1. City Council Meeting Agenda

   Documents:

   FINAL AGENDA 08-16-16.PDF

2. City Council Meeting Packet

   Documents:

   AUGUST 16, 2016 COUNCIL PACKET.PDF

CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
THURSDAY, AUGUST 16, 2016
7:00 p.m.

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. INTRODUCTIONS –

VI. AGENDA APPROVAL –

VII. AUDIENCE PARTICIPATION –

VIII. REMARKS BY THE MAYOR –

IX. ORDINANCES – FIRST READING –

Ordinance No. 1272

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

A. Resolution No. 2016-170, determination
B. Open public hearing
C. Resolution No. 2016-171, close public hearing

Ordinance No. 1273

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

A. Resolution No. 2016-172, determination
B. Open public hearing
C. Resolution No. 2016-173, close public hearing

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

A. Resolution No. 2016-174, determination
B. Open public hearing
C. Resolution No. 2016-175, close public hearing

X. <u>CONSENT AGENDA</u> – Resolution No. 2016-176

1. Resolution No. 2016-177, approving the minutes of July 19th and August 4th.

2. Resolution No. 2016-178, approving a blanket permit for window signs of any size for the month of October for businesses that participate with the Homecoming Court's "Paint the Town Green" project.

3. Resolution No. 2016-179, approving amendments to the Police Complaint Form

4. Resolution No. 2016-180, approving amendments to Police Policy 16 and directing the Police Chief to implement the changes.

5. Resolution No. 2016-181, approving MDOT Contract No. 16-5391 for the 2016 Signal Upgrade Project at the Michigan Avenue and Prospect Road Intersection.

XI. <u>RESOLUTIONS/MOTIONS/DISCUSSIONS</u> –

1. Resolution No. 2016-182, approving contract with Erie Construction for permanent at grade rail closings at Grove and Park Streets.

2. Resolution No. 2016-183, approving contract with OHM for construction engineering services for at grade rail closings at Grove and Park Streets.

3. Resolution No. 2016-184, approving the relocation of precincts 2-4 and 3-1, effective November 8th, 2016 and for all future elections.

4. Resolution No. 2016-185, approving the installation of bike lanes on Forest Avenue and their inclusion in the City's capital program &/or capital improvements plan.

5. Resolution No. 2016-186, authorizing the Fire Department to proceed with the purchase of a new engine for a value of $460,827 from Smeal Fire Apparatus.

6. Resolution No. 2016-187, approving an increase in a professional services contract for Environmental Attorney Mikalonis not to exceed an additional $15,000, for a total of $28,923.62.

7. Resolution No. 2016-188, approving a 3.5% raise for the City Clerk once Interim City Manager duties are relinquished.

XII. LIASON REPORTS –

A. SEMCOG Update
B. Washtenaw Area Transportation Study
C. Urban County
D. Freight House
E. Parks and Recreation
F. Ypsilanti Downtown Development Authority
G. Eastern Washtenaw Safety Alliance
H. Police-Community Relations/Black Lives Matter Joint Task Force
I. Friends of Rutherford Pool

XIII. COUNCIL PROPOSED BUSINESS –

XIV. COMMUNICATIONS FROM THE MAYOR –

XV. COMMUNICATIONS FROM THE CITY MANAGER –

XVI. AUDIENCE PARTICIPATION –

XVII. REMARKS FROM THE MAYOR –

XVIII. ADJOURNMENT -

Resolution No. 2016-189, adjourning the City Council meeting.

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Dedicated to Providing Top Quality, Cost Effective, and
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

July 28, 2016

VIA EMAIL and USPS

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

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

Dear Frances:

Enclosed is a letter to the City Council regarding adjustments to the water rate and sewer rates for YCUA City Division customers. Also included are the three ordinances approving the changes and the supporting documentation. On August 24, 2016, the YCUA Board of Commissioners will be considering the recommendation to City Council for the adjustments indicated.

Please place these items on the City Council agenda for a first reading on August 16th and a second reading on September 6th so that the ordinances, if approved, can go into effect October 6, 2016.

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

If you have any questions, please contact me.

Sincerely,

[redacted]

JEFF CASTRO, Director
Ypsilanti Community Utilities Authority

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

Dedicated to Providing Top Quality, Cost Effective, and
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July 28, 2016

VIA EMAIL and USPS

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

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

Dear Council Member:

At the regular meeting of the YCUA Board of Commissioners on August 24, 2016, the Board will consider a recommendation to the Ypsilanti City Council for the following rate adjustments for City Division customers: a water rate increase of 6.2%, a sewer rate increase of 5%, and a surcharge *decrease* of 2%. This would decrease the surcharge to 61%. The combined effect of these rate adjustments, which will be effective October 6, 2016, would be a 4.3% increase in a City Division customer's bimonthly bill.

The three ordinances approving these rate adjustments are included in this correspondence for your consideration. Also included is the document summarizing the budget highlights related to the September 1, 2016 fiscal year budget, which the YCUA Board of Commissioners will also consider at their August 24, 2016 regular meeting. Note that the Detroit Water and Sewerage Department has increased its rate to YCUA by 6.2% effective July 1, 2016.

If you have any questions, please contact me.

Sincerely,

[redacted]

JEFF CASTRO, Director
Ypsilanti Community Utilities Authority

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

YCUA
2016-17 Budget Highlights

Water Sales

City Division: The budget projects that water sales in the city will decrease 2.4% compared to 2015/2016 Budget. Adjusted to reflect lower actual flows for the last three years. This will reduce water revenues by $100,000.

Township Division: The budget projects water sales in the Township to decrease by 2.2% compared to 2015/2016 Budget. Also, adjusted to reflect lower flows over the last few of years. The loss of revenue will also be approximately $180,000

Sewer Sales

City Division: The budget projects sewer sales from within the city to decrease about 6.2% ($218,000) compared to the 2015-2016 budget for the same reason as stated above.

Township Division: The budget projects sewer sales from within the Township to decrease 1.3% ($160,000) from the 2015/2016 Budget.

Contract Communities: We anticipate no change.

Operating Expense Changes

Decrease of Benefits	$ 130,000	(Medical decrease of $200,000, Pension $330,000)
Purchased Water	$ 200,000	(6.2% GLWA rate increase)
Debt/interest	$ 300,000	

Overall Summary

Adjustment to water sales (City)	($ 100,000)
Adjustment to water sales (Township)	($ 180,000)
Adjustment to wastewater sales (City)	($ 218,000)
Adjustment to wastewater sales (Township)	($ 160,000)
Increase from GLWA	($ 200,000)
Wastewater Costs	($ 500,000)
Debt/Interest	($ 300,000)
Increase in Capital Expenses	($ 600,000)
Benefits	$ 130,000
Sewer increase (5.00%)	$ 575,000
Water Increase (6.20%)	$ 1,325,000
Operating improvements	$ 188,000
Overall Change	($ 300,000)

City Customers- 4.34% Increase

Minimum Bill ($84.60)	Increase	$3.52/bill or $1.76/mth
Average Bill ($133.00)	Increase	$5.53/bill or $2.77/mth

(Comprised of 6.20% increase water/5.0% increase sewer/ 2% decrease in surcharge)

Other Community Rate 2016-17 Comparisons

Canton Township 7% Increase
Ann Arbor 5.75% Increase
Northville 10.9% Increase
Livonia 8.87% Increase
Plymouth 8.5% Increase
Farmington Hills 6.3% Increase
Rochester Hills 5.7%

YCUA City Division

Current Charges:

Minimum User residential

6 units(4488 gallons) per 2 month billing cycle

	water	sewer	Total
6 units	$26.45	$23.30	$49.74
surcharge (63%)	$17.19	$14.68	$31.34
Total	$43.11	$37.97	$81.08

Average User residential

12 units(8,976 gallons) per 2 month billing cycle

	water	sewer	Total
6 units	$26.45	$23.30	$49.74
6 units	d	$13.49	$28.46
surcharge (63%)	$26.09	$23.18	$49.27
Total	$67.51	$59.96	$127.47

PROPOSED: 10/06/16

Water rate	6.20%
Sewer rate	5.00%
surcharge	61.00%

Effect on a minimum and average city customer with a proposed 6.20% water rate increase, a sewer rate increase of 5.0%. Surcharge decrease to 61%.

Minimum User residential (proposed)

6 units(4488 gallons) per 2 month billing cycle

	water	sewer	Total
6 units	$28.09	$24.46	$52.55
surcharge (61%)	$17.13	$14.92	$32.05
Total	$45.22	$39.38	$84.60
increase	$2.11	$1.41	$3.52
increase/mo	$1.06	$0.70	$1.76
	cumulative rate increase		4.34%

Average User residential (proposed)

12 units(8,976 gallons) per 2 month billing cycle

	water	sewer	Total
6 units	$28.09	$24.46	$52.55
6 units	$15.89	$14.17	$30.06
surcharge (61%)	$26.83	$23.56	$50.39
Total	$70.81	$62.19	$133.00
increase	$3.30	$2.23	$5.53
increase/mo	$1.65	$1.11	$2.76
	cumulative rate increase		4.34%

Resolution No. 2016 - 170
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilanti be approved on First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

ORDINANCE NO. 1272

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

BE IT ORDAINED BY THE CITY OF YPSILANTI:

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

(b) For all billings rendered prior to October 6, 2016, existing rates shall prevail. For all billings rendered on or after October 6, 2016, water charges shall be as follows for each bi-monthly (two month) period:

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

Meter Size/Inch	Allowed Usage Cubic Feet	Water Rate
5/8 - 3/4	600	$28.09
1	1,000	$51.02
1-1/2	2,100	$132.25
2	4,000	$290.42
3	9,000	$596.49
4	16,200	$1,129.79
6	36,000	$2,345.52
8	66,000	$4,277.92
10	102,000	$6,504.91
12	150,000	$10,766.10

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

Rate per 100 C.F. Bi-monthly Water	After 10/6/16
All consumption in excess of allowed usage per 100 cf	$2.65

* * * * * * * *

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

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2016.

_____
, Mayor

_____
, City Clerk

ATTEST

I do hereby confirm that the above Ordinance No. ____ was published in the _____ on the _____ day of _____, 2016.

Resolution No. 2016-171
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for an Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilanti be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-172
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an Ordinance to amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances to increase sewage disposal service rates by 5% within the City of Ypsilanti be approved on First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

ORDINANCE NO. 1273

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

BE IT ORDERED BY THE CITY OF YPSILANTI, that:

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

(a) For all billings rendered prior to October 6, 2016, existing rates for sewage disposal services shall prevail. For all billings rendered on or after October 6, 2016, rates for sewage disposal services shall be as shown in Schedule A:

Schedule A:

		CAPITAL CHARGE		OM&R		TOTAL	
Meter Size (inch)	Allowed Usage Cubic Feet	Contract Community	All Others	Contract Communities	All Others	Contract Community	All Others
5/8-3/4	600	$1.39	$1.39	$18.64	$23.07	$20.03	$24.46
1	1000	$2.35	$2.35	$31.16	$39.27	$33.51	$41.62
1-1/2	2100	$5.14	$5.14	$63.92	$80.74	$69.06	$85.88
2	4000	$9.33	$9.33	$123.30	$155.19	$132.64	$164.52
3	9000	$21.01	$21.01	$269.10	$347.25	$290.11	$368.26
4	16200	$37.82	$37.82	$513.32	$625.84	$551.14	$663.66
6	36000	$84.05	$84.05	$1,106.77	$1,392.81	$1,190.81	$1,476.86
8	66000	$154.04	$154.04	$2,019.98	$2,544.19	$2,174.01	$2,698.22
10	102000	$234.55	$234.55	$3,126.77	$3,937.00	$3,361.32	$4,171.55
12	150000	$350.11	$350.11	$4,602.47	$5,794.01	$4,952.58	$6,144.12

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

	CAPITAL CHARGE	OM&R	TOTAL
Contract Communities	$0.235	$2.017	$2.252
All Others	$0.235	$2.126	$2.361

* * * * * * * * * *

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

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2016.

_____
, Mayor

_____
, City Clerk

ATTEST

I do hereby confirm that the above Ordinance No. ____ was published in the _____ on the _____ day of _____, 2016.

Resolution No. 2016-173
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing for an Ordinance to amend Chapter 106, Article V, and Section 106-455 (a) of the Code of Ordinances to increase sewage disposal service rates by 5% within the City of Ypsilanti be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-174
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an Ordinance to amend Chapter 106, Article V, Section 106-499 to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer service bills within the City of Ypsilanti by adding a surcharge of 61% (a 2% decrease) to each water and sewage bill for billings to be deposited in a restricted debt retirement and capital improvements fund be approved on First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

ORDINANCE NO. 1274

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

BE IT ORDAINED BY THE CITY OF YPSILANTI:

That, effective October 6, 2016, and not before, Chapter 106, Article V, Section 106-499 of the Code of Ordinances be amended to read as follows:

A surcharge of sixty-three percent (61%) is hereby added to each water and sewage bill for billings rendered on or after October 6, 2016. The proceeds of sixty-one percent (61%) of gross billings shall be deposited in a restricted debt retirement and capital improvements fund. The funds in this account shall be used for debt retirement on authority of the YCUA Board and for capital improvements on approval of City Council.

* * * * * * * *

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

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2016.

_____
, Mayor

_____
, City Clerk

ATTEST

I do hereby confirm that the above Ordinance No. ____ was published in the _____ _____ on the _____ day of _____, 2016.

Resolution No. 2016-175
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing for an Ordinance to amend Chapter 106, Article V, Section 106-499 to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer service bills within the City of Ypsilanti by adding a surcharge of 61% (a 2% decrease) to each water and sewage bill for billings to be deposited in a restricted debt retirement and capital improvements fund be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-176
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2016-177, approving the minutes of July 19th and August 4th.
2. Resolution No. 2016-178, approving a blanket permit for window signs of any size for the month of October for businesses that participate with the Homecoming Court's "Paint the Town Green" project.
3. Resolution No. 2016-179, approving amendments to the Police Complaint Form.
4. Resolution No. 2016-180, approving amendments to Police Policy 16 and directing the Police Chief to implement the changes.
5. Resolution No. 2016-181, approving MDOT Contract No. 16-5391 for the 2016 Signal Upgrade Project at the Michigan Avenue and Prospect Road Intersection.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016 – 177
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of July 19 and August 4, 2016 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

DRAFT

CITY OF YPSILANTI
REGULAR COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY JULY 19, 2016
7:00 p.m.

I. CALL TO ORDER –

The meeting was called to order at 7:08 p.m.

II. ROLL CALL –

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

III. INVOCATION –

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

IV. PLEDGE OF ALLEGIANCE –

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

V. INTRODUCTIONS –

Mayor Edmonds introduced the following; City Manager Ralph Lange, Assistant City Attorney Dan DuChene, City Clerk Frances McMullan, Treasury Technician Rhonda Walker, Economic Development Director Beth Ernat, DPS Director Stan Kirton, AKT Peerless Regional Director of Energy Services Jeremy McCallion, OHM Engineer Marcus McNamara, and Downtown Development Authority Coordinator Rasheed Atwater.

VI. AGENDA APPROVAL –

Council Member Anne Brown moved, seconded by Mayor Pro-Tem Richardson.

Council Member Nicole Brown stated she would like to add Resolution No. 2016-161, addressing salary adjustments for the Interim City Manager and Interim City Clerk, to section XI, Resolutions/Motions/Discussions.

Council Member Murdock stated at the last meeting there was a very light agenda and this meeting is very full. Mayor Pro-Tem Richardson agreed. Mayor Edmonds responded items on the agenda could not be on last meeting's agenda but noted the concern.

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

VII. PRESENTATIONS –

Nation Outside – Aaron Suganuma, Coordinator

Aaron Suganuma and Hazelette Crosby-Robinson provided a presentation on the subject of ex-convicts being released from prison. **(See Presentation on City Website)**

Council Member Anne Brown asked the new name of the Michigan Re-entry Program, to which, Ms. Crosby-Robinson responded the Washtenaw Prisoner Re-entry.

Mayor Edmonds asked about increases and decreases in funding for re-entry programs. Ms. Crosby-Robinson stated there has been a drastic decrease in funding for re-entry programs. Ms. Crosby-Robinson added that Washtenaw County has the highest recidivism rates in the state at around 75%. Ms. Crosby-Robinson continued by stating that once re-entry programs were introduced, recidivism rates began to decrease until Washtenaw County had one of the lowest rates in the state; however, the program no longer has access to funding for certain services. Mayor Edmonds stated this is such important work and said she appreciated both individuals for being here.

Coal Tar Presentation – Sally Lusk, Huron Watershed Council

Sally Lusk, Ypsilanti Representative of the Huron Watershed Council provided a presentation on the dangers of coal tar seal coat use for construction. **(See Presentation on City Website)**

Council Member Anne Brown stated Council will probably be introducing a resolution similar to Ann Arbor's by the next Council Meeting. Ms. Lusk said the Council Staff would be willing to assist Ypsilanti in developing a resolution specific to Ypsilanti.

Mayor Edmonds stated the tremendous increase in cancer risk caused by coal tar is easily avoidable.

DPS Director Stan Kirton stated recently the City resealed City Hall's parking lot using a petroleum base, which is the same as used by Ann Arbor.

Rail Platform Feasibility Presentation – OHM

City Manager Ralph Lange stated, six months ago, the City was informed if it closed two at grade crossings and constructed a rail platform, MDOT would direct Amtrak to stop in Ypsilanti, which has not happened in 34 years and a new service has not been created in 22 years. Mr. Lange said City Council authorized $145,000 to complete a preliminary study and the public now has a 30 day comment period with the next step creating a plan for execution.

OHM Engineer Marcus McNamara, Rick Gillotti, and Phillip Ladette Bergmann and Associates, provided a presentation on the Rail Platform. **(See Presentation on City Website)**

Mayor Edmonds asked if there would be a ticket kiosk on the platform. Mr. Gillotti detailed how ticketing is going to work, but is still under discussion. She added that most ticket purchasing is done online.

Mayor Edmonds asked what the reasoning behind the 300 ft. platform. Mr. Gillotti responded, it is a result of how many cars a train includes. Ms. Edmonds asked if a 500 ft. platform would accommodate current lengths, to which, Mr. Gillotti replied it would increase trips not necessarily number of trains. Council Member Murdock stated when this was previously discussed, the platform was 400 ft. Mr. Gillotti responded the length can vary and it depends on what Amtrak wants at that time. Mr. Lange said one of the trade-offs of this discussion is how much can the City save versus quality of product. Mr. Lange said this plan is a worst case scenario to which no authority involved would have an objection. Mr. Gillotti stated the worst case scenario is to not have the funding in place for this project. Ms. Edmonds asked if the designed project budget is fair. Mr. Gillotti responded in the affirmative. Mr. Murdock asked if Ms. Gillotti has been in contact with the other entities to ensure the cost amounts are in line with their projections. Ms. Gillotti responded in the affirmative. Mr. Murdock stated one of the differences between Dearborn and the City of Ypsilanti is that the person the Dearborn Station is named after provided funding to build the station and Ms. Gillotti replied because of that, many options have been explored.

Council Member Vogt asked what the cost difference would be between a 300 ft. and a 500 ft. platform. Mr. Lange responded the 300 ft. platform would be 40% less. Ms. Gillotti responded he can provide the exact number to Council.

Mayor Edmonds asked if the platform would be made by a Michigan company. Ms. Gillotti responded the company is RLE International and she does not believe they are Michigan based but she did see the prototype in Sterling Heights. Ms. Edmonds said it is not made in Michigan but it is a Sterling Heights company. Ms. Gillotti responded she believes the company is based out of Germany and they have two facilities in the US and one is in Sterling Heights.

Mayor Edmonds asked if the exit would travel up Norris. Mr. McNamara agreed that there would not be a grade crossing since it is prohibited by Amtrak and MDOT.

Mayor Edmonds asked if the listed cost includes the $145,000 for the feasibility study. Mr. McNamara responded that it did not.

Mayor Edmonds asked if the process is slowed down for rail stops that receive federal funding. Ms. Gillotti responded it also depends on what federal authority the funding comes from. Ms. Edmonds asked what authority would be recommended and Ms. Gillotti responded it would be the Transportation Authority or Federal Rail/Road Association because they would provide more funding. Mr. Lange stated time is money and the first stage of this project once completed will allow other funding mechanisms to become available.

Ms. Gillotti stated, currently, the dual platform is not feasible because the track is not live on both sides. Mr. Lange said MDOT is opposed to this because there is not a hard edge to the west side of this track.

Mayor Edmonds stated there has been concern in the community about the Border-to-Border Trail running along the edge of the parking lot. Mr. McNamara responded the design reflects pedestrian movement which has a direct route into Depot Town. Ms. Edmonds suggested as this project moves forward, it would be wise to revisit those concerns.

Council Member Anne Brown asked when the comment period begins and Mr. McNamara responded immediately.

Council Member Murdock stated the finances of this project are daunting and it is not known if this will be a commuter train. Mr. Murdock said the City should be concerned with the Wolverine stop and designs for

commuter rail can wait. Mr. McNamara agreed and said Option A is the minimalist plan. Mr. Murdock said it does not look like the City will have a second usable track for quite some time and at this point, why not plan to locate everything on the east side. Mr. Lange responded that nothing is planned for the foreseeable future on the west side of the track and all loading will occur on the east side. Mr. Lange added the issue that would arise with the stop only servicing the Wolverine Line is parking, which is why a crossing would be required. Mr. Murdock said the issue that has been discussed is that people would have to walk too far for parking and said the Ann Arbor Station people have to walk a long distance. Ms. Gillotti replied that is why their recommendation includes at grade crossing. Council Member Vogt asked if the minimalist plan does include parking improvements on the north east side. Ms. Gillotti responded in the affirmative. Mr. Vogt said parking improvements on the southwest side are not a part of that plan. Ms. Gillotti responded in the affirmative. Mr. Vogt said his concern is if all options are released, it could be confusing and create public outcry against the cost.

Council Member Vogt proposed moving forward with a minimalist plan only for public commentary because the other options will not be obtainable for quite some time. Mr. Vogt added he would like to hear feedback on any possible ways to shave costs and asked for clarification of funding sources; if those are funds the City has coming or must the City apply. Mr. Lange said this project cannot use Act 51 or Local and Major Street Funds. Ms. Edmonds said Local Street funds are listed in this project but they are allocated for parking lot construction. Mr. Lange responded those funds can be used for the area where Oak and Norris connect. Mr. Lange said the City will more likely to be awarded funding if it has money of its own dedicated to the project. Mr. Lange said there are several other funding opportunities that would be positively affected by the rail that could be tapped. Mr. Lange added the other options provided were done so Council could understand why and what they were objecting to.

Council Member Vogt asked if the City decides not to move forward with the rail project how much of this funding could be used for other projects. Mr. Lange responded $760,000 could be used for a road project. Mr. McNamara added those funds have already been allocated to the City. Council Member Robb stated funding would come from Local and Major Streets and a Downtown Development Authority (DDA) bond. Mr. Lange replied the DDA agreed to a bond to support this project. Ms. Edmonds said it is actually $760,000 in trade-off costs for other road programs. Mr. Lange responded in the affirmative.

Mayor Edmonds asked if it is the consensus of Council to only comment on the minimalist option. Mayor Pro-Tem Richardson responded in the affirmative. Mr. Lange stated as the project moves forward, there will be other grant options available to the City.

Council Member Robb stated his biggest concern is in two weeks an election will be held that is very important to the future to the City and now Council is discussing a $6.4 million option for a train platform. Mr. Robb said this platform could be the new Water Street and asked if $2.1 million is a good investment for 25 people getting on and off the train each day. Mr. Lange responded that is not the correct characterization. Ms. Edmonds stated rail creates a very positive economic impact in terms of property values and other developments, which has been proven. Mr. Lange stated Amtrak's Government and Community Affairs Representative Derick James, volunteered to present Wednesday, July 27th about the value of rail. Mr. Lange said if the City chooses not to build the platform, the funding will go back to roads and the DDA might chose to bond for another project. Mr. Lange added this project is not like Water Street in the slightest.

Mayor Edmonds asked what the timeline looks like for the next steps. Mr. McNamara responded the normal course of action is to wait until after the comment period to avoid rework. Mr. McNamara said it is always difficult to provide a concrete plan but until the detail design is complete, those answers are not always available. Mr. McNamara suggested 30 days after the comment period closes a detailed report could be

submitted including those comments and proposal for the next phase. Mr. McNamara said at that point, it can be discussed about what kind of qualifiers need to be in the design. Mr. McNamara said this phase could begin the first Council meeting after Labor Day. Ms. Edmonds asked how long the design process should take, to which, Ms. Gillotti responded that it is difficult to make that projection because each project is so different. Ms. Edmonds asked for a best and worst case scenario. Ms. Gillotti responded that the best case scenario would be around three to four months and the worst case, up to a year. Mr. Lange said the substance of this project is, MDOT supports it and has the clout to push the other agencies involved.

Mayor Pro-Tem Richardson asked what the chances would be of MDOT backing away from this project. Ms. Gillotti responded in previous projects she has worked with, MDOT, if they agree to do something, do not back down. Mr. Lange said once the City has the service, it will not lose it.

Mayor Edmonds stated in the best case scenario, the proposal for detail design work, would take until the end of the year. Ms. Edmonds asked if the permitting time takes twelve to eighteen months, to which, Ms. Gillotti responded, permitting should take around six to twelve months.

Council Member Vogt stated the new northeast parking configuration would reduce the lot by six spaces and assumed everything was done to save as many spaces as possible; however, Depot Town Merchants are going to be very upset to lose any parking. Mr. Vogt asked if an improvement could be included for the southwest lot to show what can be done to get those spaces back. Mr. McNamara responded there is an option to allow the drop-off area in the east lot. Mr. Vogt asked if it would do a flow through to Oak St. and would the present parking configuration interfere with that. Mr. McNamara responded the only parking change on the east lot was to eliminate the angle parking and replacing it with a pull-up drop-off area. Mr. McNamara said the City could decide to not do that at all; reduce the drop-off area and allow some parking, and possibly resurface the west lot, but there is no way to gain spaces. Mr. Vogt suggested the plan contain sub-options for parking for the public commentary. Mr. Lange said parking is an issue for the DDA and the concept he had was to resurface the Frog Island parking north of the recycle center and maximize that parking. Mr. Lange said he has also spoken with Michigan Ladder to add a concrete walkway with minimal cost. Mayor Edmonds stated moving the recycling center would provide for additional parking as well and asked what the cost would be. Mr. Lange responded the issue with moving the recycling center is where it could be relocated. Mr. McNamara added the cost to raise the building is relatively low but until an alternate site is picked, it is difficult to estimate a price. Mr. Lange said that was left out of this plan because of issues of cost and delay.

Council Member Anne Brown asked if option one would include relocating the recycling center. Mr. Lange responded that it would not.

Mayor Edmonds agreed with Council Member Vogt to see sub-options for parking. Mr. McNamara stated he can provide those options.

Water Street Environmental Update – Beth Ernat, Economic Development Director

Economic Development Director Beth Ernat and AKT Peerless Regional Director of Energy Services Jeremy McCallion provided a presentation regarding Water Street. **(See Presentation on City Website)**

Mayor Edmonds stated before the Taska Testing was introduced, Water Street was not exceeding regulations. Ms. Ernat responded MSHDA has now decided Taska standards are the standards for PCBs.

Council Member Murdock stated when this began, it wasn't required but the City needed to do it anyway and asked why was this not completed 10 years ago. Ms. Ernat responded she cannot explain that. Mr. Murdock asked why it was not explained five years ago. Ms. Ernat responded the strategy behind Water Street was to wait for development and have the developer complete the Due Care Compliance. Ms. Ernat stated the Brownfield Tax Increment Financing was put in place and the Due Care Compliance was the next step. Ms. Ernat said it was completed now because of the Herman Kittle project but it could have been stalled, however, at this point, it costs the City nothing extra to complete the plan. Mr. McCallion stated regulations have been changed for the way things are done and submitted to the Department of Environmental Quality and now what is called a Due Care Plan is documentation of Due Care Compliance.

Council Member Murdock stated if the City does not complete the requirements of MSHDA, there will not be a MSHDA financed project on the site, to which, Ms. Ernat responded that could be the result. Mayor Edmonds stated Taska is the federal standard and MDEQ is the state standard but it should not be called standard because the MDEQ keeps changing. Ms. Ernat responded the MDEQ is under a lot of pressure at the moment and they are working under an Environmental Justice Standard that operates off a concept, not hard data. Ms. Ernat added MDEQ is apprehensive in signing off on projects that could cause trouble for the agency.

Mayor Pro-Tem Richardson stated she has heard the contamination of the land stays with the original owner of the land and asked if they would be responsible. Council Member Robb responded he believes that is true if some testing is completed before the sale but who can the City try to recover remediation costs from because the companies that owned the land previously no longer exists. Mr. McCallion added the law reads; in order to be held responsible for remediation, the party must be a viable entity. Ms. Ernat said there are two things to do at this point, response and remediation.

Council Member Robb stated a PILOT was awarded to Herman Kittle to assist in gaining MSHDA funding and asked since there will not be MSHDA funding, can the PILOT be removed. Ms. Ernat responded she would have to look into the purchase agreement but the Attorney's Office is looking into the requirements. Assistant City Attorney Dan DuChene stated the PILOT would not be an effect if the project was no longer eligible for MSHDA credits and would not require action from Council. Mr. Robb said it would be a good public relations move for Council to remove the PILOT. Mr. DuChene said he does not believe the City should take that stance before the outcome is known. Mr. Robb said "Ms. Ernat said if the City does not complete MSHDA requirements, it will lose MSHDA funding and if there is no MSHDA funding there is no PILOT. Council Member Murdock stated Herman Kittle might decide to complete the requirements listed by MSHDA.

Mayor Edmonds asked if Council would like to apply for grant to support the Border-to-Border Trail. Ms. Ernat responded she has already had a preliminary conversation anticipating Council's decision on this matter and expressed that Council would support the grant. Council Member Murdock said he would be interested in pursuing that grant and asked what the remediation plan is. Ms. Ernat responded they would dig and remove the contaminant, air quality testing and monitoring, and a barrier would be put down. Ms. Ernat stated the response activity would be the fence. Mr. McCallion stated the fence removes access to the center are of the site but the Due Care Plan still must be submitted and approved by MDEQ before remediation can begin. Mr. Murdock confirmed that the part of the trail requiring remediation is all public property, and will stay public property. Ms. Ernat responded in the affirmative.

Council Member Anne Brown asked how far down would the testing be required to dig. Mr. McCallion responded the testing only requires one foot down but the depth for the remediation could vary, but around two to three feet.

Mayor Edmonds stated the fencing is a requirement until the other sites are remediated. Ms. Ernat responded the PCB and lead areas need to be fenced in as soon as possible. Mr. McCallion added that area will need to be remediated at some point.

Council Member Murdock asked what the million dollars would be for, to which, Ms. Ernat responded to remediate inside the fenced in area. Mayor Edmonds referred to the fenced area asking if it is clear what the level of cleanup would be needed. Ms. Ernat responded it requires the highest level of clean-up because it could be residential space.

Mr. Lange stated he supports everything Ms. Ernat has said and he has been a supporter of this project as long as it made sense. Mr. Lange stated opening the trail is an extremely important item and the City is on budget for all of those items except it is around $360,000 short in money received. Mr. Lange said the reason for that is the trail has been closed and the Department of Natural Resources will not pay the City until the trail re-opens. Mr. Lange stated County Parks still has $29,000 each for both the trail and the bridge that has not yet been paid.

Council Member Murdock stated assuming the Council approves the fence, what is the timeline? Ms. Ernat responded that the next meeting this could be considered is in August, then it would be put out to bid, meaning construction could start in October.

Council Member Vogt stated the grant is meant to cover everything from Michigan Ave. to Grove, to which Ms. Ernat agreed. Mr. Vogt said if the City gets the grant, everything in that area could be cleaned up and there would be no issues with the trail, to which, Ms. Ernat also agreed.

Council Member Murdock asked if there would still be sections of the trail that would be fenced off and Ms. Ernat responded a small part of the trail would be fenced off.

Council Member Vogt asked if the sites in the fenced-in area are able to be developed. Ms. Ernat responded all sites are able to be developed.

Council Member Murdock asked if the City could receive information from Herman Kittle what studies they have performed through their Due Diligence. Mr. McCallion responded in the affirmative. Ms. Ernat responded that was part of the purchase agreement.

VIII. <u>AUDIENCE PARTICIPATION</u> –

1. Deana White, 1185 Sweet Rd, stated a month ago she asked City Council to budget $10,000 to the Rutherford Pool to assist with its programming. She thanked Council for approving that amount.

   Council Member Anne Brown asked how she was notified Council had approved the $10,000. Ms. White responded she saw it on Facebook.

2. Erin Schneider, 129 Bell, stated she and her neighbors have concerns the contamination from the former landfill could migrate to her neighborhood. She said she also has concerns with the zoning changes for most Bell and Kramer streets from residential to commercial because it's difficult to sell property because a mortgage is difficult to get if property cannot be rebuilt if it is destroyed. She said she had spoken with the Planning Department regarding these concerns and was told this would be

something City Council would be discussing in several of the upcoming meetings. She said this zoning designation is very impactful to the residents living on the street.

3. D'Real Graham, 3018 Roundtree Blvd, read a mission statement and said that many County and City officials have misrepresented the Black Lives Matter Movement and its origins. He said Radical Washtenaw wants to create a forum to share ideas primarily aiming to implore black youth to become more active in the community, aid in the struggle against economic segregation, to offer love and protection to the downtrodden, to be in the streets, to expose abuse when it is found, and to erode white ignorance. He said he shared this statement because the Black Lives Matter Movement has been misrepresented. He said RAW's vision is to provide to the underrepresented community issues that have great consequence to that community. He said RAW is also empowered to design programs for underrepresented communities a broader perspective of the systems and issues that impact them. He asked that in the future, Council and City leaders that RAW and KYB share similar values but are not affiliated. He said when you think of Tony Morgan do not think of Black Lives Matter and is disheartening that RAW is being linked to a national organization when it only focuses on Ypsilanti. He asked what the City is doing to increase equity for community members. He thanked Council for adding Jermaine Dickerson's mural to City Hall and hope the City adds a plaque so that people know who made the mural. He said he has asked repeatedly about Indigenous People's Day and how much time is needed to pass that resolution but he is very disappointed.

   Mayor Edmonds stated that has already been passed. Mr. Graham asked when the public was notified. Mr. Graham asked if it could go public. Council Member Robb added an article was written in MLIVE.

4. Erica Savage, City Manager Assistance, stated that it was a pleasure working with everyone; this will be her last meeting and wished everyone the best.

IX. REMARKS BY THE MAYOR –

— Mayor Edmonds stated that when she first came to Ypsilanti, her friend, and NAACP Attorney, was talking about a similar issue that Ms. Schneider was referring to regarding contamination.

Mr. Lange stated it came as a response to the solar field and if placed at that site, it could have capped the issue. Mr. Lange stated from the report three years ago, there were gas pockets and the city had no way to know the extent without monitoring wells. Ms. Edmonds said she would like a summary report from staff including information from Ms. Schneider and the NAACP. Economic Development Director Beth Ernat responded she will be bringing a report at the August 16th meeting.

Council Member Nicole Brown moved, seconded by Council Member Vogt to extend the meeting until 12:00 a.m.

On a voice vote, the motion carried, and the meeting was extended until 12:00 a.m.

X. CONSENT AGENDA – Resolution No. 2016-153

1. Resolution No. 2016-154, approving the minutes of July 5 and July 8, 2016.

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   THAT the minutes of July 5 and July 8, 2016 be approved.

2. Resolution No. 2016-155, approving appointment to Boards and Commissions (*Michael Davis to HDC*)

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

NAME	BOARD	TERM EXPIRATION
Michael Davis (appointment) **905 Grant** **Ypsilanti, MI 48197**	**Historic District Commission**	**7/1/2019**

3. Resolution No. 2016-156, approving amendment to FY 2016-17 Budget to include the I-94 billboard proceeds to be used for the pay down of the un-refunded portion of the Water Street Debt.

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   WHEREAS, the City of Ypsilanti Council approved Resolution # 2016-047 on April 5, 2016 to sell the I-94 billboard easement to Adams Outdoor Advertising, LLC for $470,000; and

   WHEREAS, the proceeds will be used to pay down the re-refunded portion of 2006 General Obligation Limited Tax Capital Refunding Bonds, leaving a balance of $230,000; and

   WHEREAS, the budget for FY 2015-16 that Council adopted included the $470,000 additional pay down; and

   WHEREAS, the actual pay down is scheduled August 1, 2016 instead of June 30, 2016 due to redemption requirements, and

   NOW, THEREFORE, BE IT RESOLVED that the City Council approves the FY 2016-2017 budget amendments of the following accounts:

Pay down	**$470,000**	
Principal, interest & fees for the balance of $230,000		**$ 24,873**
Account # 101-7-9670-999-23	**$494,873**	

Account # 477-4-000-699-01	**$494,873**
Account # 477-7-9000-991-00	**$485,333**
Account # 477-7-9000-995-00	**$ 8,790**
Account # 477-7-9000-997-00	**$ 750**
Total	**$494,873**

OFFERED BY: Council Member Vogt
SECONDED BY: Mayor Pro-Tem Richardson

On a roll call, the vote to approve Resolution No. 2016-153 was as follows:

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

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

XI. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2016-157, awarding contract to American Fence & Supply Co., Inc. to erect a fence around the Water Street Redevelopment Area in order to reopen the Border to Border Trail.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti seeks to erect a fence around a portion of the Water Street Redevelopment Area in order to reopen the Border to Border Trail; and

WHEREAS, The City of Ypsilanti let bids and received three qualified bids for the installation of a fence around a portion of Water Street Redevelopment Area and the bids are within the project budget; and

WHEREAS, The City seeks to reject the lowest bid by Future Fence Company and accept the second lowest bidder, American Fence & Supply Co, Inc for an amount not to exceed $35,000.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council waives the lowest bidder and awards the Water Street Redevelopment Area Fence bid package to the second lowest bidder, American Fence & Supply Co., INC, and seeks to its Mayor and Clerk enter into a contract to be approved by City Attorney from the amount of $35,000 and allow change orders to be signed by the City Manager.

OFFERED BY: Council Member Nicole Brown

SECONDED BY: Council Member Vogt

Ms. Ernat stated the lowest bidder excluded several items asked for in the bid specifications. Ms. Ernat stated the second lowest bid provided all that was asked for in the request for proposal (RFP).

Mayor Edmonds asked if the fence can be moved once it is no longer needed. Ms. Ernat responded the fence will be contaminated and will not be able to be used at another location.

Council Member Anne Brown asked if the rear of the site has been cleared. Ms. Ernat responded no.

Mayor Edmonds asked if the fence was chain link. Ms. Ernat responded in the affirmative.

Assistant City Attorney Dan DuChene asked if there will be signage at the site. Ms. Ernat responded in the affirmative.

On a roll call, the vote to approve Resolution No. 2016-157 was as follows:

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

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

2. Resolution No. 2016-158, approving urgent Major Streets road repairs.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the condition of all the streets within the City limits were evaluated in the fall of 2015 using the PASER rating System; and

WHEREAS, City staff and OHM has identified several street segments in need of urgent repairs, and

WHEREAS, the 2016-2017 FY budget includes $310,000 in the Major Road funds to make these urgent repairs, and

WHEREAS, the repairs needs far exceeds the $310,000 budgeted, and

WHEREAS, City staff is requesting City Council prioritize and select the street segments council would like to bid out for repairs, and

WHEREAS, City staff is requesting City Council to consider appropriating additional funds if available to address additional street segments, and

Now therefore be it resolved that the City Council authorizes staff to issue a Request for Proposals (RFP) to make repairs the following street

segments_____

_____

_____, and

FURTHER, that City Council authorizes $_____ be allocated to the Major Road Fund to fund these repairs.

OFFERED BY: Council Member Mayor Pro-Tem Richardson
SECONDED BY: Council Member Vogt

DPS Director Stan Kirton stated at a work session in September of 2015 several road segments were discussed. Mr. Kirton stated after roads were given a PASER rating which listed Cornell and Huron River Drive. Mr. Kirton stated he planned to use the Washtenaw Alternative Transportation funds to repair those roads however those funds are no dedicated to another project. Mr. Kirton suggested on allocating $310,000 on Huron River Drive and Cornell.

Council Member Murdock asked if County funds could be used to repair those roads. Mr. Kirton responded they could not because it was not submitted by the deadline.

Council Member Anne Brown asked if Mr. Kirton is suggesting the City use $310,000 to repair these roads. Mr. Kirton responded in the affirmative. Council Member Murdock stated $148,000 of the $310,000 came from the County and those projects would not be eligible. Mr. Lange stated the plan was to use half of the County money and the remainder coming from the Major and Local Streets Funds. Mr. Lange added the Major and Local Street Funds are in good condition and the amount for this project could be increased.

Mayor Edmonds asked for an explanation of the funding mechanisms. Mr. Lange responded $148,000 would come from the County and $162,000 would come from Major and Local Streets. Mr. McNamara stated when the County asked for support for a road millage last fall the road list was examined and the City was aware that the $148,000 was not enough for a capital improvement project of this magnitude. Mr. McNamara stated roads that were in need of less improvements were selected to use the $148,000 to repair. Mr. McNamara stated staff asked him to prepare estimates for roads with greater repair needs, which are listed at the bottom of the presented list. Mr. McNamara stated the decision is to either select off this list, including enough to satisfy the County requirement for the amount already budget, or if Council wishes to select a road not on the list, it would require a budget amendment. Mr. McNamara said he believes Cornell is the only road that would require a change condition. Mr. McNamara added if construction is delayed on Cornell, something will need to be done within the next year to ensure that road is passable.

Council Member Murdock stated the Road Commission must submit a specific list of roads to be completed and once adopted, there can be no changes. Mr. Murdock stated when the City was examining this early in the process, it was known the County money would not cover all of the costs but there was funding going to be contributed by Act 51. Mr. Murdock said also the legislature increased an allocation prior to the completion of a road plan and Ypsilanti was to receive $100,000 and it was his understanding that would be used to make up a portion of the remaining balance. Mr. Lange responded in the affirmative. Mr. Murdock stated either next year or this year the new funding for roads begins and the City will receive an additional $300,000, which could be used for an additional round of urgent road repairs. Mr. Murdock said repairs might need to take place before the $300,000. Mr. Murdock stated Major Streets that are most in need of repairs are Cornell and Huron River Drive but there is a lot of work to be completed on local streets including walkability and other modes of transportation. Mr. Murdock said there are several future projects that have been discussed to allocate Transportation Alternative Program (TAP) funding such as the I-94 pedestrian

crossing which is being delayed partially because of the delay in the Huron and Hamilton road diet, which was supposed to happen in conjunction. Mr. Murdock said the pedestrian crosswalk at Ferris and Hamilton also needs attention for safety issues. Mr. Murdock stated the City was also looking at a TAP grant for the Border-to-Border Trail out to Grove Street.

Mayor Edmonds asked if other options to fund these projects need to be examined before moving forward on this particular item. Council Member Murdock responded he is not certain that is necessary but when discussing road funding, Council needs to begin talking about it in a broader context. Mr. Murdock said the list of items before Council is specific to county funding and Council needs to discuss other possible needs in the City that need to be addressed. Mr. Murdock said there are several corridors in the City that require major construction, not simply patching holes. Mr. Murdock said he assumes the County money has to be spent on a project this year. Mr. Lange responded in the affirmative. Mr. Murdock said all of the streets on the list are important but he suggested Hamilton between Washtenaw and Forest be the main concern, which connects to the highway. Mayor Edmonds stated last September, we held a working session and it would be a good idea to have one once a year.

Mayor Pro-Tem Richardson recommended the City do whatever it can for Cornell and said she is approached often asking for something to be done. Council Member Vogt agreed and said something must be done soon and said Huron River Drive is the worst stretch, particularly for a major street, which also needs attention as soon as possible. Mr. Vogt said he could agree with a project for Lowell because it is a major entrance to Huron River Drive and if there is more funding after those projects, Hamilton should be addressed. Mr. Kirton responded he does not think Lowell is in that bad condition. Mr. McNamara added Lowell would be more geared toward preventative maintenance.

Council Member Anne Brown asked if Mr. Kirton's recommendation is for the City to approve projects for Cornell and Huron River Drive. Mr. Kirton responded in the affirmative. Mayor Pro-Tem Richardson stated Cornell is on the list approved for county funding. Mr. Kirton responded in the affirmative. Ms. Richardson asked if Huron River Drive is on that list. Mr. Kirton responded it is not but the City can use its own money for that construction.

Mr. Kirton suggested not doing any construction on Lowell and using that money for Cornell. Council Member Vogt asked if Hamilton should be considered as last on the list of projects. Mr. Kirton responded in the affirmative.

Council Member Anne Brown asked how far down Huron River Drive would construction occur. Mr. Kirton responded Huron River Drive would be completed in spots and said most of the issues with that road are around the manholes.

Mr. McNamara stated there would be no issue with spending more money on Cornell and Huron River Drive but what would be seen is patching in most areas and a mill and overlay in others. Assistant City Attorney Dan DuChene recommended against doing that. Mr. McNamara responded then the plan would either to be preventative maintenance on the entire corridor or shorten the length of the mill and overlay. Mr. Kirton added Area one does not qualify for Community Development Block Grant funding so another funding source will be needed to complete the ramps. Council Member Murdock asked if Hamilton is in Area one. Mr. Kirton responded no, Area one is in the College Heights area.

Mayor Edmonds asked if there are ramps on Huron River Drive. Mr. Kirton responded there are not, and explained there are not that many intersecting roads on the stretch. Ms. Edmonds said it intersects with Oakwood which is such a key intersection in the City and accessibility is extremely important. Ms. Edmonds

asked if this funding could be used to install a sidewalk along the north side Huron River Drive. Mr. Kirton responded he does not believe so but there are funds available for non-motorized projects. Mr. DuChene added that would be on EMU's property not the City's. Ms. Ernat added the City does not own enough property on the right-of-way to install a sidewalk. Mr. McNamara said years ago, the City pursued funding for this project. Ms. Edmonds said the City should approach Congress and DTE because this is a major safety issue. Council Member Murdock stated that is why it is a major project. Mr. Murdock explained there are two intersections that need to be completed, plus sidewalks, and turn lanes. Ms. Ernat stated she is not sure how much of a road diet can be completed along that road because of the curve west of Leforge.

Mr. McNamara stated in the past, OHM was asked to provide Council with a list of road projects with costs but what it seems Council wants is a transportation capital improvement plan. Mr. Lange said there are a lot of capital projects that have occurred recently and this is more of a preventative maintenance issue which will free up cash for other projects.

Council Member Vogt offered a friendly amendment to the resolution to list the streets in the resolution as Cornell, between Washtenaw and Mayhew in the amount of $70,000 and Huron River Drive, between Leforge and Cornell in the amount of $100,000, and Hamilton, between Washtenaw and Forest in the amount of $140,000 as listed in the potential project, at the total cost of $310,000. Mayor Pro-Tem Richardson accepted the friendly amendment.

Council Member Robb asked what the $140,000 worth of repairs is for Washtenaw and North. Mr. Kirton responded spot patching for Cross and Hamilton. Mr. Robb asked if $300,000 would have completed everything including ADA ramps. Mr. McNamara responded in the affirmative. Mr. Robb asked how long $300,000 would postpone the need for construction. Mr. Lange responded around seven years. Mr. Robb asked if the City selects a less expensive repair how long will it last before needing repair. Mr. Kirton responded around five years. Mr. Robb stated if the City spends $140,000 the construction will last five years with no ADA ramps. Mr. Kirton stated not all the intersections cross all the way on that stretch. Mr. DuChene said if there are intersections there will need to be ramps. Mr. Robb said the planning of this is poor because the money needs to be spent and he is asking if spending $140,000 is the best thing to do because it does not get the City exactly what it needs. Mr. Robb said it will be unlikely that the City will have the money available to complete this project again in two years and it should be done correct the first time. Mr. Kirton said then the project will require more funding because something needs to be done about Cornell. Mr. Lange said $160,000 would need to be added to the project to fix Hamilton. Mayor Edmonds stated now is a time to be conservative and five years versus seven is not a tremendous difference. Mr. Robb responded but there would not be ADA ramps included. Mr. Vogt said he does not disavow the importance of ADA ramps but he believes patching the road is of greater importance. Mr. Vogt said if the City gets additional money, it can complete the ramps at a later date. Mr. Robb said that is a major street and the City attorney is bringing back an ordinance regarding heavy truck routes so Hamilton should be in good repair.

Council Member Murdock moved, seconded by Council Member Robb to increase the amount for Hamilton to $300,000.

On a roll call, the vote to amend Resolution No. 2016-158 as amended was as follows:

Council Member N. Brown	No	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	No
Mayor Pro-Tem Richardson	No	Council Member Vogt	No
Council Member A. Brown	No		

VOTE:

YES: 2 NO: 5 (Richardson, Edmonds, N. Brown, A. Brown, Vogt) ABSENT: 0 VOTE: Carried

On a roll call, the vote to approve Resolution No. 2016-158 as amended was as follows:

Council Member N. Brown	Yes	Council Member Robb	No
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

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

3. Resolution No. 2016-159, approving proposal for City Manager recruitment services.

THAT Michigan Municipal League (MML) is approved to perform

the Executive Search for the City of Ypsilanti City Manager position at an amount not to

exceed $15,000.

OFFERED BY: Council Member Anne Brown
SECONDED BY: Council Member Nicole Brown

Mayor Edmonds stated she solicited a number of bids since the last meeting and selected agencies that have completed municipal searches in Michigan which was forwarded to Council. Ms. Edmonds stated before Council is a total of five proposals including one from Michigan Municipal League. Mayor Edmonds stated the MML proposal confirmed that if selected the person performing the search has been in and around the state for some time. Ms. Edmonds explained that it will take around two weeks to begin the search once selected. Ms. Edmonds stated MML has given the cheapest bid of $15,000, Mercer's bid is not to exceed $19,900, Slavin Management Consultant bid is slightly over $15,000 with an estimated $8,000 additional cost, and JD Grager bid was $26,500. Mayor Edmonds recommended the City move forward with MML. Ms. Edmonds explained once someone is hired, MML ceases its service while some of the other companies provide benchmarks and review of the hire.

Mayor Pro-Tem Richardson agreed the City use Michigan Municipal League because it is located in Michigan and as much as the City is able, it should hire companies operating in Michigan. Mr. Vogt agreed that MML should be used. Council Member Robb stated he felt Slavin Management Consultant was head and shoulders above the other bids. Mr. Robb said he understands it is more expensive but he would like the City to take a different direction with this search. Mayor Edmonds stated Bob Slavin, the owner of Slavin, informed her that

many years ago, he worked with the City. Council Member Anne Brown stated Slavin stood out to her also. Ms. Edmonds said all bids turned in a standard proposal and it was not prepared specifically to each municipality.

Council Member Anne Brown asked what the timeline is for each proposal and asked if MML had the longest time for the search. Ms. Edmonds responded MML had a minimum of 120 days and Mercer Group was 110 days.

Mayor Pro-Tem Richardson moved, seconded by Council Member Nicole Brown to contract Michigan Municipal League to perform the executive search for an amount to not exceed $15,000.

On a roll call, the vote to approve Resolution No. 2016-159 was as follows:

Council Member N. Brown	Yes	Council Member Robb	No
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

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

4. Resolution No. 2016-161, approving salary changes for Interim City Manager and Interim City Clerk. **(Added)**

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

Whereas, Mr. Ralph A. Lange has resigned his positon as city manager, and

Whereas the Ypsilanti City Charter provides that the City Clerk become acting city manager when the City Manager is absent, and

Whereas the position if City Manager has a higher pay grade than City Clerk, and

Whereas when the City Clerk becomes acting City Manager the Deputy City Clerk becomes acting City Clerk and the City Clerk has a higher pay grade than the Deputy City Clerk, and

Whereas the city union contracts provide for a person holding an acting position to receive the pay of the position,

Now Therefore the pay of Frances McMullan shall be adjusted to the present rate of the city manager position for the time she is acting City Manager and the pay of Andrew Hellenga shall be adjusted to the rate of City Clerk for the time he is acting City Clerk, to-wit: Frances McMullan new acting rate: 46.7680; Andrew Hellenga new acting rate: 35.5240.

OFFERED BY: Council Member Nicole Brown
SECONDED BY: Mayor Pro-Tem Richardson

Mayor Edmonds stated she had a conversation with the City Attorney to find out if the City had a policy to inform Council on how best to make this decision. Ms. Edmonds said she was told that there was not a specific policy but this is what it would be if the union contracts process is followed. Mr. DuChene stated the only policy in existence is the Charter that states the City Clerk would act as City Manager and this is what happened in the past.

Council Member Robb stated the numbers provided in the resolution are incorrect and said the rate of pay is lower and is given a residency bonus if the City Manager lives in Ypsilanti. Mr. Robb said unless Ms. McMullan is planning on moving into the City she would not be eligible for the residency bonus. Mr. Robb said Ms. McMullan's salary is also based on the increase she received for the Administrative Hearings Bureau. Mr. Robb said Council should be careful and said Ms. McMullan has been with the City for nine years and Mr. Hellenga is going to step into the Acting City Clerk position but he is not stepping into that position with nine years of experience. Mr. Robb said when Ms. McMullan was hired in April of 2007 she was hired in at $60,000 annually and that is the amount Mr. Hellenga should receive. Mr. Robb said when Mr. Lange was hired he received $93,500 annually and that is what Ms. McMullan should receive. Mr. Robb stated the non-union employee handbook does not discuss this process and suggested this resolution be tabled. Mr. Robb said this should be updated in the non-union handbook.

Council Member Anne Brown asked what role Rhonda Walker will be assuming. Ms. McMullan responded Ms. Walker is the Treasury Technician and it has not been decided what role she will fill but she might assume a fulltime role during this period.

Mayor Edmonds stated when Clerk McMullan assumes the Interim City Manager position role who would then become Interim Interim City Manager if she were to go on vacation. Ms. Edmonds stated in her discussions with the City Attorney, it led to the possibility of the Chief of Police assuming that role. Mr. DuChene stated if the Interim City Manager were to go on vacation Ms. McMullan could appoint someone to take her place. Mr. DuChene said the charter does not address succession of office if the Interim City Manager is unable to serve in that role. Council Member Vogt asked if Ms. McMullan could name a person to act as Interim City Manager in case of emergency. Mr. DuChene responded in the affirmative. Council Member Robb stated Council could name an interim City Manager if Ms. McMullan is unable to act as Interim City Manager. Mr. DuChene responded the Charter acts as a default and Council has the ability to appoint anyone that they want to act as the City Manager. Ms. Edmonds said being that Mr. Hellenga who will become Interim City Clerk has less experience then other Department Heads in the City, another department head might be a better choice to act as City Manager. Ms. McMullan responded when she was not available Mr. Lange appointed another employee to act as City Manager. Mr. DuChene stated the Charter, which acts as a default, would list the Interim City Clerk as the Interim City Manager. Ms. Edmonds said that is her concern since he is a newer employee but that is something Council could address if needed. Mayor Pro-Tem Richardson said in the past the Interim City Clerk appointed someone to fulfill the obligations of City Manager while they were away. Mr. Lange said in the past if he and Ms. McMullan were both away he appointed DPS Director Stan Kirton and when all three of them were away Economic Director Beth Ernat was appointed. Mr. Lange added the appointment should always be a civilian which is why the Police Chief was not selected.

Mr. DuChene asked for clarification of what direction he should provide to City Attorney John Barr to amend the resolution. Council Member Robb said the City Manager had a pay analysis completed which listed pay

ranges for the positions in the City. Mr. Robb said when Ms. McMullan was hired her salary was $60,000 and that is the salary Mr. Hellenga should receive and when Mr. Lange was hired in his salary was $93,500 and that is what Ms. McMullan should receive. Mr. Robb said the entry level rate should be used for those positions and experience should be a factor. Mr. Robb explained since Mr. Hellenga does not have experience as City Clerk he should start at the entry level point but since Ms. McMullan does have experience she should begin above the entry level range. Mr. DuChene said it is starting to sound like this is policy. Mr. Robb responded he wants this to be policy and it should be included in the non-union handbook. Mr. DuChene stated once experience is made a factor it becomes more subjective. Mayor Edmonds stated she is in full agreement with Mr. Robb but once a fulltime Human Resources Manager is hired that individual can create those steps of a formula to be created. Mr. Robb stated Ms. McMullan has been with the City for nine years and in that time has acted as City Manager.

Mayor Pro-Tem Richardson asked when Ms. McMullan was Interim City Clerk before how was it handled. Ms. McMullan responded Human Resources informed her of her new salary and added she was not given what former City Manager Ed Koryzno was given because Mr. Koryzno had been with the City for 15 years.

Council Member Robb moved, seconded by Council Member Vogt to table this resolution until the August 4th meeting.

On a roll call, the vote to table Resolution No. 2016-161 was as follows:

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

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

XII. <u>LIASON REPORTS</u> –

A. SEMCOG Update – Council Member Anne Brown stated the Water Resources Task Force will be meeting July 26th.
B. Washtenaw Area Transportation Study - None
C. Urban County - None
D. Freight House - None
E. Parks and Recreation – Council Member Anne Brown stated she received a note from Elizabeth Riggs informing her that the railing on the stairs is being installed, the stairs were sandblasted, temporary signs were installed, and the last element is to prep the concrete wall for a mural.
F. Ypsilanti Downtown Development Authority – Mayor Edmonds stated the DDA will be taking off July instead of August this year.
G. Eastern Washtenaw Safety Alliance - None
H. Police-Community Relations/Black Lives Matter Joint Task Force – Council Member Nicole Brown stated she has been following-up with the concerns of citizens and the next meeting is going to be held August 8th. Council Member Anne Brown stated the sub-committee will be meeting July 20th at 5:00 p.m. Ms. Anne Brown stated the goal is to hold one more meeting then makes a recommendation to the task force. Council Member Murdock stated there are three vacancies on the Human Relations Commission.

I. Friends of Rutherford Pool – Resolution in support of August 2nd millage proposal – Council Member Nicole Brown stated at the last meeting a resolution of support for the Water Street Millage was passed. Ms. Nicole Brown stated the resolution was very positive and board members will be circulating it as much as possible.

XIII. COUNCIL PROPOSED BUSINESS –

Anne Brown

— Asked what the plan is to fill the Human Resources Manager Position.

Mr. Lange responded he and Ms. McMullan have been discussing the issue and because of how quickly it happened there were not a lot of good options available. Mr. Lange said the City has been accumulating applications since Kevin Welch left his position with the City. Mr. Lange said once Ericka Savage decided to leave her position the need became to fill the position became greater. Mr. Lange stated the applications received were reviewed and one applicant was selected to be hired as the interim HR Manager. Mr. Lange added the contract will expire at the beginning of 2017 and her salary is $50,000. Ms. McMullan stated she met with Mr. Lange after finding out that Ericka Savage would no longer be employed by the City and several options were discussed. Ms. McMullan said she was given the applications the City had received in order to exhaust the process. Ms. McMullan stated when conducted the interviews the applicants were aware that it was on a non-committal basis. Ms. McMullan stated the City had four exceptional candidates and one person during the interview stated she was available if the City needs help even on a temporary basis. Mayor Edmonds asked if this individual has been offered anything. Mr. Lange responded that she had not, and said he spoke with the City Attorney's Office and it was decided she could not be hired as a contract employee but could be hired with an individual employment agreement.

Mayor Edmonds asked if Kim Jones could act as the Interim Human Resources Manager. Mr. Lange stated she doesn't have the time. Ms. McMullan added Ms. Jones stated she does not have the skillset at this point to act as Interim Human Resources Manager. Ms. McMullan clarified Ms. Jones showed interest in the position but through her own admission she said she is still learning what the position would entail. Ms. McMullan said the person selected for the position has been both a human resources manager and a generalist. Ms. McMullan said if Ms. Jones were to take that position Fiscal Services Director Marilou Uy would need to fill the position currently held by Ms. Jones. Ms. McMullan said Ms. Jones was also excited about the applicant because she also has a background in payroll which would provide a backup for Ms. Jones. Mr. Lange said Ms. Jones is also the backup for the Assessor and all other employees are stretched too thin to fulfill the duties of that role. Mr. Lange said the applicant will be able to begin on Tuesday, July 26th, which is also Assistant to the City Manager Ericka Savage's last day.

Council Member Anne Brown stated the email she initially saw was disturbing because it appeared both Council and the interviewees were given mixed messages that the position might be temporary or it might not. Ms. Anne Brown explained she feels it shows the City in a bad light and preferred to receive correspondence from the City

Manager explaining the discussion of the vacancy and what the proposed next steps were. Mr. Lange agreed and said the position he would like to hire is Assistant City Manager/Human Resources Director with an HR Generalist underneath that position but there was not time to do that.

Ms. McMullan asked what Council Member Anne Brown envisioned the City doing to fill the role of Human Resources Manager. Council Member Anne Brown responded she was interested in shared services with Washtenaw County because the City would not need to hire a person. Ms. Anne Brown added she felt the Human Resources position should be filled by the City Manager once hired. Ms. McMullan responded that would have been a good option if a suitable applicant could not be found. Ms. McMullan added in her experience with the County, they provide the bare minimum when they are contracted for services.

Mayor Edmonds noted the City will hold an election in two weeks with a ballot that includes a City millage. Ms. Edmonds explained the budgetary issues facing the City could change in two weeks and Ms. McMullan's staff could not be cross trained to fulfill those duties until after the election. Ms. McMullan responded the staff in her department does not have experience in Human Resources and asked if the Human Resources Department should be closed for two weeks. Ms. McMullan asked if Council is looking to eliminate the job and what would be the basis for waiting until after the election. Mr. Lange added if the position was in anyway optional it would be another story but recent employee resignations freed $125,000 in payroll and benefits. Mr. Lange said that $125,000 has already been budgeted and the City will now not spend that money and the contracted person is being brought in under the pay of either the HR Manager or Assistant to the City Manager positions. Mr. Lange said even if the millage is not approved by the voters, the City will still need a Human Resources employee. Council Member Anne Brown stated with open enrollment about to begin it does seem that this position will be necessary for the City.

Mayor Edmonds asked if the City Manager's Office would require additional staffing given the recent resignation of the Assistant to the City Manager. Mr. Lange responded in the affirmative but that is not an essential position. Ms. McMullan added the next City Manager should have the opportunity to decide how that position should be structured and the applicant they feel would best fill that role.

<u>Vogt</u>

— Stated the City should recognize Charles Kettles who recently was awarded the Medal of Honor for his service during the Vietnam War. Mr. Vogt asked that something be prepared for the next Council Meeting on August 4th.

Council Member Murdock stated an event is being scheduled for Mr. Kettles at the Yankee Air Force Museum on August 13th and he asked the Clerk Department to prepare a Proclamation.

Richardson

- Around two weeks ago she called about a truck full of trash at First and Michigan. She explained it has been moved several times and now sits in the driveway with a red van blocking it from the street. She said it is across the street from 329 First Ave.

  Mr. Lange said he will be certain that the ordinance officer is made aware of the issue.

Murdock

- Stated the textile box at Huron and Harriet at the gas station has become a nuisance and Council should approve an ordinance to regulate those issues. He added the dumpster at the same location has not been emptied since the gas station closed.

  Mayor Pro-Tem Richardson stated she recently passed by that gas station and clothes were scattered throughout the property.

- Asked if a truck route ordinance will be brought to Council in the near future.

  Mr. DuChene responded it will be on the agenda for the August 4th meeting.

- Said Holmes Rd. is beginning to become worse than Prospect and needs to be addressed.

Nicole Brown

- During the Friends of Rutherford Pool meeting several of the staff in attendance spoke about a house across the street from the pool, a white brick home near Elm Street, that has illegal activity occurring. She said it is concerning especially with younger children traveling to the pool.

Robb

- Asked for an updated list of the tree trimming schedule.

  Mr. Lange responded in the affirmative.

XIV. COMMUNICATIONS FROM THE MAYOR –

None

XV. COMMUNICATIONS FROM THE CITY MANAGER –

- He directed the Department Heads to put together a list of the top five accomplishments of the Department to distribute to the public. He asked if Council had any objections. Council directed the City Manager to distribute the report.

- Stated the solar array will be operational by the end of August.

- Stated Park and Grove are closed. He said he is working on getting the $375,000 released from MDOT for that project.

- The Michigan Ave mid-Block crossing came in 10% under budget and negotiated with Mannik Smith for another 10% reduction in cost. He said it will be on the August 4th agenda and construction should be complete before the end of the construction season.

- Stated Charles Kettles should be invited to City Hall and be recognized for having been awarded the Medal of Honor.

- A Community/Unity Town Hall is scheduled this Thursday, July 21st at EMU.

- The pit bull who attacked the seven year old boy has never returned its home once removed.

  Mr. DuChene said he can provide Council with a memo updating them on the legal proceedings of that case.

- Stated he is trying to get the money owed to the City by EMU.

  Mayor Edmonds asked how much money EMU currently owes the City. Mr. Lange responded $15,000 for the Heritage Bridge. Mayor Edmonds said she would follow-up with EMU.

- Stated the City has received really good press on the mural on display on the rear of City Hall.

XVI. <u>AUDIENCE PARTICIPATION</u> –

None

XVI. <u>REMARKS FROM THE MAYOR</u> –

- Stated she will not be at the August 4th meeting.

- She is still working on exit interviews.

XVIII. <u>ADJOURNMENT</u> -

Resolution No. 2016-160, adjourning the City Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Nicole Brown

On a voice vote, the motion carried, and the meeting adjourned at 11:54 p.m.

Draft

CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
THURSDAY, AUGUST 4, 2016
7:00 p.m.

I. CALL TO ORDER – The meeting was called to order at 7:06 p.m.

II. ROLL CALL –

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

Council Member Dan Vogt moved, Seconded by Council Member Anne Brown to approve the absence of Mayor Amanda Edmonds.

Voice vote carried to approve the absence of the Mayor from this meeting.

III. INVOCATION –

Mayor Pro-Temp Lois Richardson asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE –

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

V. INTRODUCTIONS –

Assistant City Attorney Mr. Dan DuChene, Mr. Stan Kirton who is the Director of DPS, Ms. Marylou Uy who is the Director of Fiscal Services, Ms. Ericka Savage former Assistant to the City Manager, and Mr. Joe Meyers Director of DDA., Beth Bashert is present.

VI. AGENDA APPROVAL –

Council Member Anne Brown moved, seconded by Council Member Nicole Brown to approve the agenda.

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

Council Member Ann Brown moved to add Proclamation for City Manager Ralph Lange under final remarks from the Mayor, Seconded by Council Member Nicole Brown.

On a voice vote, the motion carried, and the proclamation was added to the agenda.

VII. AUDIENCE PARTICIPATION –

1. Steve Gray-1939 Roosevelt, 24 year resident and candidate for the Ypsilanti Community School Board of Education came to thank the council for their commitment to the community and stated that If he is elected one of the things he is wanting to do is strengthen the relationship with the school district and the city council as well as the other two townships and government. He stated that he believes the key to a strong public school is a strong community and he just wanted to say Hello.

2. D'Real Graham with ReImagine Community- States that there are a political campaign designed to inspire today's youth and empower black youth to be more involved in their community. Are you willing to Re-Imagine Community? We must ReImagine community in order to successfully erode white ignorance about Black Life and its many Plights. I would like to share a few Tweets; excerpts from the National Association of Counties website-NACO.org. "Counties operate 91% of local jails"; "11.4 Billion people where admitted to county and other local jails in 2014";" Counties should approve the caliper of law enforcement through a revision of personnel practices by raising education and training";" Law enforcement misconduct damages the criminal justice system as a whole by undermining public confidence and the trust in local officials";" It is the responsibility of counties to make sure of public safety and at the same time protect the rights of pre-trial and convicted persons"; Counties should identify gaps in services and develop a systemic plan for implementing a range of alternatives for people in incarceration"; "Correctional Institutions of any Jurisdiction, State, County or City should provide humane living conditions and rehabilitation programs as well as providing services for other offenders well-being, e.g. medical care, recreation, counseling." ReImagine what we can accomplish together in pursuit of justice and equity. Washtenaw County's correctional system needs to be re-evaluated, its info structure isn't designed to rehabilitate, it is designed to demobilize and detain. Reducing access to enrichment limits non-violent transgressors from developing life skills and confidence in their capabilities. Housing non-violent youth in repressive environments produces fear, uncertainties and insecurities. Expecting youth and detained individuals to return to society prepared for reintegration without the proper tools in place to aid in the transition is inhumane. Let devote energy towards establishing partnerships with existing youth servicing agencies and other organizations committed to providing Washtenaw County residents opportunity toward upward mobility. Elect officials willing to propose legislation that offers reprobation to victims and their families for law enforcement violence. Support a candidate willing to redirect policing and prison funds to social good alternatives. Vote for leadership that advocates for legislative proposals that require police officers to carry personal liability insurance to cover cost of brutality and death claims. Thats disinvesting from massive incarceration and hyper policing and the criminalization of Males and Female people of color, Young and the LGBT Community. They should not have to daily recommit their citizenship in their daily walk. Challenge our County Sheriff and other to develop new revenue streams instead of allowing current standards to reduce the population.

VIII. REMARKS BY THE MAYOR –

IX. ORDINANCES – FIRST READING - *Ordinance No.* 1271

An ordinance to amend the Ypsilanti City Code to establish a truck route and regulate commercial vehicle traffic within the City of Ypsilanti; to prohibit truck and commercial vehicle traffic on other roads; and to provide penalties for the violation thereof, pursuant to its authority under Article VII, Section 29 of the Michigan Constitution of 1963 and Section 726 of the Michigan Vehicle Code, Act, Act 300 of 1949 (MCL 257.1 ET SEQ)

A. Resolution No. 2016-162, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND THE YPSILANTI CITY CODE TO ESTABLISH A TRUCK ROUTE AND REGULATE COMMERCIAL VEHICLE TRAFFIC WITHIN THE CITY OF YPSILANTI; TO PROHIBIT TRUCK AND COMMERCIAL VEHICLE TRAFFIC ON OTHER ROADS; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF, PURSUANT TO ITS AUTHORITY UNDER ARTICLE VII, SECTION 29 OF THE MICHIGAN CONSTITUTION OF 1963 AND SECTION 726 OF THE MICHIGAN VEHICLE CODE, ACT 300 of 1949 (MCL 257.1 ET SEQ)" be approved on First Reading.

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Robb

Dan DuChene, Assistant City Attorney stated that this ordinance in front of us advises that the city has the authority to institute a truck route. The idea behind it is to try to keep commercial traffic on certain routes within the city as much as possible to help distribute the weight of the service vehicles and to help maintain the work on the roads. There are some exceptions to this; the truck can come into communities for deliveries as long as they come in and leave through routes as quick as possible in the most direct manner to get to his home base. There are a couple of exceptions as to what is and what is not a commercial vehicle, as well as a couple ways to define what is a commercial vehicle under the law, with the help of the Ypsilanti police department with enforcement through weight or axel count. The Truck route proposed is listed on the map attached as well as the ordinance. He advised that the ordinance has been circulated to City Staff members and all there suggestion were appropriate and have been drafted before you.

Council Member Robb requested to look at the staff suggestion. Attorney DuChene stated that there had been discussion about the routes, and it was determined that the route was adequate. He advises that some of the staff he spoke with was the Director of DPS and the Police Department. Council Member Robb asked did he speak with the planning department and the Attorney DuChene stated no, but stated that he can forward to planning department before the next meeting. Council Member Vogt asked if the Attorney had seen Mr. Gainsleys letter of concern, and questioned if designating the

routes lock us in and put limits on us in the future? The Attorney stated that Council can re-designate routes, adopt and or appeal the ordinance as they are doing now, he thought about having the routes approved by resolution as appose to an ordinance; however for enforcement purposes he thought this way would be better. However in the future if you wanted to change the route in any manner you can do so by amending the ordinance like you would do any other ordinance.

Council member Vogt asked Mr. Lange as stated in the letter of concern from Mr. Gainsley, if we were to designate streets that are one way streets to two way street, what are the safe street concerns, would it be pedestrian friendly with more trucks on these routes? Mr. Lange stated that if it's a Truck line route MDOT will have jurisdiction if it's a primary street, if it's a local street they are usually not built to the standards that can handle the heavy trucks except occasionally. The issue of safety of that in concern of our background is if the street is strong enough to handle that, and that would be an OHM decision. They would evaluate if the streets could handle the caliber of traffic on the road. He gave an idea example of the work done on the street Prospect, when we spent the money(2 million dollars) to repair and then the trucks come through and makes it dust, that is our primary issue, Civil Engineering type of the road issue. The safety part of it would be monitoring the weight of the trucks that enter the streets. The Attorney stated that in response of safety and pedestrian access, If the City decides to alter the reconfiguring the streets, they need to keep in mind that this is predominantly MDOT truck lines, not all but most of it.

Council member Anne Brown asked what about Hewitt Road? The Attorney stated that Hewitt road is not a state truck line. Mr. Stan Kirton, Director of DPS stated that Hewitt Rd is a shared county street. It's a boarder and could handle the weight. Mayor Pro-temp Lois Richardson asks in the rebuilding of Prospect was it built to be a truck route? Mr. Stan Kirton, Director of DPS stated that it was designed for trucks to drive on it. Attorney DuChene stated that the problem would be the bridge. Mr. Stan Kirton, Director of DPS stated that the bridge has weight restrictions on it; all of our bridges have weight restrictions on them. It could possibly affect the trucks that are going to drive over there. City Manager Lange stated that they have a weight master which is usually governed by the Road Commission or by the State Police, it's a specialized training.

Mayor Pro-temp Lois Richardson asked "If we don't monitor Prospect, could it end up back like it was?" Mr. Kirton stated that that is always a possibility, but it was re-built really well. The last time it was build the sub-grade was not as good so the water sat there and that what cause the road to deteriorate, but we have more consistent sub-grade and payment this time. Attorney DuChene stated that this bridge is not on the current truck route that being proposed. They would go right up Michigan Ave to 94, advised Mr. Kirton.

Council Member Murdock advised that the truck would be to go 275 to Michigan Ave to 94. Attorney DuChene stated that they could also come through LeForge through Clark. Mr. Kirton advised that that has weight restriction as well. Attorney DuChene advised that LeForge is on the proposed route; trouble is that you have to have entrances and exits to your street routes. Council Member Murdock stated to just give a brief history on Prospect, this has been going on for years, repaving of the truck traffic, we have been having conversation on what we could do and it was suggested that the only way we could try to resolve this issue is to make the truck routes.

B. Open public hearing

1. Becky Lewis-416 Cross; States that she lives on the corner of Cross and Prospect, and requested to see the map that is being referenced. Map was placed on

the overhead for public viewing. She stated that she is very much in favor of no truck on Prospect. It's horrible living on Prospect, particularly since the City saw fit to close Grove Rd and Park Rd the traffic has increased drastically. It's a 25MPH Zone, if the Police would sit they would make a ton of money; when the trucks go by the windows rattle, you can't even sit on the porch and talk. She stated she would be more than happy if Prospect was NOT on that truck route. There were other truck routes when prospect was closed, they found another way to go. She asked was all of Prospect paved the same, the whole stretch, from Clark to Michigan Ave? Mr. Kirton advised NO. She asked is all of it designed for truck traffic? Mr. Kirton advised from Cross to Holmes, but from Cross to Michigan Ave is not, and the bridge is not.

2. Jason Chapel-706 N Prospect; States that he lives on Forrest and Prospect, They moved into their place 3 years ago. 3 years ago you could almost see the gravel underneath the asphalt. 21/2 years ago they had such huge pot holes that they did damage to all 4 axels of both of their cars, 2 tires blew out from hitting pot holes and there was no way around them getting to their drive way. So, the resurrection of the road is appreciated. However, it's not all the way down the road on Forrest and they are not rerouted down Forrest the Trucks are going down Michigan Ave over that Bridge and it's not designed for that weight. The trucks are moving at least 35-40MPH at the minimum when in our neighborhood it's supposed to be 25MPH. It doesn't matter what the weight of the truck is, it's the distribution and how many axels that causes that damage. An empty truck is still heavier than 4 cars of the same size. I am definitely for changing the routes in that area and as what was stated earlier when we had that block off there during the street repair we did not see trucks, trucks going around and I did not hear of any major complications because of that so I can't see a reason not to.

3. Marie Chapel-706 N Prospect; I just wanted to point out that I am sympathetic to the truckers as my brother is a trucker and frequently like going through Michigan Ave and he stated that all Truck Drivers like to go through Michigan Ave. because there are no weight station and no tolls. I would also like to point out that with Prospect being 25 MPH, not only with regular traffic going over 40MPH, our windows and house are constantly shaking and not only that there is an elementary school and a large park where children are playing and these huge trucks are speeding by and can't stop quick enough. If somebody's child runs out into the street it's not only a road issue it's a safety issue. There are lots of houses down that street with children in them.

4. Chris Hardy-719 N Prospect; I have lived there for 25 years and I concur with my other N. Prospect neighbors. Our house shook to the foundation before the roads where fixed so we do appreciate the rebuild, it has made it much nicer. However, I would still be extremely in favor of this being taking off the route. I was cutting my grass and 3 R&L Trucks rode past 10MPS above the speed limit and that was right where I was cutting so I had to stop cutting and step aside to make sure I was out of the way and safe. I have lived in the area long enough to see it go from a neighborhood of young families to empty nesters and now back to a neighborhood of young families. There are many young children around and if we could get those trucks off the road then we could preserve prospect to be a nice, quiet, safe road for years to come. The 25 years I have been there, there has been at least 2 rebuilds and perhaps one resurfacing and if we could get those trucks off the road it would keep that road in

great shape for years to come and save us tons of money so please keep the trucks of Prospect, we would appreciate it.

C. Resolution No. 2016-163, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance entitled "AN ORDINANCE TO AMEND THE YPSILANTI CITY CODE TO ESTABLISH A TRUCK ROUTE AND REGULATE COMMERCIAL VEHICLE TRAFFIC WITHIN THE CITY OF YPSILANTI; TO PROHIBIT TRUCK AND COMMERCIAL VEHICLE TRAFFIC ON OTHER ROADS; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF, PURSUANT TO ITS AUTHORITY UNDER ARTICLE VII, SECTION 29 OF THE MICHIGAN CONSTITUTION OF 1963 AND SECTION 726 OF THE MICHIGAN VEHICLE CODE, ACT 300 of 1949 (MCL 257.1 ET SEQ)" be officially closed.

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Nicole Brown

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

Council Member Vogt stated he is strongly opposed to the Hewitt Street section of this, He sees any reason for it, The sport traffic, the boarder trail is very busy foot traffic and pedestrians and bicyclist already have a hard time crossing as is. Truly a Pedestrian and College area ad he sees no reason to add to what is already occasionally gridlocked or to further obstruct which is already an emergency route to St Joseph Hospital and for our Fire and Police vehicles. He would like to move that that particular part of the road be removed from the list.

Council Member Murdock advised that he is not opposed to it, However 94 to Hewitt is a direct drive to St Joseph and WCC and thought that would be available for that but we will figure it out, but they will end up going through Ypsilanti.

Council Member Robb suggested that we pass it on first reading, and table the ordinance give to Planning Department to look at it for suggestions with 2nd reading on August 16th as additional traffic data is needed. Mayor Pro-Temp Lois stated that we will vote as read and table until next meeting. Hewitt and Leforge will go in list that is going to staff for review. All Suggestions have been noted.

On a roll call, the vote to approve Resolution No. 2016-162 was as follows:

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

VOTE:

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

X. <u>CONSENT AGENDA</u> – Resolution No. 2016-164

1. Resolution No. 2016-165, approving the Restated and Amended Hazardous Materials Response Authority (HMRA) Agreement for Washtenaw County and Adjacent Communities.
   A RESOLUTION TO APPROVE THE RESTATED AND AMENDED HAZARDOUS MATERIALS RESPONSE AUTHORITY AGREEMENT FOR WASHTENAW COUNTY AND ADJACENT COMMUNITIES FOR FIFTEEN (15) YEAR, EXPIRING IN 2031

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

   WHEREAS, Washtenaw County has experienced 71 fixed-site and 301 transportation-based hazardous materials accidents since 1992 and is home to 48 commercial facilities that possess significant quantities of chemicals that are immediately dangerous to life and health if released; and

   WHEREAS, on August 7, 1996 the Washtenaw County Board of Commissioners approved Resolution # 96-0157 authorizing the Chair of the Board to sign an Inter-local Agreement pursuant to the Urban Cooperation Act (MCLA 124.501 et. Seq.) to create a new legal entity known as the Washtenaw County Hazardous Material Response Authority ("Hazmat Authority"); and

   WHEREAS, the City of Ann Arbor, City of Ypsilanti, Charter Township of Ypsilanti and Pittsfield Charter Township also approved the Inter-local Agreement to create the Hazmat Authority; and

   WHEREAS, beginning in 1997 the Hazmat Authority recruited members from Washtenaw County's fire departments that would attend extensive training and serve on the Hazmat Team; and

   WHEREAS, the HazMat Team currently responds to chemical emergencies anywhere in Washtenaw County 24-hours a day, 7-days a week with 40 highly trained team members and
   It has responded to 125 chemical emergencies over the past ten years; and

   WHEREAS, the Inter-local Agreement provided that the Agreement would be for a ten (10) year duration, and each of the five enabling governmental entities subsequently extended this Agreement (Resolution #06-0070) for an additional ten (10) years; and

   WHEREAS, On April 19, 2016, the Washtenaw County Hazardous Materials Response Team Authority Board unanimously agreed to continue to work collaboratively under the Urban Cooperation Act for an additional 15 (fifteen) year duration.

   NOW, THEREFORE BE IT RESOLVED: That the Council of the City of Ypsilanti finds it is the best interest of its citizens from a safety and fiscal standpoint to approve the restated and amended Hazardous Material Response Authority Agreement for the Washtenaw County and adjacent communities for a period of fifteen (15) years, expiring in 2031.

OFFERED BY: Council Member Anne Brown
SECONDED BY: Council Member Nicole Brown

2. Resolution No. 2016-166, approving renewal of property and liability insurance coverage with Michigan Municipal League (MML).

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   THAT, the invoice submitted for payment to the Michigan Municipal League Liability and Property Pool for issuance of coverage beginning August 1, 2016 and ending July 31, 2017 in the amount of $273,075.00 be approved.

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

OFFERED BY: Council Member Anne Brown
SECONDED BY: Council Member Nicole Brown

3. Resolution No. 2016-167, declaring the month of September as, "Turn the Town Teal" in the City of Ypsilanti and approving teal ribbons be placed in observance of the campaign to create awareness of ovarian cancer.

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   WHEREAS, ***Turn the Town*** **Teal is a national campaign to create awareness of ovarian cancer and its symptoms;**

   WHEREAS, ovarian cancer is the deadliest of gynecologic cancers and a leading cause of cancer-related death in women. There is no early detection test for ovarian cancer; It is referred to as "The Silent Disease"; and

   WHEREAS, each year the Michigan Ovarian Cancer Alliance (MIOCA), a nonprofit and partner member of the Ovarian Cancer National Alliance, sponsors "*Turn the Towns Teal,* a national campaign to create awareness of ovarian cancer; and

   WHEREAS, this is the 10th year of the "*Turn the Towns Teal"* campaign which is held in conjunction with National Ovarian Cancer Awareness Month, from September 1 to September 30; and

   WHEREAS, the Michigan Ovarian Cancer Alliance would like to tie teal ribbons throughout the city, post awareness posters at establishments, and distribute information cards; and

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

   THEREFORE BE IT RESOLVED THAT the Mayor and City Council supports this national campaign and approves of teal ribbons being tied throughout the city

September 1st - September 30, 2016, along with lawn signs, awareness posters and information cards being provided for establishments that are interested.

OFFERED BY: Council Member Anne Brown
SECONDED BY: Council Member Nicole Brown

On a roll call, the vote to approve Resolution No. 2016-164 was as follows:

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

VOTE:

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

XI. <u>RESOLUTIONS/MOTIONS/DISCUSSIONS</u> –

1. Resolution No. 2016-168, approving contract with Mannik Smith Group for Construction Engineering Services for the Michigan Avenue Mid-Block Crossing Project.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Transportation Alternatives Program (TAP) funding has been programmed for the installation of a mid-block Hawk Signal just east of the Michigan Avenue Bridge, in the 2016 construction season; and

WHEREAS, the Mannik & Smith Group, Inc. has provided engineering services on several prior projects for the City; and

WHEREAS, it is necessary to secure construction engineering services to keep this project on schedule for the 2016 construction year;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the construction engineering services contract with M & S Group, Inc., 2365 Haggerty Road South, Canton, MI 48188 in an amount not to exceed $30,500.00; and

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

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

OFFERED BY: Council Member Nicole Brown

SECONDED BY: Council Member Anne Brown

Council Member Murdock asked if any of the funds used for this project can be used for debt? City Manager Lange stated no. Mr. Kirton advised that the bid came under previous estimate and is now $319k. City Manager Mr. Lange stated that they reduced the cost by $3500, so under what was budgeted. City Manager Lange stated that this is a projected he wanted to have exempted as it would be a tremendous hazard because we don't have safe crossing, Also it was a condition of the County Money that that be a prevision of that, and now we will have the mid-block but not have the other, the fence has been approved and the money that DNR is holding for this project will come back to general fund. This is actual a critical part to other items and note that it is extremely under budget. This is a TAP Grant. You have to put the money put but they will reimburse us.

On a roll call, the vote to approve Resolution No. 2016-168 was as follows:

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

VOTE:

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

2. Resolution No. 2016-161, approving salary changes for Interim City Manager and Interim City Clerk. ***(Tabled 7/19/16)***

RESOLUTION ADJUSTING PAY FOR ACTING CITY MANAGER AND ACTING CITY CLERK

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

Whereas Mr. Ralph A. Lange has resigned his positon as city manager, and

Whereas the Ypsilanti City Charter provides that the City Clerk become acting city manager when the City Manager is absent, and

Whereas the positon if City Manager has a higher pay grade than City Clerk, and

Whereas when the City Clerk becomes acting City Manager the Deputy City Clerk becomes acting City Clerk and the City Clerk has a higher pay grade than the Deputy City Clerk, and

Whereas the City Charter provides that the City Manager is the chief administrative officer of the City and should be compensated with the highest rate of pay, and

Whereas City Council requested a study of the matter and the City Manager and City Attorney have reviewed and studied the matter and the City Finance Officer has provided guidance,

Now Therefore, based on the above, the pay of Frances McMullan shall be adjusted from 35.5240 per hour to 43.269 for the time she is acting City Manager starting August 8, 2016, and the pay of Andrew Hellenga shall be adjusted from 20.00 per hour to 28.846 for the time he is acting City Clerk starting August 8, 2016.

OFFERED BY: Council Member Dan Vogt
SECONDED BY: Council Member Nicole Brown

On a roll call, the vote to approve Resolution No. 2016-161 was as follows:

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

VOTE:

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

XII. LIASON REPORTS –

A. SEMCOG Update- No updates
B. Washtenaw Area Transportation Study- No updates
C. Urban County-No updates
D. Freight House-No updates
E. Parks and Recreation- Stan Kirton from DPS advised Play equipment has been ordered, 6 week wait. Mayor Pro-Temp added that some people had some comments on the access of the park and if city employees will block or damage their driveway when the pavement will be put down, Mr. Kirton stated that he will talk to them. If there are any damages by the city they will take care of it.
F. Ypsilanti Downtown Development Authority-No meeting
G. Eastern Washtenaw Safety Alliance- Meeting is the end of September, we will pass the date on when we get it.
H. Police-Community Relations/Black Lives Matter Joint Task Force- Meeting Monday August 8th
I. Friends of Rutherford Pool- Meeting next week, they had (2) Subcommittee meeting to change the name of oversight committee, we are going to remove the word oversight and bring the recommendation to the task force.

XIII. COUNCIL PROPOSED BUSINESS –

Robb

— Asked if without having the Prospect Rd ADA ramps are we violating some kind of law.

Attorney DuChene stated that there shall be two curb ramps at every corner; 4th variation of the consent decree, the way it reads currently these are requirements. Council Member Vogt asked have we been in contact with the parties to see if we can alter the consent agreement. Attorney DuChene stated that the proposed work is the

result of ongoing conversations of this discussions of which OHM, DPS and our office. Council Member Vogt asked can we seek a declaratory judgement? Attorney DuChene stated it is a possibility. Litigation was discussed with the plaintiff's council.

Council Member Vogt stated he needed more clarity on this as he doesn't understand. Attorney Barr stated this is Classic case of an unfunded mandate when the federal government has ADA requirements regarding streets and so on and this particular law firm is going around the county suing Monroe, Ann Arbor, and other communities to enforce the ADA requirements. Mr. DuChene has negotiated to reduce the cost and this is another example that if we go to court, what we are trying to do is reducing the cost; court cost, clerk cost, and so on. However we were able to reduce some of their demands down. This was the result; we can go back again if you want us to.

Council Member Robb stated at the last council meeting I lobbied to do all the ADA required ramps on that street for an extra $106,000, we would have paved the road properly, instead of patching up and we would have put in all the ADA expectable ramps but here we are going to spend $100,000 on something else not needed and still not going to get the ADA acceptable ramps on Hamilton at this time and I just want you to think about that.

Council Member Vogt asked if this issue arose on prospect because we did the project and didn't do the side walk correctly to the satisfaction of the consent agreement? Mr. DuChene stated that this is generally and allegedly correct. There is a bigger bone that they are picking and this was kind of a satellite issue, but certainly one of interest to them. Mr. Kirton added, Where ever an able body person can cross the street a disabled person should be able to as well.

— Stated The DDA is here, Trash is blowing up; the landlords have revolted, and asked if this being resolved.

Joe Meyers from DDA Department stated that some of they brought the Landlords to the table, we asked them for their input and they decided that they were not going to participate and so we have to set our fee schedule as it is. We spoke to our City Attorney and they have every lawful right to put trash on the curb, Mr. Kirtons crew has been great. We are at a catch 22 where legally they can do it; they don't want to spend another dollar. The majority of the businesses downtown are paying into our system. Mr. Robb stated that my question to DDA is if I have a four unit apartment how many cans of trash can I put out? Mr. Meyers stated 9. So everyone is capped at 9, ok. Mr. Robb asked, if they don't cooperate are we going to enforce the rules? Mr. Meyers stated yes, we will put stickers on them which mean this is your last warning. Council Member Robb asked us to start the enforcement process.

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

None

XV. COMMUNICATIONS FROM THE CITY MANAGER –

City Manager Lange introduced possible budget amendments and the votes of City Council are as follows:

REVENUE OPTIONS:
- $350,000 Street Light Special Assessment for 3 years

On a roll call, the vote to approve $350,000 Street Light Special Assessment for 3 years was as follows:

Council Member N. Brown	No	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	Absent
Mayor Pro-Tem Richardson	No	Council Member Vogt	No
Council Member A. Brown	No		

VOTE:

YES: 0 NO: 6 (N. Brown, A. Brown, Murdock, Robb, Richardson, Vogt)
ABSENT: 1 (Edmonds) VOTE: Carried

- Place Water Street item on November ballot

On a roll call, the vote to approve to place Water Street item on November ballot was as follows:

Council Member N. Brown	No	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	Absent
Mayor Pro-Tem Richardson	No	Council Member Vogt	No
Council Member A. Brown	No		

VOTE:

YES: 0 NO: 6 (N. Brown, A. Brown, Murdock, Robb, Richardson, Vogt)
ABSENT: 1 (Edmonds) VOTE: Carried

PERSONNEL OPTIONS:

- Freeze on hiring for 45 days ((3) police officers; (3) PT police positions; HR Manager; Assistant to City Manager; (1) firefighter retired effective 7/2/2016 and (2) more in April or May of 2017 (DROP program)

On a roll call, the vote to approve Freeze on hiring for 45 days ((3) police officers; (3) PT police positions; HR Manager; Assistant to City Manager; (1) firefighter retired effective 7/2/2016 and (2) more in April or May of 2017 (DROP program) was as follows:

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

VOTE:

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

- Hiring of Building Inspector for the Building Dept.

On a roll call, the vote to approve hiring Building Inspector for the building Department was as follows:

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

VOTE:

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

CAPITAL EXPENDITURES:

- New Fire Truck

On a roll call, the vote to approve New Fire Truck was as follows:

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

VOTE:

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

- Two Police cars

On a roll call, the vote to approve Two Police Cars was as follows:

Council Member N. Brown	No	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	Absent
Mayor Pro-Tem Richardson	No	Council Member Vogt	No
Council Member A. Brown	No		

VOTE:

YES: 0 NO: 6 (N. Brown, A. Brown, Murdock, Robb, Richardson, Vogt)
ABSENT: 1 (Edmonds) VOTE: Carried

- Underground Tank Removal and Replacement at DPS

On a roll call, the vote to approve Underground Tank Removal and Replacement was as follows:

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

VOTE:

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

- Michigan Mid-Block Crossing

On a roll call, the vote to approve Michigan Mid-Block Crossing was as follows:

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

VOTE:

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

- Washtenaw Mid-Block Crossing

On a roll call, the vote to approve Washtenaw Mid-Block Crossing was as follows:

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

VOTE:

YES: 6 NO: 0 ABSENT: 1 VOTE: Carried

- Rail Closing Work (Marsh Plating and (3) corners)

On a roll call, the vote to approve Rail closing Work was as follows:

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

VOTE:

YES: 6 NO: 0 ABSENT: 1 VOTE: Carried

- Prospect St. and Michigan Ave. safety improvement project

On a roll call, the vote to approve Prospect St. and Michigan Ave safety Improvment was as follows:

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

VOTE:

YES: 6 NO: 0 ABSENT: 1 VOTE: Carried

- Continued work on the design for a new rail platform in Depot Town

On a roll call, the vote to approve continued work on the design for a new rail platform was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	No
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 1 (Vogt) ABSENT: 1 VOTE: Carried

- Urgent Road Repair Program - 2016

On a roll call, the vote to approve Urgent Road Repair Program was as follows:

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

VOTE:

YES: 6 NO: 0 ABSENT: 1 VOTE: Carried

XVI. <u>AUDIENCE PARTICIPATION</u> –

XVII. <u>REMARKS FROM THE MAYOR</u> –

Ralph Lange Proclamation (added)

XVIII. <u>ADJOURNMENT</u> -

Resolution No. 2016-169, 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 Anne Brown
SECONDED BY: Council Member Nicole Brown

On a voice vote, the motion carried, and the meeting adjourned at 10:30 p.m.

REQUEST FOR LEGISLATION
09 August 2016

From: Bonnie Wessler, City Planner

Subject: Eastern Michigan University: Homecoming 2016 "Paint the Town Green"

SUMMARY & BACKGROUND:
Eastern Michigan University's upcoming 96th annual homecoming celebration has the theme of "Paint the Town Green." In support of that theme, Eastern Michigan University would like to partner with local businesses to paint storefront windows with depictions of school spirit, prominently featuring EMU's school colors.

City Code of Ordinances' Zoning Code, sign section (§122-866(b)(10)) prohibits "window signs," which this decoration would be classified under, from covering more than 25% of the window's transparent surface; it would also require them to seek a permit. EMU attempted this project last year, but was not able to encourage many local businesses to participate given the regulatory requirements, especially outside the West Cross district.

STAFF RECOMMENDATION
The City has an opportunity to enable local businesses to support a major school spirit event involving our student population. This action would help to foster a stronger town-gown relationship and help to encourage students to seek out participating businesses.

Staff recommends that Council resolve to direct staff to issue a blanket permit for window signs of any size for the month of October for businesses that participate with the Homecoming Court's "Paint the Town Green" project.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Resolution

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 178
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti has a longstanding positive relationship with Eastern Michigan University; and

WHEREAS, *Paint the Town Green* is the theme of this year's homecoming celebration; and

WHEREAS, Eastern Michigan University wishes to partner with local businesses to paint storefront windows with images of school spirit during Homecoming Week, October 2 through 8; and

WHEREAS, The City of Ypsilanti supports the celebration of Homecoming Week; and

NOW THEREFORE BE IT RESOLVED THAT THE YPSILANTI CITY COUNCIL supports and approves the issuance of a blanket permit for window signs of any size for the month of October for businesses that participate with the Eastern Michigan University's "Paint the Town Green" homecoming project.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
August 16, 2016

To: Mayor, Council and City Manager

From: Community-Policing/ Black Lives Matter Task Force

Subject: Police Complaint Form and Police Policy 16

SUMMARY & BACKGROUND: City Council created the Community-Policing / Black Lives Matter Task Force in October of 2015. The Task Force is comprised of three Council Members and three Human Relations Commissioners. The Task Force was given the directive to examine Police and Community relations and ensure that individuals living and visiting Ypsilanti receive excellent service from the Police Department.

The Task Force reached out to several groups within the Ypsilanti to understand concerns regarding the Police Department. One major concern was the Citizen's Complaint Process was cumbersome. In response to that the Task Force revised the Complaint Form, creating a clear and concise form. The Task Force also made amendments to Police Policy 16, which governs how a complaint is processed by the Police Department.

After its approval the form and policy were transferred to the Human Relations Commission for approval.

ATTACHMENTS: Amended Citizen Complaint Form and Police Policy 16.

RECOMMENDED ACTION: Approval

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: __8/16/2016_

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016-179
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, through the direction of City Council the Police-Community Relations/Black Lives matter Joint Task force was created, and comprised of members of City Council and the Human Relations Commission; and

WHEREAS, the Task force was given the directive to improve the relationship between the Ypsilanti Police Department and the community at large; and

WHEREAS, through public input the Task Force selected improving the complaint process and created a clear and concise form with several options to submit the complaint.

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Ypsilanti approves the revised Citizen Complaint form.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
Citizens/Police Complaint Form

Use this form to file a complaint against an Ypsilanti Police Department officer or employee.

The City of Ypsilanti respects your privacy and will not distribute your personal information except as necessary to resolve your request or complaint. However, you should be aware that this information is subject to the State of Michigan's public disclosure laws and may be disclosed upon request.

You are encouraged to provide as much information as possible. It is helpful to the investigators to be able to follow up on information or speak to people involved in the incident to gather evidence. However, if you would like to submit a complaint anonymously, you may omit your identifying information on this form.

Please submit this complaint to any of the following: Ypsilanti City Clerk or Manager, Ypsilanti Police Department, Ypsilanti City Attorney, Ypsilanti City Hall Drop Box, or online. Once submitted, this form will be sent to the Ypsilanti City Manager, the Ypsilanti Police Department Chief, and the Ypsilanti City Attorney to be investigated.

Within seven days you will receive confirmation of receipt, accompanied with a copy of the complaint, unless submitted anonymously. This complaint will be investigated and findings of the investigation completed within 30 days unless notice is given that more time is needed for the investigation.

INFORMATION ABOUT THE INCIDENT:

Location: _____

Incident Date (month/day/year): _____

Incident Time: _____ AM PM

Name of YPD Officer/Employee (if Known):_____

Name of Witnesses or Others Involved: _____

Witnesses Phone: _____

Ypsilanti Police Department Report/Incident Number if known or applicable: _____

STATEMENT/DESCRIPTION OF INCIDENT:

Do you have photographs or video relevant to this incident? No Photos Video
Please describe the incident, including any injuries sustained.

_____
_____
_____
_____
_____
_____
_____
_____

Continue to the next page…

PERMISSIONS:

• Are you willing to be contacted by the City for more information? Yes No

• Do you want your name and contact information disclosed to the YPD? Yes No
(If you check "no," please submit this form to the City Manager, who will remove your identifying information before forwarding the incident description, above, to the YPD.)

• Would you consider mediation for this complaint? Yes No

It is voluntary, but helpful to know the following information about you:

Gender: Male Female Other: _____ Decline to State

Racial/Ethnic Background: Asian Pacific Islander Hispanic/Latino Native American
African American Caucasian Other:_____ Decline to State

YOUR INFORMATION: **Do not complete the information below if you wish to remain anonymous.**

Last Name, First Name, Middle Initial:
_____

Address, City, State, Zip: _____

Phone Number/s:
_____

Email Address: _____

Please indicate how you would like to receive correspondence: Email USPS

SIGNATURE:
The City of Ypsilanti is committed to providing professional and accountable law enforcement for the citizens for Ypsilanti. Honest feedback is essential to maintaining a police department that is both trustworthy and responsive to the community.

I hereby certify that the information in this complaint is true and correct to the best of my knowledge and belief.
Signature:_____Date: _____

Resolution No. 2016-180
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, through the direction of City Council the Police-Community Relations/Black Lives matter Joint Task force was created, and comprised of members of City Council and the Human Relations Commission; and

WHEREAS, the Task force was given the directive to improve the relationship between the Ypsilanti Police Department and the community at large; and

WHEREAS, through public input the Task Force selected improving the current Police Policy 16, which governs the Department how to process a complaint filed against an officer.

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Ypsilanti approves the revised Police Policy 16 and directs the Chief of Police to implement the changes in the policy.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

YPSILANTI POLICE DEPARTMENT

POLICY & PROCEDURE #16

EFFECTIVE DATE: Month DD, YYYY

REVISED: JANUARY 16, 2003
REVISED: October 14, 2011
REVISED: Month DD, YYYY

Complaint Processing Procedure

PURPOSE: It shall be the policy of the Ypsilanti Police Department to courteously and promptly record, in writing, any complaint made by a citizen against any member of this department. Shift Supervisors or Acting Shift Supervisors may attempt to resolve the complaint, but shall never attempt to dissuade a citizen from lodging a complaint against any member of the department. Officers shall follow established departmental procedures for processing complaints.

I. CLASSIFICATION OF COMPLAINTS

A. The complaints, which are to be handled in accordance with the provisions of this procedure, are alleged or suspected violations of departmental rules and regulations and/or policy & procedure by members of the police department.

B. The Police/Citizen Complaint Form will be used to record two specific types of complaints, internal complaints and external complaints.

1. Internal complaints are defined as:
   A complaint filed by a department member who wishes to report infractions or violations of departmental rules and regulations and/or policy & procedure by another member.

2. External complaints are defined as:
   A complaint filed against a member(s) of the Police Department by a person or entity who is not a department member.

II. AVAILABILITY OF COMPLAINT FORMS

A. Persons requesting a Police/Citizen Complaint Form shall immediately be directed to the Shift Supervisor. It shall be the responsibility of the Shift

Supervisor to ensure that the entire complaint reception procedure is cordial and held in strict confidence and that individual department members are only advised of the receipt of a complaint on a need-to-know basis.

The Complainant shall be offered a private location for the complaint reception interview. If the Shift Supervisor is not readily available, the Lieutenant or the Chief shall be notified. Every attempt should be made to refrain from telling a complainant to come back later

B. Complaints can also be received by or through the City of Ypsilanti Drop Box, City Clerk's Office. the City Manager's Office, or the Ypsilanti City Attorney's Office. Complaints that are filed at those offices will be forwarded to the Chief of Police and investigated according to packets will be this policy. Complaint supplied to the City Clerk's and the City Manager's office as a course of business or upon request.

III. PROCEDURES FOR THE PROCESSING OF COMPLAINTS

A. Role of the Shift Supervisor or Acting Shift Supervisor in accepting a complaint.

1. Person(s) who wish to file a formal complaint against any member of the Police Department shall immediately be directed to a Shift Supervisor, as outlined in Section II (Availability of Complaint Forms) of this procedure. The Conference Room or similar private area should be used to discuss the complaint process with the complainant.

2. Should the complainant, after speaking with the Shift Supervisor request to file their complaint personally with a higher authority, arrangements will be made to refer the complainant to that higher authority.

3. Members of the Police Department, who wish to file a formal complaint against another member, will initiate this report with the Lieutenant or the Chief of Police; or, in the case of a complaint against the Police Chief or Lieutenant, the complainant will initiate this report with the City Manager.

4. An exception to this formal complaint procedure shall occur when it has been determined by the Complainant and the Supervisor that the complaint might more logically be handled on an informal basis between all parties concerned. The Supervisor in charge in this situation shall complete the "Notice of Complaint Packet Issuance Form" and submit the form to the Chief of Police.

5. Following a verbal discussion as to the substance of the complaint, if it cannot be addressed informally, the Shift Supervisor shall furnish the complainant with a blank copy of the Police/Citizen Complaint Form.

6. The complainant may complete the form either in their own handwriting or by use of a typewriter; or by computer using a fillable PDF file. At their request, the complainant may have whatever assistance is necessary in completing the form. If possible, the form will be completed before the complainant leaves the department. For practical purposes, this shall include dictating the substance of their complaint to a department member of the Shift Supervisor's choosing. When assistance is given, a brief statement as to why such assistance was necessary, who provided the assistance, and to what degree the assistance was provided shall be noted under "Details of the Complaint."

7. If the Shift Supervisor assists the complainant in preparing the form, they shall sign on the line dedicated for the "Accepting Department Member" signature line and note that they assisted in the preparation by placing the word "assisted" next to the members' name.

8. After the complainant has prepared the form to the extent possible, the Shift Supervisor shall review the contents for legibility. If a word is not legible, the Shift Supervisor shall inquire of the complainant.

9. Following a review of the form by the Shift Supervisor, the complainant shall sign the accompanying statement of affirmation, in the space provided. Should the complainant refuse to sign the affirmation, the Shift Supervisor shall enter the words, **"Refused to Sign"** in the space provided for the complainant's signature.

10. Upon receipt of the complaint it will be assigned a complaint number. This number will be provided to the complainant when they receive notice the complaint has been received.

11. At this point in the complaint reception procedure, the Shift Supervisor shall furnish the complainant with a signed (by the Shift Supervisor as the Accepting Department Member) copy of the Complaint Reception Receipt. They shall also advise the complainant to review the receipt carefully for information concerning subsequent action that will be taken to investigate their complaint. The Shift Supervisors are to make sure a copy of the receipt is retained for departmental use and forwarded to the Chief.

12. In the "Notice to the Chief of Police of a Complaint" section of the complaint packet form, the Shift Supervisor shall include a brief comment

relative to the complainant's apparent rationality and demeanor. Should they suspect that the complainant is under the influence of an intoxicant or drug or is suffering from a mental disorder, or evidence any other trait or condition bearing on their credibility; the supervisor shall note these conditions, together with any other pertinent remarks in the space provided. If the complainant chooses to complete the written complaint away from the police station, the complainant shall be allowed to do so. The Shift Supervisor will complete the "Notice to the Chief of Police of a Complaint" form and write down the complainant's name, address and telephone number, a brief description of the complaint and forward the form to the Chief of Police. It will serve as documentation that a complaint packet was given out and who received it. When the complainant returns the completed complaint forms, the receiving officer shall fill out another complaint reception receipt indicating all required information and forward all materials to the Chief of Police.

13. In those instances where a complainant has alleged the use of excessive force on the part of a department member, the Shift Supervisor shall carefully note the presence of any unusual marks, bruises or abrasions on the person of the complainant. They shall record all such injuries by the use of color photography.

14. Following a final review of the Police/Citizen Complaint Form, the Shift Supervisor shall forward the complaint to the Chief of Police.

IV. PROCEDURES FOR ACCEPTING ANONYMOUS COMPLAINTS AND THIRD PARTY COMPLAINTS

Although the department recognizes its responsibility to protect all of its members from false and malicious complaints, it shall not dismiss anonymous complaints or complaints that are derived from a third-party complainant (i.e., a person not involved in, or witness to, the incident for which the complaint is filed).

For anonymous complaints, the department shall not attempt to discover the identity of the person giving the information.

For third-party complaints, the department shall attempt to contact the aggrieved person(s) to determine if the aggrieved person(s) wish to proceed with the complaint and learn if the necessary cooperation will be achieved to assist in the investigation.

A. Reception of Telephone Complaints

1. Members receiving citizen complaints by telephone shall immediately transfer same to the attention of the Shift Supervisor or Acting Shift Supervisor. It shall be the responsibility of the Shift Supervisor to advise the telephone caller of this department's procedures for the processing of citizen complaints. They shall further advise the party that in an effort to add credibility to the substance of their complaint, it is preferable that they meet personally with the Shift Supervisor to complete a copy of the Police/Citizen Complaint Form.

2. Should the caller refuse to appear or meet personally for the purposes of formally filing their complaint, shall be the responsibility of the Shift Supervisor to enter, on a Police/Citizen Complaint Form, all pertinent information and facts that are necessary to the appropriate completion of the report. The complainant's signature box will reflect the words "telephone complaint" in printed form. Upon completion the form will be forwarded to the Chief of Police or their designee.

B. Reception of Complaints by U.S. mail, electronic mail (email), via the City Clerk's, Manager's, or Attorney's Office, or via online submission

1. Members receiving citizen complaints by any means shall immediately forward the complaint to the attention of the Shift Supervisor or Acting Shift Supervisor.

2. The Shift Supervisor shall review the correspondence and immediately forward same to the Chief of Police or their designee.

C. Reception of Complaint from a Third Party.

1. Persons who wish to file a third-party complaint against a member of the Ypsilanti Police Department may do so through a Supervisor or their designee acting on behalf of an Ypsilanti Police Supervisor, or through any means described in paragraph II. B.

2. The supervisor receiving a complaint from a third party complainant will make appropriate inquiry to establish the identity of the third party person(s) making the complaint. Also, inquiry shall be made to establish the identification of the aggrieved person(s), as well as information to enable the Police Department to contact said aggrieved person(s).

3. Supervisors or their designee shall conduct a meaningful interview with the Third-Party Complainant to establish a summary of the complaint.

4. The summary complaint information shall be captured on the Notice to the Chief of Police of a Complaint Form. This form shall be completed by the supervisor and forwarded to the Office of the Chief of Police. If the

Chief of Police determines the complaint to be a third party complaint, the Chief shall then prepare and forward a Third-Party Citizen Complaint notice to the actual complainant.

5. The aggrieved person(s) shall be provided ample time to notify the Ypsilanti Police Department of their desire to proceed or not with an investigation of the received complaint. If the aggrieved person(s) does contact/notify this agency and wishes to proceed with the complaint, the established guidelines within this departmental policy shall be used in the processing of the complaint.

a. The Chief of Police has the discretion to proceed with an investigation of the complaint regardless of contact/notification by the aggrieved person(s). Additionally, the Chief of Police may extend, modify, or dismiss the contact date that was originally given to the aggrieved.

V. ROLE OF THE INVESTIGATING SUPERVISOR(S)

A. Consistent with existing departmental policy, and in accordance with the language of any agreement entered into, by and between the City of Ypsilanti and the C.O.A.M. or the P.O.A.M., the investigating supervisor(s) is hereby authorized to employ all recognized investigative methods in conducting a meaningful investigation of a complaint filed against a member of the department. Investigations may include, but are not limited to, the following investigative methods:

1. The taking of oral statements and/or signed written statements from any person who alleges misconduct by a department member.

2. The taking of oral statement and/or signed written statements from any witness to alleged misconduct by a department member.

3. The use of written reports submitted by the department member(s) complained about, or who were involved in an incident where misconduct is alleged to have occurred.

4. The taking of oral and/or signed written statements from the department member(s) complained about, or who were involved in an incident where misconduct is alleged to have occurred.

5. The use of polygraph examination for the complainant, or any witnesses involved in the investigation must be approved by the Chief of Police. Police personnel cannot be asked to take a polygraph test.

B. After the investigating supervisor has received and reviewed all of the investigative reports and/or processed the complaint as outlined above, they shall arrive at a final determination.

1. Substantiated: When the investigator, after carefully reviewing all of the facts, determines that the complaint has been supported by evidence, their final determination shall be that the complaint has been substantiated. Their final report must include the police personnel that the complaint has been substantiated upon and those specific violations that were substantiated must be listed within the final written report.

2. Not Substantiated: When the investigator, after carefully reviewing all of the facts, determines that because of a lack of witnesses or other objective and persuasive evidence, the complaint cannot be substantiated, their final determination shall be that the complaint is not substantiated. Although this determination does not necessarily mean that the allegation is untrue, the member(s) involved will be considered exonerated of any misconduct until such time as evidence to the contrary is produced.

3. Unfounded: When the investigator, after carefully reviewing all of the facts, determines that all pertinent information firmly supports the conclusion that the allegations are untrue, their final determination shall be that the complaint is unfounded. In such instances, the member(s) involved will be considered exonerated of any misconduct.

C. The investigating supervisor shall be responsible for the completion of all assigned complaints within thirty (30) days (working days) of the date that the complaint was received. In those instances where an investigation must be extended over the prescribed thirty (30) days (working days) limit because the matter is complicated, the investigating supervisor shall have sixty (60) days, but only after approval of the Chief of Police, who will provide notice to the employee and their union. In matters that are deemed by the Chief of Police to be criminal in nature or the possibility exists that the matter may turn into a criminal matter, the investigating supervisor shall have 120 working days to complete the investigation.

D. After due consideration of all duties and responsibilities involving the complaint, the investigating supervisor shall terminate their personal responsibility and involvement with the complaint by submitting an investigative report to the Chief of Police or their designee. The investigative report, shall include the following:

1. The date the complaint was received by the Police Department.

2. The date the investigation was initiated.

3. The date the investigation was completed.

4. The date that the completed report was submitted to the chief of Police or their designee.

5. Investigation narrative containing all facts and information obtained from the investigation.

6. Investigator's final determination.

7. Investigator's signature.

VI. RECOMMENDATION OF THE LIEUTENANT

A. After careful consideration of all information pertaining to the complaint, including all of the evidence that has been gathered and presented by the investigating supervisor, the Lieutenant assigned to oversee the complaint investigation shall make a determination as to whether, in their judgment, the complaint has been found to be substantiated, not substantiated or unfounded.

B. Should the Lieutenant determine that the complaint has been substantiated, they shall recommend, for consideration, what they deem to be appropriate disciplinary action and forward same to the Chief of Police.

VII. REVIEW AND DISPOSITION BY THE CHIEF OF POLICE

A. After due consideration of all information pertaining to the complaint, including the recommendations of the investigating supervisor and Lieutenant, the Chief of Police shall decide upon the disposition of the complaint. Accordingly, they shall exercise such administrative and contractual powers as may be necessary to take appropriate measures to effectively address the complaint. This may include disciplinary action up to, and including, termination of employment.

B. The Chief of Police, or their designee, shall take appropriate action in writing to notify both the complainant and the member under investigation as to the final disposition of the complaint.

VIII. RETENTION POLICY AND ACCESS TO THE CENTRAL COMPLAINT FILE

A. [Police Chief to consult the city attorney and insert here a retention policy for complaints and complaint investigation reports. Retention policy shall satisfy the following purposes: 1. Make possible investigation of complaint histories. 2. Determine repeated patterns of complaints. 3. Determine repeated complaints against a particular member of the Police Department.

B. Subject to law, access to the Central Complaint File] shall be strictly controlled by the Chief of Police or their designee.

IX. REVISION RESPONSIBILITY

A. Responsibility for the continuous updating and revision of this order lies with the Chief of Police. Continuous shall mean when necessary or when mandated by law.

B. In the event this procedure conflicts with or supersedes any previous departmental order, procedure or directive, to that extent the conflicting or superseded order is canceled.

By Order Of:

Tony D
Chief of Police

ATTACHMENTS

A. Citizen's/Police Complaint Form
B. Departmental Complaint Processing Forms Packet.

REQUEST FOR LEGISLATION
August 16, 2016

From: Stan Kirton, Public Services Director

Subject: Michigan Department of Transportation Contract No. 16-5391 for the 2016 Signal Upgrade Project at the Michigan Avenue and Prospect Road Intersection

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SUMMARY & BACKGROUND:

Federal Transportation Funds - MDOT Safety Improvement Program Funds has been programmed to upgrade the signal at the intersection of Prospect Road and Michigan Avenue; including back plates, count down pedestrian traffic signals, installation of left turn signals on Michigan Avenue and concrete sidewalk ramp works. This project is slated for the 2016 construction season.

The total construction cost of this project is estimated at $275,000, less $151,937 Federal Fund. The City's construction cost for this project will be approximately $135,000. The estimated construction engineering cost for this project is $40,000. The City's total cost for this project is estimated to be $175,000.00

The FY 2016-2017 budget has allocated funding for the construction cost in account #202-7-9056-975-03.

RECOMMENDED ACTION: Approval

ATTACHMENTS: MDOT Contract No. 16-5391, Resolution

CITY MANAGER APPROVAL: _____ AGENDA DATE: August 16, 2016

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 181
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Federal Transportation Funds - MDOT Safety Improvement Program Funds has been programmed to upgrade the signal at the intersection of Prospect Road and Michigan Avenue; including back plates, count down pedestrian traffic signals, the installation of left turn signals on Michigan Avenue and concrete sidewalk ramp work in the 2016 construction season; and

WHEREAS, it is necessary to enter into a contract with the Michigan Department of Transportation for the implementation of this project; and

WHEREAS, the City's estimated construction costs will be expended from account #202-7-9056-975-03; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the Michigan Department of Transportation Contract No. 16-5391; and

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

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

HSIP

DA

Control Section	HSIP 81609
Job Number	123796A
Project	HSIP 1681(033)
Federal Item No.	RT 0482
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	16-5391

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF YPSILANTI, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Ypsilanti, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated June 23, 2016, attached hereto and made a part hereof:

PART A – FEDERAL PARTICIPATION
Traffic signal upgrade work at the Prospect Road/Prospect Street and Michigan Avenue (Highway US-12) Intersection; including back plates, countdown pedestrian traffic signals, and concrete sidewalk ramp work; and all together with necessary related work.

PART B – NO FEDERAL PARTICIPATION
Sprinkler head adjustment and audiovisual recording work within the limits as described in PART A; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

HIGHWAY SAFETY IMPROVEMENT PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT, including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

A. Design or cause to be designed the plans for the PROJECT.

B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.

C. Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in accordance with the following:

PART A
Federal Highway Safety Improvement Program Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST up to the lesser of: (1) $151,937, or (2) an amount such that 80 percent, the normal Federal participation ratio for such funds, for the PART A portion of the PROJECT is not exceeded at the time of the award of the construction contract. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B
The PART B portion of the PROJECT COST is not eligible for Federal participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon an effective billing rate and the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses. The initial effective billing rate for the federal funding for the PART A portion of the PROJECT is calculated by using the federal funding for the PART A portion of the PROJECT set at the time of the award of the construction contract, as described in Section 5, and dividing by the total costs of the PART A portion of the PROJECT eligible for federal funding and authorized at the time of the award of the construction contract.

The effective billing rate for the federal funding of the PART A portion of the PROJECT is determined by the current funding authorization for the PART A portion of the PROJECT and may change as the PROJECT progresses and funding authorizations are increased or decreased.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

Buy America Requirements (23 CFR 635.410) shall apply to the PROJECT and will be adhered to, as applicable, by the parties hereto.

9. The REQUESTING PARTY certifies that a) it is a person under the Natural Resources and Environmental Protection Act, MCL 324.20101 et seq., as amended, (NREPA) and is not aware of and has no reason to believe that the property is a facility as defined in the NREPA; b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation

with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended, rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. Each party to this contract will remain responsive for any and all claims arising out of its own acts and/or omissions during the performance of the contract, as provided by this contract or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This contract is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this contract.

The DEPARTMENT shall not be subject to any obligations or liabilities by contractors of the REQUESTING PARTY or their subcontractors or any other person not a party to this contract without its specific consent and notwithstanding its concurrence in or approval of the award of any contract or subcontract or the solicitation thereof.

It is expressly understood and agreed that the REQUESTING PARTY shall take no action or conduct which arises either directly or indirectly out of its obligations, responsibilities, and duties under this contract, which results in claims being asserted against or judgments being imposed against the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission.

In the event that the same occurs, for the purpose of this contract it will be considered as a breach of this contract thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission a right to seek and obtain any necessary relief or remedy, including but not by way of limitation, a judgment for money damages.

17. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

18. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.

B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.

C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

19. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF YPSILANTI

By_____
Title:

By_____
Title:

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By_____
Department Director MDOT

FORM APPROVED
8-4-2016
P.L.B
ASSISTANT
ATTORNEY
GENERAL

J. D. C.
7/27/16

APPROVED BY:

Administrator
Real Estate

8/8/16
Date

June 23, 2016

EXHIBIT I

CONTROL SECTION	HSIP 81609
JOB NUMBER	123796A
PROJECT	HSIP 1681(033)

ESTIMATED COST

CONTRACTED WORK

	PART A	PART B	TOTAL
Estimated Cost	$278,300.00	$1,100.00	$279,400.00

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	$278,300.00	$1,100.00	$279,400.00
Less Federal Funds*	$151,937.60	$ -0-	$151,937.60
BALANCE (REQUESTING PARTY'S SHARE)	$126,363.40	$1,100.00	$127,462.40

*Federal Funds for the PART A portion of the PROJECT are limited to an amount as described in Section 5.

NO DEPOSIT

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.

B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.

1. Engineering

   a. FAPG (6012.1): Preliminary Engineering

   b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts

   c. FAPG (23 CFR 635A): Contract Procedures

   d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments–Allowable Costs

2. Construction

   a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims

   b. FAPG (23 CFR 140B): Construction Engineering Costs

   c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies

   d. FAPG (23 CFR 635A): Contract Procedures

   e. FAPG (23 CFR 635B): Force Account Construction

   f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement

g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)

h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways

i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments–Allowable Costs

3. Modification Or Construction Of Railroad Facilities

a. FAPG (23 CFR 140I): Reimbursement for Railroad Work

b. FAPG (23 CFR 646B): Railroad Highway Projects

C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of $100,000.00 stipulate the following with respect to their specific jurisdictions:

1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.

2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.

3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.

D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.

E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.

B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by ten percent (10%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.

C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.

D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.

E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than $100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.

H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.

I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.

K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.

L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.

M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.

N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.

O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.

P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.

Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

   The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

   The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

   If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

   In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

   Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate

arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, as amended, including, but not limited to, the Single Audit Amendments of 1996 (31 USC 7501-7507).

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

a. Agencies expending a total of $500,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than $500,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Education
Accounting Service Center
Hannah Building
608 Allegan Street
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.

3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than $1,000.00 shall be submitted unless it is a final

or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.

5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.

6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than $1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.

2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.

3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).

5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

   Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

   a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

   b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

      With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

   c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

   d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.

C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.

D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.

B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.

C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.

D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.

E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.

2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.

3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.

6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.

9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

<u>Revised June 2011</u>

APPENDIX B
TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations**: For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.

2. **Nondiscrimination**: The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.

3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment**: All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. **Information and Reports**: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.

5. **Sanctions for Noncompliance**: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:

   a. Withholding payments to the contractor until the contractor complies; and/or

   b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions**: The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

> The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

> The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

REQUEST FOR LEGISLATION
August 16, 2016

From: Stan Kirton, Public Services Director

Subject: Contract Approval for Construction Services for the Park and Grove Streets Permanent Grade Crossing Closures

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SUMMARY & BACKGROUND:

The City of Ypsilanti has chosen to take advantage of an incentive offered by MDOT Rail to close at grade rail crossing along their rail system. The incentive offers $375,000.00 for the closures of the grade crossings on Park and Grove Streets, which have been previously approved by City Council. The funds from the MDOT Rail incentive will be used for construction services and construction engineering services for this project. The incentive funds will also be used to fund the work described in the City's agreement with Marsh Plating.

The scope of this project includes the installation of permanent closures on both sides of the railroad tracks, drainage improvements, installation of curb and gutter, sidewalk improvements and pavement markings.

Bids were solicited on MITN and by direct mail. Three sealed bids were received and opened on August 4th, 2016. Pavex Corporation, Trenton, MI, submitted a bid in the amount of $188,474.10; Fonson Company, Inc., Brighton, MI, submitted a bid in the amount of $173,875.00; and Erie Construction, LLC, Woodhaven, MI submitted a bid in the amount of $169,967.00.

The construction services costs will be expended from account #202-7-9061-973-04. Staff recommends council accept the proposal submitted by, Erie Construction, LLC Inc. for the amount of $169,967.00.

RECOMMENDED ACTION: Approval

Attachments: Resolution, Bid Tabulation, Engineer's Recommendation Letter

Date Received: _____August 9, 2016_____ Agenda Item No.: _____

City Manager Comments: _____

For Agenda of _August 16, 2016___ Finance Director Approval _____

Council Action Taken: _____

Resolution No.2016 - 182
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Funds have been programmed in the 2016-2017 FY-Budget for construction services for the permanent at grade rail crossing closures at Park and Grove Streets; and

WHEREAS, bids were solicited on MITN and by direct mail; and

WHEREAS, three sealed bids were received and opened on August 4, 2016 ranging from $188,474.10 to $169,967.00; and

WHEREAS, Staff recommends accepting the bid submitted by Erie Construction, Wood Haven, MI for the amount of $169,967.00; and

WHEREAS, the construction services will be expended from account number 202-7-9061-973-04; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the bid submitted by Erie Construction, LLC.; and

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

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

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

ARCHITECTS. ENGINEERS. PLANNERS.

OHM Advancing Communities℠

August 9, 2016

City of Ypsilanti
One Huron Street
Ypsilanti MI 48197

Attention: Stan Kirton
Director of Public Services
City of Ypsilanti

Regarding: Bid Results
Grove and Park Grade Closures

Dear Mr. Kirton:

Sealed bids for the Grove and Park Grade Closures were received and publicly read aloud at 2:00 pm on Thursday, August 4, 2016 in the City of Ypsilanti Council Chambers. Proposals were received from three (3) bidders with as-checked results ranging from $169,967.00 to $188,474.10. The detailed bid tabulation is attached.

Erie Construction, LLC was the low bidder on the project. All required information, including bond surety, statement of qualifications, and subcontractors listing, has been provided.

We have reviewed the documentation submitted by Erie Construction, LLC and have found it to be acceptable. We have also reviewed the qualifications submitted by Erie Construction, LLC and have found them to be qualified and in good standing.

Upon approval of the contract by City Council, OHM will deliver the contract books to Erie Construction, LLC for signature and preparation of the appropriate bonds and insurances. Once the contractor has returned the signed books with the appropriate bonds and insurances, the contract can be executed, and work can begin.

Should there be any questions, please contact this office at (734) 522-6711.

Sincerely,
OHM Advisors
[redacted]

Marcus J. McNamara

CC: Francis McMullan, City Manager

P:\0000_0100\0094150070_RailPlatform_Construction\100 Administration\100.03 Award Letter\Bid_Results_Grove_Park.docx\

Attachment: Bid Tab

OHM Advisors
34000 PLYMOUTH ROAD
LIVONIA, MICHIGAN 48150
T 734.522.6711
F 734.522.6427
OHM-Advisors.com

Tabulation for Bids Received on 8/4/16
Grove and Park Grade Closures
City of Ypsilanti, Washtenaw County, State of Michigan
OHM advisors Job No.: 0094-15-0070

			Erie Construction LLC 22051 Commerce Dr. Woodhaven, MI 48183 Phone: 734-676-8689		Fonson Company, Inc. 7644 Whitmore Lake Rd. Brighton, MI 48116 Phone: 810-231-5188		Pavex Corporation 2654 Van Horn Rd. Trenton, MI 48183 Phone: 734-676-6220	
Item No.	**Description**	**Estimated Quantity**	**Unit Price**	**Amount**	**Unit Price**	**Amount**	**Unit Price**	**Amount**
1)	Mobilization, Max. 10%	1 LS	$16,500.00	$16,500.00	$17,000.00	$17,000.00	$16,000.00	$16,000.00
2)	Audio Video Route Survey	1 LS	$1,550.00	$1,550.00	$1,285.00	$1,285.00	$800.00	$800.00
3)	Pavt, Rem	930 Syd	$6.00	$5,580.00	$10.00	$9,300.00	$6.60	$6,138.00
4)	Sidewalk, Rem	158 Syd	$8.00	$1,264.00	$17.00	$2,686.00	$11.70	$1,848.60
5)	Subgrade Undercutting, Type II	291 Cyd	$28.00	$8,148.00	$30.00	$8,730.00	$76.00	$22,116.00
6)	Station Grading	3 Sta	$3,400.00	$10,200.00	$7,000.00	$21,000.00	$4,350.00	$13,050.00
7)	Erosion Control, Filter Bag	6 Ea	$141.00	$846.00	$150.00	$900.00	$110.00	$660.00
8)	Erosion Control, Silt Fence	450 Ft	$3.50	$1,575.00	$2.00	$900.00	$2.00	$900.00
9)	Aggregate Base, 6 inch	914 Syd	$15.00	$13,710.00	$17.00	$15,538.00	$12.45	$11,379.30
10)	Maintenance Gravel	30 Ton	$20.00	$600.00	$40.00	$1,200.00	$25.00	$750.00
11)	Sewer, Cl E, 12 inch, Tr Det B	69 Ft	$60.00	$4,140.00	$81.00	$5,589.00	$85.00	$5,865.00
12)	Dr Structure, 24 inch dia	2 Ea	$1,600.00	$3,200.00	$2,500.00	$5,000.00	$2,000.00	$4,000.00
13)	Dr Structure, 60 inch dia	1 Ea	$25,000.00	$25,000.00	$10,000.00	$10,000.00	$34,230.00	$34,230.00
14)	Dr Structure Cover, Adj, Case 1	2 Ea	$450.00	$900.00	$800.00	$1,600.00	$600.00	$1,200.00
15)	Dr Structure Cover, Adj, Case 2	6 Ea	$400.00	$2,400.00	$750.00	$4,500.00	$800.00	$4,800.00
16)	Dr Structure Cover, Type G	4 Ea	$750.00	$3,000.00	$580.00	$2,320.00	$750.00	$3,000.00
17)	Dr Structure, Adj, Add Depth	6 Ft	$260.00	$1,560.00	$275.00	$1,650.00	$450.00	$2,700.00
18)	HMA, 13A	238 Ton	$163.00	$38,794.00	$126.00	$29,988.00	$110.40	$26,275.20
19)	Curb and Gutter, Conc, Det F4	237 Ft	$33.00	$7,821.00	$30.00	$7,110.00	$30.00	$7,110.00
20)	Sidewalk Ramp, Conc, 6 inch	190 Sft	$20.00	$3,800.00	$20.00	$3,800.00	$12.00	$2,280.00
21)	Sidewalk, Conc, 4 inch	254 Sft	$14.00	$3,556.00	$15.00	$3,810.00	$8.00	$2,032.00
22)	Guardrail, Type B	55 Ft	$48.00	$2,640.00	$45.00	$2,475.00	$45.00	$2,475.00
23)	Guardrail Departing Terminal, Type B	2 Ea	$1,600.00	$3,200.00	$1,235.00	$2,470.00	$1,235.00	$2,470.00
24)	Post, Steel, 3 lb	126 Ft	$9.00	$1,134.00	$15.00	$1,890.00	$15.00	$1,890.00
25)	Sign, Type III, Rem	4 Ea	$50.00	$200.00	$150.00	$600.00	$150.00	$600.00
26)	Sign, Type IIIB	87 Sft	$15.00	$1,305.00	$30.00	$2,610.00	$30.00	$2,610.00
27)	Pavt Mrkg, Waterborne, 4 inch, White	75 Ft	$2.08	$156.00	$2.00	$150.00	$7.00	$525.00
28)	Rem Spec Mrkg	336 Sft	$5.00	$1,680.00	$4.50	$1,512.00	$2.00	$672.00
29)	Surface Restoration	918 Syd	$6.00	$5,508.00	$9.00	$8,262.00	$11.00	$10,098.00
	TOTAL BID AMOUNT			$169,967.00		$173,875.00		$188,474.10

H:\Municipal_Group Operations\Bid Tabs\Ypsi City\[Bid Tab 0094-15-0070.pdf.xls]Sheet1

REQUEST FOR LEGISLATION
August 16, 2016

From: Stan Kirton, Public Services Director

Subject: Contract with Orchard, Hiltz & McCliment, Inc. for Construction Engineering Services for the Grove and Park Streets Grade Crossing Closures

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SUMMARY & BACKGROUND:

Upon Council approval of the construction services contract with Erie Construction, LLC for the Grove and Park Streets grade crossing closures, the construction phase will need engineering services.

OHM has submitted a proposal for construction engineering services at a not to exceed cost of $29,800. Services includes construction layout which entails site survey, locate proposed structures, and setting grade and location of proposed pavement. Construction observation services for all underground, paving and restoration. Construction engineering includes reviewing shop drawings and materials certifications, attending the preconstruction meeting and answering contractor questions. Contract administration is also included in this proposal. The cost for these services will be expended from account #202-7-9061-975-02.

Attachments: OHM Proposal for Construction Engineering Services, Resolution

Recommended Action: Approval

Date Received: _____August 9, 2014_____ Agenda Item No.: _____

City Manager Comments: _____

For Agenda of _August 16, 2016___ Finance Director Approval _____

Council Action Taken: _____

Resolution No. 2016 - 183
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council has approved the contract to permanently close the at grade rail crossings at Park and Grove Streets; and

WHEREAS, it is necessary to secure construction engineering services to expedite this project for the 2016 construction season; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the construction engineering services proposal with Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI at a not to exceed cost of $29,800.00; and

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

OFFERED BY:_____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

ARCHITECTS. ENGINEERS. PLANNERS.

OHM Advancing Communities℠

August 8, 2016

City of Ypsilanti
One South Huron St.
Ypsilanti, Michigan 48197

Attention: Mr. Stan Kirton
Department of Public Services Director

Regarding: **Grove Street and Park Street Grade Crossing Closures**
City of Ypsilanti
Construction Phase Services

Dear Mr. Kirton:

Orchard, Hiltz & McCliment, Inc. (OHM) is pleased to submit this proposal for engineering services for the railroad grade crossing closures in the City of Ypsilanti.

PROJECT UNDERSTANDING

This project includes the permanent closure of both Park Street and Grove Street at the crossing with the railroad. The work is being completed under three separate contracts.

1. The work within the railroad right-of-way is being completed by Amtrak/MDOT.
2. The work on Grove south of the tracks is being completed by Marsh Plating, per the agreement with the City.
3. The work on Grove north of the tracks and both sides of Park Street will be completed by a third contract.

This proposal includes effort to manage and coordinate all three contracts.

SCOPE OF CONSTRUCTION SERVICES

Construction Layout

Survey layout services will be provided for contract three only. Survey layout services will consist of locating proposed structures, and location and grade of proposed pavement/back of curb. Survey is not required for contract one. Contractor staking will be provided for contract two.

Construction Observation

OHM will provide part time on-site construction observation services for all underground, paving activities and restoration associated with all three contracts. Observation will be provided at critical stages of the work, such as identifying removal limits, base inspection prior to paving, form inspection, and final inspection. The construction observation will include measurement and logging of all work performed by the contractor for contract three only. Quantities for contract one and two will be reconciled at closeout as described in 'Construction Administration' below. Inspections will be limited to work in the right-of-way. Inspections will not be provided for work on private property done as part of contract two.

Material testing is not included due to the nature of the work. A scope and fee for materials testing can be provided separately if desired by the City.

Construction Engineering
OHM will provide construction engineering services for this project. Construction engineering services will include, but are not necessarily limited to, reviewing shop drawings and materials certifications provided by the contractor, attending a preconstruction meeting, answering requests for information (RFIs) from the contractor, and resolving construction conflicts (i.e., mismarked utilities, interpretation of the contract documents, etc.). Construction engineering will be provided for all three contracts.

Contract Administration
No construction administration is required for contract one. The trucking of the pavement removed by Amtrak was completed by the contractor for contract two. This item will be reconciled when contract two is reviewed for final payment. MDOT/Amtrak are not charging the City for their effort, therefore contract administration is not required.

For contract two only, OHM will review the quantities and invoices provided by the contractor at the completion of the project to verify the costs associated with the work included in the agreement.

For contract three only, OHM will provide necessary contract administration services for the project. Contract administration services will include preparation of any necessary change orders and correspondence needed for clarification, preparation and processing of partial and final payment estimates as well as final walk through and project close out.

FEE SCHEDULE
OHM proposes to provide the above outlined professional services on an Hourly - not to exceed basis.

Construction Services -	**$29,800**
Geotechnical Testing-	**$0**
TOTAL	**$29,800 (Hourly – Not to Exceed)**

This is an hourly estimate (not to exceed if there are no scope changes). If it appears during the project that this estimate will be exceeded OHM will notify the City in a timely manner and indicate the reasons that the budget will not be met (e.g. the contractor's productivity and field conditions). OHM will invoice the City once a month for the hourly – not to exceed amount in accordance with the continuing services agreement between OHM and the City of Ypsilanti.

ADDITIONAL SERVICES
OHM will be pleased to provide additional services not specifically described in the scope of work on a time and material basis. A separate proposal would be provided for such services.

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

Sincerely,

OHM Advisors

[redacted]

Marcus J McNamara

ACCEPTED

By: _____

Printed Name

_____

Signature

_____

Title

_____

Date

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Resolution No. 2016-184
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti is always striving to improve efficiencies when conducting elections and ways to make voting more assessable and convenient for the citizens of the City of Ypsilanti; and

WHEREAS, in order to improve upon space, efficiency and parking, the City Clerk is recommending the removal of Precinct 2-4, primarily a student precinct, from Estabrook Elementary (1555 Cross) to Eastern Michigan University's Honors College – former Trinity Church on W. Forest; and

WHEREAS, in order to improve upon space, efficiency, and to provide a voting place for students, the City Clerk is recommending the removal of 3-1, from Emmanuel Lutheran Church (201 N. River) to Eastern Michigan University's Honors College – former Trinity Church on W. Forest.

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Ypsilanti approves the relocation of precincts 2-4 and 3-1, effective November 8th, 2016 and for all future elections.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

POLLING PLACE AGREEMENT

The City of Ypsilanti, a Michigan Municipal Home Rule City of 1 South Huron Street, Ypsilanti, MI 48197 (City) and Eastern Michigan University, Ypsilanti, Michigan 48197 (Owner) here by agree as follows:

1. As part of the democratic process the City is responsible to hold elections as provided in State law and the City Charter.

2. To hold elections the City needs places for elections to attend and vote, hereafter polling places.

3. The State of Michigan requires that the City of Ypsilanti establishes in writing an agreement between the City and any organization that allows the City to use its facilities as a polling location for qualified elections.

4. Owner has a suitable location for a polling place or places as shown below.

5. Owner agrees to provide the said polling place(s) to City at no charge for all Primary, General, Special and Local Elections during the time of this Agreement, beginning with the 2016 General Election.

6. Owner agrees that the City may enter the said polling place(s) starting at 6:00 a.m. of the Election Day and continuing until the election is finished, sometime after 8:00 p.m.

7. Owner agrees that City may enter the said polling place(s) one day prior and after Election Day between 8:00 a.m. and 5:00 p.m. to deliver or retrieve materials to be used on Election Day.

8. City has insurance and agrees to hold the Owner harmless from any claim or demand or liability that may arise because of the use of City of the said polling place(s).

9. Owner agrees to not interfere with the process of the election in any way and recognizes that there may be election activity (electioneering) around the polling place(s) on Election Day including persons handing out literature and the posting of signs. State law prohibits electioneering within 100 feet of the entrance to the polling place(s).

10. Polling place(s):

	Address	**Contact Person**	**Telephone Number**
E.M.U. Honors College	511 W. Forest, Ypsilanti, MI 48197	Marge Preston	734- 487-7048

11. This Agreement shall have an indefinite term beginning September 1, 2016. The Agreement may be terminated by either party UPON 90 DAYS NOTICE.

So agreed to this _____ day of _____ 2016.

City of Ypsilanti

_____

By: Frances McMullan, Ypsilanti Interim City Manager

Eastern Michigan University

_____

By: Leigh R. Greden, Esq., Adviser to the President

REQUEST FOR LEGISLATION
9 August 2016

From: Bonnie Wessler, City Planner

Subject: Forest Avenue Bike Lanes proposal

BACKGROUND

Bicycle lanes are proposed for Forest Avenue between Norris and Prospect. Planning Commission is required to review all capital improvement projects on either a project-by-project basis or as part of the Capital Improvements Plan review. Projects are considered to be Capital Improvements projects when they exceed $10,000; they are to be subject to the Complete Streets Ordinance when the proposal affects a public parking facility; furthermore, public input has proven to be a good general practice when altering roadways and/or traffic patterns, such as in the case of the Michigan Avenue road diet or the West Cross reconstruction. As this project was not included specifically in the adopted September 2015 Capital Improvements Plan, it was reviewed by Planning Commission as a standalone project.

This project as proposed would be independent of any other road or sidewalk reconstruction project; no curbs would be moved nor roads resurfaced, and no accommodations would be made for bicycles as they approach and enter the intersections that have turning lanes, Prospect and River. Existing parking would be removed where it exists between River and Stanley, and an east and a west bicycle lane would be painted on the north and south sides of the street, respectively.

PUBLIC ENGAGEMENT

Neighbors immediately adjacent to the project area were invited to attend the meeting via a postcard sent via postal mail. Nine people spoke at the Planning Commission's public hearing, and several people emailed. These comments were distributed to the Planning Commission beforehand, if they were received prior to packet distribution, or at the meeting if they were not. Please see the minutes, attached.

RECOMMENDATION

Planning Commission recommended to City Council by a vote of 7:2, that bike lanes be installed on Forest Avenue with the following findings:

(1) Bicycle lanes in the project area would bridge a significant gap in the non-motorized network called out in the 2010 Non-motorized Transportation Plan and improve bicycle safety.
(2) Existing parking facilities are currently underutilized and appear to have been underutilized for more than a decade.
(3) As a paint-only project, this be considered a pilot project to be revisited one year after completion.
(4) The design of this project be reconsidered to include additional signage and signaling at the major intersections either end of the project area.

No recommendation was given for prioritization.

RECOMMENDED ACTION: Approval for inclusion in the City's capital program &/or capital improvements plan.

ATTACHMENTS: Draft Minutes, 7/20/2016 Planning Commission meeting
Forest Ave Bike Lanes drawing

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 185
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti has an adopted Capital Improvements Plan (2015) and Nonmotorized Transportation Plan (2010); and

WHEREAS, bike lanes have been proposed on Forest between Norris and Prospect to bridge a gap in the existing bike lane system; and

WHEREAS, Planning Commission has made a recommendation to Council that the bike lanes be constructed, after further design review and potential inclusion in said design of safety improvements at intersections; and

NOW THEREFORE BE IT RESOLVED that the Ypsilanti City Council authorize the construction of bike lanes on Forest between Norris and Prospect after the recommended design review has taken place and any necessary changes have been incorporated into the design.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

PLANNING COMMISSION
MEETING MINUTES
July 20 2016
CITY COUNCIL CHAMBER
7:00 P.M.

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

II. ROLL CALL

Present: C. Zuellig, A. Bedogne, H. Jugenitz, B. Mason, L. MacGregor, P. Hollifield, J. Talaga, M. Dunwoodie, Toi Dennis;

Staff: Bonnie Wessler, City Planner
Cynthia Kochanek, Planner I
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES

Commissioner Bedogne moved to approve the minutes of June 15, 2016 (Support: B. Mason) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. Forest Bike Lane

Staff report was presented by Bonnie Wessler, City Planner, who stated that bicycle lanes are being proposed for Forest Avenue, between Norris and Prospect, both the north and south side of the street taking the place of parking on the north side between River and Prospect. Approximately 20 places would be supplanted. There are no markings on these spaces currently. She did a review of the area during the day and not at night; however, review of historical aerials do not show much use on these sites. A meeting was hosted by Ward 3 Councilmembers in May, 2016 to discuss this proposal. No curbs would be moved nor roads resurfaced as part of this project, but existing parking would be removed. Staff does

recommend bike lanes be installed in accordance with the Master Plan and Non-Motorized Plan. Ms. Wessler distributed copies of various emails in support/against the project to all of the commission members.

Chairman Zuellig asked if there was any feedback at the meeting held with councilmembers and Ms. Wessler responded that no minutes were taken, therefore, she has no knowledge of the discussion.

Commissioner Jugenitz moved to open the public portion of the hearing (Support: J. Talaga) and the motion carried unanimously.

Bethany Solberg, 1007 Washtenaw – stated that many people do not own cars and need bikes to be able to function on a daily basis – pick up food, get to work, etc. Supports the proposal.

Susan John – 205 E. Forest – She is concerned about access to her property for deliveries, potential garage sales, visitors, etc. While she thinks it is a good idea, she feels that residents would lose a lot by not having parking availability.

Mrs. Chamberlain – 207 E. Forest – had the same concerns as her neighbor. She asked if the turn left lane would be removed at Prospect. Ms. Wessler responded that the left hand lane would remain. Mrs. Chamberlain was also concerned about maintenance of the lanes since a lot of the area is cracked and also if they would be plowed in the winter.

John Waterman, 32 N. Washington - Exec. Director of PEAC, empowers people with disabilities. They own an office at 32 N. Washington and a building at 110 N. River. He referred to people with disabilities and their need for access. Individuals with disabilities use non-motorized transportation and have a need for access for jobs, visit friends, etc. He supports bike lanes.

Georgina Hickey, 838 Juneau Road, Twp – she plans to move to the city very soon. She is a cyclist and motorist but is in favor of the bike lanes. It also connects bike lanes in the city.

John Schuler, 316 E. Forest – in favor of bike lines but wants parking also and is asking the commission to find another alternative. Wonders why people cannot ride bikes on sidewalks – it is his opinion it would be safer than riding on the streets. There is nowhere for parking for guests and wants to keep parking.

Teresa Gillotti, 407 E. Forest – very supportive of the project – it would connect to other bike areas. The area is almost exclusively residential with everyone having a driveway. She does not feel there is a need for on-street parking and if necessary, guests can park on the side streets.

Bob Krzewinski, 706 Dwight – is the Chair of the Non-Motorized Advisory Committee – stated that we need to slow down traffic – parking on that area is not used that much and it is his opinion it would bridge an important gap. He was the injured party of two bike accidents with cars that involved a long time in the healing process. He endorses staff's

recommendation. He also added that having bikes on sidewalks is not a good idea for people walking.

Cortaz Paige, 113 Forest – has a number of cars because of his large family and likes the parking on-street. He does not support this project.

Commissioner Bedogne moved to close the public portion of the hearing (Support: B. Mason) and the motion carried unanimously.

A number of comments were made by commissioners that included, markings on the street, possibility of other options, i.e. barrier for separation between bike lanes and cars, bike lanes on one side only. Commissioner Jugenitz supports the project strongly adding that it would improve safety, which is more important than convenience for cars. Commissioner Talaga agreed. Commissioner Bedogne also supports the initiative adding that it is important to connect the east-west thoroughfare. Commissioner Dennis asked about possibility making wider bike lanes for two-way bike traffic on one side, to which Ms. Wessler responded that this was not possible to do while preserving the parking. Commissioner Dunwoodie agreed that safety is an issue and supports this project. Commissioner Zuellig stated that this is in keeping with the non-motorized plan and supports the project. Commissioner Mason also was in support.

Commissioner Bedogne moved that the Planning Commission recommend to City Council that bike lanes be installed on each side of Forest with the following findings:

1. Bicycle lanes in the project area would bridge a significant gap in the non-motorized network called out in the 2010 Non-motorized Transportation Plan and improve bicycle safety.
2. Existing parking facilities are currently underutilized and appear to have been underutilized for more than a decade.
3. As a paint-only project, this be considered a pilot project to be revisited one year after completion.
4. Staff considers signage and signaling at the intersections at the near side of the project as well as the bike lane itself.

The motion was supported by Commissioner Bedogne. A roll call vote was taken and carried 7:2. Commissioners Dennis and Hollifield opposed.

2. 20 S. Washington

Ms. Wessler stated that this is a request for approval to convert a portion of a Single-Story Commercial Building to a residence. It is a relatively new description since we do not have an application form for this type of request. It is a non-conforming building type which houses a non-conforming use – the Beer Cooler, is only non-conforming by virtue of lacking a special use permit. Because of the zoning change, a special use permit is not required. It is an approximately 7,000 sq. ft. parcel that faces onto the north-west corner of Ferris and S. Washington. It has a small parking area/driveway on the west side of the building, and the building occupies the remainder of the parcel. The building is itself divided into two portions; one is a former drive-through/garage and currently used as storage for the store and the other

is currently a “food store less than 15,000 sq. ft with sales of alcohol”. The applicant is proposing to construct an efficiency unit on the west (rear) side of the area occupied by the store.

The parcel is zoned Center, which allows as uses both “multi-family dwellings” and “apartments located above the ground floor of permitted nonresidential uses.” In the past, staff has administratively ruled that when a building contains apartments above the ground floor, they may also contain apartments on the main floor, if they are behind a commercial use and do not have street frontage (209 Pearl). An efficiency unit on the first floor could be construed as less nonconforming than a party store, but would itself be nonconforming due to the lack of upper-story units. Planning Commission does have the power under Sec 122-208 approving the change from one non-conforming use to another non-conforming use. Staff recommends the change of non-conforming with conditions to residential use at 20 S. Washington. To ensure that the commercial building does not negatively affect the residential use, and because of the natural light provision and building code provision and because it is a first story building, staff would also mandate the unit be barrier free.

Commissioner Jugenitz moved to open the public portion of the hearing (Support: L. MacGregor) and the motion carried unanimously.

Kamalpreet Sing, Owner of 20-22 S. Washington – currently lives in Jackson. He would like to make an apartment behind the store on Ferris and is willing to work with the Planning Department to take any necessary steps as recommended.

Kevin Dudley, 205 W. Michigan – knew the applicant and is supportive of the project.

Commissioner Bedogne moved to close the public portion of the hearing (Support: H. Jugenitz) and the motion carried unanimously.

Chairperson Zuellig asked if there were restrictions as to who can live in the apartment and Ms. Wessler responded that there is no precedent set and that it would be part of the rental program. Commissioner Bedogne asked if the building code restricts access to the store and if some type of fire separation would be necessary, to which Ms. Wessler responded that fire separation would be required too and tenant protection law would prevent someone from walking in. Commissioner Zuellig asked about hours of operation and Ms. Wessler responded that there is no restriction on hours in the Central District.

After a number of other comments and some discussion, Commissioner Dunwoodie moved that the Planning Commission approve the change of non-conforming use for the residential conversion at 20-22 S. Washington with the following findings and conditions:

<u>Findings:</u> the applicant is legally able to apply, and application is substantially in compliance with Sec 122-205(1)(b).

<u>Conditions:</u>

1. Natural light shall be provided for the residential use through either new windows or roof openings.

2. Construction of the residence must conform to all aspects of the Building Code and NFPA, as well as other portions of this zoning code.
3. The unit must be barrier-free.

The motion was supported by Commissioner Bedogne. A roll call vote was taken and carried unanimously.

VI. COMMITTEE REPORTS

Commissioner MacGregor moved to change the agenda prior to the last item on public hearings (Support: A. Bedogne) and the motion carried unanimously.

1. Non-Motorized Advisory Committee – June minutes
   Copies were included in the packet.

2. Non-Motorized Advisory Committee – Nomination: Cathie Kinzel

Bob Krzeweinski, Chairman of the Non-Motorized Advisory Committee - was in attendance to nominate Cathie Kinzel to the committee. He provided some background information on the nominee. Commissioner Hollifield moved to nominate Cathie Kinzel to the Non-Motorized Advisory Committee (Support: J. Talaga) and the motion carried unanimously.

VII. PRESENTATION AND PUBLIC HEARING ITEMS - continued

3. Zoning Ordinance Update

Ms. Wessler stated that the Zoning Ordinance was updated in 2014 and went into effect in 2015. Since that time, some major Supreme Court decisions have been made that have affected the language contained in the ordinance, and some other issues and "bugs" have arisen. She broke the issues into six categories: non-intuitive layout; the Gilbert vs Reed Supreme Court decision; "broken links" – sections that didn't apply but were referenced and sections that should have been referenced but weren't; regulations that were not having the intended affect; typos and similar small bugs; and lessons learned.

For layout and organization issues, Wessler proposed a new organization system and grouping regulations into more intuitive groups. Roughly, they're grouped into administrative items at the beginning of the Chapter, District-related items in the middle, then Use-based regulations, Site-based regulations, and then regulations that apply only in very specific situations.

Gilbert vs Reed/signage. Going from more than 25 types of signs to six basic types (freestanding permanent, freestanding temporary, freestanding temporary in the right-of-way; building-mounted permanent, building-mounted temporary, building-mounted temporary in the right-of-way). Described challenges of translating the previous code into these content-neutral areas; went over certain specific challenges, like historic signs, billboards, and the "modification of sign standards" provision, and solicited input on each area.

Correcting broken links. Wessler noted that this was best done at the end of the project, just prior to adoption, to ensure that all changes are incorporated correctly. Has begun correcting

where it wasn't just an incorrect numbered reference, but a completely lacking one (ex, garage sales).

Not quite right items. Reiterated approval process and associated table discussed at previous meeting; noted several double-defined items and the steps taken to correct; noted difficulty with "circulation plan" and "block plan," as well as associated definitions and steps to correct. Noted challenges with being able to double-count certain items, generally within the parking and landscaping chapters, but not others, and how whether something could be double-counted previously was unclear, and steps to correct. Discussed regularizing naming conventions.

Typos have been corrected as they have been found. Please report any found as soon as possible.

Lessons learned. This was the first year with food trucks/mobile food establishments/"temporary food concession sales permit." Proposed several ways to simplify the application and approval process; direction was given to proceed.

Noted that staff was developing a list of things to keep an eye on in the coming year and potentially tweak in 2017.

Commissioner Bedogne moved to open the public portion of the hearing (Support: M. Dunwoodie) and the motion carried unanimously.

Since there were no participants in the audience, Commissioner Bedogne moved to close the public portion of the hearing (Support: L. MacGregor) and the motion carried unanimously.

After the discussion was completed, Ms. Wessler asked board members to get their feedback/recommendations back to her by August 5th so that they can be included in the next meeting August 17th for a final review. She would like to get this to council for first reading approval on September 6th and second reading September 20th.

VIII. NEW BUSINESS

1. Resignation of Commissioner Mason. Commissioner Mason stated that this will be her last meeting. She has resigned due to moving to Ypsilanti Township.

IX. OLD BUSINESS

1. Elections

Commissioner Zuellig moved to nominate Commissioner Jugenitz as Chair of the Planning Commission (Support: P. Hollifield). Since there were no other nominations, the process was closed. Commissioner Jugenitz accepted. A roll call vote was taken and carried unanimously.

Commissioner Bedogne moved to nominate Commissioner Zuellig as Vice-Chair of the Planning Commission (Support: L. MacGregor). Since there were no other nominations, the process was closed. A roll call vote was taken and carried unanimously.

X. FUTURE BUSINESS DISCUSSION/UPDATES

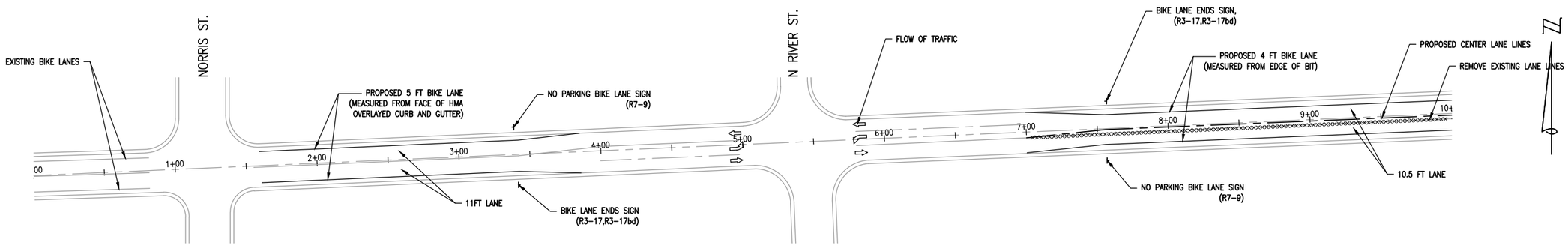
Alleys, I-94 Pedestrian Crossing, Zoning Ordinance

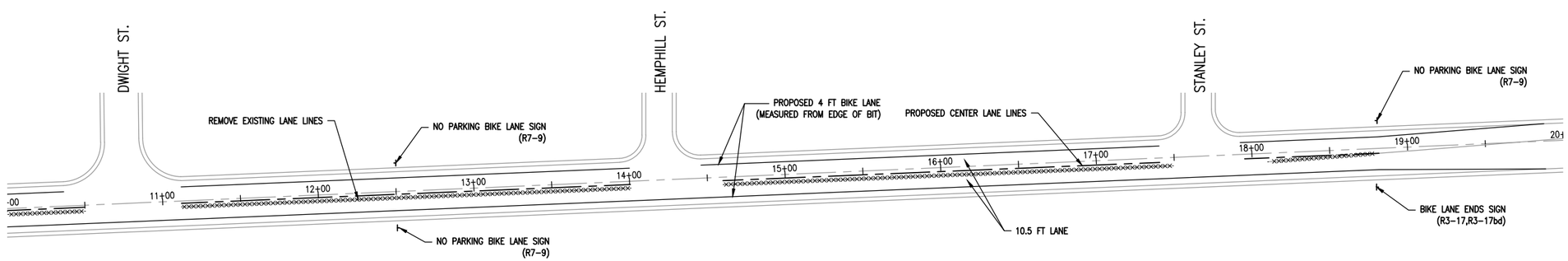
XI ADJOURNMENT

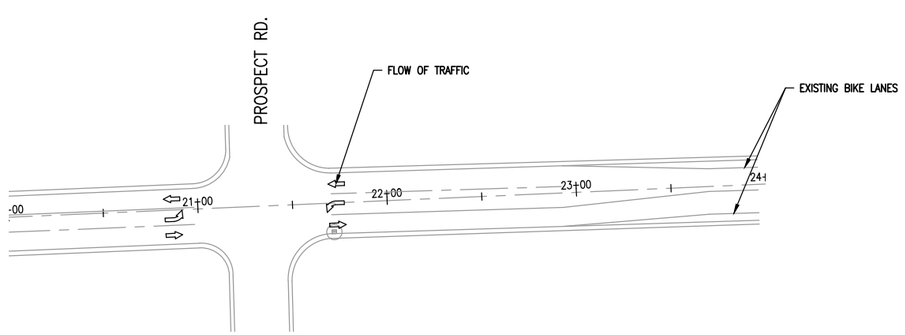
Since there was no further business, Commissioner Hollifield moved to adjourn the meeting (Support: C. Zuellig) and the motion carried unanimously. The meeting adjourned at 9:30 pm.

DRAFT

Forest Ave Bike Lanes







Quantities Forest Bike Lanes		
Item	Quantity	Unit
4" Lane Line, White	2860	FT
4" Lane Line, Yellow	2020	FT
Lane Line, Rem	2000	FT
No Parking Signs (Bike Lane)	5	Each
Signs (Bike Lane Ends)	3	Each

OHM
ARCHITECTS ENGINEERS PLANNERS
OHM-ADVISORS.COM

SEAL

REVISIONS:

DATE 10-21-2015 | PROJ NUMBER 0094-15-0001 | ENG RQM | PROJ MGR MJM | CADD RQM

City of Ypsilanti
Forest Ave Bike Lanes
Forest Ave- Norris to Prospect
Bike Lanes

SHEET 1

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DRAWING PATH: P:\0000_0100\0094150000_General\Forest bike lanes\forest bike lanes.dwg Oct 21, 2015 - 11:19am

REQUEST FOR LEGISLATION
August 16, 2016

To: Mayor and Council

From: Chief Max Anthouard

Subject: Engine Purchase

SUMMARY & BACKGROUND:

The 2016-2017 fiscal year budget includes funds of $430,000 to replace our 1996 Engine which has been out of service for numerous mechanical issues including failing the annual pump test.

The new vehicle will tremendously increase our operational capability and will substantially decrease the use and the maintenance of our aerial platform. The new engine will decrease the use of our tower by 65%. This apparatus will only respond to structure fires.

Call-back personnel are currently responding to emergencies with a utility vehicle every times the on-duty crew is tied up on long lasting emergencies or when one of our two front line apparatus in out of service for maintenance or repairs. We are relying on other jurisdictions to provide a pumper in case a fire occurs.

A request for bid was posted on MITN on May 31, 2016. Three manufacturers were present to the pre-bid mandatory meeting on June 8th. One manufacturer withdrew its intention to bid the day prior we opened the bids. We received two bids from the following manufacturers:

- Smeal Fire Apparatus: $460,827
- The Zahnen Company $445,151

After a detailed review of the two bids, the apparatus committee recommends to purchase the Smeal Engine for various reasons.

Bid comparison leading to the apparatus committee's decision			
	Zahen	**Smeal**	**Notes**
Warranty on Body	20 years	30 years	
Door mount	flush	overlay	Overlay door cost less to maintain
Pump	Waterous CXSC20	Waterous CSU20	CSU20's maitains flow performance better
Pre-construction meeting	45-90 days	45 days	
Delivery time	390 days	330 -390 days	
Price without discount	$ 445,151	$ 460,827	
Pre-pay discount	$ 8,573	$ 13,500	
Performance bound cost	$ 1,892	$ 3,112	
Price with bound option	$ 438,470	$ 450,439	
Price without bound option	$ 436,578	$ 447,327	

Options to finance the $30,827 over budget:

- A very conservative estimate for the sale of our old engine is $12,000. This money can be used toward the new engine.
- Using the pre-pay discount with the bound option provides a saving of $10,388.
- Using the pre-pay discount without the bound option provides a saving of $13,500.
- Numerous items to equip the new engine are budgeted in the Fire Department capital equipment. It includes new air-packs, large diameter hoses, and gas monitoring equipment for a total value of $39,000. We will only have to cover the 10% matching saving $35,000 out of this line item.

RECOMMENDED ACTION: (Approval/Denial)

_____

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 186
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti Council approved $430,000 for the purchase of a new fire engine for fiscal year 2016-2017. And,

WHEREAS, the purchase of this apparatus will tremendously increase the operational capability of the Fire Department and will substantially decrease the use and the maintenance cost of its aerial platform.

WHEREAS, the Fire Department received a bid from Smeal Fire Apparatus for $460,827.00 and a bid from The Zahnen Company for $445,151.00. And,

WHEREAS, the City of Ypsilanti Fire Department Apparatus Committee, after carefully reviewing the truck specification assessed that the Smeal Fire Apparatus will better serve the needs of the Fire Department.

WHEREAS, the purchase price of this apparatus exceeds the allocated budget by $30,827. Several options are available to cover the additional cost such as: using prepay discount options, the sale of old Engine, or saving realized by equipment purchased with grant monies.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the Fire Department to proceed with the purchase of a new engine for a value of $460,827. And,

THAT, the City Manager is authorized to sign the purchase proposal to acquire this vehicle.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Fire Engine
Bid Opening – Tally Sheet
July 29, 2016
2:00 p.m.

Company	Proposal
SMEAL FIRE APPARATUS	$460,827.00
THE ZAHNEN COMPANY	$445,151.00

BID FORM

CITY OF YPSILANTI FIRE DEPARTMENT

Pumper (Engine) Fire Apparatus

Manufacturer (Body Builder) SMEAL FIRE APPARATUS

Company Name (Dealer) R&R FIRE TRUCK REPAIR, INC.

Address 751 DOHENY DR.
STREET

NORTHVILLE MI 48167
CITY STATE ZIP CODE

Contact Information PHIL WAGNER SALES REP.
NAME OF REPRESENTATIVE TITLE

248-344-4443 734-476-2360
PHONE (Office) PHONE (Cell)

PWWAGNER@CHARTER.NET
EMAIL ADDRESS

BID AMOUNT $460,827.00 **(U.S. Dollars)**

DELIVERY TIME 330-390 DAYS
NUMBER OF DAYS FROM DATE OF SIGNED CONTRACT

PREPAYMENT OPTIONS AND PERFORMANCE BOND COST

1. **50% down payment at time of contract acceptance**

   AMOUNT OF PAYMENT DUE $226,039.00

   PREPAYMENT DISCOUNT $8,750.00

   PERFORMANCE BOND COST 3,112.00

2. **100% Payment at time of contract acceptance**

   AMOUNT OF PAYMENT DUE $447,327.00

   PREPAYMENT DISCOUNT $13,500.00

   PERFORMANCE BOND COST $3,112.00

3. **Payment for chassis upon delivery to apparatus bidder facility**

AMOUNT OF PAYMENT DUE $197,478.00

PREPAYMENT DISCOUNT $5,876.00

PERFORMANCE BOND COST $3,112.00

4. **OTHER PREPAYMENT OPTION**

OPTION N/A

AMOUNT OF PAYMENT DUE _____

PREPAYMENT DISCOUNT _____

PERFORMANCE BOND COST _____

SIGNATURE [redacted]

BID FORM

CITY OF YPSILANTI FIRE DEPARTMENT

Pumper (Engine) Fire Apparatus

Manufacturer (Body Builder) Spartan Motors USA

Company Name (Dealer) Zahnen Truck Service & Equipment, Inc.

Address 7093 Timberview Drive
STREET

Greenville | MI | 48838
CITY | STATE | ZIP CODE

Contact Information Michael R. Zahnen | Sales Manager
NAME OF REPRESENTATIVE | TITLE

616-225-1270 | 847-867-7071
PHONE (Office) | PHONE (Cell)

michael.zahnen@zahnencompanies.com
EMAIL ADDRESS

BID AMOUNT $445,151.00

DELIVERY TIME 390 Calendar Days / With $175.00 per day penalty clause / Spartan Signing Contract
NUMBER OF DAYS FROM DATE OF SIGNED CONTRACT

PREPAYMENT and/or FINANCE OPTIONS AND PERFORMANCE BOND COST

1. **50% down payment at time of contract acceptance**

   AMOUNT OF PAYMENT DUE $223,522.00

   PREPAYMENT DISCOUNT $4,287.00

   PERFORMANCE BOND COST $1,892.00

2. **100% Payment at time of contract acceptance**

   AMOUNT OF PAYMENT DUE $438,470.00

   PREPAYMENT DISCOUNT $8,573.00

   PERFORMANCE BOND COST $1,892.00

3. 80 % Payment at time of contract acceptance
INSERT PERCENT

AMOUNT OF PAYMENT DUE $357,634.00

PREPAYMENT DISCOUNT $6,859.00

PERFORMANCE BOND COST $1,892.00

4. Payment for chassis upon delivery to apparatus bidder facility

AMOUNT OF PAYMENT DUE $198,549.00

PREPAYMENT DISCOUNT $662.00

PERFORMANCE BOND COST $1,892.00

5. Finance OPTIONS:

Bidders are encouraged to submit apparatus financing options (manufacturer or qualified third party) with the bid packets. The City of Ypsilanti may consider financing of the delivered apparatus, reserving the right to accept, negotiate, or reject any finance option presented with bids.

SIGNATURE [redacted]

AUTHORIZED REPRESENTATIVE OF BIDDER DATE

Michael R. Zahnen Sales Manager

PRINTED NAME TITLE

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

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

John M. Barr
Karl A. Barr
~~~~~~~

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

REQUEST FOR LEGISLATION

DATE: September 18, 2012

FROM: John M. Barr, Ypsilanti City Attorney
SUBJECT: Special Environmental Attorney
SUMMARY/BACKGROUND

When the state raised environmental questions concerning the Water Street property regarding the Herman Kittle development, many questions surfaced and staff needed expert environmental legal guidance. We reviewed the matter and recommended that an outside expert not previously involved in the matter should be retained to review the file and give guidance and help with negations with the state.

On the advice of the city attorney the city manager retained Mr. Sauilus K. Mikalonis of the Plunket Cooney law firm and he has been working on the matter for some time. Staff originally thought that the fees would be under $25,000. It now appears that fees to date are $23,923.62 and fees may go over $25,000. City Council approval is requested to continue the work of the attorney for the city.

We are requesting that additional authority be granted to work with attorney Mikalonis not to exceed an additional $15,000.

ATTACHMENTS: Proposed Resolution

RECOMMENDED ACTION: Adoption of the ordinance

DATE RECEIVED:_____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL
~~~~~~~

COUNCIL ACTION TAKEN:

RESOLUTION NO. 2016- 187
August 16, 2016

RESOLUTION TO CONTINE EMVIRONMENTAL ATTORNEY CONTRACT

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

Whereas the Water Street Project requires additional environmental planning and testing and negotiation with the State of Michigan and others, and

Whereas the City has employed the services of attorney Saulius K. Mikalonis, an expert in environmental legal services at a rate of $225 per hour for environmental legal services and has been satisfied with his work, and

Whereas the attorney fees will be more than $25,000 and require City Council approval,

NOW THEREFORE, additional legal services of attorney Saulius K. Mikalonis are approved up to an additional $ 15,000.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

PLUNKETT COONEY

November 10, 2015

VIA EMAIL TO: DDuchene@barrlawfirm.com

Daniel DuChene
Assistant City Attorney
City of Ypsilanti
Barr, Anhut & Associates, P.C.
105 Pearl Street
Ypsilanti, MI 48197

Re: Engagement Letter -- City of Ypsilanti
Water Street Project Environmental Matters

Dear Mr. DuChene:

Thank you very much for allowing Plunkett Cooney the opportunity to represent the City of Ypsilanti, as counsel in connection with the above-referenced matter. We will do our best to achieve your objectives and justify the confidence you have placed in us.

We have found that our clients appreciate seeing the terms of our engagement set forth in writing and that is the purpose of this letter. If you have any questions about these matters, please let me know.

You have hired us for our legal expertise, although you retain the right to make all final decisions regarding the disposition of this matter. Additionally, you should expect to be informed at reasonable intervals as to how this matter is progressing and to have your questions answered to the best of our ability.

SCOPE OF WORK

You have requested that we represent City of Ypsilanti in connection with environmental matters involving the City's Water Street project.

To increase the likelihood that your objectives will be fully realized, complete cooperation between us is essential. Our role is to counsel you and to advise you of the legal consequences of possible courses of action. Your role is to consider our advice and decide upon the course of action to follow.

PERSONNEL

Your agreement is with Plunkett Cooney, which will provide you the many benefits of its diverse staff and resources.

At this point, we believe it is in your best interest to have me working primarily on this matter. We may also obtain the assistance of other lawyers in our Firm when our professional judgment indicates that it is necessary or desirable to do so.

While I will be your primary contact with the Firm, you should feel free to contact any of our attorneys if it is convenient or helpful. In short, our objective is to make it as easy as possible for you to contact us, to find out the current status of this matter and to answer any questions that you may have. In addition to helping you achieve the best legal result possible, we want you to feel comfortable and confident in your relationship with us.

FEES

In this matter, our fees will be based solely on the time spent at each professional's hourly rate. The present hourly rates for our lawyers range from $200 to $225 per hour and $100 for paralegals. I have agreed to charge a rate of $225 per hour for my services. These rates are annually reviewed and are subject to modest adjustments based upon the various economic factors. We will bill for this matter on a monthly basis and payment of our statement, which will be delivered to you via email from the email address billfiler@plunkettcooney.com. Your payment is expected within 30 days of receipt of the bill.

The Firm has a policy that, whenever undertaking a new matter, to ask for a retainer. In this instance, we have requested a retainer in the amount of $1,000.00. These funds will be applied to our monthly statements, as submitted to you. Upon exhaustion of the retainer amount, the Firm reserves the right to request additional retainer funds, as necessary.

We will bill for this matter on a monthly basis, and payment of our statement is expected within 30 days of receipt of the bill.

In addition to reflecting the charges for the services of attorneys and legal assistants, our statement will reflect costs incurred by the Firm in the rendition of its services. These services may include court and litigation-related costs, long distance telephone charges, facsimile charges, photocopying expenses, computerized legal and other research systems, messenger and special delivery services, and travel expenses. They may also include charges for extraordinary items, which may be generated by the particular demands of the project involved.

If you ever have a question about our billing procedures or statements, please feel free to ask.

END OF FILE / FILE RETENTION

At the conclusion of this engagement, we will return to you any and all original materials. Please note that our firm will destroy your file five years from the date the file is closed. You may not be provided any further notice with regard to the file destruction. Our firm reserves the right to destroy the actual paper file and instead maintain the closed file in an electronic format during that period of time.

TERMINATION

Either one of us may terminate this engagement by notifying the other in writing. We will comply with all applicable ethical considerations at the termination of this engagement. We will be entitled to be paid for services rendered and expenses incurred up to the effective date of termination.

If you agree with the foregoing, please sign and return a copy of this letter. Our receipt of the signed copy of this letter will constitute confirmation of your oral authorization for us to proceed on the matters described in this letter.

Again, we appreciate the City of Ypsilanti engaging Plunkett Cooney to represent it in this particular matter, and we look forward to working with you and providing you the best in quality legal services.

Sincerely,

PLUNKETT COONEY

[redacted]

Saulius K. Mikalonis
Direct Dial: (248) 901-4022
Email: smikalonis@plunkettcooney.com

SKM/cmw

The matters set forth in this letter are understood and agreed to by the undersigned on this _____ day of _____, 2015.

CITY OF YPSILANTI

By:_____

Its:_____

Jump to Content

Saulius K. Mikalonis

Senior Attorney

Licensed Since: 1986
Joined Firm: 2009

A senior attorney in the firm's Bloomfield Hills office, Saulius K. Mikalonis serves as Plunkett Cooney's Environment, Energy and Resources Law Practice Group Leader.

Mr. Mikalonis focuses his practice on all aspects of environmental, energy and sustainability law. His experience in environmental litigation includes environmental consultant malpractice, cost recovery, toxic torts, solid and hazardous waste facilities citations and wetland issues. He also practices regularly before state and federal agencies, including the Michigan Department of Environmental Quality, the Environmental Protection Agency and the Federal Energy Regulatory Commission.

Mr. Mikalonis has developed particular expertise in the cutting-edge issues of environmental, natural resources and energy law concerning greenhouse gases, renewable energy and green building.

In addition, Mr. Mikalonis has extensive experience in commercial and real estate transactional issues ranging from the development of environmentally sensitive and Brownfield sites to due diligence in complex transactions, including the identification, allocation and reduction of environmental risks. He provides guidance on state and local Brownfield benefits and tax abatement. His due diligence activities include assessments for the development of solar and wind power projects.

Mr. Mikalonis has been published extensively on various environmental topics, and he frequently provides legal updates to professional and business organizations. He was the author of a long-standing blog, titled: Green Blawg, for MLive.com and now blogs for Crain's Detroit Business, addressing laws, regulations, court decisions and policies pertaining to environmental issues. His Crain's posts are mirrored on Plunkett Cooney's own Essential Environment & Energy blog.

Mr. Mikalonis is a member of the State Bar of Michigan's Environmental Law Section, the District of Columbia Bar Association, the ABA Section on Environment, Energy and Resources, and the U.S. Green Building Council-Detroit Area Chapter.

REPRESENTATIVE CLIENT WORK

Defended numerous clients in federal and state environmental claims and enforcement actions involving the Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), Superfund (CERCLA), Clean Water Act, Clean Air Act, Endangered Species Act (ESA) and other statutes.
Negotiated and drafted private, third-party water services agreement on behalf of a Michigan municipality
Represented a Native American Tribe in a dispute before the Federal Energy Regulatory Commission
Assisted bankruptcy and estate trustees in resolving and managing potential environmental liabilities
Provided legal advice to a landlord leasing space to a marijuana dispensary operation under the Michigan Medical Marihuana Act
Shepherded Brownfield projects and obtained state and local benefits and tax abatements on a variety of projects
Conducted environmental due diligence (reviewed files and reported findings) for international companies purchasing companies with domestic and international locations. Oversaw environmental responses to site conditions for several years, including ensuring acquired facilities resolved environmental issues and directing local counsel and consultants in out-of-state jurisdictions
Provided due diligence in the purchase by large electrical utility of other electrical co-generation plants. Identified environmental risks and allocated and averted them through the sale of contaminated properties, as well as environmental insurance. Reviewed environmental site assessments and provided advice on potential liabilities
Worked closely on multiple Superfund sites, including sites in California, Indiana, Kentucky, New Jersey, Illinois and Alabama. Negotiated and coordinated responses to information requests from the Environmental Protection Agency and potentially responsible parties' steering committees
Managed cost recovery lawsuits whereby clients initiated negotiation/litigation to recover environmental response costs from other companies
Negotiated favorable settlement with recalcitrant company, as well as cost recovery related to Newburgh Lake project on behalf of Wayne County
Captured significant costs for manufacturer in settlement related to spill from the neighboring property owner
Defended cost recovery actions for several parties, including claims by subsequent owner of client facility in Pennsylvania
Litigated two toxic mold matters on behalf of home builder and apartment owner, which resulted in a finding of no liability and an extremely favorable settlement, respectively
Contributed to binding arbitration for claims concerning improper building and damages for alleged health effects on tenants
Provided legal advice on regulatory compliance concerning air, water, solid/hazardous waste, underground and above ground storage tanks, and wetland issues
Led compliance audit for manufacturing company, including intensive review of processes and waste handling to identify potential state and federal environmental violations. Reviewed environmental consultant report and identified instances of noncompliance. Worked closely with environmental consultants to achieve compliance with Michigan state self-audit laws.
Collaborated with communities and private companies to leverage state/local programs designed to rehabilitate former brownfield sites, including construction of a new Ann Arbor YMCA building. Negotiated brownfield redevelopment agreement with a municipality on behalf of the client
Worked closely with transactional attorneys on real estate transactions by providing due diligence for environmental and renewable energy projects. Identified previously unknown underground storage tank, registered tank with Michigan Department of Environmental Quality, and removed Underground Storage Tank to expedite transaction

Areas of Practice

- Auto Dealer Industry Group
- Environment, Energy and Resources Law
- Environmental Law

Honors & Awards

Best Lawyers in America® for Environmental Law (Copyright 2015 by Woodward/White, Inc., of Aiken, SC), 2016
Top Lawyer in Environmental Law, dbusiness Magazine, 2014

Education

University of Oregon Law School, J.D., 1986 (Statement of Completion, Environmental and Natural Resources Law Program)
University of Michigan, B.A., 1980

Bar & Court Admissions

Michigan, 1986
District of Columbia, 1988
U.S. District Court, Eastern District of Michigan, 1991
U.S. Court of Appeals for the 11th Circuit, 2000
U.S. District Court, Western District of Michigan, 2004

Obtained multimillion-dollar settlement for dairy farmers from a major utility company to compensate for stray voltage
Represented municipalities on a variety of legal issues, including an initiative to site a municipal landfill, hazardous waste landfills, brownfield redevelopment and cost recovery
Won $250,000 settlement from owner of an office building for a mold claim
Represented a business attempting to develop multi-use real estate project requiring wetland permit
Negotiated settlements to contribution suits against more than 300 customers of a landfill
Established falsehood of groundwater monitoring test results providing impetus to close landfill
Provided legal advice on underlying environmental liabilities in insurance coverage disputes for nation's largest program of environmental liability insurance. Managed complex multiparty litigation, drafting of opinion letters and pleadings. Oversaw local counsel and instructed attorneys, clients and prospective clients on legal matters
Offered advice on environmental considerations for real estate transactions, Comprehensive Environmental Response, Compensation and Liability Act information, NEPA challenges, MEPA, underground storage tanks, and other environmental issues
Directed more than 350 claims and lawsuits against Environmental Impairment Liability coverage policies across the United States

PROFESSIONAL AFFILIATIONS

State Bar of Michigan (Environmental Law Section Council, 1997-2003; Vice-Chair, Environmental Litigation Committee; Solid and Hazardous Waste/Insurance Committee; Real Property Section)
District of Columbia Bar
American Bar Association (Environment, Energy and Resources Section; Sustainable Development: Climate Change, Sustainable Development and Ecosystems Committee, Vice-Chair)
Vice Chair for Sustainable Development for the Committee Climate Change, Sustainable Development and Ecosystems
U.S. Green Building Council (Board of Directors – Detroit Area Chapter; Past Secretary and Chair of Public Policy Committee)
International Council of Shopping Centers

COMMUNITY INVOLVEMENT

Berkley High School Varsity Hockey, Public Announcer
Greening of Detroit Tree Planting
WJR - AM, Greening of the Great Lakes, Guest (July 2014, October 2013, September 2011)
Coach/Assistant Soccer Coach

ARTICLES AND LECTURES

Environmental Liability Concerns for Banks & Lenders, Presenter, Bank of America, Chicago, April 23, 2013; Bank of Birmingham, May 2014
"Sustainability: How Values-Driven Law Firms are Surviving Tough Times and Prospering Over the Long Term," Teleconference Moderator, American Bar Association's Section of Environment, Energy and Resources, Chicago-Kent College of Law, Nov. 3, 2010
"Joint Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA) regulations for light-duty cars and trucks to reduce greenhouse gas (GHG) emissions and improve fuel economy," presenter, Sunshine State Chapter of NAFA Fleet Management Association, University Central Florida Solar Center, Cocoa Beach, August 13, 2010
"Green Building Update for Local Governments," speaker and panelist, Oakland County's OakGreen Sustainable Community Seminar Series, June 10, 2010
Executive Strategy Session on Energy Policy and Future, panelist, DTE Energy/Engineering Society of Detroit Energy Conference and Exhibition, May 4, 2010
"Due Process - Environmental Law," Guest, DPTV Channel 56, March 5, 2010
"New Ecology Law Program," WJR-AM - Weekly Radio Show, 2008-2009
"See the Light, Save the Money: Sustainable Lighting Solutions for Local Governments," Southeast Michigan Regional Energy Office, Engineering Society of Detroit, and the United States Green Building Council - Detroit Regional Chapter, February 2009
"Green Building & Sustainable Development: TheNew Competitive Advantage," Institute of Continuing Legal Education, Real Property Law Section, February 2009
"Great Lakes Log", Guest, WMTV-TV discussion regarding Environmental Protection Agency Regulations for Incidental Discharges from Vessels, August 2008
"Great Lakes Log", Guest, WMTV-TV discussion regarding Great Lakes and St. Lawrence River Basin Compact, July 2008
"Brownfield Basics: Bringing Contaminated and Obsolete Properties Back from the Dead," Guest Lecturer, Walsh College, Environmental Economics Masters Level, April 2008
Wetland Regulation After Rapanos, Panel Member, Michigan State Bar Annual Meeting, Environmental Law Section, September 2006
Water Pollution Issues, National Business Institute, July 2004
Insurance Issues for Mold Claims, September 2003
Michigan Construction Defect and Mold Litigation, National Business Institute, September 2002
Site Selection and Site Development Seminar, Wayne State University, Urban Land Institute, and the Real Estate Journal, March 2002
Building Related Illness/Sick Building Syndrome, October 2001
"Compliance Strategies for Contractors Environmental Issues," Michigan Chapter of Associated General Contractors, October 2001
"Michigan Environmental Planning and Litigation Update, Expert Testimony in Environmental Litigation," Institute of Continuing Legal Education, July 1998
Citizen Involvement in Environmental Decision Making, State Bar of Michigan Annual Meeting, Environmental Law Section, September 1997
"Legal Aspects of Lead Based Paint inReal Estate Transactions," Southeastern Michigan Real Estate Professionals, January 1997
"Update '95, Interstate Solid Waste Capacity Limitations," State Bar of Michigan, Environmental Law Section,

October 1995
"SCOR - Paris, France, American Environmental Law Issues," Environmental Impairment Liability Claims Meeting, July 1990

ACADEMIC POSITIONS

Thomas M. Cooley Law School, Professor, Sustainable Development Law and Policy

PUBLICATIONS

"LEEDing Legislation in Michigan," 3 Sustainable Spotlight 4, June 2008
"Department of Homeland Security Proposes New Regulations under New Chemical Security Legislation," Chemical Engineering eJournal, January 2007
"'Significant Nexus' Likely to determine federally regulated wetlands," 20 Michigan Lawyers Weekly 2365, Nov. 6, 2006
"Federal Chemical Facility Security Legislation Very Likely," Chemical Engineering eJournal, April 2006
"Congress Relaxes Superfund Liability, Creates incentives." 3 Michigan Real Estate Journal 1b (June 3, 2002) (Part 2 of 2) (also published in other state versions of The Real Estate Journal)
"Congress Relaxes Superfund Liability Provisions," 3 Michigan Real Estate Journal 1c (April 22, 2002) (Part 1of 2) (also published in other state versions of the Real Estate Journal)
"Administrative Limitations of Army Corps of Engineers' Authority over Upland Areas," 18 Michigan Environmental Law Journal 3, Winter/Spring 2000
"Private Party's Cleanup Costs under the New MERA," 9 Michigan Lawyers Weekly 5B, June 12, 1995
"Sixth Circuit Finds Turner 'Substantial Continuity' Rule of Successor Liability Inapplicable Outside the Context of Products Liability," 22 Michigan Real Property Review 37, Spring 1995
"Does MERA's Lien Provision Violate Due Process Guarantees?" 9 Michigan Lawyers Weekly 2B, Feb. 13, 1995
"Discharge Permit Cannot Conflict with Consent Decree," 9 Michigan Lawyers Weekly 3A, Jan. 20, 1995
"Medical Monitoring: Who Pays for Medical Surveillance When People Are Exposed to Toxic Substances," 73 Michigan Bar Journal 1044, Oct. 1994) (with Steven H. Huff, Esq. and Barry Michael Levine, Esq.)
"Environmental Programs, Minorities and the Poor," 8 Michigan Lawyers Weekly 2B, June 13, 1994
"Successor Corporation Liability for Environmental Claims in Michigan and the Sixth Circuit," 21 Michigan Real Property Review 5, Spring 1994
"Bankers Beware: CERCLA Lender Liability Rule Nixed," 8 Michigan Lawyers Weekly 698, March 28, 1994
"Medical Monitoring Damages Recognized," 8 Michigan Lawyers Weekly 405, Jan. 31, 1994
"New State Disclosure Act for Sellers of Residential Property," 13 Ann Arbor Business-to-Business 16, September 1993
"Court Validates Contractual Releases for CERCLA Liability," 7 Michigan Lawyers Weekly 663, March 29,1993

ARTICLES/PUBLICATIONS LINKS

Construction Industry Focuses On Energy Efficiency, Relate Cost Increases
Lead-based Paint Information Pamphlet Today Keeps Penalties Away
New EPA Requirements Control Surface Water Contamination on Construction Sites
Legal and business issues abound in fertile 'green' construction world
EPA Issues Guidance to States and Regulated Community on New GHG Air Permitting Rules
General Services Administration will require sustainability for federal government vendors

NEWS LINKS

Mikalonis to join panel discussion on economic regulatory policy
Plunkett Cooney attorneys listed among DBusiness Top Lawyers
Plunkett Cooney attorneys among 2016 'Best Lawyers in America'
Mikalonis Elected to EcoWorks Board of Directors
Plunkett Cooney attorneys among DBusiness Top Lawyers
Mikalonis appointed vice chair of national legal organization
Plunkett Cooney attorney colors new Cooley Law course green
Veteran environmental attorney Mikalonis joins Plunkett Cooney

RECENT BLOG POSTS

The Essential Environmental & Energy Blog

Great Lakes Compact Worked as Designed in Diversion Approval
Ballast Water Bill at Risk of Becoming Law Without Debate
New Michigan Policies Make Energy Efficiency a Priority
EPA Issues New Regulations Governing Air Emissions Generated by Oil, Gas Activities
New Michigan Underground Storage Tank Fund Helps Owners Comply With Release Requirements
Incentives can cut Energy use During Peak Periods
Report Measures Impact of Renewable Portfolio Standard
FAST Act Could Provide About $1 Billion a Year to Michigan
EPA Considers Adding 30 Potential Water Contaminants it Regulates
EPA Seeks to Stiffen Cross-State Air Pollution Rule

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Resolution No. 2016-188
August 16, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City Clerk reports directly to the City Council and is supervised by the governing body; and

WHEREAS, the City Council has evaluated City Clerk Frances McMullan for her performance over the evaluation period; and

WHEREAS, Ms. McMullan rated a 4.1 out of 5.0 for her performance;

NOW THEREFORE, BE IT RESOLVED the City Clerk be awarded a 3.5% pay increase not to be paid until she has relinquished her duties as Interim City Manager.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016 - 189
August 16, 2016

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: