25.00	11.25	6.25	17.50	13.75	3.25	7.25	13.25	3.30	153.35
Labor	3.10	4.50	3.30	2.05	4.05	1.35	0.00	0.00	1.13	3.48	6.95	2.72	32.62
Water St	0.30	0.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.05

Mock Barr Anhut billing based on 2015 RFP.

Litigation	89.60	77.35	80.75	52.17	56.15	32.10	39.25	47.50	61.05	54.15	111.45	25.75	727.27
Retainer	92.15	43.40	47.35	58.05	17.60	22.00	60.65	43.75	32.38	48.28	46.90	17.07	529.57
Total	181.75	120.75	128.10	110.22	73.75	54.10	99.90	91.25	93.43	102.43	158.35	42.82	1256.84

2013	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year Totals
Litigation	61.45	67.00	72.30	55.45	24.05	38.10	69.55	56.80	48.75	29.13	108.20	55.45	686.23
Prosecution	64.50	92.30	63.75	93.00	68.50	74.50	66.50	53.75	68.10	101.75	80.25	63.00	889.90
AHB	15.25	10.50	20.00	19.75	16.75	11.00	13.50	27.75	18.25	11.50	41.75	19.75	225.75
Labor	12.01	1.00	8.73	9.19	1.95	13.10	9.50	7.53	2.95	4.85	9.80	8.05	88.65
Water St	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
General	87.20	64.75	35.10	54.80	50.75	38.70	75.25	45.95	53.60	62.55	65.55	83.08	717.28

Mock Barr Anhut billing based on 2015 RFP.

Litigation	61.45	67.00	72.30	55.45	24.05	38.10	69.55	56.80	48.75	29.13	108.20	55.45	686.23
Retainer	178.96	168.55	127.58	176.74	137.95	137.30	164.75	134.98	142.90	180.65	197.35	173.88	1921.58
Total	240.41	235.55	199.88	232.19	162.00	175.40	234.30	191.78	191.65	209.78	305.55	229.33	2607.81

SUMMARY OF BIDS FOR LEGAL SERVICES

Firm	Location	Annual Retainer		Litigation Hourly Rate	Additional Notes
		General	Prosecution		
Oliver Law Group	Troy	\$ 50,000	\$ 100,000	\$ 120	Retainer amount will be drawn down at an hourly rate of \$120/hr (Principal) \$100/hr (Associates)
Cummings, McClorey, Davis & Acho	Livonia	\$150/hour		\$ 150	Did not provide an annual fixed retainer rate
Beir Howelett	Bloomfield Hills	\$ 253,125		\$ 125	General: @918 hours - \$114,750 Prosecution: @1,107=\$138,375
Barr, Anhut & Associates, P.C.	Ypsilanti	\$ 220,000		\$ 125	Increased litigation hourly rate by \$5/hr

General Legal Services	2014	2013
Retainer Amount	\$ 52,140	\$ 52,140
Billable Hours included in retainer	918	717
Additional hours billed (\$120/hr)	376	343
Additional amount billed	\$ 45,120	\$ 41,160
Total expenditures	\$ 97,260	\$ 93,300
Prosecution Legal Services	2014	2013
Retainer Amount	\$ 110,000	\$ 105,000
Billable Hours included in retainer	1107	890
Additional hours billed (\$120/hr)	153	226
Additional amount billed	\$ 18,360	\$ 27,120
Total expenditures	\$ 128,360	\$ 132,120
Litigation	2014	2013
Billable Hours (\$120/hr)	727	686
Total Expenditures	\$ 87,240	\$ 82,300

Totals	2014	2013
Total Retainer General and Prosecution	\$ 162,140	\$ 157,140
Total Expenditures General and Prosecution	\$ 225,620	\$ 225,420
Total Expenditures in Addition to Retainer	\$ 63,480	\$ 68,280
Total Expenditures on Legal Officer	\$ 312,860	\$ 307,720

Proposed by Barr, Anhutt & Associates	
Annual Retainter for General & Prosecution	\$ 220,000
Savings based on average of past 2 years	\$ 5,520
Litigation Hourly Rate	\$ 125.00
Average hours billed past 2 years	707
Projected litigation billing (average of past 2 years)	\$ 88,313
Projected Annual Expenditures for Legal Officer	\$ 308,313



REQUEST FOR PROPOSAL (RFP)
CITY OF YPSILANTI WASHTENAW COUNTY, MI

FOR

ATTORNEY SERVICES
CITY OF YPSILANTI LEGAL OFFICER

ISSUED BY:

Ericka R. Savage, Assistant to the City Manager
City of Ypsilanti
1 South Huron Street Ypsilanti, MI 48197
(734) 483-7290
esavage@cityofypsilanti.com

April 7, 2015

PROPOSAL DUE DATE
April 29, 2015
3:00 p.m. EST



Overview

The City of Ypsilanti is requesting proposals (RFP) from qualified firms of attorneys licensed to practice law in the State of Michigan to act as legal officer for the city and perform legal services as set out in the City Charter [Section 4.07] and this RFP.

The City of Ypsilanti is a Michigan Home Rule City. The City has a City Charter and City Code of Ordinances. The City Charter provides for a City Manager form of government. The City Council is comprised of a Mayor elected at large, and six council members elected by ward. The city has a population of 19,435 and more residents. The City Charter provides for a legal officer as follows:

Legal Officer:

There shall be a legal officer of the City appointed by the City Manager subject to confirmation by the City Council and not subject to the requirements of the merit system. The legal officer shall serve as chief legal adviser to the Council, the Manager, and all City departments, offices, and agencies, shall represent the City in all legal proceedings, and shall perform any other duties prescribed by State law, by the Charter, by ordinance, or by resolution.

The successful applicant will start as Ypsilanti City Attorney, legal officer July 1, 2015. The contract will be for three (3) years, with the option of a one (1) or two (2) year extension if agreed upon by both parties.

The retainer of the legal officer shall include both general legal services and prosecution legal services, which are specifically defined below:

General Legal Services:

The legal officer shall provide a wide range of civil counsel services, including representation in court and administrative hearings, conducting legal research, drafting ordinances, regulations and resolutions, preparing and reviewing various contracts and other legal documents and serving as general civil counsel on behalf of the City of Ypsilanti, City Council, departments and agencies.

1. Provide general legal advice and support to the City Manager, City Council, Department Heads, Boards and Commissions, as required. The city legal officer works closely with the city manager.
2. Act as general legal counsel to the City Manager, City Council, Departments and Agencies on various , on various items, including, but not limited to, real estate, labor & employment, regulatory, contracts, construction, professional services, personal property purchases, easements, licenses, and related matters. The legal officer may be required to prepare and review contracts in these areas as well.
3. Prepare and provide formal and informal written opinions and advice to the City Manager, City Council, Department Heads, Boards and Commissions, as required.
4. Provide training to Department Heads, City Council, Boards and Commissions, as required.



5. Research and draft ordinances and resolutions as needed.
6. Attend all regular and special City Council meetings, Department Head meetings and goal setting meetings. Review agendas in advance and be prepared to provide legal advice for any questions during the meetings. Act as meeting parliamentarian.
7. Attend Board and Commission meetings and neighborhood meetings as other citizen meetings as required.
8. Act as Freedom of information Coordinator and answer Freedom of information requests as needed. Be familiar with and give opinions and direction with regard to the Michigan Open Meetings act, Freedom of information Act and Home Rule City Act.
9. Provide a monthly written report summarizing the actions completed and on-going concerns of the City. Reflect the nature of all actions taken during the month and specify the departments served personnel within the department contacted, council members advised and time spent.
10. Review and advise City on all Contracts. In some instances the legal officer will be required to draft City contracts.
11. Provide own library and continuing education.
12. The legal officer shall represent the City of Ypsilanti and its staff on all matters, but when necessary, the legal officer is responsible for coordinating potential law suits and contractual services with other legal consultants, including, but not limited to, labor counsel, bond counsel, workers compensation counsel, liability litigation attorneys, risk management attorneys, real estate attorneys, and administrative hearings.

City Prosecution Legal Services:

1. Provide legal and support services for the City in 14A-2 District Court to prosecute all city ordinance violations and civil infractions. Organize and maintain all police reports, tickets, complaints, related correspondence, pleadings, etc. Review police reports, tickets and other materials and authorize complaints and warrants as required. Review facts and prepare administrative search warrants as necessary. Appear in court for all necessary pre-trial hearings and motions. Provide discovery for defendants and defense counsel. Prepare for and conduct arraignments/pretrials, motion hearings, evidentiary hearings, formal hearings, bench trials settlement conferences, jury selection and jury trials as needed. Research and answer all motions and briefs. Review discovery and FOIA requests regarding city cases.
2. Provide legal services to defend the City in all 14A-2 court cases.
3. Act as chair of quarterly Bench-Bar meetings. Keep records and assign hosts. Prepare monthly agendas.
4. Manage the city court docket and receive telephone calls and requests from defendants and attorneys, discuss cases, approve or disapprove requests for adjournments and other matters.

5. Attend building enforcement meetings where City enforcement issues are addressed as part of a team approach including building, fire, police, planning and attorneys.
6. Train police officers as needed (Minimally, each new officer receives training within the first two weeks of their employment).
7. Street Outreach Court - Review, telephone conferences, and court appearances as necessary. The Street Outreach Court is an alternative court located downtown Ann Arbor which assists needy persons in getting back on track. *All participants (judges, staff, prosecutors, etc...) in Street Outreach Court are volunteers.* The City is not billed for the work done by the City Attorney's office in participating in the Street Outreach Court although the cases would otherwise be 14A-2 cases.
8. Administrative Hearings Bureau- Appear at hearings, as needed, to represent the City in enforcement matters. Review AHB files and pleadings. Prepare for and conduct AHB trials, as required. Research and answer all motions and briefs related to AHB cases. Research and prepare updates to AHB ordinances, as needed.

Litigation Legal Services

1. Represent the City in all non 14A-2 litigation and monitor insurance cases.
2. Represent the City in all appeals from District to Circuit Court and in the Court of Appeals and Supreme Court.
3. Represent the City in all administrative tribunals and the tax tribunal.
4. Represent the city in all arbitration matters.
5. Represent the City in all pre-litigation and matters involving attorneys.

Billable Hours

I. General Legal Services

a. 2014

- Retainer Amount: \$52,140
- Billable Hours included in retainer: 918
- Additional hours billed (\$120/hr): 376
- Total expenditures: \$97,260

b. 2013

- Retainer Amount: \$52,140
- Billable Hours included in retainer: 717
- Additional hours billed (\$120/hr): 343
- Total expenditures: \$93,300

II. Prosecution Legal Services

a. 2014

- Retainer Amount: \$110,000
- Billable Hours included in retainer: 1107

- Additional hours billed (\$120/hr): 153
- Total expenditures: \$128,360
- b. 2013
 - Retainer Amount: \$105,000
 - Billable Hours included in retainer: 890
 - Additional hours billed (\$120/hr): 226
 - Total expenditures: \$132,120

III. Litigation

- a. 2014
 - 727 hours (\$120/hour)
 - Total expenditures: \$87,240
- b. 2013
 - 686 hours (\$120/hour)
 - Total expenditures: \$82,300

Note: These totals only include litigation hours billed by the Legal Officer and exclude other contractual litigation services.

Proposal Requirements:

Applicants must furnish a sealed written proposal for legal services in accordance with this RFP with 5 paper copies and an electronic copy delivered with the proposal.

Applicants must deliver the proposal and copies to the office of Ypsilanti City Clerk, 1 South Huron Street not later than 3:00 p.m. EST on the 29th day of April, 2015. Applicant is responsible to have the City Clerk date stamp the proposal envelope. Proposals must be in the City Clerk's office on the date and time specified and late proposals will not be considered.

Post marks will not be considered.

Proposal must be signed by responsible attorney and must be valid for 120 days. In the proposal please provide the following information (a fillable Proposal Worksheet is attached for your convenience):

1. Name, address, telephone number, fax number and email address of the firm.
 - a. Length of time at present location.
2. Name, email and telephone number of firm contact attorney.
3. Number of years the firm has been in practice.
4. Brief history of the firm and practice areas.
5. Experience of the firm in representing municipalities.
 - a. Indicate any continuing legal education in the past two years relevant to municipal law.
6. Municipalities currently represented.
7. Municipalities represented in the past.
8. Experience of the firm in labor law.
9. Experience of the firm in real estate law.



10. Court experience of the attorneys who will be assigned to City matters
11. Location of firm offices
 - a. Proximity to Ypsilanti City Hall (distance)
 - b. Travel time from firm office to City Hall
 - c. Description of office facilities with description of number of offices and conference rooms available for consultation, depositions, meetings, etc.
 - d. Description of firm computer capability.
 - e. Describe name of word processing and other programs used.
12. Firm composition.
 - a. Names of attorneys who will be assigned to City matters
 - b. Number of support staff who will be assigned to City matters
13. Firm practice. List any features of your firm that would recommend your firm to provide legal services to the City of Ypsilanti.
14. Resumes. Attach a current resume for each firm attorney who will be handling City matters.
15. Insurance. Does the firm have mal-practice insurance? If so, attach a copy of the declaration page.
16. Discipline. Indicate for each firm attorney if there has ever been any disciplinary case against the attorney that resulted in a finding of misconduct.
 - a. Indicate whether the license to practice law of any firm attorney has ever been suspended. Provide details of dates and causes.
17. Conflict of interest. Indicate if the applicant firm or any attorney has ever brought or threatened legal action against the city of Ypsilanti. If so indicate when, the nature of the proceedings and the result.
 - a. Indicate if the applicant firm represents any client with a contract with the city. If so indicate the party and nature of the contract.
 - b. Indicate if you have any relative working for the city.
 - c. Indicate if you have ever worked for the city and describe your present relationship to the city.
 - d. Indicate if you have any adverse interest to the city.
18. Give the name, address and telephone number of three references.
19. Include an executive bid summary of not more than two pages.
20. Letter of Transmittal. The letter of transmittal should contain the following information:
 - a. A clarification of which legal areas you are submitting a proposal
 - b. A positive commitment that should you be selected you are able to perform the services requested
 - c. The names of the persons authorized to represent the respondent, their titles, addresses and telephone numbers. This may be important if different from the individual who signs the transmittal letter.
21. Any additional data the proposer feels may be helpful in the selection process.
22. Bid Amount (see below for requirements)
 - a. Annual Retainer Amount
 - b. Litigation Hourly Rate
 - c. Provide a breakdown of any additional costs that would be billed to the City. Indicate if the additional costs are actual or if there is a charge added for overhead.

Bid Amount Requirements

- A. **Annual Retainer Amount:** shall be an annual, fixed amount that includes both General Legal Services and Prosecution Legal Services. The retainer will be prorated and billed to the



City on a monthly basis.

1. 2014 General Legal and Prosecution Total expenditures: \$225,620
2. 2013 General Legal and Prosecution Total expenditures: \$225,420

B. **Litigation Hourly Rate:** an hourly rate for all litigation services, as defined in this RFP, performed by the Legal Officer and not contracted to other firms.

Note: Non-Litigation hours billed in addition to the Annual Retainer Amount will not be permitted without prior, written consent of the City Manager or City Council. Additional billable hours will only be approved in exceptional circumstances that were unforeseen by both the City and Legal Officer at the time of entering the contract.

Submission Requirements

Submit the proposal on letter size paper using at least a font size of 12 points. Print on one side only. Proposals shall be limited to 10 pages plus an executive summary and transmittal Letter. Provide tabs for each major section. Submit 5 paper copies of the proposal and an electronic copy in Word format in a sealed envelope addressed to City Legal Services, c/o Ypsilanti City Clerk, 1 South Huron Street, Ypsilanti, MI 48197 before 3:00 pm, Eastern Standard Time, April 29, 2015. There will be no formal bid opening. Bids will be opened April 29, 2015 at 4:00 pm EST, at the office of the Ypsilanti City Clerk.

The City of Ypsilanti reserves the right to accept or reject any and all bids or parts of bids and to waive any and all irregularities, informalities, inconsistencies, and to negotiate contract terms with the successful applicant(s), and to disregard all non-conforming, non-responsive or conditional proposals. The City reserves the right to accept any bid and price shall not be the sole determining factor.

The City reserves the right to accept part of a bid and reject other parts. Acceptance of any proposal will be based on level of experience, qualifications, costs and other factors. The City of Ypsilanti reserves the right to accept a proposal, which it determines in its sole discretion, to be in its best interest.

The City reserves the right to interview any of the bidders prior to accepting a proposal.

Successful applicant must agree for all members and employees of the applicant law firm to not become involved in the advocacy of the political campaign of any candidate for election to the Ypsilanti City Council. In addition to not make any contribution of any kind designed to further the candidacy of any individual seeking election to the Ypsilanti City Council. Public or private participation in the advocacy of political candidates for the office of Ypsilanti City Council (including the Mayor) shall be prohibited as a condition of employment.

Successful applicant must certify that it will notify the City in writing of any changes to the law firm's composition as listed in the bid. Bidding on this RFP is such certification. The City reserves the right to modify or terminate the contract based on significant firm changes.

Pursuant to the Iran Economic Sanctions act, MCL 129.313, before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Contractor, the Contractor must first certify that it is not an "Iran Linked Business" as defined by that law. Bidding on this RFP is such certification.



Method of Evaluating Proposals

Proposals will be evaluated with a strict emphasis on quality. Attributes which will be analyzed include:

1. Firm's experience with governmental entities
2. Firm's governmental resources available
3. Involvement in municipal government activity and organizations
4. Demonstrated knowledge of legal standards in each area of interest, specifically issues related to government
5. Quality of staff included in assignment
6. Reference responses

After technical qualities have been evaluated, a firm or firms will be selected based on subjective determination of the best interest(s) of the City of Ypsilanti.

Please note that should the City of Ypsilanti receive more than 10 proposals the City will narrow the scope of proposers to begin with those having city government experience.

Proposal For Attorney Services For City of Ypsilanti Legal Officer



**BARR, ANHUT &
ASSOCIATES, P.C.**

Attorneys at Law

105 Pearl Street

Ypsilanti MI 48197

(734) 481-1234

www.barrlawfirm.com

email: jbarr@barrlawfirm.com

Proposal For Attorney Services For City of Ypsilanti Legal Officer



**BARR, ANHUT &
ASSOCIATES, P.C.**

Table of Contents:

- **Transmittal letter**
- **Proposal For Attorney Services**
 - 1. Resumes**
 - 2. Insurance Certificates**
 - 3. Executive Bid Summary**



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

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

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

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

April 24, 2015

Ericka R. Savage
Assistant to the City Manager
City of Ypsilanti
1 South Huron Street
Ypsilanti, MI 48197

Re: Transmittal letter of bid for Attorney Services

Dear Ms Savage,

I am pleased to submit our bid for general attorney services for the City of Ypsilanti. Enclosed are five paper copies of our proposal and an electronic copy in Word format, pursuant to your Request for Proposals dated April 7, 2015. Our bid is \$220,000 for annual general retainer and prosecution work. Our bid for the Litigation hourly rate is \$125 per hour. Our firm has provided these services in the past and is well able to continue to provide our high quality services in fulfillment of our bid for the services requested.

Firm personnel authorized to represent the city will be:

City Attorney John M. Barr, 105 Pearl, Ypsilanti, MI 48197 734-481-1234
Assistant City Attorney Jesse O'Jack, 105 Pearl, Ypsilanti, MI 48197
734-355-9527
Assistant City Attorney Dan DuChene, 105 Pearl, Ypsilanti, MI 48197
734-481-1234

Other firm personnel working for the city in support staff rule will be:

Office Manager, paralegal litigation assistant Jennifer Healy, 105 Pearl, Ypsilanti, MI 48197 734-481-1234
Office account specialist Elizabeth Taylor, 105 Pearl, Ypsilanti, MI 48197
734-481-1234

We agree, as part of our bid, to notify the City in writing if there are any changes to the firm's composition as listed in the bid.

This letter will also certify that this firm is not an "Iran Linked Business" as defined by law.

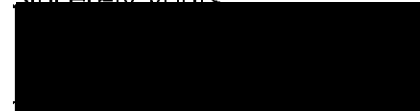


**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

April 24, 2015
Page 2

Please feel free to contact me if you have any questions.

Sincerely yours



John M. Barr

Enc: 5 paper tabbed Proposal copies
1 electronic Proposal copy



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

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

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

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

PROPOSAL FOR ATTORNEY SERVICES
FOR CITY OF YPSILANTI LEGAL OFFICER
April 20, 2015

The law firm of Barr, Anhut & Associates, P.C. (the firm) submits this proposal to furnish legal services for a three year period to the City of Ypsilanti pursuant to a Request for Proposals dated April 7, 2015.

1. **Contact information:** Barr, Anhut & Associates, P.C., 105 Pearl Street, Ypsilanti, MI 48197; jbarr@barrlawfirm.com. The firm has been located at this address since 1963.
2. **Contact attorney:** John M. Barr, jbarr@barrlawfirm.com; (734) 481-1234
3. **Number of years of practice.** The firm has been in practice since 1954, 61 years.
4. **Brief history of the firm:** Barr, Anhut & Associates have been in practice for nearly 61 years. The predecessor firm was established in 1954. Barr, Anhut & Associates has been in the same building since 1963. Barr, Anhut & Associates is "AV" rated (the highest rating possible) from Martindale-Hubbell Law Directory, a legal directory of all U.S. attorneys. Martindale ratings reflect peer judgments on legal ability, quality of work, dependability, reliability, and financial stability. We began representing municipal clients (City of Ypsilanti) in 1981.

Practice areas: The firm has practiced many areas of law over the years, including criminal, divorce, patent, construction, real estate, guardianship, adoption, immigration, corporation, non-profit corporation, tax exemption qualification, education, zoning and land use, general civil litigation, attorney grievance defense for attorneys, civil rights, federal practice, bankruptcy, libel and slander, property line disputes, business formation, employment law, bills and notes, collections, advice and counseling. At the present time the firm concentrates its law practice in the area of municipal law, real estate law, estate planning, probate practice, litigation and family law.

5. **Experience of the firm in representing municipalities:** The firm has 34 years of experience in representing municipalities. The firm has many years experience drafting and defending state of the art municipal legislation. In addition to general city legal work the firm has experience in special cases. For example, the firm represented a Wayne County city and conducted investigations of alleged wrongdoing by the city clerk. The firm successfully represented another city in litigation against the mayor requiring the mayor to comply with the city charter and council resolutions. For another

city the firm successfully mediated a major dispute between council members. The firm is also experienced in the Freedom of Information Act, the Open Meetings Act, the Home Rule Cities Act, special assessment law, Charter Commissions, Charter Amendments and Revision, municipal tax issues and election law.

Continuing legal education in the past two years relevant to municipal law:

January 18, 2014, Michigan Association of Municipal Attorneys (MAMA) winter retreat; March 18, 2014 Spring Educational Event; June 20-21, MAMA Summer Educational Event; September 14, 2014, October 17, 2014, MAMA Upper Peninsula legal conference; January 23-24, 2015, MAMA Winter Retreat; January 27-28, 2015 Michigan Township Attorney (MTA) Institute; February 18, 2015, Michigan Municipal League Webinar Changes to the Freedom of Information Act; March 25, 2015, MAMA Advanced Institute; April 1, 2015, WC BA Alternative Dispute Resolution Work Shop.

Firm members have been legal presenters for the Institute of Continuing Legal Education, Michigan Association of Municipal Attorneys, Michigan Municipal League, Michigan Clerk's Association, MML Elected Official Academy, and boards and commissions.

6. Municipalities currently represented: The firm presently represents the City of Ypsilanti, Saline Area Fire Department, Milan Fire Department, Lodi Township, City of Milan, Manchester Township and Manchester Community Joint Planning Commission (without official appointment).

7. Municipalities represented in the past: Canton Township, City of Taylor, City of Allen Park, City of Belleville, Augusta Township, Tecumseh DDA, City of Saline, Sylvan Township, Augusta Township, Northfield Township, Manchester and the Manchester Community Joint Planning Commission (without official appointment).

8. Experience of the firm in labor law: The firm is experienced in labor law issues, including employment contracts, personnel disputes, mediation and conflict resolution. The firm has some experience in labor and union negotiation but generally utilizes the services of special labor counsel.

9. Experience of the firm in real estate law. The firm is very experienced in real estate law and has represented clients in hundreds of real estate transactions over the years. The firm is experienced in large dollar transactions. The firm represented the city in closing the purchase of over 30 Water Street Parcels. Firm attorney Karl A. Barr is a licensed Michigan real estate broker.

10. Court experience of the attorneys who will be assigned to City matters:

John M. Barr has many years of court experience and has tried cases in Michigan Municipal, District and Circuit Courts as well as federal District Courts. He has argued cases before the Michigan Court of Appeals and the Michigan Supreme Court. Attorney Jesse O'Jack has experience in Michigan District and Circuit courts, the Michigan Court of Claims and has more than 25 years experience in prosecuting criminal and civil infraction cases in District Court and appeals in Circuit Court, the Michigan Court of Appeals, Michigan Tax Tribunal and the Michigan Supreme Court. Attorney Dan DuChene has several years of court experience in Michigan District and Circuit Court and was deeply involved in the successful prosecution of the Brandy's Party Store case in Washtenaw County Circuit Court and represented the city in the Michigan Court of Claims.

11. Location of the firm offices. The firm office is at 105 Peal Street, Ypsilanti, MI. a) It is located one block from Ypsilanti City Hall. b) Travel time from the firm office to Ypsilanti City Hall is 5 minutes, walking. c) The firm office has 5 private attorney/staff offices, 3 cubicle type work spaces and 3 conference rooms. The firm also has a kitchenette and break area. The firm has on site storage for 20,000 plus files. d) The firm has a private in-house computer server-system with individual computers for each staff member and a high speed internet connection. Firm computers are backed up daily. The firm also connects by internet with attorney O'Jack. With Mr. O'Jack, the firm is developing a paperless system for city prosecution files. e) The firm utilizes Time Matters, a powerful data management system, TM Billing Suite, Microsoft Office suite, with Word, Excel, Power Point, Outlook, Adobe Acrobat, and Quick Books accounting software. In addition the firm has an extensive on-site library including a special library of municipal government works. The firm is an Institute of Continuing Legal Education (ICLE) Partner and has access to special ICLE publications, forms and research capability.

12. Firm Composition. The firm has 4 attorneys and 3 support staff. a) Attorneys include, John M. Barr, Karl A. Barr, Jesse O'Jack, and Daniel J. DuChene. b) The firm has 3 support staff and regularly employs clerks and interns.

13. Firm Practice. Firm features recommending the firm to provide legal services to the city of Ypsilanti. The firm-owned offices are in downtown Ypsilanti and very close to City Hall and the 14A-2 District Court. The firm has a long time stable presence in the city, is well known and respected, and the highest peer review for ethics, integrity and financial stability. Firm members are very active in the community and professional organizations. The firm has a large institutional memory. The firm has an established presence with the City and knows and is known by and has worked

with many city staff so there would be no job learning curve. Attorney John M. Barr has the highest "AV" Martindale Hubble peer review rating and has been named a "Super Lawyer" and one of the "Top Attorneys in Michigan."

14. **Resumes.** See attached.

15. **Insurance.** The firm maintains malpractice insurance through Wesco Insurance Company for attorneys John M. Barr, Karl A. Barr and Dan DuChene. Jesse O'Jack is Of Counsel and maintains separate malpractice insurance through the Hanover Insurance Group. Certificates of Insurance are enclosed.

16. **Discipline.** None of the firm attorneys have ever been disciplined or found to have committed misconduct.

17. **Conflict of Interest.** The firm has never threatened or brought suit against the City of Ypsilanti. a) The firm does not represent any clients with contracts with the city. b) None of the firm attorneys or staff has any relative working for the city. c) None of the attorneys or staff has ever worked for the city, except as out house contract city attorney. d) None of the firm attorneys or staff has any adverse interest to the city. The firm has no conflict of interest with the city. Further, the firm keeps extensive, detailed client and city records and maintains a database with software that has conflict search capability. Attorney John M. Barr is a trustee of the Ypsilanti District Library.

18. **References.**

- a) Hon. Kirk W. Tabby, Judge 14A2 District Court
415 West Michigan Avenue, Ypsilanti, MI 48197
(734) 484-6690
- b) Jan Godek, Supervisor, Lodi Township
3755 Pleasant Lake Road, Ann Arbor MI 48103
(734) 665-7583
- c) William Mathewson, General Counsel, Michigan Municipal League
1675 Green Road, Ann Arbor, MI 48105
(734) 662-3246

19. **Executive Bid Summary.** See attached.

20. **Letter of Transmittal.** See attached.



21. **Additional Information:** The firm has represented the City of Ypsilanti for many years. City Attorney John M. Barr is a city resident, as is attorney Dan DuChene. Attorney Barr owns his home in the city. The firm principals own the firm office in the city.

22. **Bid Amount for scope of service as set out in the April 7, 2015 City RFP.**

- a) Annual Retainer \$220,000
- b) Litigation Hourly Rate \$125
- c) Breakdown of additional costs:

Typical charges for costs outside the retainer include, but are not limited to, the following:

- Copy costs - \$.20 per copy
- Postage costs - actual cost*
- Express mail - actual charge*
- Court costs, subpoena fees, Outside Contractors, etc., - actual cost*
- Travel expenses: mileage charged at IRS rate per mile
 - Common carrier - actual charge*
- Internet research fees – actual cost
- Closed file Iron Mountain retrieval - actual iron mountain cost*

Other costs* include, but are not limited to, filing fees, telephone charges, service fees, judgment fees, witness fees, appraisal fees, expert fees, surveyor's fees, recording fees, title policy and title work fees.

*10% overhead added to these out-of-pocket costs.

On Litigation cases, Litigation legal assistant/clerical \$40 to \$90 per hour
All time keeping based on increments of .25 hour

23. This proposal is valid for 120 days from April 29, 2015.

For the Firm,

John M. Barr
Responsible Attorney

1

John M. Barr

105 Pearl Street
Ypsilanti, MI 48198

EXPERIENCE

Barr, Anhut & Associates, P.C.

1958-Present

Ypsilanti, Michigan

Senior Attorney

- General law practice, emphasis on municipal, real estate, corporation, estate planning law.
- Court certified mediator.
- State Boundary Commission

TEACHING

- Lecturer, business law at Eastern Michigan University.
- Presenter, Washtenaw Community College Continuing Education, "Estate Planning."
- Presenter, Ann Arbor-Ypsilanti School Continuing Education, "Starting a Small Business."
- Present, Michigan Association of Municipal Attorneys Workshops:
 - "Building Code Violations"
 - "Media Relations"
 - "Dealing with City Council"
 - "Ethics"
 - "Who is the Client"
- Presenter, Institute of Continuing Legal Education Workshop, "Defending Police Cases."
- Presenter, Michigan Clerks Association, "The Open Meetings Act and Freedom of Information Act."
- Presenter, Michigan Municipal League, "Dealing with the Press."
- Presenter, "Planning Commission Workshop."
- Presenter, MML Academy, "FOIA and OMA."
- Instructor in safe boating, Ann Arbor Power Squadron.

EDUCATION

University of Michigan Law School

August 1959

Ann Arbor, Michigan

Juris Doctor

Michigan State University

June 1956

East Lansing, Michigan

Bachelor of Arts, Divisional Major Social Science

- Semester abroad at Mexico City College

LICENSES AND ASSOCIATIONS

- American Bar Association
 - Government and Public Sector Lawyers Division
 - General Practice Section
- State Bar of Michigan
 - Member, Board of Commissioners 1996 – 2003
 - Master Lawyer Section
 - General Practice Section
 - Criminal Law Section
- Washtenaw County Trial Lawyers Association

- Washtenaw County Bar Association, Past President
- Michigan Municipal League Legal Defense Fund, Past President
- Law officer Ann Arbor Power Squadron, US Power Squadron

RECOGNITIONS

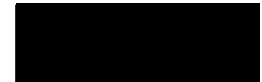
- Rated A-V, highest peer rating by Martindale-Hubble legal directory
- Listed in "Who's Who In American Law," "Who's Who In The Midwest," and "Who's Who In America"
- Special Award of Merit, Michigan Municipal League
- Fellow, Michigan State Bar Foundation (Life member)
- Fellow, American Bar Association (Life member)
- ICLE Certificate in Estate Planning
- Boy Scouts of America Scouter's Key 1983
- Boy Scouts of America Silver Beaver Award
- Distinguished Municipal Attorney Award
- MML Ethics and Civility in Local Government Award
- Civility and Professionalism Award, Washtenaw County Bar Association
- Named "Super Lawyer" by Law and Politics Magazine 2006, 2007, 2008, 2009, 2010
- Frank J. Kelly Distinguished Public Service Award, 2012

VOLUNTEER WORK

- Boy Scouts of America
- Corner Health Center
- Emmanuel Lutheran Church
- High/Scope Educational Research Foundation
- Salvation Army
- Child and Family Service
- Washtenaw 100
- Washtenaw United Way
- Ypsilanti High School Choir Endowment Committee
- Ypsilanti Community Choir
- Ypsilanti Housing Commission
- Ypsilanti "Y" Committee
- American Legion
- Vietnam Veterans

Jesse O'Jack

PO Box 363
Saline, MI 48176



LEGAL AFFILIATIONS

- Sole Practitioner
- Of Counsel to Barr, Anhut & Associates, P.C.
(Started with the Firm in 1989 as an Associate, became of Counsel in 1994)

EXPERIENCE

Sole Practitioner

1994-Present

City of Ypsilanti

1989-Present

Assistant Ypsilanti City Attorney

Responsibilities:

- Primary prosecutor (District Court, Juvenile Court, Administrative Hearings Bureau, Dangerous Buildings Bureau), including pretrials, nonjury trials, jury trials, evidentiary motions, constitutional challenges, and other hearings
- Primary for authorizing and drafting complaints
- Attend Council and other meetings as requested
- Drafting ordinances and amendments, memorandums, and opinions as requested (hundreds), including for Freedom of Information Act, Open Meetings Act, and Home Rule Act
- Reviewing codification of ordinances
- Reviewing Charter as requested
- Training police officers (primary)
- Circuit court nuisance abatement actions (primary)
- Appellate litigation (circuit court for constitutional and other challenges to city ordinances and to defend appeals from district court; Court of Appeals and Michigan Supreme Court resulting from circuit court litigation) (primary)
- Tax Tribunal (previously)
- Court of Claims as requested
- Advising on contracts and other city matters as requested
- Litigation defense as requested
- Search warrants as requested
- Real property acquisition as requested
- Attend and advise departments as requested
- Nuisance abatement (meet with various department officials regarding code enforcement and problem solving from a team approach)
- Presenting on other legal matters as requested
- Other tribunal and hearings as requested

Lodi Township

1997-Present

Township Attorney

Responsibilities:

- Total responsibility for advising Lodi Township including all aspects of municipal law for the township: attending township board meetings, advising township board, planning commission, and Zoning Board of Appeals; drafting ordinances (general law, planning, and zoning), resolutions, memorandums, and opinions; advising regarding FOIA, OMA, special assessment districts; prosecution, drafting municipal civil infraction ordinance and creation of bureau; circuit court litigation; appellate litigation, federal litigation;

advising regarding tax matters; advising the assessor; tax tribunal litigation; ballot issues; reviewing contracts; reviewing and drafting policies; zoning and zoning enforcement; litigation has included RLUIPA cases (church), developer challenges, and gravel extraction

Manchester Township

2006-Present

Township Attorney

Responsibilities:

- All aspects of municipal law for the township, including advising township board, planning commission, and ZBA; drafting ordinances (general law, planning, and zoning), resolutions, memorandums, and opinions; advising regarding FOIA, OMA, special assessment districts; prosecution, drafting municipal civil infraction ordinance and creation of bureau; circuit court litigation; appellate litigation, advising regarding tax matters; advising the assessor; tax tribunal litigation; ballot issues; reviewing contracts; reviewing and drafting policies; zoning and zoning enforcement; advising on employment issues

Saline Area Fire Department

2011-Present

Lead Counsel

Special Counsel for various municipalities

Manchester Community Joint Planning Commission

Volunteer Legal Advisor

Responsibilities:

- Legal opinions regarding joint planning commission issues, OMA, FOIA, etc.; assisting in Master Plan; drafting ordinances, resolutions, and joint planning agreement

Barr, Anhut & Associates, P.C.

1989-1994

Ypsilanti, Michigan

Associate Attorney

Peter Kelley, P.C.

Of Counsel

Responsibilities:

- Various litigation and assisting in the representation of Northfield Township

EDUCATION

Wayne State University

Detroit, Michigan

Juris Doctor

Grand Valley State Colleges

Allendale, Michigan

Bachelor of Arts, History and Anthropology

Continuing Education:

- Legal: Seminars through Institute of Continuing Legal Education, Michigan Township Association, and selected others; ICLE partnership updates, various publications and alerts; reviewing new legislation and cases
- Other: Management seminars, computer programming, coaching

LICENSES AND ASSOCIATIONS

- State Bar of Michigan
 - Master Lawyers Section
 - Public Corporation Law Section
 - Real Property Law Section

- Criminal Law Section
- Probate & Estate Planning Section
- Washtenaw County Bar Association
- U.S. Federal District Court, Eastern District of Michigan

MUNICIPAL PARTICIPATION

- SouthWestern Washtenaw Council of Governments (SWWCOG)

PAST MUNICIPAL EXPERIENCE

- Assistant City Attorney for the City of Belleville
- Varied work for Northfield Township
- Special counsel for various municipalities

NON-LEGAL AFFILIATIONS

- Manchester Chamber of Commerce
- Ypsilanti Chamber of Commerce

OTHER EXPERIENCE AND VOLUNTEER ACTIVITIES

- Business Management, study, and training
- Computer Programming training
- Editing and Proofreading
- Construction and Design
- Past Chair, Lawyer Referral Service Committee
- Past Member: Race, Ethnic Gender, Bias Awareness Committee of the WCBA; Ypsilanti Bar Association; Toastmasters; School Improvement Team, PTO President
- Various local events, charities, and activities

Karl A. Barr

105 Pearl Street
Ypsilanti, MI 48198



EXPERIENCE

Barr, Anhut & Associates, P.C. 2001-Present *Ypsilanti, Michigan*

Principal Attorney

- Admitted to Michigan State courts and Federal court
- Represent and advise City Councils, Township Boards, and Fire Authorities
- Assist clients with Municipal and General Litigation, Ordinance Drafting, Prosecution of Misdemeanors and Civil Infractions
- Clients include the City of Ypsilanti, Lodi Township, Saline and Milan Area Fire Departments

Plante & Moran, LLP 1999-2001 *Southfield, Michigan*

Tax Attorney

Michigan Attorney General-Tax Fraud Division 1998 *Lansing, Michigan*

Intern

Prosecuting Attorneys Association of Michigan 1997-1998 *Lansing, Michigan*

Clerk

Michigan Municipal League

- Presenter on Dealing with the Media to incoming governmental officials.
- Attended seminars from MML and MTA.

Institute of Continuing Legal Education

- ICLE Certificate in Estate Planning
- Presenter on Estate Planning

EDUCATION

Michigan State University College of Law 2000 *East Lansing, Michigan*

Juris Doctor

- Trial Advocacy Competition Finalist
- Continuing Education including Municipal, Trial, & Real Estate issues

Northern Michigan University 1996 *Marquette, Michigan*

Bachelor of Arts, Public Administration

LICENSES AND ASSOCIATIONS

- State Bar of Michigan – Member
 - Past chair Student Association State Bar of Michigan
- Washtenaw County Bar Association
- Washtenaw 100 Club, Board Member and Scholarship Chair
- Real Estate Broker – Associate Member of Washtenaw County Board of Realtors
- Eagle Scout – Lifetime Association Member

Daniel J. DuChene

105 Pearl Street
Ypsilanti, MI 48198

EXPERIENCE

Barr, Anhut & Associates, P.C.

December 2013-Present

Ypsilanti, Michigan

Associate Attorney

Law firm represents several municipalities, including the City of Ypsilanti, and performs general legal representation for other clients.

- Represent the cities of Ypsilanti and Milan in prosecution of misdemeanors and municipal civil infractions.
- Draft municipal legislation, including resolutions, ordinances, and charter language, as well as researches and drafts opinion memos regarding questions to such language.
- Negotiate and draft contracts concerning agreements for litigation settlement, goods, services, and real property.
- Represent clients in diverse areas of law, including domestic law, real property, criminal defense, probate, business law, and consumer law.
- Appear on behalf of clients in local district courts, county circuit courts, and the Michigan Court of Claims.

Barr, Anhut & Associates, P.C.

February 2011-December 2013

Ypsilanti, Michigan

Law Clerk

- Researched and assisted with representation and prosecution of a diverse range of municipal issues and cases, including nuisance abatement, property tax appeals, freedom of information and first amendment questions.
- Drafted and interpreted charter and ordinance language.
- Researched and assisted with representation of a wide array of matters for general clients, including divorce and child custody, real property, criminal defense, probate, and business law.
- Worked on cases and drafted pleadings for municipal and general clients for local district courts, county circuit courts, Michigan Court of Appeals, and the United States District Court for the Eastern District of Michigan.

Terumo Cardiovascular Systems

May 2012-Novemebrr 2013

Ann Arbor, Michigan

Legal Intern

In-House counsel for global medical device developer and manufacturer, specializing in cardiac surgery products.

- Assisted with discovery in employment litigation, including drafting discovery requests and reviewing discovery responses.
- Drafted demand letters and pleadings for contract litigation.
- Tracked, reviewed, and drafted company agreements and contracts.
- Assisted with internal intellectual property and patent file work.

14A District Court

January-April 2013

Ann Arbor, Michigan

Judicial Intern

Intern for Hon. J. Cedric Simpson, 14A District Court Judge

- Researched and drafted opinions and orders for entry by the Court.
- Researched and discussed legal issues relevant to matters before the Court.
- Assisted clerks with filing of court documents.
- Observed both civil and criminal court proceedings.

Washtenaw County Public Defender

September-December 2012

Ann Arbor, Michigan

Student Attorney

Pursuant to MCR 8.120, under supervision of assistant public defenders:

- Managed multiple felony cases each week.
- Represented and argued on behalf of clients in pre-trials, preliminary examinations, and sentencing.
- Dealt with clients, prosecutors, and judges relevant to plea and sentencing.

MoJo News Group, LLC

November 2008-November 2010

Ypsilanti, Michigan

Partner, Editor

Started and ran a local media company that published an internet news site and an arts/entertainment magazine.

- Ypsilanti Citizen (news site) 10,000 visitors monthly.
- iSPY (magazine) 10,000 copies monthly
- Wrote and edited content for both publications.
- Hired and supervised numerous free-lance writers.
- Kept track of finances quarterly and prepared tax information every year.

Ypsilanti Courier

May 2006-January 2008

Ypsilanti, Michigan

Staff Writer

Local weekly newspaper, with 7,000 readers.

- Wrote news, feature, and opinion articles.
- Covered local government, school districts, and businesses.
- Followed several crime and court stories.
- Took photos, edited videos, managed blog, and paginated.

EDUCATION

Thomas M. Cooley Law School

May 2013

Ann Arbor, Michigan

Juris Doctor

- Honors Scholarship recipient
- Dean's List
- Moot Court

Eastern Michigan University

December 2009

Ypsilanti, Michigan

Bachelor of Science

- Studied Political Science and Journalism
- Spent semester abroad at University of Derby, United Kingdom
- Model United Nations
- Eastern Echo (student newspaper)

LICENSES AND ASSOCIATIONS

- American Bar Association
- State Bar of Michigan
- Washtenaw County Bar Association
- Ypsilanti Bar Association
- Michigan Association of Municipal Attorneys

AWARDS

- Winter 2013 Intra-School Moot Court Competition semi-finalist
- Several awards in journalism between 2006 and 2008.
- Eagle Scout – Boy Scouts of America

Jennifer A. Healy

105 Pearl Street
Ypsilanti, MI 48198

PROFILE SUMMARY

Paralegal and Administrative Professional

- With 9 years' experience in legal assistance including: Municipal Law, Estate Planning, Probate, Civil Litigation, Business Law, Immigration Law, Federal Criminal Law, Family Law, and legal office management.
- Over 14 years' experience in general office management including: Database Management, Accounts Payable & Receivable, Website Design, Maintenance & Optimization, Google AdWords Marketing, along with strong customer facing and administration skills. Able to respond to new challenges and contribute to effective legal assistance and/or administration of your organization.

EXPERIENCE

Barr, Anhut & Associates, P.C.

December 2012-Present

Ypsilanti, Michigan

Office Manager/Legal Assistant

- Serve as the City of Ypsilanti FOIA Coordinator from December 2013 to present.
- Successfully manage law office and strive to provide the best possible legal services to municipal and private clients.

Law Office of Sameer Kumar

2012-Present

Bridgewater, New Jersey

Freelance Paralegal

- Provide various immigration related legal services for clients including but not limited to non-immigrant and immigrant applications and petitions for Adjustments of Status.

*Law Offices of Scott A. Keillor &
Robert J. Killewald*

2006-December 2012

Ypsilanti, Michigan

Office Manager/Immigration Paralegal

- Worked with clients to successfully complete non-immigrant and immigrant applications and petitions for Adjustments of Status, Asylum, Humanitarian Relief, Withholding of Removal, U, K, L, and E Visas.
- Independently performed all functions and aspects of case preparation, management, and tracking.
- Prepared filings and correspondence for Immigration Court, The Board of Immigration Appeals Court, and the U.S. 6th Circuit Court of Appeals.
- Communicated regularly with foreign consulates to ensure all paperwork acquired and properly completed, all fees accounted for, and all regulations adhered to.
- Performed all necessary functions and actions to obtain Immigration or State Department approval.
- Prepared summons, complaints, and exhibits. Served subpoenas. Generated client and court correspondence. Reviewed immigration documents for clients.
- Managed accounts receivable and payable, and made collection calls. Successfully collected outstanding invoices.
- Built and maintained a website for Attorney Keillor using SEO and Google AdWords.
- Managed the office and the calendar.

Law Office of Sameer Kumar

2012

Bridgewater, New Jersey

Immigration Article Writer

- Authored a series of articles on various immigration topics for Attorney Kumar's website: www.fileitmyself.com.

ThomasNet.com

June-December 2005

Ann Arbor, Michigan

Office Manager

- Liaison between five sales representatives, customers, and senior territory manager for an Internet industrial advertising company.
- Generated reports, managed database, made travel arrangements, and oversaw accounts receivable/payable, and payroll.
- Planned and assisted with sales seminars, located and rented facilities, and generated PowerPoint presentations.

H&B Power Painters

1997-2004

Canton, Ohio

Office Manager

- Provided administrative support for a home improvement and remodeling company, including office management, accounts payable and receivable, generating correspondence, and scheduling appointments.

EDUCATION

Eastern Michigan University

June 2010

Ypsilanti, Michigan

Bachelor of Science

- Studied Public Law & Government and Business
- Golden Key Honour Society
- Pi Sigma Alpha national Political Science Honor Society

ETI Technical College

June, 2001

North Canton, Ohio

AA, Legal Assistant

- Studied legal research, legal assistance and legal office management.



Wesco Insurance Company

5800 Lombardo Center Suite 200
Cleveland, Ohio 44181

P: 216.328.6100
F: 800.487.9654

RECEIVED

NOV 24 2014

BARR, ANHUT & ASSOC., PC.

WIC-JAC-MI-01 (01/11)

RETROACTIVE DATE LIMITATION ENDORSEMENT - INDIVIDUAL

NAMED INSURED Barr, Anhut & Associates, PC

This endorsement, effective 12:01 September 20, 2014 forms a part of Policy WPP1022959 03
A.M. No.

Issued by Wesco Insurance Company.

It is agreed that this policy shall not apply to claims arising from acts or omissions or related acts or omissions in the rendering of or failure to render legal services that occurred prior to the Retroactive Date for the Insured(s) listed below. If "Full Prior Acts" is shown, then this policy shall apply to claims arising from acts or omissions or related acts or omissions in the rendering of or failure to render legal services by the Insured lawyer, even if such services were not performed for a fee that inured to the benefit of the Named Insured or predecessor firm.

<u>Insured</u>	<u>Retroactive Date</u>
Barr, John M.	September 20, 2005
Barr, Karl A.	September 20, 2005
DuChene, Daniel J.	December 05, 2013



Wesco Insurance
Company
5800 Lombardo Center
Suite 200
Cleveland, OH 44131

**LAWYERS PROFESSIONAL LIABILITY
POLICY DECLARATIONS**

RENEWAL CERTIFICATE

**THIS IS A CLAIMS-
MADE POLICY.
PLEASE READ THE
POLICY
CAREFULLY.**

Policy Number: WPP1022959 03

Renewal of Policy Number: WPP1022959 02

1. Named Insured and Address

Barr, Anhut & Associates, PC
105 Pearl St.
Ypsilanti, MI 48197

2. Policy Period

Effective Date: September 20, 2014

Expiration Date: September 20, 2015

12:01 A.M. Standard Time at the address
of the Named Insured as stated herein.

3. Producer Name

Alta Professional Insurance Services
14141 Farmington Road
Livonia, MI 48154

4. Limit of Liability (includes Claim Expenses)

\$ 1,000,000 Each Claim
\$ 1,000,000 Aggregate

5. Deductible

\$ 0 Per Claim

6. Premium

\$ 6,064 Number of Lawyers: 3

NOTE: This renewal Policy will be effective only if the premium is paid in full and the application is received by the effective date shown in Item 2 above. The renewal will be subject to the provisions of the forms then current, which, if revised during the previous Policy term, will be substituted at the time of renewal.

7. Forms Attached at Issue

Schedule of Forms Attached.

Remarks

Countersigned at Livonia, Michigan

Issue Date August 15, 2014


Authorized Representative

Date



**Hanover Professionals
Advantage Portfolio**

DECLARATIONS

THIS IS A CLAIMS-MADE POLICY. PLEASE READ THE POLICY CAREFULLY.

LAWYERS PROFESSIONAL LIABILITY POLICY

Policy Number	Coverage is provided by:	Agency	Agency Code
LHI 9307129 03	HANOVER INSURANCE COMPANY	PROFESSIONALS DIRECT INS.	0501638

Issue Date: 12/30/2014

Change Description: Renewal

Item 1. Named Insured and Address:

JESSE O'JACK
ATTORNEY AT LAW
PO BOX 363
SALINE, MI 48176

Item 2. Policy Period:

Inception Date: 01/01/2015

Expiration Date: 01/01/2016

Endorsement Effective Date:

12:01 A.M. Standard Time at the address of the **named insured** as stated herein.

Item 3. LIMIT OF LIABILITY:

a. \$500,000 for each claim; not to exceed

b. \$1,500,000 for all claims in the Aggregate

Item 4. DEDUCTIBLE: \$1,000 each claim

N/A Aggregate

Item 5. RETROACTIVE DATE: 12/01/1989

Item 6. PREMIUM FOR THE POLICY PERIOD:

Policy Coverage Premium: \$2,154.00

Revised Annual Premium: N/A

Additional/Return Premium: N/A

Total Amount: \$2,154.00

Item 8. Forms attached at Issue:

401-1268	(08-12)	U.S. Treasury Department's Office of Foreign Assets Control ("OFAC") Advisory Notice to Policyholders
913-0001	(07-10)	Lawyers Professional Liability Policy
913-0034	(03-14)	Certain Claim Expenses In Addition To Policy Limits Endorsement
913-0048	(03-14)	First Dollar Defense With No Sublimit Endorsement
913-0053	(07-10)	Modified Retroactive Date Endorsement
913-0058	(07-10)	Retirement Extended Reporting Period Endorsement
913-0061	(07-10)	Work Done for Named Entity Endorsement
913-0091	(03-11)	Claim Reporting Guidelines
913-0095	(07-10)	ERP Policy Holder Notice
913-0100	(07-10)	Michigan State Amendatory Endorsement
SIG-1100	(08-14)	Signature Page

Item 9. Forms attached by Endorsement:

Item 10. Producer Name and Address:

PROFESSIONALS DIRECT INS.
P.O. BOX 2679 GRAND RAPIDS MI 49501



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

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

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

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

April 24, 2015

EXECUTIVE BID SUMMARY TO CITY OF YPSILANTI
FOR ATTORNEY SERVICES FOR LEGAL OFFICER (CITY ATTORNEY)

1. The law firm of Barr, Anhut & Associates (the firm) proposes to provide legal services for the City of Ypsilanti, Michigan, whereby John M. Barr will serve as City Attorney in accordance with the Request for Proposals as follows:

- | | |
|--|-----------|
| A. General retainer, including prosecution | \$220,000 |
| B. Litigation account hourly rate | \$125 |
| C. Other costs - see Bid Proposal | |

2. The firm will have a minimum of three attorneys and a paralegal working on the account.
3. The firm and its staff are extremely well qualified to provide the service.
4. The firm has a proven track record of representing the city.
5. The firm has exceptional institutional memory and knowledge of the city.
6. Continuing the firm as City Attorney will provide seamless representation.

For the Firm

[Redacted Signature]

John M. Barr
Responsible Attorney

ATTORNEY SERVICES AGREEMENT

The parties to this agreement are the City of Ypsilanti, a Michigan home rule city having an address of 1 S. Huron Street, Ypsilanti, MI 48197 (hereinafter "City"), and Barr, Anhut & Associates, P.C., a Michigan professional corporation, having an address of 105 Pearl Street, Ypsilanti, MI 48197 (hereinafter "Firm").

Background

Article IV, Section 4.07 of the City Charter provides that the City is to have a legal officer appointed by the City Manager, subject to the confirmation by the City Council. This section of the Charter further provides that the legal officer is to serve as chief legal adviser to the City Council, the City Manager, and all City departments, offices, and agencies; represent the City in all legal proceedings; and perform any other duties prescribed by the laws of the State of Michigan, by ordinance, or by resolution.

Pursuant to this section of its Charter, the City issued a Request for Proposals for attorney services on April 7, 2015, the City issued a Request for Proposals for Attorney Services (hereinafter "RFP"). This RFP is attached hereto as Appendix A and incorporated herein by reference as a part of this Agreement. On April 24, 2015, the Firm timely and properly submitted a bid pursuant to this RFP (hereinafter "Bid"). This Bid is attached hereto as Appendix B and incorporated herein by reference as a part of this Agreement.

The City Manager has selected the Firm as the successful bid, the parties have discussed and negotiated the terms and conditions pursuant to applicable law and the provisions of the RFP and Bid, and the City Manager has appointed John M. Barr as City Attorney in accord with those terms and conditions.

In consideration of the mutual agreements expressed herein, the Parties do hereby agree as follows:

Agreement

1. The City, by its duly constituted City Council, has passed a resolution confirming the appointing of John M. Barr as City Attorney, Jesse O'Jack as Assistant City Attorney, and Daniel DuChene as Assistant City attorney, pursuant to the terms of this agreement and has appropriated funds by budget resolution.
2. Scope of Services: The Firm agrees to provide city attorney services as outlined in the RFP and Bid, attached, this agreement, and in accordance

with the terms of the Charter of the City of Ypsilanti, particularly Section 4.07.

Particularly, the RFP breaks the scope of legal services into three categories: general, prosecution, and litigation, as set forth in the RFP and the Bid. Starting on the effective date of this Agreement, matters before the Administrative Hearings Bureau ("AHB") are to be included in the prosecution category. The parties thus agree that prosecution shall include: All City prosecution of 14A-2 District Court cases at the 14A-2 District Court,

- 1) Settlement Conferences for those cases at the 14A-1 District Court,
- 2) The prosecution of AHB Formal Hearings,
- 3) And all the aspects related to above-listed matters and as set forth in the RFP and the Bid.

The Parties further agree that Litigation includes all other litigation, including both pre- and post-litigation matters, appeals and cases before courts other than those set forth above, and matters in federal courts and/or before administrative agencies.

The Parties further agree that services previously provided under the category of Litigation, which are not truly litigation, or pre- and post-litigation services, will now be included under the category of General.

The Parties further agree that the City retains special labor counsel; and while the Firm will coordinate with this counsel, it is in the best interest of the Parties that independent labor counsel will continue to be retained.

The Parties further agree that this agreement does not and was not intended to cover the services provided by other attorneys for legal services outside the scope set forth in the RFP.

3. Compensation: The parties agree to an annual, fixed amount of \$220,000 for both general and prosecution legal services, to be paid in 12 monthly installments. Further, the parties agree to an attorney hourly rate of \$125 and a legal assistant/clerical hourly rate of \$40 to \$90 for litigation legal services. Finally, the Bid lays out charges for additional costs reimbursable to the Firm. The Parties hereby agree to this compensation.
4. Term: This contract is effective on July 1, 2015 and shall continue until June 30, 2018, with the option of two one (1) year extensions if agreed upon by the Parties. This Agreement is subject to termination by either party upon ninety (90) days' written notice. The Firm shall be compensated for legal services rendered through the date of termination. Any termination by the

Firm shall be subject to the Firm's obligation to ensure that the City's interests are adequately protected.

5. Firm Composition: The Firm will promptly advise the City of any material changes in the composition and structure of the Firm, or in the event that John Barr, Jesse O'Jack or Dan DuChene cease active employment with the Firm.
6. Political Involvement: The Parties further agree that an express condition of this Agreement is that the City Attorney, and all Assistant City Attorneys, may not become involved in the advocacy of any political campaign of any political candidate for election to the City Council. Said City Attorney and Assistant City Attorneys may not be requested to, nor may they make, contribution to any political campaign for an individual seeking election to the Ypsilanti City Council. The City Attorney and Assistant City Attorneys further may not be requested to, nor may they make, any contribution to any campaign, movement, or cause concerning the payment or collection of taxes in the City of Ypsilanti, or the changing of any of the Charter or Code of Ordinances of the City of Ypsilanti. Nothing contained herein, however, is meant to prevent, in any way, the City Attorney or Assistant City Attorneys from giving legal advice, counsel or recommendations as required and provided for herein.
7. Liability Insurance: The Firm shall maintain professional liability insurance at an amount of no less than of \$1,000,000 per claim.
8. The Firm may recommend to City Council the retention of special legal counsel to handle special legal matters as deemed necessary by the City Attorney.
9. The Firm is granted all power and authority customarily granted to attorneys by clients, including the authority to control the nature, direction, and strategy concerning court actions; the authorization to schedule and adjourn all court hearings and other matters concerning court proceedings; and authority to discuss facts, information, and issues and to disclose any such information which is beneficial to the City in the course of negotiation, pretrial, or discussion with opposing counsel, the court, or others. The Firm will discuss and consult with the City Manager, City Council, and Department heads concerning actions in progress.
10. The Firm agrees to perform this Agreement in accord with all federal state, and local laws and will not discriminate against, or give preferential treatment to, any person on the basis of race, sex, sexual orientation, color,

national origin, religion, handicap status, heights, weight, marital status, or other criteria which is not relevant to the particular job.

Except in amounts less than \$20 million, the Firm certifies that it, its successor, its parent company, or any of its subsidiaries or subunits does not engage in the practice of committing or contributing funds or property, extending credit, or contract for goods or services to develop petroleum resources, natural gas recourses, or nuclear power in Iran.

11. This Agreement is to be governed by and construed in accordance with the laws of the State of Michigan, and the legal venue lies exclusively within Washtenaw County.
12. Each provision of this Agreement is to be separately enforceable and in the event that a court of competent jurisdiction determines or adjudges that any provision of this Agreement is invalid or illegal, such decision will not affect the rest of the Agreement, which will remain in full force and effect.
13. This Agreement and its attachments are the sole Contract between the Parties. Any changes, additions, or deletions are not effective or actionable unless they are in writing and signed by the parties.

In witness whereof, the Parties hereto set their hands.

By the duly authorized representatives of the City of Ypsilanti:

Mayor, Amanda Edmonds

Date

Clerk, Frances McMullan

Date

By the duly authorized representative of Barr, Anhut & Associates, P.C.:

Responsible Attorney, John M. Barr

Date

Pursuant to the City Charter I have appointed John M. Barr as City Attorney pursuant to the terms of the attached RFP, the Bid, and this Agreement, and request that City Council, as required by the City Charter, confirm that appointment.

City Manager, Ralph A. Lange

Date



REQUEST FOR LEGISLATION
July 21, 2015

From: Stan Kirton, Director of Public Services

Subject: Janitorial Services Contract

SUMMARY/BACKGROUND:

The City of Ypsilanti janitorial services contract was posted for bid on the Michigan Intergovernmental Trade Network(MITN). Twenty interested parties participated in a mandatory April 29, 2015 walk-through of City Hall, the Police Station, Parkridge Community Center, and the Public Services building. On May 13, 2015 nine sealed bids were opened and publicly read by the City Clerk's office. Bids ranged from \$2,100 monthly to \$5,230.

Staff recommends approval of the bid received from RNA Facilities Management. RNA proposed to do all four City buildings specified for the monthly price of \$2,765. Staff has checked references provided and has interviewed candidates, prior to recommending approval.

There are three bids lower than the price offered by RNA. These are grouped tightly around \$2,200 per month and include our present vendor, Du-All Cleaning. Feedback from users of the various buildings shows a desire to have additional hours of cleaning. The slightly higher RNA price funds approximately eight extra hours of cleaning per week compared to the lower bids. In addition, the RNA price is almost exactly equal to our internal estimate of cleaning hours and costs.

Staff recommends using RNA Facilities Management of Ann Arbor, MI for City janitorial services for the four buildings above. The annual price is \$33, 180.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Bid tabulation

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: July 21, 2015

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2015 - 160
July 21, 2015

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, proposals were duly solicited for janitorial services for City Hall, Ypsilanti Police Station, Parkridge Community Center and the Ypsilanti Public Services Office; and

WHEREAS, the bid of \$33,180 annually submitted by RNA Facilities Management of Ann Arbor, MI meets the specifications, and would best serve the interests of the City; and

WHEREAS, RNA is successfully performing other janitorial contracts in the public realm.

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the proposal from RNA Facilities Management, 4722 S. State Rd. Ann Arbor, MI 48108 in the amount of \$2765 per month.

FURTHER, that \$33, 180 annually be authorized for expenditure from account 101-7-2650-932-00; and

THAT the City Manager is authorized to sign the contract documents and any change orders, subject to approval by the City Attorney, to complete the award of this contract.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

[illegible]



REQUEST FOR LEGISLATION

From: Stan Kirton, Director of Public Services

Date: July 21, 2015

Subject: Agreement with Orchard, Hiltz & McCliment, Inc. for Prospect Road and Michigan Avenue Signal Modernization Project Design Engineering Services

Summary and Background:

The City applied for and received MDOT Safety Program funding to upgrade the traffic signals at Prospect Road and Michigan Avenue. The scope of work includes modernizing the signal to include left turn phasing for Prospect Road to turn left onto Michigan Avenue, install box span support poles in all four quadrants, replacement of the traffic signal controller, installation of countdown pedestrian signals, installation of ADA compliant pedestrian signal activation buttons, relocate and install ADA compliant sidewalk ramps at all four quadrants and install traffic signal activation loops. This project is slated for construction in the spring of 2016 and to keep this project on schedule it is necessary to secure design engineering services.

The total project cost is estimated at \$290,000 less \$140,000 Federal Funds, the City's estimated share including design and construction engineering and construction costs will be \$150,000.

Orchard, Hiltz and McCliment has provided an exemplary level of service to the City of Ypsilanti on similar improvement projects, and possesses a depth of experience with the infrastructure in the project area, therefore I recommend hiring OHM to provide design engineering services for this project at a not exceed cost of \$29,750.

The FY 15-016 budget allocated funding for the design engineering services needed for this project.

Attachments: OHM Proposal

Recommended Action: Approval

Date Received: July 14, 2015 Agenda Item No.: _____

City Manager Comments: _____

For Agenda of July 21, 2015 Finance Director Approval _____

Council Action Taken: _____



Resolution No. 2015- 161
July 21, 2015

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Michigan Department of Transportation Safety Program Funds has been programmed for traffic signal upgrades at the Prospect Road and Michigan Avenue intersection for spring of 2016 construction season; and

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

WHEREAS, it is necessary to secure design engineering services to meet MDOT permitting requirements and keep this project on schedule for the 2016 construction year;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposal for design engineering services with Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI at a not to exceed cost of \$29,750; and

THAT the Mayor and City Clerk are authorized to sign this proposal, 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 14, 2015

City of Ypsilanti
One South Huron Street
Ypsilanti, Michigan 48197

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

Regarding: **City of Ypsilanti
Proposal for Engineering Design Services
Prospect and Michigan Avenue Traffic Signal Modernization**

Dear Mr. Kirton:

Orchard, Hiltz & McClimment, Inc. (OHM) is pleased to submit this proposal for engineering design services for the Prospect and Michigan Avenue signal modernization project.

PROJECT UNDERSTANDING AND SCOPE OF SERVICE

The City applied for and received a safety grant to upgrade the traffic signals at Prospect and Michigan Avenue. The traffic signals at the intersection will be modernized to include left turn phasing for Prospect Road to turn left onto Michigan Avenue. Presently the span-wire mounted traffic signals are supported by a diagonal span running from the northeast to southwest quadrants. MDOT design standards now require box span design and will require a support pole on each of the four quadrants. OHM will coordinate with and receive approval from MDOT for the signal design.

Soil borings will be completed by Schleede Hampton & Associates as required by MDOT for the proposed steel poles.

OHM will utilize the survey information collected as part of the Prospect Road Corridor project as the base file. No additional survey effort is included in this scope.

The traffic signal controller will be replaced with a Mod 50 digital type actuated controller with 16 load switch bays. The new left turn phase will require 4-section flashing yellow arrow type traffic signals and will require vehicle detection. The pedestrian signals will be upgraded to countdown type per MDOT requirements.

This intersection is part of a closed loop interconnect system which utilizes radio interconnect for coordination on the Michigan Ave corridor. OHM will again coordinate with MDOT to salvage the radio equipment. The existing pedestrian pushbuttons will require relocation for ADA compliance which will in turn require the relocation and/or modifications to the existing sidewalk ramps. If ramp relocation is required OHM will include modifications to the pavement markings. OHM's design will conform to current MDOT, FHWA, AASHTO and ADA standards and practices for signals and ADA ramps. OHM will use MDOT's current version of Bentley MicroStation for CADD applications when preparing plans. Traffic signal plans will scale 1"=30' when plotted to 11"x17".



OHM will coordinate an on-site design field meeting and will stake all proposed poles and signal controllers prior to this meeting. OHM will actively participate in the utility coordination to resolve any conflicts with proposed signal equipment.

A Grade Inspection (GI) package will be prepared and delivered to the City and MDOT for review and comment. Final package deliverables will include final plans, special provisions, progress clause, maintenance of traffic provision, and utility coordination clause.

Construction grading permits will be acquired at all four corners as required by MDOT.

SCHEDULE

Final plans and specifications will be delivered to MDOT in September 2015. Construction will start in the spring of 2016.

FEE SCHEDULE

OHM proposes to provide the professional design services outlined above for a lump sum cost of \$29,750.00.

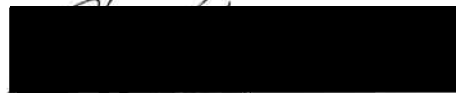
BASIS OF PAYMENT

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

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

P:\0000_0100\0094140050_MichiganProspect_Safety_PM\Proposal\Prospect_Michigan.docx



REQUEST FOR LEGISLATION

DATE: July 9, 2015

TO: Mayor and Council

FROM: Frances McMullan, City Clerk

SUBJECT: Property and Liability Insurance Proposal Selection

SUMMARY/BACKGROUND

The City of Ypsilanti has contracted with the Michigan Municipal League Liability and Property Pool for insurance for some time. The City's most recent agreement with the MML for these services expires August 1, 2015.

On April 17, 2015, the City put out a Request for Proposals for these services. Responses to this RFP were due on June 15, 2015. The City received three timely proposals. One of the proposals did not align with the bid specifications, that for coverage of \$5,000,000. Of the remaining two proposals, the proposal from MML was favored by staff for several reasons, including cost. The City will save 10.86 percent in premium costs compared to last year and is also slated to receive a dividend again this year after renewal.

Attached, please find a resolution for approving the proposal from the MML and to authorize the City to enter into the Intergovernmental Contract. A draft contract and a comparison chart are attached for your review.

ATTACHMENTS: Resolution
Draft Intergovernmental Contract
Proposal Comparison Chart

RECOMMENDED ACTION: Adoption of the resolution

DATE RECEIVED: _____ AGENDA ITEM NO. _____

CITY MANAGER COMMENTS: _____

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL: _____

COUNCIL ACTION TAKEN: _____



Resolution No. 2015 – 162
July 21, 2015

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, on April 17, 2015 the City released a Request for Proposal for property and liability insurance, producing three timely proposals; and

WHEREAS, the Michigan Municipal League provided a bid which met the required specifications and reduced premium costs by 10.86 % from last year's contract.

NOW THEREFORE BE IT RESOLVED, that the City of Ypsilanti accepts Michigan Municipal League's (MML) proposal and selects it as the Property and Liability insurance provider.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

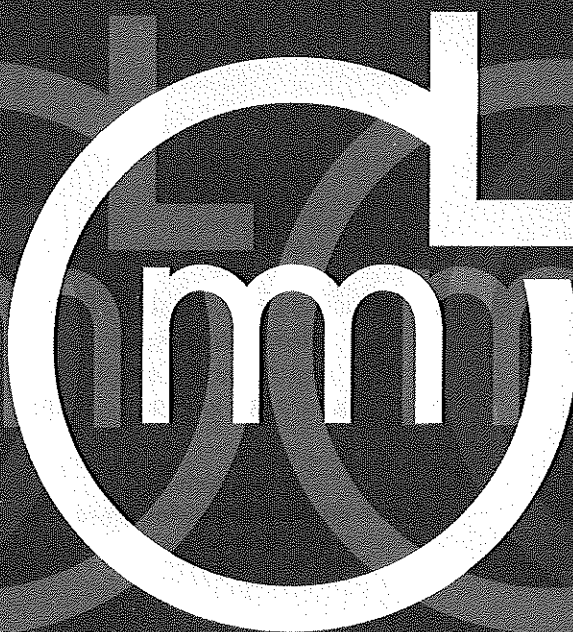
Proposal	Glomar	John Gandolfini	MML
Carrier	Michigan Municipal Risk Management Pool	HCC	Various
Rating	N/A	A+	Mostly A+
Annual Premium	\$318,529 (includes \$75,000 loss fund deposit)	\$269,984	\$286,157
Deductible	\$75,000 per occurrence (self-insured retention)	\$1,000	\$0
Coverage per	\$5,000,000	\$1,000,000	\$5,000,000
Coverage aggr	N/A	\$3,000,000	N/A
Prop. Deductible	\$1,000	\$1,000	\$250
Flood Deductible	\$1,000	\$50,000	\$5,000
Flood Limit	\$5,000,000/excluded	\$1,000,000/excluded	\$1,000,000/\$1,000
Earthquake Deductible	\$1,000	\$50,000	\$5,000
Earthquake Limit	\$5,000,000	\$2,000,000	\$2,000,000

RESPONSES			
Fee for loss prevention?	No	No	No
Does it include all departments, divisions, and organizations within the budget?	Yes (does not cover 501(c)(3) or non-governmental entities)	Yes	Yes (provided qualifying "who is covered" language)
Does it include all present, past, or future officials...	Yes	Yes	Yes (provided qualifying "who is covered" language)
60 days notice to cancel?	Yes	No (30 days)	Yes (unless for non-payment of premium)
Is there an aggregate limit?	"See RFP"	Yes	No
Do deductibles apply?	Yes	Yes	No
Would deductible reduce liability limit?	No	No	Yes "If a deductible is selected, it does reduce the liability limit, however, legal expenses are in addition to limit"
Back and future wages covered?	"See RFP"	"See forms"	Yes
Liability cover punitive damages?	Yes	"See forms"	Yes
Cover malfeasance?	No	Yes	Yes

Fire works covered?	Yes	No (monoline available)	Yes (may purchase additional for higher limit)
Sewer back up?	"See RFP"	Yes	No (Sewer is YCUA)
Electromagnetic?	No	Yes	Yes
Sexual molestation?	Yes	No	Yes
Criminal violations?	No	No	No (limits sexual molestation coverage)
Automatic coverage for new vehicles?	Yes	No	Yes
Are employees covered on primary while operating covered auto for personal business?	Yes	No	Yes
Wait until renewal to advise of changes in vehicle schedule?	"See RFP"	No	Yes, but would earlier notification speeds up process
Hired and leased autos covered?	Yes	Yes	No, (only for liability, not for physical damage)
Advise when settling a claim?	Yes	No	No, (but in constant contact)
Non-accumulation clause?	No	Yes	Yes?
Defend against "taking" of property?	Yes	Yes	No (not if only claim, but usually accompanied by others that trigger coverage)
Pay damages for "taking"?	Yes	Yes	No
If forget to schedule property coverage, will claim be denied?	No	Yes	No
Is open property required to be located near scheduled property for coverage?	"See RFP"	Yes	No
Is pollutant cleanup and removal cause by covered loss provided?	Yes	Yes	No

LEAGUE LIABILITY & PROPERTY POOL

INTERGOVERNMENTAL CONTRACT



December 2014

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**Intergovernmental Contract
for the Michigan Municipal League
Liability & Property Pool**

This Agreement is made and entered into by and between Michigan municipal corporations which are now or hereafter become Members of the Michigan Municipal League Liability & Property Pool herein created:

WHEREAS, 1951 P.A. 35, as amended by 1988 P.A. 36, (MCL 124.1, et seq.; MSA 5.4081 et seq.,) authorizes municipal corporations to form group self insurance Pools;

WHEREAS, certain municipal corporations who are signatories to this Agreement have formed a group self-insurance Pool pursuant to said statute;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

**Article 1
Establishment of Pool**

Section 1.1 Pool Created The Michigan Municipal League Liability & Property Pool functions as an unincorporated nonprofit association in the manner herein expressed. The purpose of this Agreement is to jointly exercise powers common to each participating municipal corporation; to establish and administer a risk management service; to prevent or lessen the incidence and severity of casualty losses occurring in the operation of local governmental functions; and to defend and protect, in accordance with this Agreement, any Member of the Pool against stated liability or loss. The powers and duties created hereunder and the activities of this Pool shall not constitute operating an insurance business.

**Article 2
Definitions**

In the interpretation of this Agreement, the following definitions shall apply unless the context requires another interpretation:

1. "Pool" shall mean the Michigan Municipal League Liability & Property Pool.
2. "Board" shall mean the Board of Directors of the Pool.
3. "Loss Fund" shall mean those funds remaining from the contributions of Pool Members after the payment of the cost of excess insurance and administrative services.
4. "Administrator" shall mean the person or agency designated to supervise the administration of the Pool and to perform such duties and exercise such powers as shall be specifically delegated by the Board.
5. "Member" shall mean a municipal corporation as defined in 1951 P.A. 35, as amended, or a League associate member participating in the Pool in conformity with this Agreement.
6. "Service Company" shall mean persons or agencies designated to provide Pool services under such supervision as the Board shall direct.
7. "League" shall mean the Michigan Municipal League.

Article 4 Board Powers and Duties

Section 4.1 General Powers The Board is authorized in the name of the Pool to do all the acts necessary to perform and accomplish the purposes set forth in this Agreement within the limits and procedures herein set forth, including but not limited to:

1. Make and enter into contracts.
2. Incur debts, liabilities and obligations.
3. Acquire, hold or dispose of real and personal property.
4. Sue or be sued in its own name, and take all measures necessary or desirable in the prosecution or defense of claims.
5. Administer a risk management Pool, collect contributions thereto and pay claims on behalf of its members.
6. Establish risk management policies and member core services.
7. Purchase reinsurance or excess insurance as necessary to protect the interests of the Members and the Pool.
8. Employ an attorney or attorneys as desirable in the operation of the Pool.
9. Determine the general policy for operation of the Pool that shall be followed by all committees, officers, agents and independent contractors employed by the Pool.
10. Adopt rules for the conduct of the affairs of the Pool and in recording of data required by law and sound management.
11. Terminate membership of any Member which the Board deems undesirable from an underwriting stand point, or which fails to comply with the reasonable requirements of the Board concerning payment of contributions, installation of safety requirements, cooperation with the Pool's attorneys and agents or compliance with the obligation of members under Article 6, or for any other action that may be detrimental to the fiscal soundness or efficiency of the Pool.

Article 5 Membership in Pool

Section 5.1 Members Members shall be admitted upon approval of the Board of Directors after execution of this Agreement and by payment of prescribed contributions pursuant to this Agreement. Every Member agrees to the admission of additional Members pursuant thereto. This Agreement shall be automatically renewed unless the provisions for withdrawal or termination are applied.

Section 5.2 Member Representatives The city manager or equivalent highest ranking administrative official of a Member shall be the Member's designated representative to the Pool. If a Member's organizational structure does not provide for a city manager or equivalent administrator, the highest ranking elected official shall be the designated representative to the Pool. The designated representative shall be responsible for execution of the member's responsibilities under this agreement, including, but not limited to, membership dues, fund contributions and compliance with risk management practices.

Section 5.3 Nonrenewal of Membership

1. Each Member shall continue its membership for a period of not less than one year. Effective upon the conclusion of such period, or effective at the end of any subsequent year, a Member may withdraw by giving written notice to the Pool sixty (60) days in advance of termination. The Pool shall continue to administer any covered claim after the withdrawal of that Member.
2. Pool membership shall be on a year-to-year basis. The Pool may, with sixty (60) days written notice to a Member, determine not to renew a Member's participation in the Pool effective at the end of that Member's coverage year.
3. Any Member failing to make payments required by Article 8 of this Agreement when due, shall upon twenty (20) days notice be terminated from membership and the Members coverage and benefits hereunder shall cease. If the Member subsequently submits its payment, the Administrator may reinstate such membership.

Section 6.1 Optional Defense by Member The Board shall promulgate rules to allow Members a reasonable opportunity in liability cases or claims to participate in their own defense, or to prevent the settlement of such cases or claims by the Pool in a manner contrary to the wishes of the Member.

The rules shall provide that where a Member has exercised its privilege to prevent settlement of the case or claim, the Member shall be responsible for any later judgment in excess of any settlement agreement that was accepted by the Pool and the opposing plaintiffs.

Section 6.2 Contractual Obligation This Agreement shall constitute a contract among Members of the Pool. The obligations and responsibilities of the Members set forth herein include the obligation to take no action inconsistent with this Agreement, which shall remain a continuing obligation and responsibility of the Member. This contract may be executed in duplicate originals and the Agreement of a municipal corporation thereto shall be evidenced by a signed copy of a resolution adopted by its legislative body. Except to the extent of the financial contributions to the Pool agreed to herein, or such additional obligations as may come about through amendment hereto, no Member agrees or contracts herein to be held responsible for any claims in tort, contract or otherwise made against any other Member. The contracting parties intend to create a municipal group self-insurance Pool for joint risk management only within the scope of this Agreement and nothing herein contained shall be deemed to create any relationship of surety, indemnification or responsibility between Members for the debts of or claims against any other Member.

Article 7 Amendments to Agreement

Section 7.1 Procedure This Agreement may be amended by a majority vote of the Board at a regular meeting of the Board as defined in Article 3. Prior to the Board acting on an amendment, the Administrator will advise members of the proposed amendment(s) to this Agreement. Members will have an opportunity to comment upon any amendment to this Agreement prior to a vote by the Board.

Section 7.2 Adoption of Operating Procedures or Bylaws The Board shall have the power and authority to adopt Pool operating procedures, Board resolutions, or bylaws supplementary to this Agreement but not inconsistent or in contradiction thereof.

Article 8 Establishment of Loss Fund

Section 8.1 Pool Contributions The Board shall establish a schedule of Member contributions which shall annually produce a sum of money necessary to pay the expenses of the Pool and to create adequate loss fund reserves for the Pool. Each Member's contribution rate shall be determined in accordance with rating guidelines approved by the Board.

Section 8.2 Pool Net Assets In the event that the Board should find that the amount in the loss fund shall be more than sufficient to pay claims and maintain prudent reserves, the Board shall control the Pool net assets to benefit the membership and maintain the Pool's financial integrity.

Section 8.3 Annual Audit The Board shall provide to the Members an annual audit report of the financial affairs of the Pool to be made by an independent Certified Public Accountant at the end of each fiscal year in accordance with generally accepted auditing principles.

Section 8.4 Reports The Administrator shall report to the Board on the activities and performances of agents, independent contractors and service providers of the Pool, and make recommendations for improving the performance of the Pool.

Appendix A Financial Plan

In accordance with the provisions of Section 7, 1951 P.A. 35, as amended by 1988 P.A. 36, the Michigan Municipal League Liability and Property Pool provides the following coverages:

- I. **Casualty Coverages**
 - A. Municipal liability – bodily injury and property damage
 - B. Emergency medical services liability
 - C. Personal and advertising injury liability
 - D. Medical payments
 - E. Public officials liability
 - F. Police professional
- II. **Property Coverages**
 - A. Real and personal property
 - B. Boiler and machinery
 - C. Employee dishonesty and bonds
- III. **Automobile Coverages**
 - A. No fault
 - B. Liability - bodily injury and property damage
 - C. Physical damage
- IV. **Deductibles**

Deductibles are typically \$1,000 for property coverages, and a minimum of \$250 for automobile physical damage. Liability deductibles, if any, will vary based on the size and historical loss experience of the Member.
- V. **Areas of Liability (not property) Excluded, Unless Specifically Accepted by the Pool (partial list)**
 - A. Airports or other mass transit facilities
 - B. Hospitals, clinics or other medical facilities
 - C. Schools, colleges and county road commissions
 - D. Ski facilities
 - E. Environmental protection or impairment
 - F. Amusement parks
 - G. Collapse of dams
- VI. **Coverage Document**
 - A. The coverages and exclusions listed above are intended to broadly outline the program provided by the Pool.
 - B. A separate Coverage Document itemizing all coverage inclusions, exclusions and conditions is issued to each Pool Member.
 - C. Pool Members will be offered limits of liability of \$1,000,000 or more, as confirmed by the Coverage Document.

Michigan Municipal League Liability & Property Pool

Intergovernmental Contract

In witness whereof, this Agreement was executed on this _____ day of _____, _____, by the undersigned duly authorized officer(s) of the municipality indicated below and pursuant to a resolution of said municipality dated the _____ day of _____, _____.

Name of Pool Member _____

Street Address _____

City, State & Zip _____

In the County of _____

Official Signature _____

Printed Name _____

Title _____

December 1982
Revised February 13, 1992
Revised October 14, 1999
Revised February 14, 2003
Revised December 5, 2014



Resolution No. 2015 – 163
July 21, 2015

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>
Francisco Garcia 26 N. Huron St. #1 Ypsilanti, MI 48197 (replacing Brienne Willcock, resident)	YDDA	7/7/2019
Jelani McGadney 119 College Place #6 Ypsilanti, MI 48197 (replacing James Dauphine)	YDDA	7/7/2018
Phil Tepley 725 E. Grand Blvd. Ypsilanti, MI 48198 (replacing Bilal Saeed)	SmartZone LDFA	12/4/2016

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Frances McMullan

From: support@cityofypsilanti.com
Sent: Monday, June 29, 2015 1:29 PM
To: Frances McMullan
Subject: City of Ypsilanti Boards and Commissions Citizen Participation Resume

Results From: City of Ypsilanti Boards and Commissions Citizen Participation ResumeSubmitted By: Unauthenticated
User IP: 10.20.30.11

Name:
Francisco

last name:
Garcia

Address:
26 N Huron

address2:
#1

city:
Ypsilanti

state:
MI

zip:
48197

Years in Community:
22 (estimate)

Ward:
3

Phone:


Email:


Education:
University

Occupation:
Software Developer

Employer:
HVPA

BOARD OF INTEREST:
Ypsilanti Downtown Development Authority

Interest:
I want to help improve Downtown to make it a better place to live and visit.

Applicatory Experience:

Attendance Requirement:
Yes

Signature:
Yes

Frances McMullan

From: support@cityofypsilanti.com
Sent: Monday, May 18, 2015 10:24 AM
To: Frances McMullan
Subject: City of Ypsilanti Boards and Commissions Citizen Participation Resume

Results From: City of Ypsilanti Boards and Commissions Citizen Participation ResumeSubmitted By: Unauthenticated
User IP: 10.20.30.11

Name:

Jelani

last name:

McGadney

Address:

119 College Place, #6

address2:

city:

Ypsilanti

state:

MI

zip:

48197

Years in Community:

5

Ward:

Phone:

[REDACTED]

Email:

[REDACTED]

Education:

University

Occupation:

Field Representative

Employer:

Rep. Debbie Dingell

BOARD OF INTEREST:

Ypsilanti Downtown Development Authority

Interest:

I am interested in issues related to economic development and ensuring diversity in businesses and experiences whilst maintaining its small town aesthetic and charm.

Applicatory Experience:

Attendance Requirement:

Yes

Signature:

Yes



Resolution No. 2015 – 163A
July 21, 2015

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>
Phil Tepley 725 E. Grand Blvd. Ypsilanti, MI 48198 (replacing Bilal Saeed)	SmartZone LDFA	12/4/2016

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

Frances McMullan

From: support@cityofypsilanti.com
Sent: Friday, June 26, 2015 12:30 PM
To: Frances McMullan
Subject: City of Ypsilanti Boards and Commissions Citizen Participation Resume

Results From: City of Ypsilanti Boards and Commissions Citizen Participation ResumeSubmitted By: Unauthenticated
User IP: 10.20.30.11

Name:

Philip

last name:

Tepley

Address:

752 E Grand Blvd

address2:

city:

Ypsilanti

state:

MI

zip:

48198

Years in Community:

14

Ward:

Ypsilanti Township

Phone:

[REDACTED]

Email:

[REDACTED]

Education:

Bachelor's in Economics, University of Michigan

Occupation:

Economic Development

Employer:

Grand Valley State University - Small Business Development Center

BOARD OF INTEREST:

Interest:

I am interested in serving on the Ann Arbor/Ypsilanti Smart Zone LDFA Board (not listed above.) I manage 3 technology focused economic development programs funded by the MEDC. I believe that the purpose of technology economic development initiatives is to support technology commercialization efforts that can specifically strengthen the state's industrial base and existing business community. I think too many of Michigan's economic developers have lost sight of this and treat technology commercialization as an end in and of itself. This results in initiatives that mostly benefit those with advanced degrees and/or those that are already wealthy, and the initiatives often don't do nearly enough to create opportunity for the structurally unemployed. To make the best use of tech dollars, economic developers must be strategic about how the support they provide tech entrepreneurs will create multiplier effect that benefits individuals that don't have advanced degrees and are more representative of the overall population. The Ann Arbor/Ypsilanti Smart Zone's Ann Arbor TIF district generates a significant amount of funding for technology commercialization efforts, and I would like to be actively involved in helping to make sure those resources go towards projects that proactively and intentionally generate multiplier effect and benefit the Ypsilanti Community.

Applicatory Experience:

I established and currently manage Michigan's Business Accelerator Fund that is accessed by 15 business accelerators (mostly in Smart Zones) statewide to support technology companies in their regions. This perspective gives me insight relevant to LDFA responsibilities into best accelerator practices as well as those practices that are not very effective. I also am responsible for the Small Business Development Center "Tech Team," a group of nine business consultants that assist early stage tech companies statewide, and Michigan's Emerging Technology Fund which provides commercialization support to Michigan recipients of federal Small Business Innovative Research and Small Business Technology Transfer (SBIR/STTR) awards. These three programs are funded by the MEDC who I work with closely, keeping me abreast of economic development strategies and opportunities.

I previously served on the Ann Arbor/Ypsilanti LDFA board, and I do believe I influenced Ann Arbor SPARK to be more strategic about generating multiplier effect rather than just serving one company at a time. But it takes time and effort to move the needle and I would continue to work toward this effect. I believe I also played a "watchdog" role that helped ensure responsible and productive use of LDFA funds. I was proactive about making sure that the Ann Arbor representatives on the LDFA board understood that while the funds we oversaw were generated from an Ann Arbor TIF district, they were in fact state funds and therefore we were responsible to focus on generating impact beyond the Ann Arbor City limits. When I served on the LDFA board, none of the funds we oversaw could be spent in Ypsilanti. That is about to change and I am excited about strategically using what will become available to achieve the maximum positive impact in Ypsilanti.

I live in Ypsilanti Township about 1 mile east of the city limits, but I consider the Greater Ypsilanti Area to be my community and my home.

Attendance Requirement:

Yes

Signature:

Yes



Resolution No. 2015-164
July 21, 2015

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:



ACTION MINUTES

**CITY OF YPSILANTI
COUNCIL MEETING ACTION MINUTES
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, JULY 21, 2015
6:00 P.M. – WORK SESSION
7:00 P.M. – OPEN SESSION**

I. CALL TO ORDER –

The meeting was called to order at 6:09 p.m.

II. ROLL CALL –

Council Member Anne Brown	Present	Council Member Robb	Present
Council Member Nicole Brown	Present	Council Member Vogt	Absent
Council Member Murdock	Present	Mayor Edmonds	(6:30) Present
Mayor Pro-Tem Richardson	Present		

6 – Present; 1 – Absent (Vogt)

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 –

The agenda was approved

VI. WORK SESSION – 6:00 – 7:00 p.m.

Work Session to discuss fee schedule.

VII. INTRODUCTIONS –

VIII. PRESENTATIONS –

Presentation on the Eastside County Recreation Center – Coy Vaughn

Presentation on website design refresh – Dan Schultz, CivicPlus

IX. AUDIENCE PARTICIPATION –

X. REMARKS BY THE MAYOR –

XI. MINUTES –

Resolution No. 2015-153, approving minutes of July 7, 2015.

The minutes were approved as submitted.

XII. CONSENT AGENDA –

Resolution No. 2015-154

1. Resolution No. 2015-155, approving delegate and alternate to the Municipal Employees' Retirement System (MERS) 69th Annual Meeting.
Approved: Yes – 6; No – 0; Absent – 1 (Vogt)
2. Resolution No. 2015-156, approving purchase of two (2) Ford interceptor police vehicles from Gorno Ford.
Approved: Yes – 6; No – 0; Absent – 1 (Vogt)
3. Resolution No. 2015-157, approving the use of YCUA City Division Reserve for construction funds for the Adams Street Water Main Replacement.
Approved: Yes – 6; No – 0; Absent – 1 (Vogt)

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS -

- ~~1. Resolution No. 2015-158, approving First Amendment to the Purchase Agreement with Washtenaw County for the sale of a portion of the Water Street Project for the construction of a recreation center.~~
- ~~2. Resolution No. 2015-128, approving fee schedule.~~
(Moved and heard after Resolution No. 2015-163A)
3. Resolution No. 2015-159, awarding City Attorney contract.
Approved: Yes – 6; No – 0; Absent – 1 (Vogt)
4. Resolution No. 2015-160, awarding contract for janitorial services.
Approved: Yes – 6; No – 0; Absent – 1 (Vogt)
5. Resolution No. 2015-161, approving design engineering services with OHM for traffic signal upgrades at Prospect Road and Michigan Avenue.
Approved: Yes – 6; No – 0; Absent – 1 (Vogt)
6. Resolution No. 2015-162, awarding Property and Liability Insurance contract.
Approved: Yes – 6; No – 0; Absent – 1 (Vogt)
7. Resolution No. 2015-163, approving appointments to City Boards and Commissions.
Approved: Yes – 6; No – 0; Absent – 1 (Vogt)
8. Resolution No. 2015-163A, approving a non-resident appointment to City Boards and Commissions.
Approved: Yes – 5; No – 1 (Richardson); Absent – 1 (Vogt)
9. Resolution No. 2015-128, approving fee schedule.
Approved as Amended: Yes – 6; No – 0; Absent – 1 (Vogt)

XIV. LIASON REPORTS –

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Washtenaw Metro Alliance
- D. Urban County
- E. Freight House
- F. Parks and Recreation
- G. Millennial Mayors Conference
- H. Ypsilanti Downtown Development Authority
- I. Eastern Washtenaw Safety Alliance

- 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. 2015-164, adjourning the Council meeting.
The meeting was adjourned at 10:55 p.m.