1. Council Agenda 2

   Documents:

   DRAFT AGENDA 9-6-16.PDF

2. City Council Packet 7

   Documents:

   SEPTEMBER 6, 2016 COUNCIL PACKET.PDF

CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, SEPTEMBER 06, 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. PRESENTATIONS –

- High Five Pedal Tours – Dave Cicotte
- Exploration of Budget Stabilization Alternatives – Frances McMullan, Interim City Manager & John Kaczor
- Speed Control Policy – Beth Ernat, Economic Development Director
- Bell Kramer Neighborhood – Beth Ernat, Economic Development Director

X. PUBLIC HEARING –

- Resolution approving the reclassification from a Tavern liquor License to a Class C liquor license for Café Ollie located at 42 E. Cross St., Ypsilanti, MI 48197.

  A. Resolution No. 2016-190, determination.
  B. Open public hearing.
  C. Resolution No. 2016-191, close public hearing.

XI. ORDINANCE - FIRST READING –

Ordinance No. 1275

1. AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 54 "HISTORICAL PRESERVATION", ARTICLE II "HISTORIC DISTRICTS", DIVISION 1 "GENERALLY", SECTION 54-43 REGARDING PENALTIES AND DIVISION 4 "CONSTRUCTION, ALTERATION OR MAINTENANCE", SECTION 54-85 "DEMOLOLITION BY NEGLECT" SO THAT VIOLATIONS OF SECTION 54-81 "PERMIT REQUIRED" AND SECTION 54-85 "DEMOLITION BY NEGLECT" ARE BLIGHT VIOLATIONS.

   A. Resolution No. 2016-192, determination
   B. Open public hearing
   C. Resolution No. 2016-193, close public hearing

XII. CONSENT AGENDA –

Resolution No. 2016-194

1. Resolution No. 2016-195, approving the minutes of August 16, 2016 7:00 a.m. and 7:00 p.m. meetings.
2. Resolution No. 2016-196, supporting the designation and adoption of the Monarch butterfly as Michigan's official State Insect.
3. Resolution No. 2016-197, approving Ordinance 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. **(Second Reading)**
4. Resolution No. 2016-198,approving Ordinance 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. **(Second Reading)**
5. Resolution No. 2016-199, approving Ordinance 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. **(Second Reading)**

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2016-200, approving Contract with Doan Construction, Inc. for Sidewalk Ramp Replacement Program
2. Resolution No. 2016-201, awarding bid for urgent road repairs to Best Asphalt.
3. Resolution No. 2016-202, approving contract with Orchard, Hiltz & McCliment, Inc. for the Construction Engineering Services for the 2016 Urgent Road Repairs.
4. Resolution No. 2016-203, approving 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)". **(Second Reading)**

5. Resolution No. 2016-204, approving the purchase of 50 Kramer by Right of First Refusal from Washtenaw County Treasurer.
6. Resolution No. 2016–205 approving the sale of 465 Jefferson to the Cooperative Orchard of Ypsilanti for the side-lot price of $1.00 plus closing costs.

XIV. <u>LIASON REPORTS</u> –

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. <u>COUNCIL PROPOSED BUSINESS</u> –

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

Nominations

<u>Zoning Board of Appeals</u>

Heather Khan – **(New appointment)**
711 Cambridge St.
Exp: May 2018

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

XVI. <u>AUDIENCE PARTICIPATION</u> –

XVII. <u>REMARKS FROM THE MAYOR</u> –

XVIII. <u>ADJOURNMENT</u> -

Resolution No. 2016-206, adjourning the City Council meeting.

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Exploration of Budget Stabilization Alternatives

City of Ypsilanti

City Council Presentation

September 6, 2016

Potential Budget Adjustments

- Through a combination of cost reductions and revenue enhancements, the City could improve its General Fund financial position for the next two years:

	FY16-17	**FY17-18**
• Cost Reductions	$670,750	$435,621
• Revenue Increases	$271,535	$844,535
• **Total Impact**	**$942,285**	**$1,280,156**

Cost Reductions

- Relies on deferring capital, leaving positions vacant, combining positions and eliminating some part-time positions.

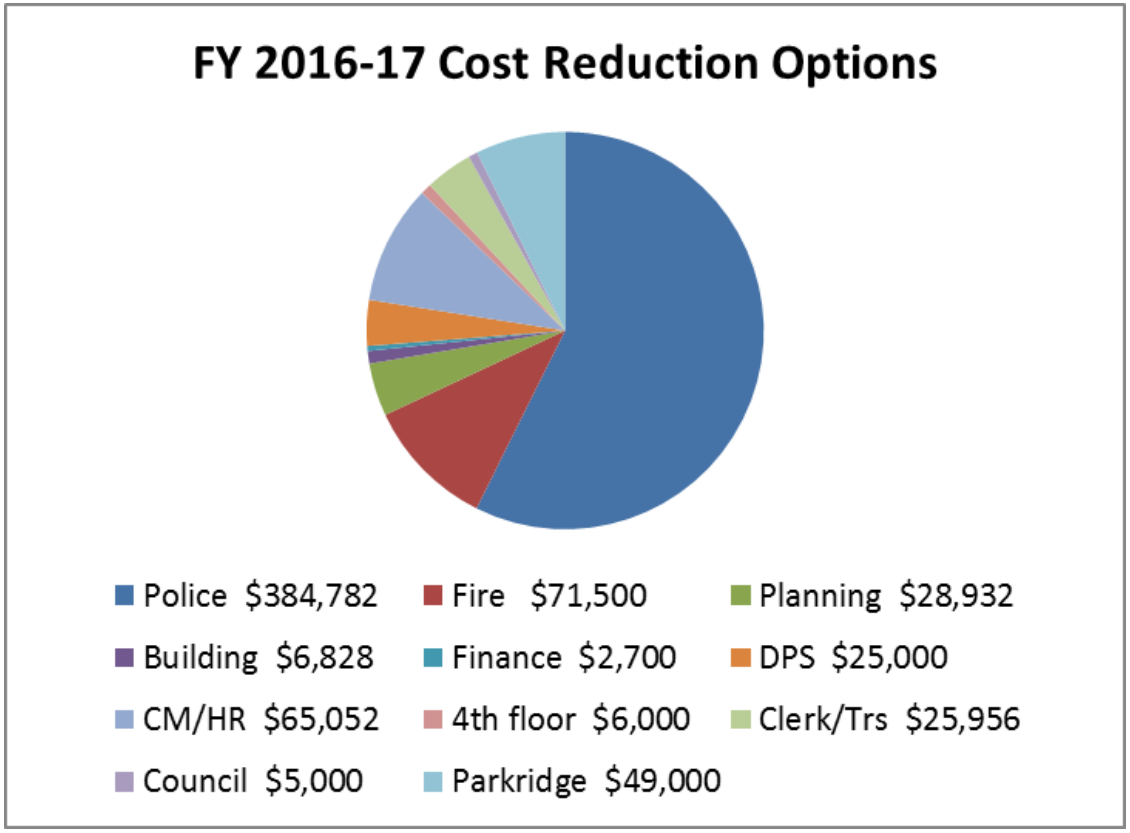
	16-17	17-18
Police (3 officers, records clerk, property room clerk)	$254,782	$254,782
Planning (Planning intern, historic district intern)	$17,432	$27,570
Clerk/Treasurer (PT position)	$25,956	$25,956
HR/CM (intern, HR Mgr, Asst to CM; add HR General, HR/ACM)	$65,052	$25,545

- This strategy can work short-term, but is **not a sustainable solution**
  - Capital can be deferred only so long
  - Staffing reductions limit service capacity
- Public safety impacted the greatest

Revenue Enhancements

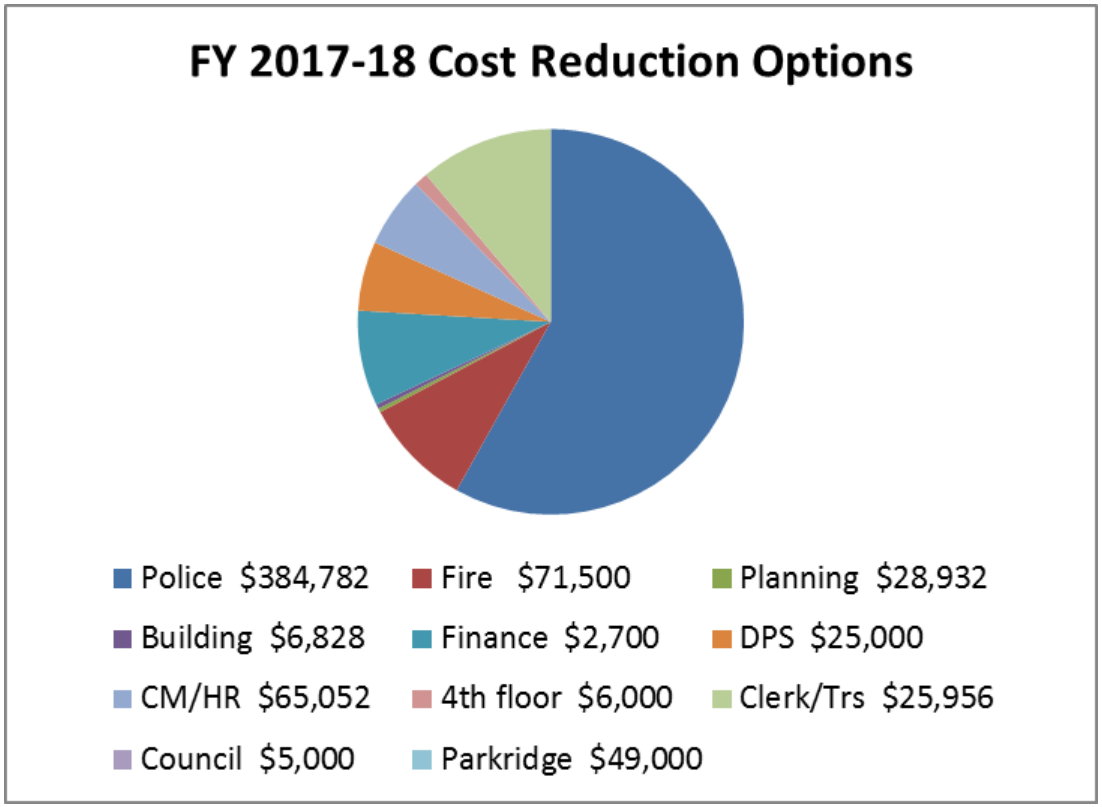
- Only one immediately available option provides guaranteed, ongoing income: <u>special assessment for street lighting</u>
- Other options are one-time, small or less certain
  - Sale of City owned property (one-time)
  - Parking revenues (permits, enforcement)
  - Business licenses
  - School Resource Officer reimbursement
- Long-term, substantial revenue option is required to stabilize budget

FY 2016-17 Impacts



- Revenue options:
  - SRO contract ($76,535)
  - Parking tickets ($50,000)
  - Parking permits ($50,000)
  - Sale of property ($45,000)
  - Business license ($50,000)

FY 2017-18 Impacts



- Revenue Options
  - SRO contract ($76,535)
  - Parking tickets ($50,000)
  - Parking permits ($100,000)
  - Inc. parking fee ($18,000)
  - Sale-property ($200,000)
  - Business license ($50,000)
  - Street Light Special Assessment ($350,000)

Budgeting Impacts on Departments

Financial Impact on Budgets

Impact potential cost reductions would have on department budgets for this fiscal year and next:

	FY 2016-17	FY 2017-18
• Police	-10.4%	-6.9%
• Fire	-3.9%	0.0%
• Planning	-6.8%	-9.7%
• Building	-2.1%	0.4%
• Finance	-0.6%	-0.4%
• DPS	-2.1%	-3.2%
• Manager/HR	-14.2%	-5.9%
• Clerk/Treasurer	-7.2%	-7.4%
• City Council	-4.4%	-4.4%
• Parkridge	-100%	-100%
• **Total General Fund**	**-6.7%**	**-4.5%**

Impact on Services: Police

- Lower staffing levels will result in higher overtime to staff shifts
- Increase in officer burn-out has been the leading reason for people leaving
- Department will operate below staffing needs, based on service area needs
- Response times may be impacted; proactive policing more limited
- Work efficiency will suffer
- The City would be forced to evaluate if we can continue outreach positions

Impact on Services: Clerk/Treasury Office

- Longer wait times at the counter
- AHB and Parking collection efforts lessened
  - Parking revenue is important to budget

Impact on Services: Building Department

- Eliminating tablets used for inspections will have minimal impact on operations. Tablets are used sporadically and have not been found to increase productivity

- There have been increases for FY 16/17 & 17/18 with the addition of a second full-time rental and compliance inspector. This position will generate revenue above and beyond the expenses of the position.

- Contractual services line item will be reduced, as contract rental inspectors will not be used.

Impact on Services: Planning

The Planning and Development budget has increased over the past three years with the addition of staff. The revenues generated from these positions from permit applications do not cover staff increases.

Staff increase is largely responsible for the addition of significant funds to the city:

- Blight Elimination Grant ($250,000), SPARK NEZ Grant ($50,000), CDBG Passenger Rail Grant ($125,000), WCVB CTAP Mural Grant ($10,000), WCVB CTAP Historic Markers Grant ($10,000), MEDC Grant Conversion ($2,750,350), Building Healthy Communities MPARKS Grant ($34,000), and LSSRF Grant ($200,000) for a total of $3,429,350.

Impact on Services: Planning (continued)

Historically the Planning Department has employed interns from EMU and UM to assist with workloads and provide training to students in the community.

Proposed reductions to the planning and development department are as follows:

- Suspend planning and development intern program as of 12-31-2016, eliminate line item 7210-707-00 temporary wages 16/17- $11,219 and 17/18 $21,606/ this will result in more work for staff and less time to apply for grants.

- Reduce professional development and training line item 7210-864-02 from $5,000 to $3,000 for 16/17 and from $5,000 to $2,000 for 17/18 for total savings of $5,000/

- Reduce contractual services cutting line item 7210-818-00 from $20,000 to $10,000 for 16/17 and 17/18. Contractual services are reserved for engineering fees not associated with an application process, marketing and other planning and development department expenses.

Impact on Services: City Council

- Eliminate VantagePort membership (formerly Aerotropolis)
- No partnership to create incentives to attract businesses to our region
- No global marketing to help bring development into the community

Impact on Services: City Manager & HR

- Elimination of position Assistant to the City Manager
- Elimination of Marketing Intern
- This would result in less time to research Council Request, less time to monitor social media sites, post news articles and develop the City Newsletter.
- Elimination of FT HR Manager. To be replaced with HR Generalist and combined Asst. City Manager/HR Manager position

Other Options to Consider

Financial Impacts of the following to be determined:

- Institute car towing for unpaid parking tickets
- Revisit the option of a dedicated millage for debt
- Find temporary use for Water Street property that provides positive impact and is at least revenue neutral
- Continue exploring and applying for relevant grants
- Lobby for increase in State fire protection payment
- Explore alternative delivery options for IT services

	BUDGET ADJUSTMENTS DUE TO FAILED WATER STREET MILLAGE						
	9/6/2016						
DEPT	**DESCRIPTION**	**ACCOUNT #**	**FY 2015-16**	**FY 2016-17**	**FY 2017-18**		
	GENERAL FUND						
	Fund Balance Beginning		**$ 8,184,183**	**$ 5,784,915**	**$ 5,124,193**		
	General Fund Projected Deficit		**$ (2,399,269)**	**$ (1,523,006)**	**$ (645,474)**		
POLICE	Freeze hiring of 3 Police Officers (wages & Fringes) $65,855 per officer	101-7-3070-706 to 721-00		197,565	197,565		
POLICE	Freeze hiring Records Clerk	101-7-3050-706 to 714-05		24,500	24,500		
POLICE	Property Room	101-7-3070-706 to 714-05		32,717	32,717		
POLICE	Code Enforcement (not budgeted)			-	-		
BLDG	Building Inspector $53000/yr plus Fica 10 mos.	101-7-3710-706 to 721-00		5,628	(2,632)		
Planning	Suspend Planning Intern 50% fy 2016-17, 100% FY 2017-18	101-7-7210-707-00		11,219	21,606		
Planning	Eliminate Historic District Com intern	101-7-8030-707-00		6,213	5,964		
Finance	Combined A/P and Finance Generalist	101-7-1910-706 to 714-30		1,700	1,700		
HR	HR Manager-K.Welch	101-7-2700-706 to 714-28		78,013	78,013		
HR	HR Manager Contractual through 12/31/16	101-7-2700-706 to 714-28		(29,351)	-		
HR	Hire HR Generalist $42,500/yr + fringe benefits	101-7-2700-706 to 714-28		(31,175)	(62,350)		
CM	Assistant to City Manager through 7/27/16	101-7-1720-706 to 714-30		(6,798)	-		
CM	Eliminate Assistant to City Manager	101-7-1720-706 to 714-30		88,369	88,369		
CM	Eliminate Marketing Intern	101-7-1720-707 to 714-05		12,403	14,331		
CM/HR	Combine Assistant City Manager & HR Manager $63,000/yr 6 mos. Plus fringe benefit	101-7-2700-706 to 714-28		(46,409)	(92,818)		
CLERK/TRS	Eliminate the 2nd Treasury/Clerk PT position	101-7-2150-707 to 714-30		25,956	25,956	370,550	332,921
Council	Eliminate Aerotropolis membership	101-7-1010-958-00		$ 5,000	$ 5,000		
POLICE	Delay police carport	414-7-2651-971-21		40,000	-		
POLICE	Delay gym equipment	414-7-9370-987-40		10,000	-		
POLICE	Service contract for School Resource Officer (SRO)	101-4-3070-676-02		76,535	76,535		
POLICE	Parking ticket revenues increase	101-4-3110-656-00		50,000	50,000		
Building	Reduce Telephone	101-7-3710-835-00		1,200	1,200		
Planning	Reduce Professional Development	101-7-7210-864-02		2,000	3,000		
Planning	Reduced contractual services	101-7-7210-818-00		10,000	10,000		
Planning	Transportation assistance for intern	101-7-7210-761-00		(500)	(500)		
Finance	Reduced professional Development	101-7-1910-864-02		1,000	-		
Fire	Reduce apparatus drain & Grates	101-7-2650-818-04		40,000	-		
Fire	Reduce duct cleaning, exterior light, vent on mezzanine	101-7-2650-818-04		6,500	-		
Fire	Reduce SCBA	414-7-9370-987-45		25,000	-		
DPS	Eliminate the garage bay exhaust system	101-7-2650-818-03		25,000	-		
DPS	Delay East storage shed concrete pad	101-7-2650-818-03		-	15,000		
DPS	Delay north pole barn concrete pad	101-7-2650-818-03		-	20,000		
4th floor	Eliminate carpet replacement	101-7-2650-818-02		6,000	-		
Non-dept	Sale of Bell & Kramer Property (old landfill)	101-4-0000-673-00		45,000			
Non-dept	Sale of Boys & Girls Club	101-4-0000-673-00			200,000		
	Eliminate Parkridge Community Center Subsidy ($60,000-$11,000)	101-7-7520-706 to 932-00		49,000	49,000		
TBD	Sale of Misc land to Adams Outdoor	101-4-0000-673-00					
	Increase parking Permit fees	101-4-2530-462-00			18,000		
	Institute business C of O license process	101-4-3710-461-08		50,000	50,000		
TBD	Institute car towing- PD collect this revenue	101-4-3110-607-09					
	Institute paid parking in Depot Town (Frog Island & Aubree's Lot), meters & permits. Amount is based on the current parking meter revenue collected.			50,000	100,000		
TBD	Possible savings on IT services 68 computers @ $1,327 = $90,236.	414-7-2280-818-00					
TBD	Special assessment of street lights	101-4-4480-672-04		-	350,000		
TBD	Double effort in increasing funding of fire portection from 40% to 60%	101-4-3390-539-00					
TBD	Outsource recycling cost $157,000 per year						
TBD	Replace 2001 street millage with other revenue source						
TBD	Collaboration on plowing and streetsweeping with Area townships (Ypsi & Superior)						
	Total Ajustments		**-**	**862,285**	**1,280,156**		
	Adjusted Deficit		**$ (2,399,269)**	**$ (660,721)**	**$ 634,682**		
	General Fund Projected Ending Fund Balance		**$ 5,784,915**	**$ 5,124,193**	**$ 5,758,875**		
	Motorpool Fund						
	Fund Balance Beginning			**$ 1,789,340**	**$ 1,416,278**		
	Fund Projected Deficit			**$ (453,062)**	**$ (513,029)**		
Police	Delay purchase of police car	641-7-9330-987-10		80,000			
Env. Services	Delay Packer Truck to replace V#609	641-7-9350-987-10			150,000		
	Total Ajustments		**-**	**80,000**	**150,000**		
	Adjusted Deficit			**$ (373,062)**	**$ (363,029)**		
	Motorpool Fund Projected Ending Fund Balance		**$ 1,789,340**	**$ 1,416,278**	**$ 1,053,249**		
	S:\Clerk's Office\CITY COUNCIL MEETINGS\CITY COUNCIL MEETINGS\2016 City Council Meetings\09-06-16\[Copy of BUDGET ADJUSTMENT FY 2016-2017 DUE TO FAILED WATER ST MILLAGE 9-6-16a.xlsx]Sheet1						
	9/19/16 10:26 AM						
			1,817,003	0.15	2,726		

Speed Control Policy

COMPARISON TO OTHER COMMUNITIES

Background

A speed control/speedbump policy was requested by Council in 2013 due to increasing resident interest. At that time, speed humps/bumps and other similar speed control devices were prohibited on public roads within the City. A presentation was made to Council in November 2013, and draft policies went before council in April 2014 and March 2015. A policy was adopted in June 2015.

Council heard a presentation and had a discussion on the process in June 2016. Further information regarding other communities' processes and best practices were requested.

"Speed controls" under consideration include speed humps and speed tables. Other physical improvements shown to increase compliance with speed limits may also be recommended under this policy, such as sidewalks, street trees, bumpouts, and parking changes.

Speed controls do not include such things as stop signs; these are considered regulatory devices.

Existing Policy for Speed Controls

Request

- Petition made by 60% or more of the residents of at least two contiguous block faces (where applicable), including as much information as possible about where and when the speeding occurs, and potential issues that wouldn't be apparent to a non-resident (potential points of conflict, in particular)

Review

- Person to whom the petition was submitted brings petition before TRC
- Check to see if roadway is eligible for speed controls
  - Must be under local control, speed limit of 45 or less, traffic count less than 15k; staff notes other issues such as construction, road condition, bus routes/stops, etc
- Schedule a speed study
  - Eligible for City-funded speed humps if 15% or more are travelling at least 5mph above the speed limit
- Review crash history for patterns
  - Eligible for City-funded intervention if significant/recurring/above-average history of crashes
  - Can only evaluate reported crashes- not anecdotal

Existing Policy for Speed Controls

Decision

- If a speeding problem is evident, based on crash history/severity and speed study, then speed controls will be installed at the City's expense. Person to whom the petition was submitted follows up with the point of contact for the petitioners.
  - NOTE: permanent speed humps, while more effective in the long-term and requiring overall less maintenance than temporary humps (expected life of 3 years and requiring annual removal/reinstallation) significantly interfere with snow removal due to our current style of plows. Staff would require training.
  - BUDGET NOTE: Per draft budget, $50,000 allocated each in 2016/17 and 2017/18 under Local Streets for traffic calming projects. (203-7-9053-818-00, contractual services). Actual spending in 2015/2016 was approx $22,000.
- If no objective speeding issue can be shown, person to whom the petition was submitted follows up with the point of contact for the petitioners.

Items from June 2016 Discussion

Proposed Changes

- Designate one staffperson for contact with petitioners and Councilmembers regarding petitions.
- Staff will proactively examine other potential solutions.

Items for Further Discussion

- What recourse do petitioners have in cases where City-installed permanent speedbumps (or other City-installed measures) are not warranted per policy?
  - Funding?
  - Temporary measures?

Review of Other Communities

Washtenaw County Road Commission (Ypsi Twp, Pittsfield Twp, etc)

- Eligibility: residential subdivision streets with a speed limit of 25mph and conforming to certain criteria (crash history, cut-through traffic, etc).
- Funding: Varies by township. Twps may require that a neighborhood bear the full cost, or only part. WCRC may match up to 50% of the cost out of Local Roads monies; the amount is paid directly to the Twp.

City of Ann Arbor

- Eligibility: Local Street; ADT between 200 and 5,000; 85th percentile at least 5mph over; not an emergency route (for speed humps); not a truck route; AAATA & school bus systems must have input.
- Funding: varies.

Other areas:

- **Livingston County:** only permits on subdivision roads, fully funded by the sub, when warranted.
- **Monroe**: no speed humps. Does do parking both sides of the street on 26' wide streets.
- **Oakland County**: only permits on subdivision roads, fully funded by the sub, when warranted.

Discussion

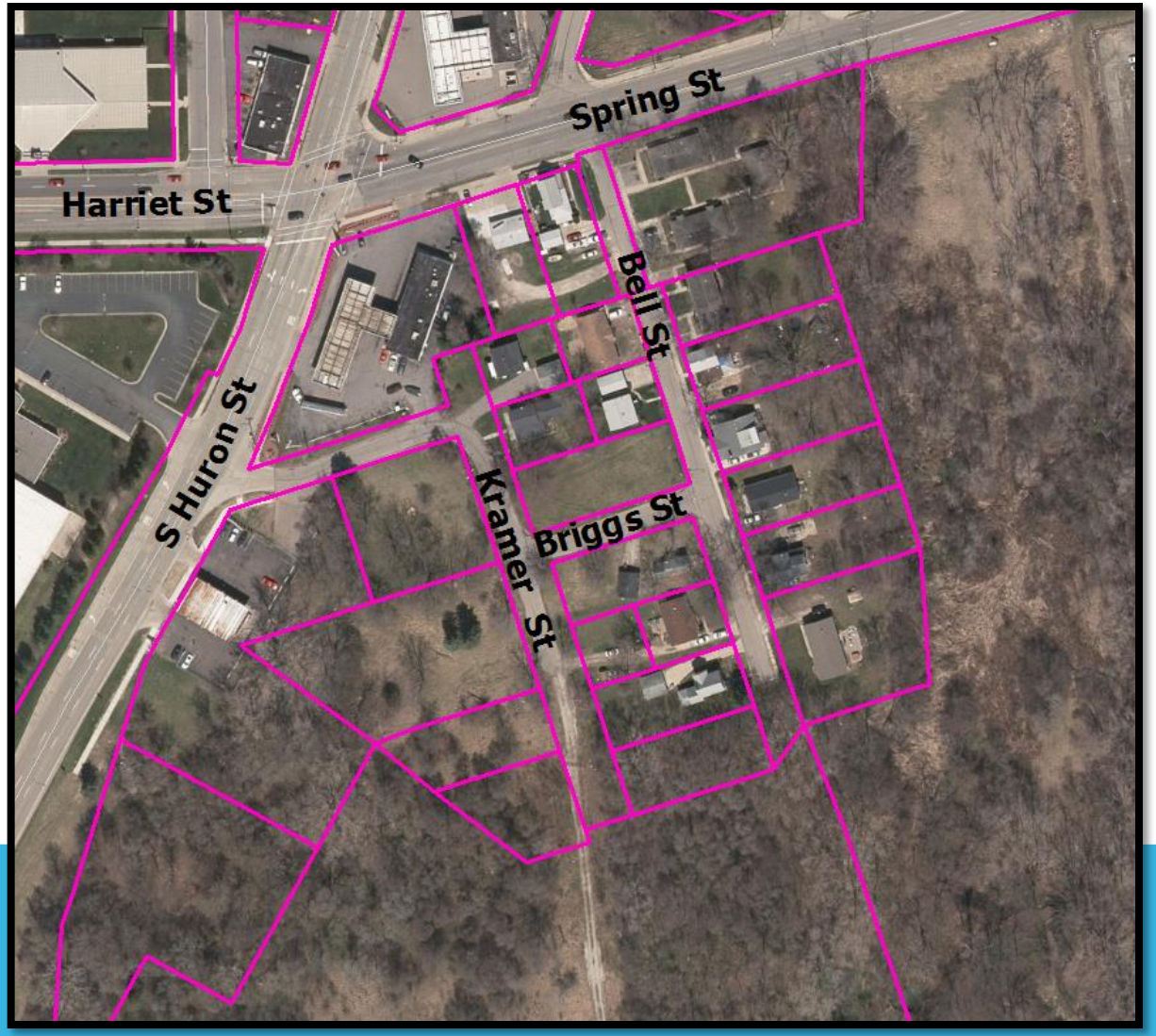
Bell-Kramer Neighborhood

COUNCIL PRESENTATION 9/6/2016

Background

The Bell-Kramer neighborhood is located north of I-94, east of Huron, and south of Spring/Factory street.

This neighborhood was part of the village of Clarkesville, and the core has been largely residential since the mid-1800s.

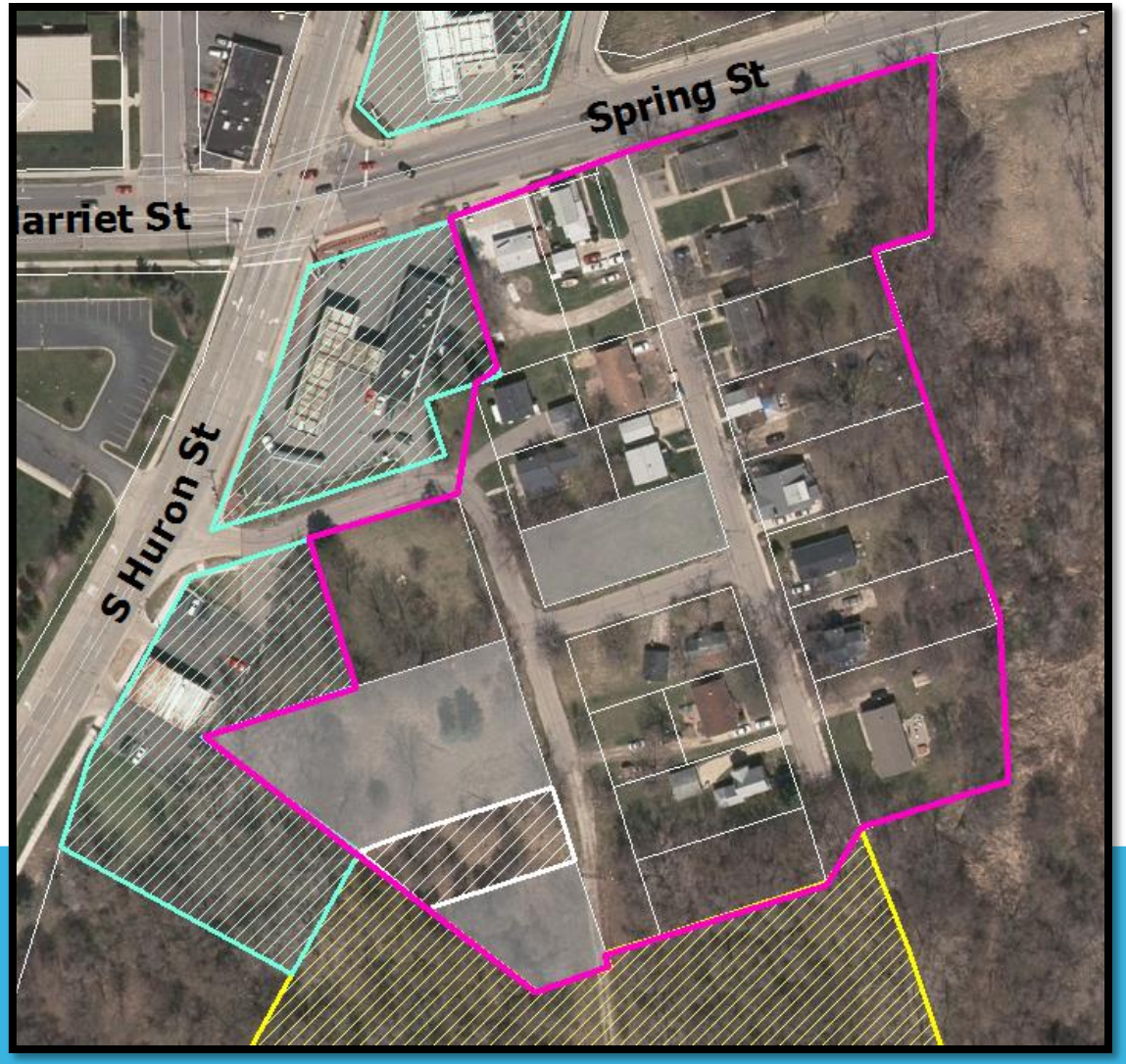


Background

One current gas station and one former gas station are immediately to the east of the neighborhood, another to the north (blue), and the former City landfill is to the south (yellow).

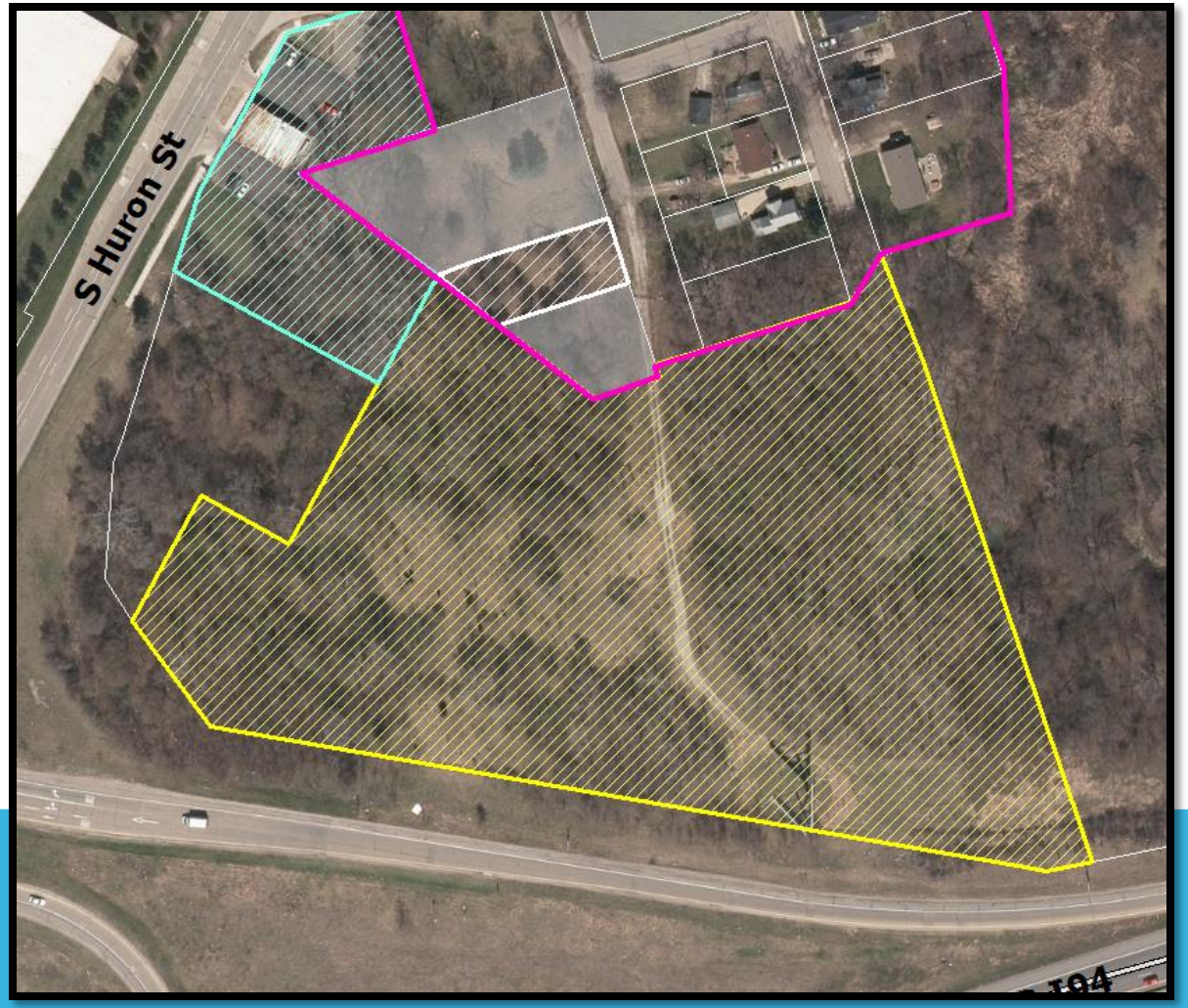
The City owns three vacant parcels in the neighborhood (grey), and another is currently in tax foreclosure (white).

There are two other vacant parcels under private ownership.



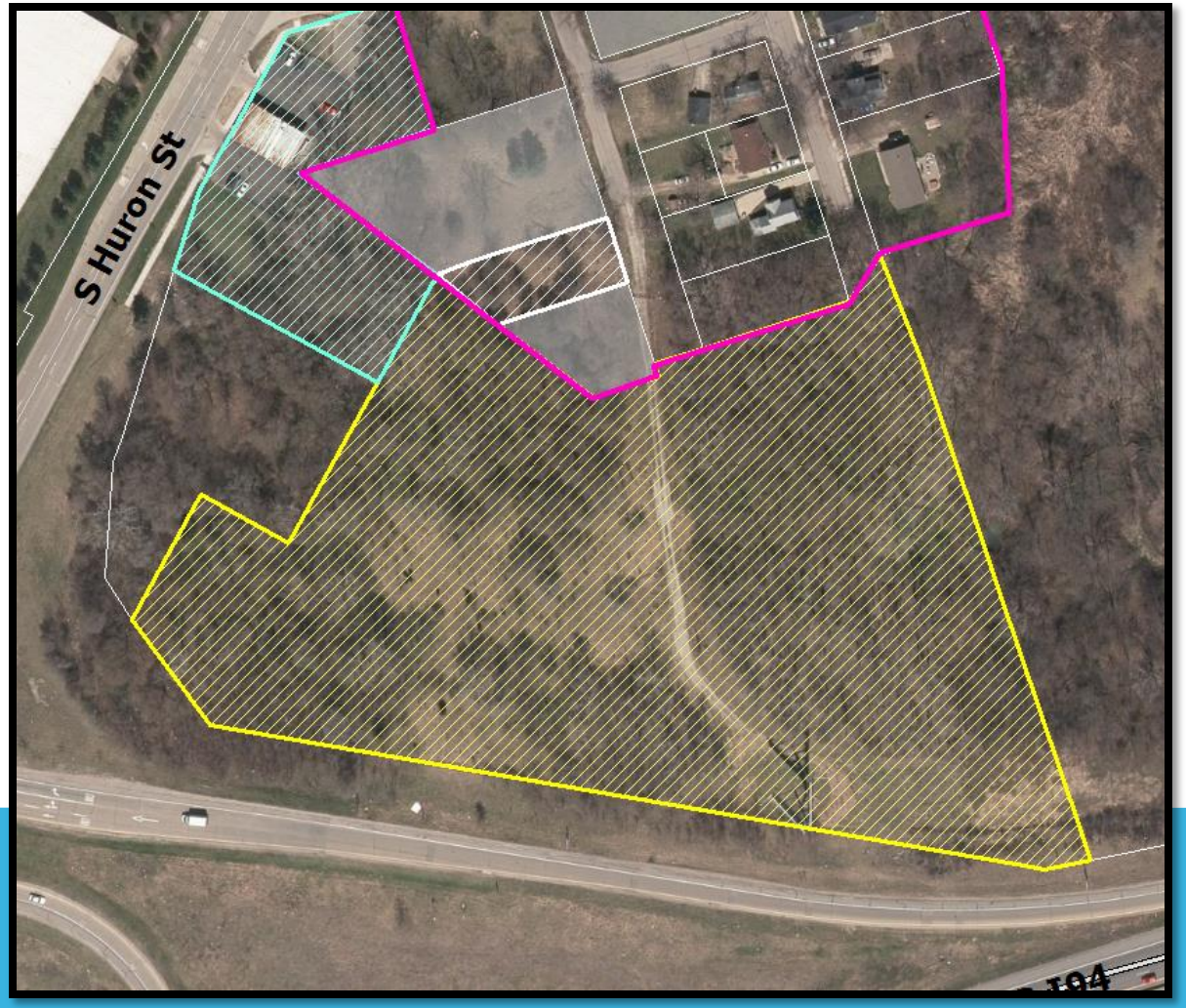
Background

In 2012-13, the City was exploring the possibility of installing solar panels on the former landfill property. As part of the due diligence process, environmental site assessments (Phase I and II) were conducted on the landfill property.



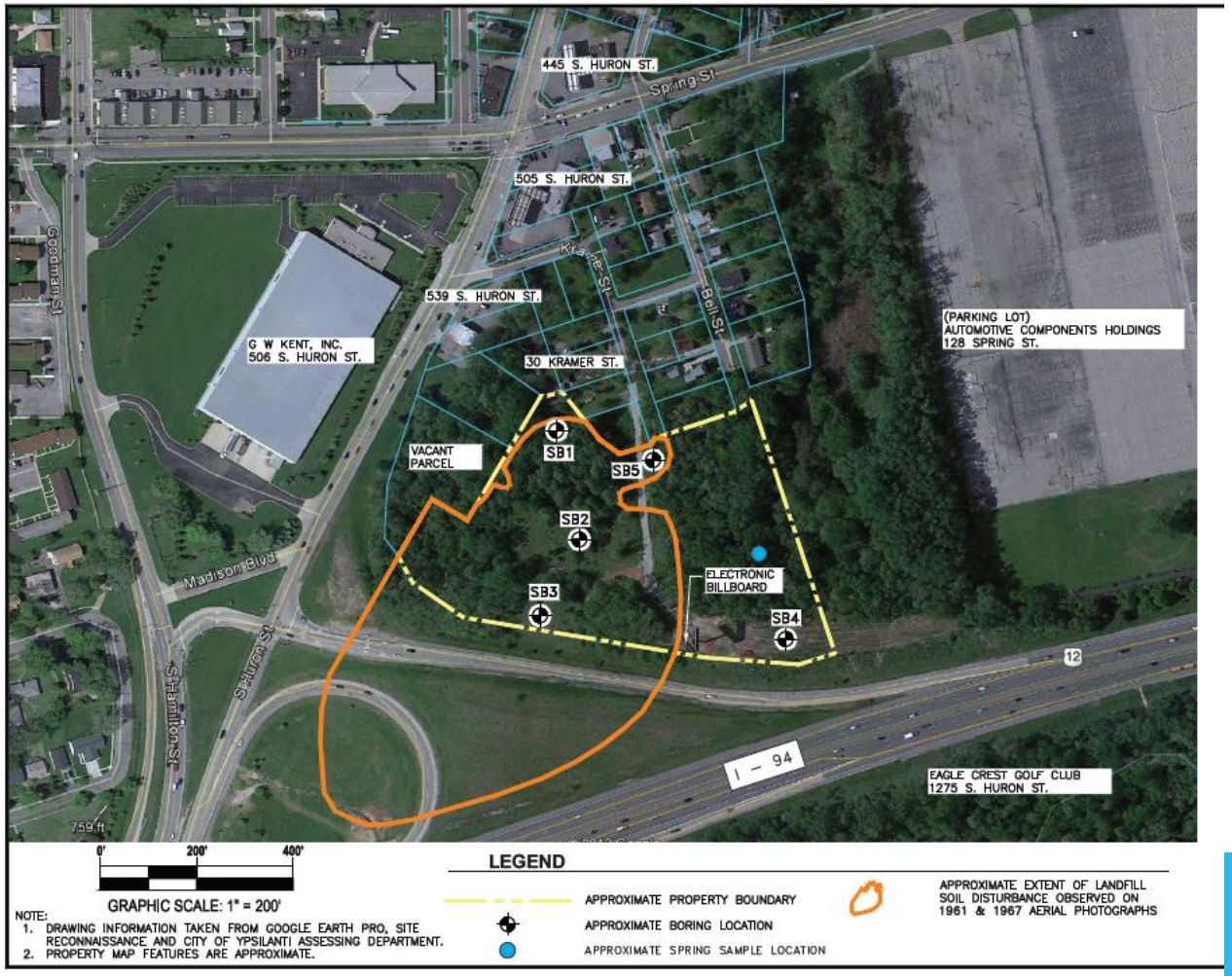
Background

The Phase I site assessments confirmed what was already known- the area was a landfill, active from the late 1940s to the late 1960s; that the gas stations to the north and east had occasional spills; and that groundwater generally flows from the north-west to the east and south-east in this area.



Background

The Phase II site assessment involved detailed soil and water sampling and analysis geared towards the then-proposed future use of the site. This analysis found volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PNAs), metals (including lead), benzo(a)pyrene , and methane gas in levels above the designated screening criteria.



Background

The Phase II site assessment also noted potential off-site migration locations for some of these contaminants.

Property owners to the north, south, east, and west were notified at the end of October 2013.

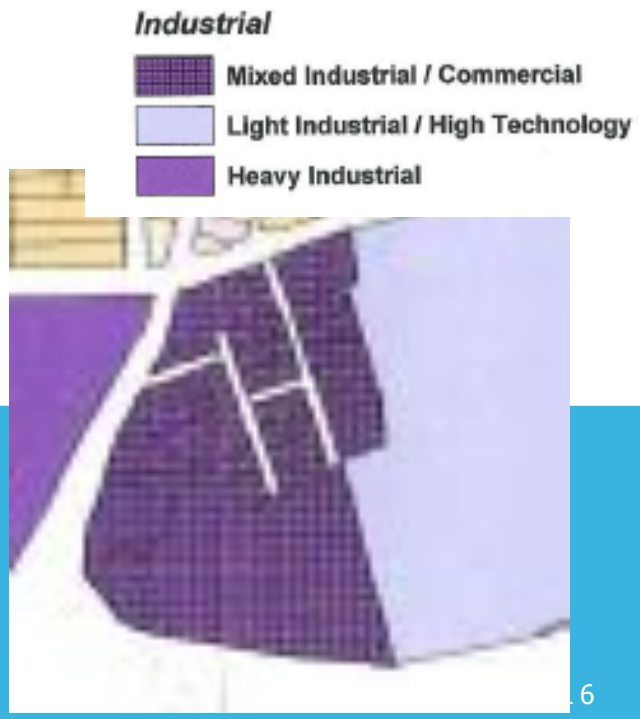
Property Boundary	Hazardous Substance	CAS #	Maximum Concentration	Sample Location	Environmental Medium	Distance to Property Boundary	Direction of Migration
North	Benzo(a)anthracene	56-55-3	3.4 µg/L	SB1	Groundwater	75 feet	Assumed easterly based on topography and surface water bodies. Potential for migration until groundwater flow and concentrations at the boundary are confirmed.
	Benzo(a)pyrene	50-32-8	3.6 µg/L	SB1	Groundwater	75 feet	
	Benzo(b)fluoranthene	205-99-2	4 µg/L	SB1	Groundwater	75 feet	
	Benzo(g,h,i)perylene	191-24-2	2.2 µg/L	SB1	Groundwater	75 feet	
	Benzo(k)fluoranthene	207-08-9	1.6 µg/L	SB1	Groundwater	75 feet	
	Chrysene	218-01-9	3.1 µg/L	SB1	Groundwater	75 feet	
	Fluoranthene	206-44-0	8.2 µg/L	SB1	Groundwater	75 feet	
	Indeno(1,2,3-cd)pyrene	193-39-5	2.5 µg/L	SB1	Groundwater	75 feet	
	Phenanthrene	85-01-8	6.9 µg/L	SB1	Groundwater	75 feet	
	Cadmium	7440-43-9	6.2 µg/L	SB5	Groundwater	40 feet	
	Copper	7440-50-8	17 µg/L	SB5	Groundwater	40 feet	
	Lead	7439-92-1	210 µg/L	SB5	Groundwater	40 feet	
	Zinc	7440-66-6	2 µg/L	SB5	Groundwater	40 feet	
East	Cadmium	7440-43-9	6.2 µg/L	SB5	Groundwater	250 feet	Assumed easterly based on topography and surface water bodies. Potential for migration until groundwater flow and concentrations at the boundary are confirmed.
	Copper	7440-50-8	17 µg/L	SB5	Groundwater	250 feet	
	Lead	7439-92-1	210 µg/L	SB5	Groundwater	250 feet	
	Zinc	7440-66-6	2 µg/L	SB5	Groundwater	250 feet	
	Methane	74-82-8	19.7%	SB4	Soil Gas	80 feet	Gas moves radially.
South	Naphthalene	91-20-3	180 µg/L	SB3	Groundwater	20 feet	Assumed easterly based on topography and surface water bodies. Potential for migration until groundwater flow and concentrations at the boundary are confirmed.
	Fluoranthene	206-44-0	2.7 µg/L	SB3	Groundwater	20 feet	
	Phenanthrene	85-01-8	11 µg/L	SB3	Groundwater	20 feet	
	Arsenic	7440-38-2	12 µg/L	SB3	Groundwater	20 feet	
	Barium	7440-39-2	1,300 µg/L	SB3	Groundwater	20 feet	
	Chromium	7440-47-3	16 µg/L	SB3	Groundwater	20 feet	
	Lead	7440-92-1	28 µg/L	SB3	Groundwater	20 feet	
	Zinc	7440-66-6	860 µg/L	SB3	Groundwater	20 feet	
	Methane	74-82-8	33.1%	SB3	Soil Gas	20 feet	Gas moves radially.
West	Naphthalene	91-20-3	180 µg/L	SB3	Groundwater	320 feet	Assumed easterly based on topography and surface water bodies. Potential for migration until groundwater flow and concentrations at the boundary are confirmed.
	Benzo(a)anthracene	56-55-3	5.2 µg/L	SB2	Groundwater	220 feet	
	Benzo(a)pyrene	50-32-8	4.1 µg/L	SB2	Groundwater	220 feet	
	Benzo(b)fluoranthene	205-99-2	5.6 µg/L	SB2	Groundwater	220 feet	
	Benzo(g,h,i)perylene	191-24-2	2.2 µg/L	SB2	Groundwater	220 feet	
	Benzo(k)fluoranthene	207-08-9	2.3 µg/L	SB2	Groundwater	220 feet	
	Chrysene	218-01-9	5.3 µg/L	SB2	Groundwater	220 feet	
	Fluoranthene	206-44-0	16 µg/L	SB2	Groundwater	220 feet	
	Indeno(1,2,3-cd)pyrene	193-39-5	2.6 µg/L	SB2	Groundwater	220 feet	
	Phenanthrene	85-01-8	19 µg/L	SB2	Groundwater	220 feet	
	Arsenic	7440-38-2	12 µg/L	SB3	Groundwater	320 feet	
	Barium	7440-39-2	1,300 µg/L	SB3	Groundwater	320 feet	
	Cadmium	7440-43-9	3.6 µg/L	SB2	Groundwater	220 feet	
	Chromium	7440-47-3	16 µg/L	SB3	Groundwater	320 feet	
	Copper	7440-50-8	28 µg/L	SB2	Groundwater	220 feet	
	Lead	7440-92-1	28 µg/L	SB3	Groundwater	320 feet	
	Silvers	7440-22-4	0.28 µg/L	SB2	Groundwater	320 feet	
	Zinc	7440-66-6	860 µg/L	SB3	Groundwater	320 feet	
	Methane	74-82-8	33.1%	SB3	Soil Gas	320 feet	Gas moves radially.

Process

At the same time the environmental analysis was occurring, the Master Plan update process, Shape Ypsi, was concluding; it was adopted in mid-October 2013.

Analysis during the Shape Ypsi process noted the high rate of tax and mortgage foreclosures in the neighborhood indicating disinvestment, the high volume of commercial traffic to the west, the industrial parcel to the east, and the major freeway and former landfill to the south. This, taken in combination with the scarcity of land available for industrial uses throughout the rest of the City, it was thought that this would be a natural place to extend the industrial district.

Review of the 1998 Master Plan indicated that this was not an original idea; it had been designated "mixed industrial/commercial" in the 1998 future land use map.



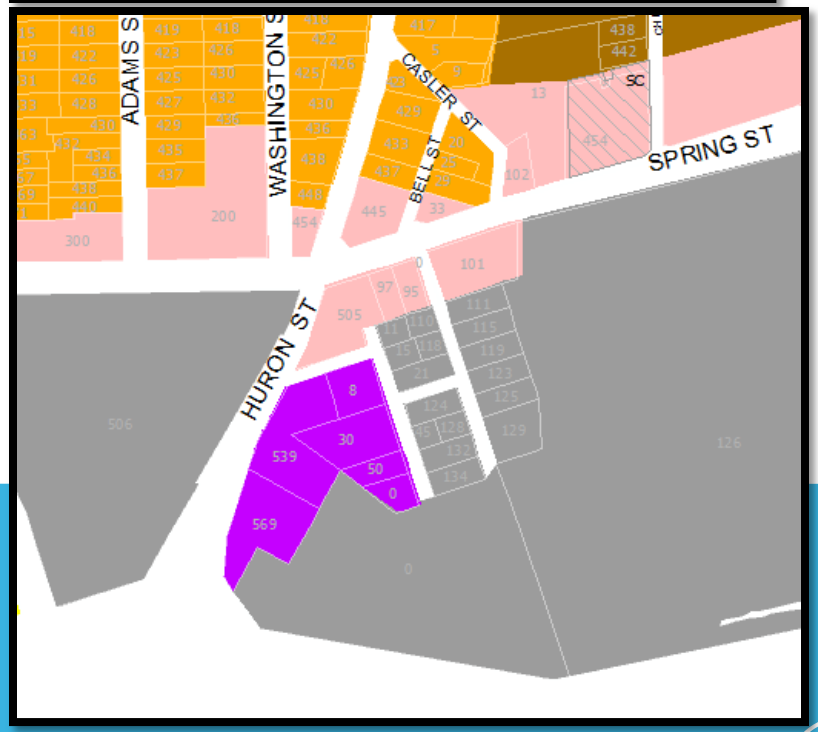
Process

An overhaul of the zoning code started shortly after the adoption of the Master Plan.

Zoning in this area stayed fairly true to the Master Plan. One oversight was corrected in zoning the gas station on the NE corner of Harriet & Hamilton NC, rather than a residential zone.

One tweak was made in changing the area south and west of Kramer from PMD to GC, which itself is a mix of the previous B4 (commercial) and CI (industrial) classifications, as it could require a more attractive entry to the City from the south than PMD.

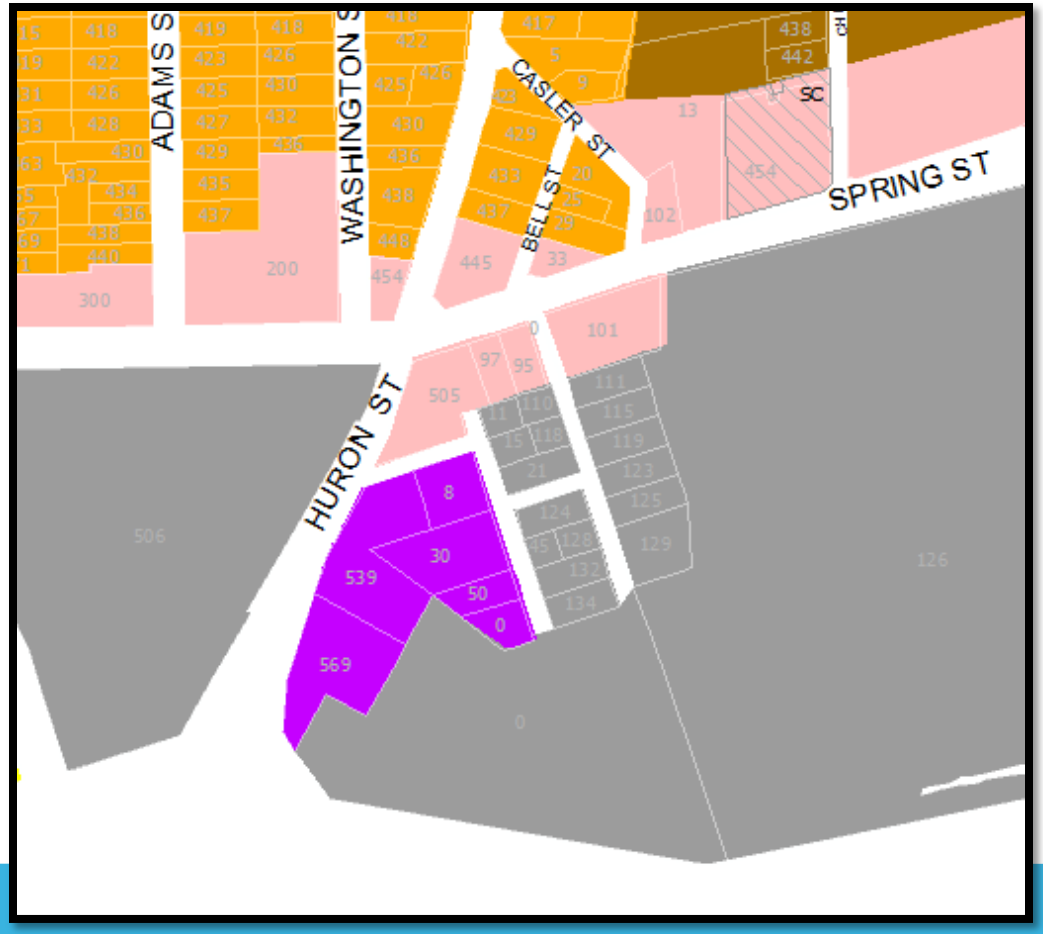
Another tweak was made in the NC designation along the north side of Spring. This was thought to provide more flexibility and a better potential "face" to any development across the street.



Process

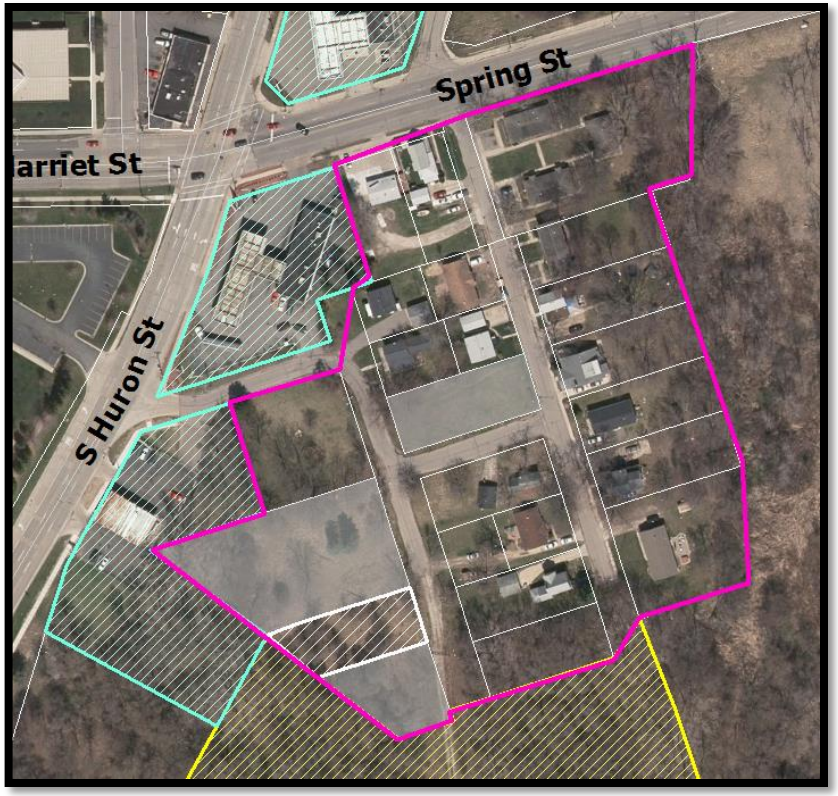
The area's rezoning from R2 to PMD had the effect of rendering single-family residential uses nonconforming, meaning that if they were damaged or destroyed such that the cost of restoration exceeds the SEV, it cannot be rebuilt.

This zoning code was adopted in December of 2014 by Council following two Council public hearings, joint meetings of Planning Commission and Council, and an extensive, year-long public process.

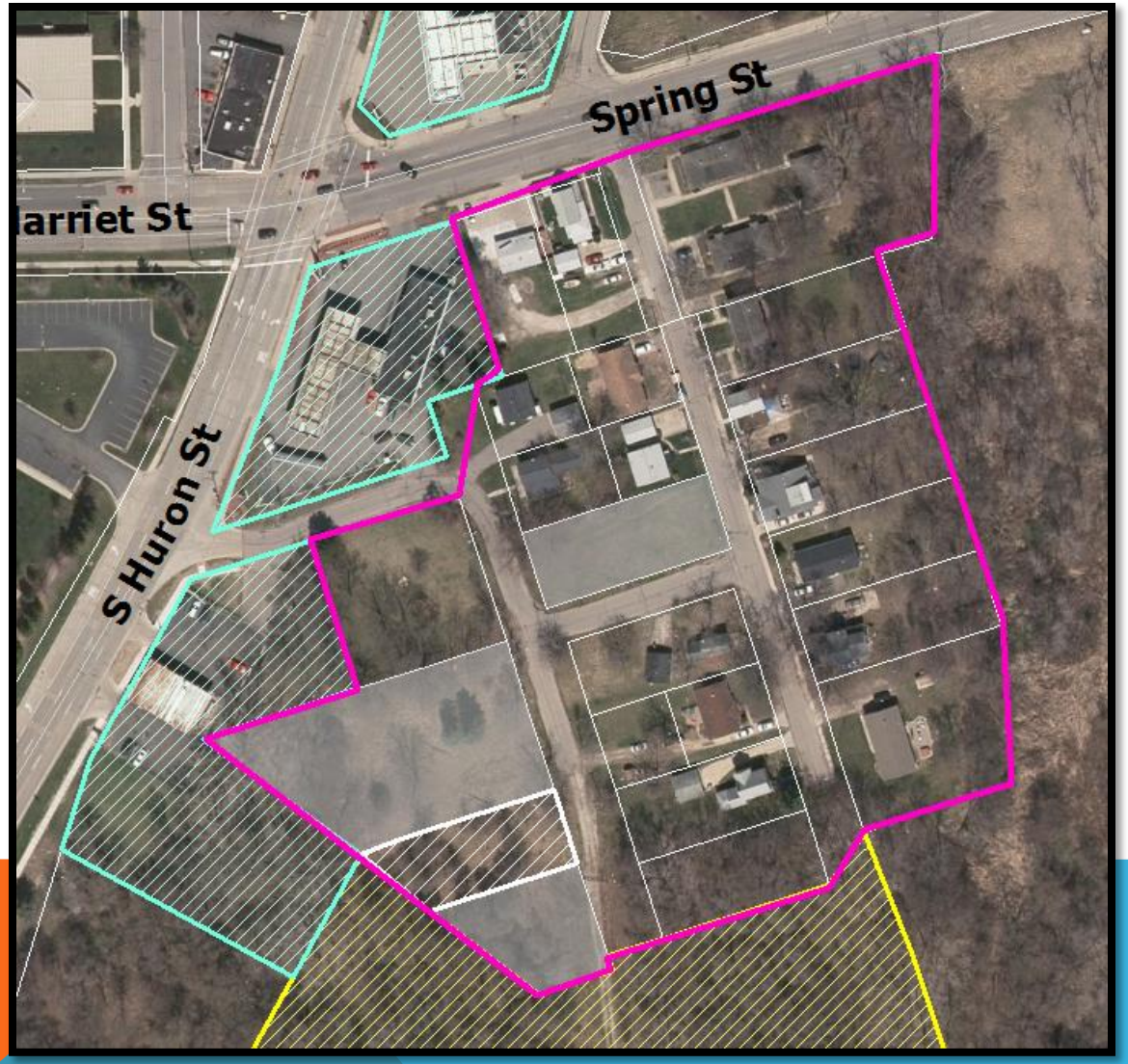


Present

The residential properties in the Bell/Kramer neighborhood are nonconforming; this means that although they can continue to be used as residential (either owner-occupied or rental) and be sold for use as residential, it is often difficult or even impossible to get a mortgage, making it difficult to sell property.



Discussion



REQUEST FOR LEGISLATION
September 06, 2016

FROM: Andrew Hellenga, Interim City Clerk

SUBJECT: Request to reclassify Tavern license to Class C license for Café Ollie, 42 E. Cross St.

SUMMARY & BACKGROUND:

Mr. Mark Teachout and Mrs. Danielle Schwerin have applied to the City of Ypsilanti and State of Michigan Liquor Control Commission (MLCC) to reclassify a Tavern license to a Class C license business for Café Ollie LLC, located at 42 E. Cross St.

If approved by the City and MLCC the Class C license will allow Café Ollie to serve beer, wine, mixed spirit drink, and spirits to customers for consumption on site. The MLCC cannot consider the approval of the reclassification without the approval of City Council.

RECOMMENDED ACTION:

Approval

ATTACHMENTS: Resolution
Application

COUNCIL AGENDA DATE: September 06, 2016

CITY MANAGER COMMENTS:

CITY MANAGER APPROVAL: _____

FINANCE DIRECTOR APPROVAL: _____

Resolution No. 2016-190
September 06, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Café Ollie LLC has applied to the City of Ypsilanti and Michigan Liquor Control Commission requesting the following:

Reclassify Tavern license to Class C license, A Class C license, as defined by MCL 436.1107(2), is a place licensed to sell, at retail, beer, wine, mixed spirit drink, and spirits for consumption on the premises, at 42 E. Cross, Ypsilanti, MI 48198, Washtenaw County; and

WHEREAS, a public hearing to consider the proposed reclassification to Class C for Café Ollie LLC was duly noticed and held on September 06, 2016

NOW, THEREFORE, BE IT RESOLVED THAT the request of Café Ollie LLC for the property located at 42 E. Cross St. be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll Free: 866-813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____
(For MLCC use only)

Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)

called to order by _____ on _____ at _____
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from _____
(name of applicant)

for the following license(s): _____
(list specific licenses requested)

to be located at: _____

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____ (township, city, village)

council/board at a _____ meeting held on _____
(regular or special) (date)

_____ _____ _____
Print Name of Clerk Signature of Clerk Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933
Fax to: 517-763-0059

LARA is an equal opportunity employer/program.Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

City of Ypsilanti

Pride. Diversity. Heritage.

City of Ypsilanti
Office of the City Clerk

APPLICATION FOR NEW
OR
TRANSFER LIQUOR LICENSE

Full Name: Mark Teachout **Date of Birth:** 12-9-73

Home address: 974 N. prospect rd. **Apt.#** _____

City/State/Zip code: Ypsilanti MI 48198

Home phone: (734) 829 9112 **Business Phone:** (734) 482 8050

Email address (optional): Cafeollie@gmail.com

NAMES OF ALL PARTNERS OF THE APPLICANT, IF ANY:

Danielle Teachout

IF THE APPLICANT IS A CORPORATION: Supply a copy of the Articles of Incorporation, current corporation records disclosing the identity, address of all Directors, Officers, and Shareholders.

Address of place for a Liquor License: 42 E. Cross St.
(Attach legal description of the premises)

Name and Address of Premise Owner: Rex/Sally Richie
1065 Maplewood Ave Ypsilanti 48198-5861
Address **City/State/Zip code**

TYPE OF LICENSE APPLIED FOR (Class C, Tavern, B-Hotel, etc.):
Class C

SPECIAL PERMITS APPLIED FOR (Dance, Entertainment, etc.):

SUPPLY WRITTEN EVIDENCE: That the Applicant has the right to possess the premises from the property owner.
Already have Liquor Licenge for this premises. Transferring from Tavern to "Class C" All applicable Documents are on file.

SUPPLY ZONING PERMIT OR CLEARANCE FROM THE ZONING ADMINISTRATOR: That the location is in compliance with the Zoning Ordinance.

SUPPLY CERTIFICATE OF OCCUPANCY OR SIMILAR CLEARANCE FROM THE BUILDING OFFICIAL: That the structure and premises is in compliance with local code provisions.
SUPPLY WRITTEN EVIDENCE FROM THE CITY TREASURER: That all real and personal property taxes and City utility bills associated with the premises are paid and that all real and personal property taxes and City utility bills in the name of the applicant are paid.

SUPPLY A WRITTEN STATEMENT: That the applicant will not violate any laws of the State of Michigan or the ordinances of the City of Ypsilanti in conducting the business where the liquor license will be used and that a violation on the premises may be caused for the City objecting to renewal of the license or requesting revocation of the license.

SUPPLY A WRITTEN STATEMENT: That the applicant understands that the City of Ypsilanti has an ordinance prohibiting public nudity, and a violation of the ordinance on the premises where the liquor license is used will be caused for objecting to renewal of the license, or for requesting revocation of the license.

SUPPLY DOCUMENTATION (REDEVELOPMENT APPLICANTS ONLY): That the applicant has invested at least $75,000 for the rehabilitation or restoration of the building over a period of the preceding five years, or documentation that the applicant has or will commit a capital investment of at least $75,000 that will be expended for rehabilitation or restoration of the building before the license is issued.

My signature acknowledges the following:

- I have read the above application and am submitting this completed application for consideration of a new or transfer liquor license in the City of Ypsilanti.

- I have (either in hardcopy or on line) received a copy of ordinance number 926, (as amended and codified in section 6-31 et sec) and have read and understand the City's ability to request revocation of the license upon violation of the ordinance terms, and/or breach of any agreement with the City.

- Council Approval **DOES NOT** take the place of or avoid any permitting process of the City, including, but not limited to Building, Zoning, Fire, ADA, etc. Significant issues with regards to non-conforming uses may arise after applicant properly submits detailed plans for such construction and/or use permits.

- Redevelopment Applicants:
    - I affirm that I have attempted to purchase an available on-premise escrowed license or quota license within the city, and that one was not readily available as defined in the Liquor Control Code (MCL 436.1521a).
    - I affirm that the premises described above will be a dining, entertainment, or recreation business open at least 5 days per week and open to the general public at least 10 hours a day.
    - I affirm that I have invested $75,000 in the real property within the last 5 years, or I will invest $75,000 prior to issuance of the license. This provision may be enforced

by the City as a breach of contract. In the event I fail to make the required investment and the City is required to enforce this provision, I agree to pay the City's actual attorney fees arising from the breach of contract.

- o I affirm that at least $75,000 was invested or will be invested in the property by _____, and that the liquor license may issue on or after that date.

Signature of Applicant:_____

Signature of Applicant:_____

Signature of Applicant:_____

IF THIS IS A LIQUOR LICENSE TRANSFER REQUEST, THE SIGNATURE OF THE CURRENT LICENSE HOLDER IS REQUIRED.

Signature of Current License Holder:_____

Date

For the City Clerk's Office Staff only:

Date application submitted:_____ Staff's Initials:_____

Routed for approval by the following departments: Date:_____

For Department Approval:

_____Building _____Zoning _____Fire Dept. _____ Police Dept.

_____Assessor _____Treasurer _____City Attorney _____ DDA/DTDDA

Departments: Please conduct the appropriate review to ensure that the applicant does not have any outstanding issues within your department area. When you have completed your review, please report your findings to the City Clerk's Office, and initial on the line provided for your department.

Michigan Department of Energy, Labor & Economic Growth

Filing Endorsement

This is to Certify that the ARTICLES OF ORGANIZATION (DOMESTIC L.L.C.)

for

CAFE OLLIE LLC

ID NUMBER: D52666

received by facsimile transmission on December 29, 2010 is hereby endorsed

Filed on January 3, 2011 by the Administrator.

The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 3RD day of January, 2011

[redacted]

Director

One Stop Id: 219224 Business Name: Cafe Ollie

BCS/CD-700 (Rev. 04/10)

MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES

Date Received	(FOR BUREAU USE ONLY)
	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name			
Cafe Ollie LLC			
Address			
42 E. Cross St.			
City	State	ZIP Code	EFFECTIVE DATE:
Ypsilanti	MI	48198	

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

ARTICLES OF ORGANIZATION
For use by Domestic Limited Liability Companies
(Please read information and instructions on reverse side)

Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned executes the following Articles:

ARTICLE I

The name of the limited liability company is: Cafe Ollie LLC

ARTICLE II

The purpose or purposes for which the limited liability company is formed is to engage in any activity within the purposes for which a limited liability company may be formed under the Limited Liability Company Act of Michigan.
Restaurant

ARTICLE III

The duration of the limited liability company if other than perpetual is: _____

ARTICLE IV

1. The name of the resident agent at the registered office is: Mark Teachout
2. The street address of the location of the registered office is:

   42 E. Cross St. (Street Address) Ypsilanti (City), Michigan 48198 (Zip Code)

3. The mailing address of the registered office if different than above:

   _____ (P.O. Box or Street Address) _____ (City), Michigan _____ (Zip Code)

ARTICLE V (Insert any desired additional provision authorized by the Act; attach additional pages if needed.)

Signed this 28th day of December 2010

By [redacted]
(Signature(s) of Organizer(s))

Mark Teachout , Danielle Schwerin
(Type or Print Name(s) of Organizer(s))

12/29/2010 4:23PM

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC Use Only)

Report of Stockholders, Members, or Partners

(Authorized by MCL 436.1529(1), R 436.1051, and R 436.1110)

Part 1 - Licensee Information

Please state your name as it is filed with the State of Michigan Corporation Division.

Licensee name(s): Cafe Ollie LLC	
Address: 42 E. Cross St.	
City: Ypsilanti	Zip Code: 48198

Part 2a - Corporations - Please complete this section and attach more copies of this page if more room is needed.

Name and address of all stockholders:	No. of Shares Issued:	Date Issued/Acquired:
n.a.		

Name and address of Corporate Officers and Directors, pursuant to administrative rule R 436.1109:

Part 2b - Limited Liability Companies - Please complete this section and attach more copies of this page if more room is needed.

Name and address of all members:	Percent % Issued:	Date Issued/Acquired:
Mark Teachout	50	12-24-10
Danielle Teachout	50	12-24-10

Name and address of Managers and Assignees, pursuant to administrative rule R 436.1110:

Mark Teachout 974. N. Prospect rd. Ypsilanti, Mi 48198

Danielle Teachout 974 N. Prospect Rd. ypsilanti, Mi 48198

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC Use Only)

Report of Stockholders, Members, or Partners

(Authorized by MCL 436.1529(1), R 436.1051, and R 436.1110)

Part 2c - Limited Partnerships - Please complete this section and attach more copies of this page if more room is needed.

Name and address of all partners:	Percent % Issued:	Date Issued/Acquired:
N.A.		

Name and address of Managers, pursuant to administrative rule R 436.1111:

N.A.

Part 3 - Authorized Signers (Authorized in compliance with R 436.1109(1)(c) for a corporation or R 436.1110(1)(g) for a limited liability company)

Name & Title: Mark Teachout - Owner

Name & Title: Danielle Teachout - Owner

Name & Title:

Name & Title:

Name & Title:

Part 4 - Signature of Applicant or Licensee

I certify that the authorized signers under Part 3 of this form have been authorized in compliance with R 436.1109(1)(c) for a corporation or R 436.1110(1)(g) for a limited liability company.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Mark Teachout	[redacted]	8-25-16
Print Name of Applicant or Licensee & Title	Signature of Applicant or Licensee	Date

Please return this completed form to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933
Fax to: 517-763-0059

Café Ollie LLC
42 E. Cross St.
Ypsilanti Mi, 48198

Dear Sir or Madame,

I, Mark Teachout, owner and operator of Café Ollie LLC located at 42 E. Cross St. in Ypsilanti give authorization to apply for the re-classification of the "Tavern" license owned by Café Ollie LLC to a "class C" liquor license. Furthermore I agree to participate in all aspects of the reclassification process by local and state governments.

Sincerely,

[redacted]

Mark Teachout

Owner Café Ollie LLC.

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Retail License & Permit Application

For more information on retail licenses and permits, please visit the Liquor Control Commission's frequently asked questions website by clicking this link.

Before you begin filling out the attached application, please review this checklist for the forms and documents you will need to submit with your completed application form.

The attached LCC-100 form will automatically calculate fees when opened using Adobe Acrobat Reader. The form's functionality may not work with third-party PDF readers. You may download a free copy of Adobe Acrobat Reader on the Adobe website: https://get.adobe.com/reader/

- [x] Completed Retail License & Permit Application (Form LCC-100, attached)
- [x] Livescan Fingerprint Form* (attached)
- [x] Inspection, License, and Permit Fees
- [x] Local Government Authorization (Form LCC-106) - **For a new on-premises license only**
- V.A. [ ] Purchase agreement - **For the transfer of ownership of a license**

Are you transferring stock or membership interest? If yes, use the License Interest Transfer Application (LCC-101).

If applicant is a corporation also include (pursuant to R 436.1109):

- [ ] Report of Stockholders/Member/Partners (Form LCC-301)
- [ ] Copy of Articles of Incorporation filed with the Corporations Division of the Department of Licensing & Regulatory Affairs
- [ ] Current Certificate of Good Standing from the state where incorporated and Certificate of Authority to Do Business in Michigan, if incorporated outside of Michigan.
- [ ] Certified copy of the minutes of a meeting of its board of directors or a statement signed by an officer of the corporation naming the persons authorized by corporate resolution to sign the application and other documents required by the Commission or Part 3 of Form LCC-301.

If applicant is a limited liability company also include (pursuant to R 436.1110):

- [x] Report of Stockholders/Member/Partners (Form LCC-301)
- [x] Copy of Articles of Organization filed with the Corporations Division of the Department of Licensing & Regulatory Affairs
- [ ] Copy of the operating agreement or bylaws of the applicant company
- V.A. [x] Current Certificate of Authority to Do Business in Michigan, if the LLC is a non-Michigan LLC.
- [x] Statement signed by a manager of the limited liability company or by at least 1 member if management is reserved to the members naming the person authorized to sign the application and other documents required by the Commission or Part 3 of Form LCC-301.

If applicant is a limited partnership also include (pursuant to R 436.1111):

- [ ] Report of Stockholders/Member/Partners (Form LCC-301)
- [ ] Copy of the partnership agreement of the applicant limited partnership
- [ ] Each general partner of a partnership shall sign the application, bond, and other papers filed in connection with securing a new license or transferring an existing license. This requirement may be waived by the Commission upon showing of good cause, which must be submitted in writing.

*Fingerprints are required for applicants that have not been fingerprinted for MLCC licensure in the past and will hold 10% or more interest in a license or applicant entity.

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC Use Only)

Retail License & Permit Application

For information on retail licenses and permits, including a checklist of required documents for a completed application, please visit the Liquor Control Commission's frequently asked questions website by clicking this link.

Part 1 - Applicant Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it is filed with the State of Michigan Corporation Division.

Applicant name(s):	Cafe ollie LLC		
Address to be licensed:	42 e cross St.		
City:	Ypsilanti	Zip Code:	48198
City/township/village where license will be issued:	Ypsilanti	County:	Washtenaw
Federal Employer Identification Number (FEIN):	27-4376636		

Leave Blank - MLCC Use Only

1. Are you requesting a new license? ○ Yes ✓ No
2. Are you applying ONLY for a new permit or permission? ✓ Yes ○ No
3. Are you buying an existing license? ○ Yes ✓ No
4. Are you modifying the size of the licensed premises? ○ Yes ✓ No
   If Yes, specify: ☐ Adding Space ☐ Dropping Space ☐ Redefining Licensed Premises
5. Are you transferring the location of an existing license? ○ Yes ✓ No
6. Is this license being transferred as the result of a default or court action? ○ Yes ✓ No
7. Do you intend to use this license actively? ✓ Yes ○ No

Part 2 - License Transfer Information (If Applicable)

If transferring ownership of a license ONLY and not transferring the location of a license, fill out only the name of the current licensee(s)

Current licensee(s):			
Current licensed address:			
City:		Zip Code:	
City/township/village where license is issued:		County:	

Part 3 - Licenses, Permits, and Permissions

Off Premises Licenses - Applicants for off premises licenses, permits, and permissions (e.g. convenience, grocery, specialty food stores, etc.) must complete the attached Schedule A and return it with this application. Transfer the fee calculations from the Schedule A to Part 4 below.

On Premises Licenses - Applicants for on premises licenses, permits, and permissions (e.g. restaurants, hotels, bars, etc.) must complete the attached Schedule A and return it with this application. Transfer the fee calculations from the Schedule A to Part 4 below.

Part 4 - Inspection, License, and Permit Fees - Make checks payable to **State of Michigan**

Inspection Fees - Pursuant to MCL 436.1529(4) a nonrefundable inspection fee of $70.00 shall be paid to the Commission by an applicant or licensee at the time of filing of a request for a new license or permit, a request to transfer ownership or location of a license, a request to increase or decrease the size of the licensed premises, or a request to add a bar. Requests for a new permit in conjunction with a request for a new license or transfer of an existing license do not require an additional inspection fee.

License and Permit Fees - Pursuant to MCL 436.1525(1), license and permit fees shall be paid to the Commission for a request for a new license or permit or to transfer ownership or location of an existing license.

Inspection Fees:	License & Permit Fees:	TOTAL FEES:

Schedule A - Licenses, Permits, & Permissions

Applicant name:

Off Premises License Type: New Transfer		Base Fee:	Fee Code MLCC Use Only
☐	☐ SDM License	$100.00	
☐	☐ SDD License	$150.00	
☐	☐ Resort SDD License	Upon Licensure/$150.00	

Off Premises Permits:	Base Fee:
☐ Sunday Sales Permit (AM)*	$160.00
☐ Sunday Sales Permit (PM)** *(Held with SDD License)*	$22.50
☐ Catering Permit	$100.00
☐ Secondary Location Permit - Complete Form LCC-201	
☐ Beer and Wine Tasting Permit	No charge
☐ Living Quarters Permit	No charge

On/Off Premises Permission Type:	Base Fee:
☐ Off-Premises Storage	No charge
☐ Direct Connection(s)	No charge
☐ Motor Vehicle Fuel Pumps	No charge

*Sunday Sales Permit (AM) allows the sale of liquor, beer, and wine on Sunday mornings between 7:00am and 12:00 noon, if allowed by the local unit of government.

**Sunday Sales Permit (PM) allows the sale of liquor on Sunday afternoons and evenings between 12:00 noon and 2:00am (Monday morning), if allowed by the local unit of government. No Sunday Sales Permit (PM) is required for the sale of beer and wine on Sunday after 12:00 noon. The Sunday Sales Permit (PM) fee is 15% of the fee for the license that allows the sale of liquor. Additional bar fees and B-Hotel room fees are also calculated as part of the permit fee.

Licenses, permits, and permissions selected on this form will be investigated as part of your request. Please verify your information prior to submitting your application, as some licenses, permits, or permissions cannot be added to your request once the application has been sent out for investigation by the Enforcement Division.

Inspection, License, Permit, & Permission Fee Calculation

Number of Licenses: ___ x $70.00 Inspection Fee

Total Inspection Fee(s): _____

Total License Fee(s): _____

Total Permit Fee(s): _____

TOTAL FEES DUE: _____

Please note that requests to transfer SDD licenses will require the payment of additional fees based on the seller's previous calendar year's sales. These fees will be determined prior to issuance of the license to the applicant.

Make checks payable to **State of Michigan**

On Premises License Type: New Transfer		Base Fee:	Fee Code MLCC Use Only
☐	☐ B-Hotel License	$600.00	
	Number of guest rooms: _____		
☐	☐ A-Hotel License	$250.00	
	Number of guest rooms: _____		
☑	☐ Class C License	$600.00	
☐	☐ Tavern License	$250.00	
☐	☐ Resort License	Upon Licensure	
☐	☐ Redevelopment License	Upon Licensure	
☐	☐ Brewpub License	$100.00	
☐	☐ G-1 License	$1,000.00	
☐	☐ G-2 License	$500.00	
☐	☐ Aircraft License	$600.00	
☐	☐ Watercraft License	$100.00	
☐	☐ Train License	$100.00	
☐	☐ Continuing Care Retirement Center License	$600.00	

B-Hotel or Class C Licenses Only:

☐ ☐ Additional Bar(s)

Number of Additional Bars: _____

B-Hotel or Class C licenses allow licensees to have one (1) bar within the licensed premises. A $350.00 licensing fee is required for each additional bar over the one (1) bar that comes with the license.

On Premises Permits:	Base Fee:
☑ Sunday Sales Permit (AM)*	$160.00
☐ Sunday Sales Permit (PM)**	
☐ Catering Permit	$100.00
☐ Banquet Facility Permit - Complete Form LCC-200	

A Banquet Facility Permit is an extension of the license at a different location. It may have its own permits and permissions. It is not a banquet room on the licensed premises.

☐ Outdoor Service	No charge
☐ Dance Permit	No charge
☐ Entertainment Permit	No charge
☐ Extended Hours Permit:	No charge
◯ Dance ◯ Entertainment Days/Hours: _____	
☐ Specific Purpose Permit:	No charge
Activity requested: _____	
Days/Hours requested: _____	
☐ Living Quarters Permit	No charge
☐ Topless Activity Permit	No charge

Part 5a - Information on Individual Applicant, Stockholder, Member, or Limited Partner

Each individual, stockholder, member, or partner must complete Part 5a, 5b, and 5c. If a stockholder or member of an applicant company is a corporation or limited liability company, complete Part 5a and 5c and submit a completed Form LCC-301.

For applications with multiple individuals, stockholders, members, or partners - each person or entity must complete a separate copy of this page.

Name: Mark Teachout			
Home address: 974 N. Prospect rd.			
City: Ypsilanti	State: MI	Zip Code: 48198	
Business Phone: 734 829 9112	Cell Phone: same	Email: cafeollie@gmail.com	

Have you ever been licensed by the Michigan Liquor Control Commission (MLCC) or do you currently hold an interest in any other licenses issued by the MLCC? If **Yes**, please list business ID numbers below. If you hold interest in 2 or more locations under the same name, please also write chain "below": ☑ Yes ☐ No

226553

Do you hold 10% or more interest in the applicant entity? ☑ Yes ☐ No

If you answered "no" to the first question and "yes" to the second question, you must submit fingerprints and undergo an investigation by the MLCC. Please see the attached instructions for submitting fingerprints to the MLCC. You must submit a copy of the completed and endorsed "Livescan Fingerprint Background Request" with your application.

Part 5b - Personal Information (Individuals)

Date of Birth: 12-9-73	Social Security Number: 366 06 3713	Driver's License Number:

Are you a citizen of the United States of America? ☐ Yes ☐ No

Have you ever legally changed your name? ☐ Yes ☐ No

If you answered "yes", please list your prior name(s) (including maiden):

Spouse's full name (if currently married):

Spouse's date of birth: | Is your spouse a citizen of the United States of America? ☐ Yes ☐ No

Do you or your spouse hold any position, either by appointment or election, which involves the duty to enforce any penal law of the United States of America, or the penal laws of the State of Michigan, or any penal ordinance or resolution of any municipal subdivisions of the State of Michigan? ☐ Yes ☐ No

Does your spouse hold a retail, manufacturer, or wholesaler license issued by the MLCC? ☐ Yes ☐ No

Have you ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If **Yes**, list below (attach additional pages if necessary): ☐ Yes ☐ No

Date	City/State	Charge	Disposition

Has your spouse ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If **Yes**, list below (attach additional pages if necessary): ☐ Yes ☐ No

Date	City/State	Charge	Disposition

Part 5c - Signature

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003. (This form must be signed by the person whose information it contains).

[redacted]

Part 6 - Contact Information

Provide information on the contact person for this application. Please note that corporations and limited liability companies must provide documentation (e.g. meeting minutes, corporate resolution) authorizing anyone other than the applicant or an attorney of record to be the contact person. If an authorization is not provided, your contact person will not be acknowledged if they are anyone other than the applicant or attorney.

What is your preferred method of contact?		☑ Phone ☐ Mail ☐ Email ☐ Fax
What is your preferred method for receiving a Commission Order?		☑ Mail ☐ Email ☐ Fax
Contact name: Mark Teachout	Relationship: owner	
Mailing address: 974 N. Prospect rd.		
Phone: 734 829 9112	Fax number: N.A.	Email: cateollie@gmail.c

Part 7 - Attorney Information (If You Have An Attorney Representing You For This Application)

Attorney name:		Member Number: P-
Attorney address:		
Phone:	Fax number:	Email:
Would you prefer that we contact your attorney for all licensing matters related to this application?		☐ Yes ☐ No
Would you prefer any notices or closing packages be sent directly to your attorney?		☐ Yes ☐ No

Part 8 - Signature of Applicant

Be advised that the information contained in this application will only be used for this request. This section will need to be completed for each subsequent request you make with this office.

Notice: When purchasing a license, a buyer can be held liable for tax debts incurred by the previous owner. Prior to committing to the purchase of any license or establishment, the buyer should request a tax clearance certificate from the seller that indicates that all taxes have been paid up to the date of issuance. Obtaining sound professional assistance from an attorney or accountant can be helpful to identify and avoid any pitfalls and hidden liabilities when buying even a portion of a business. Sellers can make a request for the tax clearance certificate through the Michigan Department of Treasury.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this license for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Mark Teachout	[redacted]	8-24-16
Print Name of Applicant & Title	Signature of Applicant	Date

Please return this completed form along with corresponding documents and fees to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933
Fax to: 517-373-4202

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Livescan Fingerprint Background Request
Instructions for Michigan & Out-of-State Applicants

APPLICANTS THAT LIVE IN MICHIGAN

Applicants for a Michigan liquor license must have their fingerprints a law enforcement agency in Michigan that offers digital fingerprinting or a private Livescan vendor approved by the Michigan State Police. You may access a list of approved vendors on the Michigan State Police website (contains vendors' websites and contact information): http://www.michigan.gov/msp/0,4643,7-123-1878_8311-237662--,00.html.

On the attached Livescan Fingerprint Background Request form, you must use the correct Code (LL), Agency ID Number (1479J), and Agency Name (MI DEPT OF LICENSING AND REGULATORY AFFAIRS - LIQUOR CONTROL) in order for the fingerprint report to be sent to the Michigan Liquor Control Commission. Payment receipts **should not** be mailed to the office, but kept for your own records.

You must bring the Livescan Fingerprint Background Request form with a driver's license or other state or federal-issued picture identification to your fingerprint appointment. You will also be required to pay a separate fee to the fingerprint agency when registering and/or scheduling your appointment. A copy of the Livescan Fingerprint Background Request form, which is signed by the Livescan Operator and returned to you, must be submitted with your application in order for your request to be investigated.

When your fingerprints are taken, a technician will perform a scan of your fingerprints and submit the data electronically to the Michigan State Police.

APPLICANTS THAT LIVE OUTSIDE OF MICHIGAN

Applicants for a Michigan liquor license that live outside of Michigan must submit fingerprints through one of the private Livescan vendors approved by Michigan State Police that offer fingerprinting for residents that live outside of Michigan. You may access a list of approved vendors that process finger print cards for non-Michigan residents on the Michigan State Police website (contains vendors' websites and contact information): http://www.michigan.gov/msp/0,4643,7-123-1878_8311-237662--,00.html.

The applicant must contact a local law enforcement agency, governmental agency, or private fingerprint agency to perform ink fingerprinting on a FBI fingerprint card (FD-258) or fingerprint cards from any other state or local agency (fingerprint cards must be on card stock). These fingerprint cards must be submitted for processing to one of vendors on the Michigan State Police's list of approved vendors. Contact the vendor directly regarding its process and the fee for submitting the fingerprint cards for processing.

Make a copy of the completed and signed Livescan Fingerprint Background Request form and submit that copy with the license application.

WHAT HAPPENS AFTER FINGERPRINTS ARE SUBMITTED

The law enforcement agency or private vendor will submit your fingerprints to the Michigan State Police for analysis.

If no criminal history is found, the Michigan Liquor Control Commission will be notified.

If criminal history is found, the Michigan State Police will send the record directly to the Michigan Liquor Control Commission for review.

QUESTIONS AND ADDITIONAL INFORMATION

For questions about the Livescan fingerprinting process, call the Michigan State Police at 517-241-0606.

Please do not contact the Michigan Liquor Control Commission regarding your criminal background check, unless your fingerprints were taken more than 30 days ago.

Please note: Fingerprints taken for any other agency will not fulfill fingerprint requirements for a liquor license in Michigan.

RI-030 (09/2014)
MICHIGAN STATE POLICE

Print Form

LIVESCAN FINGERPRINT BACKGROUND REQUEST

AUTHORITY: MCL 28.214, MCL 28.273 & MCL 28.162; **COMPLIANCE:** Voluntary, however failure to complete this form will result in denial of request.

Purpose: To conduct a fingerprint-based background check for employment, to volunteer, or for licensing purposes as authorized by law.

I. Fingerprint Reason		
1. Code LL	2. Requestor/Agency ID 1479J	3. Agency Name MI DEPT OF LICENSING AND REGULATORY AFFAIRS - LIQUOR CONTROL

II. Applicant Information: Type or clearly print answers in all fields before going to be fingerprinted.

1a. Last Name	1b. First Name	1c. Middle Initial	1d. Suffix
2. Any Alternative Names, Last Names, or Aliases		3. Social Security Number (Optional)	

4. Place of Birth (State or Country)	5. Date of Birth	6. Phone Number	7. Driver License State	8. Driver License Number

9. Address	10. City	11. State	12. ZIP Code

13. Sex	14. Race	15. Height	16. Weight	17. Eye Color	18. Hair Color

III. Live Scan: Must by completed by the Livescan Operator at the time of fingerprinting.

1. Date Printed	Picture ID Type Presented	3. TCN	4. Live Scan Operator

NOTE: After fingerprinting, applicant must return signed and completed document to the requesting agency. Livescan Operator must return completed copy to applicant.

I understand that my personal information and biometric data being submitted by livescan will be used to search against criminal identification records from both the Michigan State Police (MSP) and Federal Bureau of Investigation (FBI) for the fingerprint reason listed above. I hereby authorize the release of my personal information for such purposes and release any records found to the authorized requesting agency listed above.

During the processing of this application, and for as long as your fingerprints and associated information/biometrics are retained at the State and or FBI, they may be disclosed without your consent as permited by the Federal Privacy Act of 1974 (Pub. L. 93-579) for all applicable routine uses published by the FBI, including the Federal Register and the FBI's Next Generation Identification (NGI).

Routine uses include, but is not limited to, disclosure to: governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Signature: _____ **Date:** _____

Procedure to obtain a change, correction or update of identification records:

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency. (28 CFR §16.34)

**** ENSURE THAT THE CORRECT FINGERPRINTING REASON CODE AND AGENCY ID ARE USED. MSP WILL CHARGE FOR SECOND REQUESTS DUE TO INCORRECT CODES. ****

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Credit Card Authorization Form

*** * FAX COMPLETED FORM TO SECURE FAX LINE: 517-373-4202 * ***

*** * DO NOT EMAIL OR MAIL THIS FORM * ***

Requests with credit card payments that are not faxed to the above secure fax line will be destroyed along with the credit card authorization in order to ensure the security of applicants' personal credit card numbers.

Name: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Phone: _____

Payment is for: _____

Transaction Amount: _____

Card Number: _____

Check One:

◯ MasterCard ◯ Visa ◯ Discover

Expiration Date: _____

_____
Signature

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll Free: 866-813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____
(For MLCC use only)

Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ (regular or special) meeting of the _____ (township, city, village) council/board

called to order by _____ on _____ (date) at _____ (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from Cafe ollie LLC (name of applicant)

for the following license(s): Class C Liquor (list specific licenses requested)

to be located at: 42 E. Cross St. Ypsilanti, MI 48198

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ (recommends/does not recommend) this application be considered for approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____ (township, city, village) council/board at a _____ (regular or special) meeting held on _____ (date)

Print Name of Clerk	Signature of Clerk	Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Resolution No. 2016 - 191
September 06, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed reclassification from a Tavern license to a Class C license for Café Ollie LLC be **officially closed.**

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
September 6, 2016

To: Mayor and City Council

From: Beth Ernat, Community and Economic Development Department
Haley McAlpine, Historic District Intern

Subject: Historic District Enforcement Ordinance, Chapter 54, Proposed Amendment

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SUMMARY & BACKGROUND:

The Ypsilanti Historic District Commission (HDC) is requesting an amendment to the Historic District Ordinance (HD) to enable violations of the ordinance to be handled as blight violations, subject to the City's Administrative Hearings Bureau (AHB). The HDC has frequently struggled with an inability to enforce against those who violate the HD ordinance. Under the current Building Code, the HDC and Building Department are unable to enforce against violations of the HD ordinance. This has been of great concern for the HDC and the Building Department; both have raised concerns about their inability to enforce against these violations.

Meetings between the Building Department, the Economic Development Department, the Planning Department, and the HDC prompted discussions about how to facilitate enforcement for HD ordinance violations. The City's Prosecuting Attorney, Jessie O'Jack, was approached for direction on how to address the issue of enforcement. After researching the issue, Mr. O'Jack suggested the proposed amendment that would classify these violations as blight violations, making them subject to the AHB.

Under the proposed amendment, a property owner found doing work without a permit would first be sent a letter seeking compliance. If there is no response to this letter, the property owner will receive a blight violation and will be required to appear at the AHB. Additionally, applications will be sent letters requiring an application be submitted within a specific number of days to the HDC for approval. The goal of the HD remains the same, to work with residents and property owners for compliance; using the AHB will allow the HDC some flexibility in dealing with property owners found to be violating the HD ordinance. It would also allow the Building Department to fine the property owner until they comply with the HD ordinance.

The HDC is seeking enforcement against these violations in order to deter future damage to the historic resources and dissuade future property owners from violating the Historic District ordinance. The HDC made a recommendation that City Council approve this proposed amendment at their August 9, 2016 meeting. It was supported unanimously.

RECOMMENDED ACTION: Staff recommends approval of the amendment to the AHB Code for blight violations to include the Historic District.

ATTACHMENTS: Proposed Historic District Ordinance amendment

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 192
September 6, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Historic District Commission currently lacks the ability to enforce against Historic District Ordinance violations under the Building Code; and

WHEREAS, the Historic District Commission proposes an amendment to the Historic District Ordinance that would classify violations of the Historic District Ordinance as blight violations, subject to the City's Administrative Hearings Bureau; and

WHEREAS, the Ypsilanti Historic District Commission unanimously recommended approval to the Ypsilanti City Council to approve the proposed amendment to the Historic District Ordinance to classify violations within the Historic District as blight violations subject to the provisions of the Ypsilanti Administrative Hearings Bureau.

NOW THEREFORE BE IT RESOLVED THAT, the Ypsilanti City Council approves the proposed Ordinance amendment to the Historic District Ordinance.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1275

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 54 "HISTORICAL PRESERVATION", ARTICLE II "HISTORIC DISTRICTS", DIVISION 1 "GENERALLY", SECTION 54-43 REGARDING PENALTIES AND DIVISION 4 "CONSTRUCTION, ALTERATION OR MAINTENANCE", SECTION 54-85 "DEMOLOLITION BY NEGLECT" SO THAT VIOLATIONS OF SECTION 54-81 "PERMIT REQUIRED" AND SECTION 54-85 "DEMOLITION BY NEGLECT" ARE BLIGHT VIOLATIONS.

THE CITY OF YPSILANTI HEREBY ORDAINS:

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

That Chapter 54 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Historical Preservation", Article II "Historic Districts", Division 1 "Generally", Section 54-43 "Municipal civil infraction; penalties", is hereby amended as follows:

Sec. 54-43. – Penalties ~~Municipal civil infraction; penalties~~.

(a) A person, individual, partnership, firm, corporation, organization, institution or agency of government who violates Section 54-81 or Section 54-85 is responsible for a blight violation, subject to payment of a civil fine as set forth in section 71-73. Repeat offenses under this Article shall be subject to increased fines as set forth in section 71-73.

A person, individual, partnership, firm, corporation, organization, institution or agency of government who violates any other provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.

(b) A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this article may be ordered by the court to pay the cost to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

That Chapter 54 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Historical Preservation", Article II "Historic Districts", Division 4 "Construction, Alteration or Maintenance", Section 54-85 "Demolition by neglect", is hereby amended as follows:

Sec. 54-85. - Demolition by neglect.

Upon a finding by the historic district commission that a historic resource within a historic district or proposed historic district subject to its review and approval is threatened with demolition by neglect, the commission may do one of the following:

(1) Require the owner of the resource to repair all conditions contributing to demolition by neglect <u>within a reasonable time set by the commission</u>.

(2) If the owner does not make repairs within <u>the reasonable time set by the commission</u> ~~a reasonable time~~, <u>the owner may be charged with a blight violation and/or</u> the commission or its agents may enter the property, after obtaining an order from the circuit court, and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the city as a special assessment against the property if the costs remain unpaid 30 days after the owner has been notified of the cost.

(3) In the event that efforts by the commission to preserve a resource fail, the commission may recommend to the city council that public ownership of the resource is most suitable. The city council may proceed under section 7 of Act No. 169 of the Public Acts of Michigan of 1970 (MCL 339.207).

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

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

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or

done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

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

_____
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published according to Section 11.13 of the City Charter on the _____ day of _____, 2016.

_____
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2016.

_____
Frances McMullan, City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____

Resolution No. 2016 - 193
September 6, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed change to the Historic District Ordinance to classify violations within the Historic District as blight violations subject to the provisions of the Administrative Hearings Bureau be **officially closed.**

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-194
September 06, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2016-195, approving the minutes of August 16, 2016, 7:00 a.m. and 7:00 p.m. meetings.

2. Resolution No. 2016-196, supporting the designation and adoption of the Monarch butterfly as Michigan's official State Insect.

3. Resolution No. 2016-197, approving Ordinance 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. **(Second Reading)**

4. Resolution No. 2016-198,approving Ordinance 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. **(Second Reading)**

5. Resolution No. 2016-199, approving Ordinance 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. **(Second Reading)**

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016 – 195
September 6, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of August 16th, 2016, 7:00 a.m. and 7:00 p.m. be approved.

OFFERED BY: _____

SUPPORTED BY:_____

YES: NO: ABSENT: VOTE:

DRAFT

CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
ONE SOUTH HURON STREET, YPSILANTI, MI 48197
Tuesday, August 16, 2016
7:00 A.M.

I. CALL TO ORDER –

The meeting was called to order at 7:05 a.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	Absent		

III. INVOCATION -

Mayor Edmonds asked all to stand in 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. AGENDA APPROVAL –

Council Member Vogt moved, seconded by Council Member Nicole Brown

VI. INTRODUCTIONS -

VII. AUDIENCE PARTICIPATION -

Mayor Edmonds opens the floor for Audience Participation

1. Ann Hogarth- 909 Woods, thanked the Council for their service to Ypsilanti. She stated that as city council are chosen by their neighbors to represent their collective will, this sometimes may not align with what you want, but the citizens selected you to fulfill your duties even when it is unpopular. Today you have to ask the citizens whether or not they will vote for water street millage again. You knew the water street millage would be unpopular in which you voted to put it on the ballot in August when there is lower voter turn then in November. The city of Ypsilanti does not want to pay a new millage. If you decide to put the millage on the ballot again in November you will simply be conveying the message that what you think matters more than what your constituents think and it would be time to move on.

Peter Church- 1815 Whitmier Street

- Peter wanted to show the results of poll in his neighborhood that was done using Next Door. One of the two social media sites being used there. In his presentation Peter points out that map shown in green that are members of next door, 21 people and 168 households. When asked should the water street proposal be put on the November ballot 59% no and 49% yes. Peter says the language Council proposes is so restrictive that we are required to pay this millage even if we go bankrupt in the City. This means we can have no money and will still be paying. He wants Council to use another methodology that will avoid this. Peter points out 3 concerns that he has; average income is too low, crime is too high, and taxation is too high. He says looking at the police you can find that incidents per person .158% in Ypsilanti the reason we need so many police is because there are so many incidents. Something should be done to reduce the likely of incidents. He compares Ypsilanti and Ann Arbor saying taxation is 66% in Ypsilanti while in Ann Arbor it is 45% we need to get to 50 which we need for gentrification.

John Wise

- John says that he is in strong support for bringing the millage back, it seems like the only viable way to keep our city solvent. He says that it was defeated by a very narrow margin and we are all ready to provide our support to educate the citizens on the millage. Most people say let the people feel the cuts. Asking households with great specific what services will be cut.

Maryellen Hagenhower

- Maryellen is in support of putting the millage back on the ballot in November. She believes that most people did not know the ramifications of voting no. There was an extensive no campaign but there was no yes campaign. People just did not know what was at stake and most people should be given the ability to hear it.

Ariallen Flair- 986 Maddison St

- Ariallen says Council should not put Water Street millage back on ballot. The city government is supposed to run on a democracy and putting the millage back on the ballot would go against what the people want. You shouldn't send the millage back because it's going to be counterproductive to finding out how to handle things without it. You should not send the millage back because the 1st ward had a good reason to reject it. Ypsilanti already has some of the highest taxes in the state, and it is not okay to put more of a burden on the families who cannot afford this.

Steve Willcocks- 1728 Whitmier

- Steve says that this is the new millage vs the renewal. His understanding was it was just a communication issue with people not fully understanding the millage. Steve states that he's not sure how we can balance the budget without this millage. Though he isn't sure if November is the correct time to put this back on the ballot but it needs to be considered.

(could not hear name)- 831 Greenroad

2. A member of the audience said that they are participating in the yes campaign and firmly believes in the efforts that were put forth. They will support council if they put it back on the ballot if council will not put the effort behind it then there is no reason to put it back on the ballot. However, it will hurt more if it is put back on the ballot too soon and fail than if they took their time to figure out what efforts could be made now to solve this problem, then putting on the ballot out of fear of not solving the problem

3. Erin Pepski- 1215 South Congress supported to putting it back on the ballot maybe not November. She believes that there has not been enough education around the topic. While there was a strong campaign for the no side there wasn't a counter argument to it for the yes side. She also states that a lot of people do not understand the difference between restricted and unrestricted money and how you can't pull money from different pools of money.

4. A member of the audience said that as many people have already stated the timing on the millage shouldn't be November, unless we have the research showing that it will work. The issue is people know the millage will affect their personal lives, the city council needs to be unified so people can see what it will mean if it works. The long term the city of Ypsilanti is not viable for the long term.

VIII. REMARKS BY THE MAYOR -

— Mayor Edmonds stated that she appreciated everyone who was able to come out today for the meeting. She had been listening very carefully to the people after the vote and received a lot of correspondence from both sides of the arguments stating many reasons.

IX. RESOLUTIONS/MOTIONS/DISCUSSIONS

Council Member Ann Brown Moved, seconded by Council Member Nicole Brown to reconsider the Water Street Ballot Proposal.

Mayor Edmonds began the discussion about the millage reconsideration by talking about the correspondence she received from several people. The people she spoke with urged the Council to reconsider and look at everything again and bring it back to the table. The Mayor says she talked to several people in willingness for the campaign and asked if people were willing to step up. TO her this was a cause for some consideration, it is important to consider this and the timing. The cuts are painful, every city government, can do something with more. There are so many conversations with the police which would have to be cut, planning and economic development staff will have a cut. After seeing the very low of the city working with minimum staff it is hard. There will be cuts that many people will see such as the pool, the senior center and the Parkridge center, which are all on the table. She then asks to hear from council.

Council Member Vogt said that his mail and contact have been running about 50/50 on this and he appreciates the comments from the citizens that have been had today. He says the reality is that both sides are the argument has validity. Looking at the prospect of the vote and there isn't enough evidence

to show it will change. Secondly, Vogt felt that they needed to pass an actual budget that will show what will be cut if the millage fails. There needs to be a black and white with the vote before people can wrap their heads around it and see the actual reality before they make assumptions that will lead them to vote. Vogt says that this was the ultimate failure on this, not passing the budget and laying out what the cuts would actually be. He doesn't think that they are quite ready yet to put the millage back on the ballot.

Mayor Pro-Tem Richards says that she's done a lot of thinking about this and she believes that one of the main issues that she's picked up on by talking to people is that somehow or another some people think the Water Street Debt will just disappear. She states that whether by the millage or something else we have to find a way to get the Water Street from around our neck. WE have to find some way to get this debt taken care of, a lot of the communication Mayor Pro-Tem Richards received has been that there are other ideas to get this taken care of. She wasn't to sit down with the people who voted no to find out ideas that they may have. She says that maybe November is too soon and if they vote on putting it on the ballot then they have till September to take it down. She really believes that everyone needs to sit down as a City and come to a decision on how we can handle this debt. As long as the debt is there we cannot move forward with many things we need to. The long term use of the rail track would be to bring in business and more money into the community, but the debt is holding us back from that and several other things.

Council Member Murdock says he has seen all the comments on Facebook and it generally comes down to the people who voted if it should be back on the ballot. He doesn't know anyone who said that it was a mistake that they voted no and wanted it back on the ballet. There wasn't enough effort put into making the ballet work is what Council Member Murdock believes. He states that even though they got 400 people to change their minds doesn't mean the millage is going to work in November. The people that didn't vote may end up voting no as well. What the council needs to do is make adjustments to the budget and we can look into the issues as it come up, which will be sooner than later. Murdock says that the project was ill-conceived in how it was paid for and we cannot let it bring the City down. He says that he is not in favor for a November vote for tactical reason but it is an important tissue and will come up in the near future for sure.

Council Member Vogt spoke again this time saying that he had two things to point out. HE said the first was regionalization which he supports, has been tried several times in which Ypsilanti have attempted to get involved with other organizations. He says that it failed because the other guys would not say yes for various reasons. Its always the problem with getting different organizations, municipalities, with different points of view, different tax structures and different populations to say yes. Because Ypsilanti is the one with the financial issues its harder to get the other guys to agree. He then says that the second issue he wanted to point had slipped his mind.

Council Member Ann Brown said she also heard from the citizens. They would turn their vote from a no to a yes, but it would not be in November. She says that a lot of the issues were caused by a lack of communication, due to a lack of educating the populace on the issue. Council Member Ann Brown said that the Council had not done its due diligence to get the information to the Citizens. Council needed to take the time to speak with the Citizens to get the information across to them. She felt there wasn't enough communication between council and the citizens and many people do not under how the budgets actually work. Council needs to start by educating the citizens and being more transparent with the budget. She is not in favor of the millage going on the ballet in November.

Council Member Nicole Brown stated that everyone said how she felt about the situation. She spoke to several of her constituents, but believes that November is too soon to consider it. More time and effort needs to be put into educating our constituents. Council Member Nicole Brown said that she thinks that the people who needed to understand the yes side did not attend the town hall meetings that were held. She felt that it is her personal responsibility would be to go out and educate her constituents in Ward 1

on how things will affect them. She says that the Council cannot vote yes to put it on the ballet in November.

Council Member Robb said that he had nothing to say or add to what was said.

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

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

VOTE:

YES: 4 NO: 2 (Robb, Murdock) ABSENT: 1 (Richardson) VOTE: Carried

On a roll call, the vote to reconsider the Water Street Millage for the November Ballot was as follows:

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

VOTE:

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

X. **AUDIENCE PARTICIPATION** -

1. Peter Church, 1815 Whitmier St., Peter questions if the council should be taking a roll on something rather listening to people. He says there is a leadership aspect to their job and it is difficult. There needs to be an open mind as there is no "no downside" solution even if the millage is past it has its own downside. They need to cover that and bring it to the floor more. Another point that needs to be made is that everyone believes they are doing they best and have gone as deep as they can go. One aspect, he believes is we spend 200,000 on recycling. There is a state program or grant for that. Church states that Ann Arbor received 80,000 for recycling with Ypsilanti received 0 simply because the City didn't apply for the grant. He states that we need to make sure are on top of such things.

2. Wyazniach stated she appreciates the Council's comments on reaching out to both sides to educate people further on the budget so that they understand what is going on. She feels that a financial expertise will be needed to help educate people on everything such as the budget. The other thing she says is that in terms of being able to do any of the interesting ideas, the staff does that. The City needs talented staff to do things, and budget cuts will be hard as staff members will be cut. Regional consolidation is something she would like to have a conversation about and have the City's friends to the west more deeply engaged in what their responsibility is about what happens to the City of Ypsilanti.

3. Alan Foyer thanked the council for not putting the millage on the ballet and looks forward to having further discussions about it.

XI. ADJOURNMENT –

Council Member Nicole Brown moved, seconded by Council Member Vogt to adjourn the meeting.

On a voice vote, the motion carried and the meeting adjourned at 7:56 a.m.

Draft

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 –

Mayor Edmonds Call meeting to order at 7:10 PM

II. ROLL CALL –

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

Motioned by Council Member Murdock to excuse Council Member Anne Brown and Mayor Pro-Tem Richardson from being late, seconded by Council Member Vogt.

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: Interim City Manager Frances McMullen, Chair Ronda Walker, Interim City Clerk Andrew Hellenga, City Attorney Jon Barr, Fire Chief Anthouard, Police Chief DeGiusti, Director of Economic and Community Development Beth Ernat, Downtown Development Authority Coordinator Rasheed Atwater, Tanesha Moore Student Body President of EMU, Beth Desherate won primary for Ward 2 Seat in election, Dwayne Harrington from YUCA, Kent Early OHM, Stan Kirton Public Works director, Fiscal Director Marilou Uy.

VI. AGENDA APPROVAL –

Moved by Council Member Nicole Brown second by Council member Vogt to approve the agenda.

Updates to the agenda Council Member Murdock take item Resolution No. 2016-179, approving amendments to the Police Complaint Form and item Resolution No. 2016-180, approving amendments to Police Policy 16 and directing the Police Chief to implement the changes off of the Consent Agenda. The items were asked to be moved to 8 and 9 under the Resolutions/Motions/Discussions. This was seconded by Council Member Vogt.

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

VII. PRESENTATIONS

Lock it or Lose it- Chief Tony DeGiusti

Chief Tony DeGiusti provided the presentation on the subject of Lock it or Lose it. **(See Presentation on City Website)**

This is an initiative between Copack and Ypsilanti Police department. Dearborn ran same project which saw a decline in property crime. Lock it or Lose it campaign. One in the Adam's lots one in the Washington Lot and one in the Huron Lot.

Mayor Edmond asks if it is set up the same way in Dearborn to which the police chief replies yes. Edmond asks Adam outdoor if there is a program for in kind bill boards. Council Member Murdock asks if we're going to do anything with landlords and student population. DeGiusti says they are going to incorporate it into the Student orientation packet at EMU.

VIII. AUDIENCE PARTICIPATION –

1. Sara Walsh- 113 linden court- city non-motorized transportation committee adding bike lanes to Forest Avenue. Part of plane since 2010 provide continuity between city boundaries and emu. Create more access and transit options for community, bikers safer by giving them a designated space.

2. Russ Orwell- director of community director at EMU- in favor of new polling place at EMU Honors College, help students a great deal for voting, great handicap accessibility in the building. Help students engage in voting while not detracting other people from voting

3. Tanisha Moore 900 Oakwood- student body president and commissioner for human relation commission for Ypsilanti, invite everyone to rock the boat from September 9th 2 to 4 student center patio also wants to talk about how important the polling place is, the money for busses can be used for other polling issues

IX. REMARKS BY THE MAYOR –

- Mayor Edmonds talks about the great importance of EMU student body government and how much they have helped and looking forward to holding another meeting on EMU campus.

  Comments based on audience participation? If there are no comments we will move on to the Ordinances.

X. 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

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: Council Member Murdock
SECONDED BY: Council Member Nicole Brown

B. Open public hearing

Dwight Harrington YUCA- August 24th YCA board will consider recommendation for rate adjustment 6.2 increase in water rate 5 in water rate surcharge decrease of 2 % to 61% ordnance that come from these changes are considered in the 2016 2017 YCA budget and it will have 4.3% increase for the city division customer average bill a minimum 4.3 percent increase or 3.52 cents on bimonthly bill average user for see approx. 5.53 increase on a bimonthly bill the Great Lake Water authority increased rates by 6.2% this year. They continue to manage the downturn but the increase in water energy and water increase from great lakes waste water maintenance and EPA standards have caused increases Township is seeing ordinances and with consideration ask for adjustments within these ordinances for 2016

C. Resolution No. 2016-171, close public hearing

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: Council Member Murdock
SECONDED BY: Council Member Nicole Brown

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

Council Member Murdock asks for a summarization of their conversation.

Dwight Harrington says that as they talked a year ago they hired a rate expert to evaluate the rate structure they completed their study last month and gave the information and passed it on to a finance committee which a formal presentation was given to. It will go to their ward before coming back to the City and Township. Reevaluating the minimum charge and a ready service charge and a flat charge that will go away from the minimum users in which someone who use 2 units pays the same as someone who uses 6 units. It will go to a flat charge then a charge for every unit after that.

Murdock asks if there are dates for finance committee meetings which they have not. Murdock then asks if the rate covers other things than just purchase of water. E

Harrington answers that PA standard for waste water and water in Detroit part of the increase is also the lower consumption which has been in a gradual decline over the last few years, because the base consumption is less than it was the last few years. A lot on the water side of consumption is also from Detroit.

Mayor Edmonds says it seems like a broken model.

Dwight says the idea is to run the plant and run purchase water so when you use less it doesn't make it cheaper, there is a fixed costs that is for more or less units, which causes the increase. At the other growing you would have to have the same type of increase to justify cost. Unfortunately the infrastructure cost is fixed.

Mayor Edmonds mentions about being at a conference in which they discussed green infrastructure and aged infrastructure and ways to mitigate those. She sees them happening in Ann Arbor over the years, watching the systems not being able to take large rain. She asks what YUCA is going to do about this.

Harrington answers that there are two things being talked about, waste water and storm water which is outside of YUCA, it is a county issue.

Mayor Edmonds wants to know how do they work together to fix this issue?

Harrington replies that the project of replacing the water pipes 20 years ago was a huge thing. The City was correct in doing that, he then goes on to say that the storm water is a separate issue and he will have to go back to find out how it works together.

Council Member Murdock says that over the years they have a lot of storms and instead of going to the treatment plant which they want to do, less usage and paying more is the reason they are looking at a new system. The City has the same costumer base period, which makes it difficult.

On a roll call, the vote to approve Resolution No. 2016-170 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	Absent		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (A. Brown) VOTE: Carried

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

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: Council Member Robb
SECONDED BY: Council Member Vogt

B. Open public hearing

No comments from the public

C. Resolution No. 2016-173, close public hearing

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: Council Member Robb
SECONDED BY: Council Member Vogt

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

Mayor Edmonds says she has a question before the vote on this. She asks that YUCA has the biggest available land solar ray and is a he electricity user, wo where is that on the docket?

Harrington answers that they've talked about it, wind, and solar. Wind is difficult because of the willow run but solar is still being investigated.

On a roll call, the vote to approve Resolution No. 2016-172 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	Absent		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (A. Brown) VOTE: Carried

Ordinance No. 1274

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

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: Council Member Vogt
SECONDED BY: Council Member Nicole Brown

B. Open public hearing

No Comments by the Public

C. Resolution No. 2016-175, close public hearing

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

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.

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

On a roll call, the vote to approve Resolution No. 2016-174 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	Absent		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (A. Brown) VOTE: Carried

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

Mayor Edmonds mentions that item 3 and 4 were removed from Consent Agenda so only items 1, 2, and 5 will be spoken about.

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

RESOVLED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

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.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT 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 will be approved.

3. ~~Resolution No. 2016-179, approving amendments to the Police Complaint Form.~~ **(Removed and heard during Resolutions/Discussions/Motions)**

4. ~~Resolution No. 2016-180, approving amendments to Police Policy 16 and directing the Police Chief to implement the changes.~~ **(Removed and heard during Resolutions/Discussions/Motions)**

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.

RESOVLED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the MDOT Contract No. 16-5391 for the 2016 Signal Upgrade Project at the Michigan Avenue and Prospect Road Intersection is hereby approved.

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

On a roll call, the vote to approve Resolution No. 2016-176 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	Absent		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (A. Brown) VOTE: Carried

XII. <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.

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 $188,747.10 to $169m967.00; 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 RESOVED THAT the City Council approves the bid submitted by Erie Construction, LLC.; and

THAT the mayor and City Clerk 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 Murdock
SECONDED BY: Mayor Pro-Tem Richardson

Stan Kirton prepared to give the results of the bids.

Mayor Edmonds asks him if he was pleased with the Bid quality. To which Mr. Kirton says that yes he was pleased. Council Member Murdock asks if this is all going to be from MDOT, is it a reimbursement? Mr. Kirton replied that yes it is and we have already received the money. Council Member Murdock then asks if this is a prevailing waste job. Mr. Kirton says no it is not it follow the city standards.

City Attorney Jon Barr says he will have to look under the prevailing wage. Council Member Murdock asks if there is a state ordinance. Mr. Barr replies that he doesn't remember if it is in the contract. Dwight Harrington says that it is in the bid package with they are trying to find out right now.

Mayor Edmonds says this should be postponed and tabled until there can be an answer. Council Member Vogt asks if the City will receive more money than they will spend. Mr. Kirton replies yes the City will.

Council Member Murdock move to table the resolution to later Council Member Vogt seconds this.

Council Member Murdock revisits Resolution 2016-182:

Harrington states that yes it is in the bid package, all city ordnances including the prevailing wages.

Council Member Murdock Motions to remove from table, seconded by Council Member Vogt.

Kent Early says that this is relative to the contract Mr. Kirton spoke about for construction for Park and Grove Street. There were bids from 3 firms, Erie Construction at $169,967 says they are capable of doing this, it is their recommendation to award the contract to Erie.

Council Member Robb asks about the account number mentioned in the contract as it is not on the budget. Fiscal Director Marilou Uy says the reason it is not on the budget is because the budget was finalized before the contract came up. Thus it will be amended to reflect this.

Council member Murdock says the crossing, while they're down there can they clean up the graffiti on all the structure. Early says they can ask for it to be done.

On a roll call, the vote to approve Resolution No. 2016-182 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. 2016-183, approving contract with OHM for construction engineering services for at grade rail closings at Grove and Park Streets.

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

On a roll call, the vote to approve Resolution 2016-183 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

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

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: Mayor Pro- Tem Richardson
SECONDED BY: Council Member N. Brown

Interim Manager McMullen stared by saying that this started a while ago when students started to request a polling place on campus. They wanted one for the August ballot but they could not find a place in time. It would be an addition as a polling place, the campus was canvased and a conclusion was reached that the honors college would be the best place to put it. There will be parking outside the college, handicap spaces, and on street parking. Public works and police were asked to bag meters on the street for longer parking on Election Day.

Mayor Pro-Tem Richardson asks what precautions are being taken and how will they go about preventing students from parking on the bagged meters and staying there all day. Manager McMullen replied by having more frequent parking enforcement for that area, and to have officers working routinely stationed outside to make sure traffic is flowing the way it should be.

Mayor Edmonds asks what about putting on the bagged meter something that says 30 minutes only. Manager McMullen says that it may take longer to vote, and we'll have people outside who will keep track of the people who went inside to vote.

Council Member Robb says that four major elections we're dealing with and making sure we k now who are all taking place in these votes. Voting is low amongst students because they have a hard time getting to the polls. Voting is steadily high amongst residents; the residents will not be discouraged about going to another location to vote.

Council Member Anne Brown says that she received several calls over the weekend saying that people loved it and said that most of the residents from Ward 2 that called her said they were on board for relocating the polling place.

Mayor Edmonds stats that she appreciates the advocacy on campus for this idea. Council Member Murdock thinks is a great idea for the 3-1 and many people are looking forward to it. The 2-4 is a little different people crossing Leforge will still have to ride further to get to the polling place. Also, he asked that when mass mailing is sent to the voters and half of it comes back the Clerk are not cancelling these people are they. Manager McMullen replied that no the clerk does not cancel people on their first mailing, it will go back to their last know addresses.

On a roll call the vote to approve Resolution No. 2016-184

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

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.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti has an adopted Capital Improvements Plan (2015) and Non-motorized 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: Council Member Nicole Brown
SECONDED BY: Council Member Anne Brown

Ms. Ernat begins by stating that this is a matter bought to us by the non-motorized committee to bring through a potential capital project. It has gone through public engagement and the planning commission is recommendation is to make these bike lanes as a pilot project, this is a paint only project with no curb adjustment or movement.

Mayor Pro-Tem Richards asks if the planning commission approved this. Ms. Ernat states that yes it is a recommendation of the planning commission. Council Member Murdock states that this as a long history than what Ms. Ernat has said. It started as a non-motorized plan before it was adopted by the planning commission and the last three years Ypsilanti had budget put away for this project.

Ms. Ernat says this is project has momentum right now and that it is relatively low cost. Council Member Anne Brown asks if this will be included in the capital improvement plan? Ms. Ernat states that there is money in the plan for this poject.

Council Member Murdock states that the Council may want to freeze the capital plan, on many of the projects you are doing. The freeze was only for the general fund budget, this project has already had money budgeted for it for 3 years. If the Resolution does not say to do it, I would like add something that says so. Ms. Ernat says that the resolution does say that.

Mayor Edmonds says that's not what she got from it, what she read was that Council would be approving the plan and Ms. Ernat would be executing it in the future if they felt comfortable with the plan. Ms. Ernat says that the resolution is to go through with the construction, the recommendation comfortable to hold it for further examination. Council Member

Vogt wonders if the money is spent will there be less for other road services. Ms. Ernat says that this project would not come out of the road budget.

Council Member Murdock wants to clarify that the Act 51 money is for roads but a certain percentage of it has to be spent on non-motorized and its ineligible expense so it can't bused for cops or anything, and it has been in the budget for three years.

Council Member Anne Brown says that we just put a freeze on all capital projects. Council Member Robb points out that Council didn't freeze any of the projects that were approved when put forward by Mr. Lange. Mayor Edmonds wants to know what the other things are in the non-motorized docket this year or what is coming up on the capital improvement plan, we know it's the 5% what is the number out of 10,000. Harrington replies that he understands the question but does not have the answer right now. He states that 5% is actually at the county watts level.

Council Member Murdock points out that one of the reasons that the non-motorized group are looking at this project that didn't cost a lot money that was in the plan, that got into 7 figures. This basically a way to do something on the plan that we had the resources to do, been trying to fit it in the for the last few years. Ms. Ernat says she is unaware of that her department is actively working on that part of this project.

Mayor Edmonds asks if this could be used for things such as bike stations, would that be part of the non-motorized transportation plan? Ms. Ernat states that they would have to get legal advice on that. Traditionally the money is used for the passing trails and grow the ease of non-motorized travelers.

Mayor Edmonds asks if there are any further comments. Council Member Robb says that he's supported the project for 3 years however this project goes about it the wrong way. He says that execution is everything, parking is an asset and we should not give up our assets. He states that five people came to the planning commission who lived on East Forest and asked that the parking remain the same.

Mayor Edmonds asks if there was an answer to that as whether that was a design consideration. Ms. Ernat states that there was a design consideration, but it would require more than just paint. Edmonds asks what would be required. Harrington states that with the required lane width the bike lane/parking combination to eligible for the 51 funds you would need to wide it out by 18 inches.

Council Member Robb says that the combination bike path fades on Cross Street. Its his first time hearing that the street is too narrow, and Harrington is not doing a good enough job explaining this. Ms. Ernat says that Cross Street was done before the 5th street ordinance. Harrington agrees.

Council Member Murdock says that he believe that potion was looked at the planning commission. The applicant were not particularly happy about that, the bike path up to the city limit is no parking with bike lanes on both sides. Council Member Robb says if you make a mistake you should not continue to make it. Council member Murdock says he doesn't think it is a mistake.

On a roll call the vote to approve Resolution No. 2016-185

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

VOTE:

YES: 5 NO: 2 ABSENT: 0 VOTE: Carried

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.

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

Fire Chief Anthouard began by saying that Scott Madison was instrumental in the writing the specs for this truck. He has been writing it for two years now. The Fire Department applied several years ago for the truck, there is an increase in price because it has been a year and a half. Chief Anthouard said that he can answer any questions about the financing or the technical restoration of what can be saved. Maddison will answer any questions as to why.

Mayor Edmonds asked why, can you give us the overview of the need for the new truck. Maddison says there are three overall reasons for the need of a new truck. The first reason is the 30 year structural warranty vs a 20 year warranty. Two compartment doors does not build an overlay door which is what was requested and two vehicles have overlay door, inside doors they have too much problem in needing of much maintenance in which only needed on door latch replacement in the last 10 years.

Maddison says that the Zahnen Company did not spec the pump as requested and the pump that the Spartan ERB spec will save money on the manufacture side. Also the SPARTAN ERB met the specs of a 24 thousand pound axel on the back of the truck that was requested, but leaves little room for improvement as the weight on the vehicle will be around 2390 pounds. SMEAL did the same but moved up to a 27 thousand pound axel giving extra room.

The repair facility for SMEAL is closer as well being in Northville as opposed to Greenfield. He also stated that the alternator the City asked for was a 270 amp, which SMEAL opted to go with a 320 amp. Finally because we do not know how long we are going to keep this truck the 30 year warranty is a better deal Maddison says. If the truck hits the 20 year mark then there are still 10 years left on the warranty.

Mayor Edmonds asks the Chief if he can give the need. Chief Anthouard says that the need is in direct correlation with the staffing going down to 5 a shift. It gives the fire department more flexibility as to what truck to use. He states that the tower truck uses a lot of gas and the goal is to reduce its usage by about 60%. The Chief says the tower truck will only be used in fires.

Council Member Vogt asks, for public consumption, how will the truck be deferred to the fire department, how will it be paid for. Chief Anthouard answers saying that the current truck that we want to replace is 20 years old. There are many items that do not work on it. Last year it failed its pump testing. There are three stages three levels, twice the truck overheated and it went over 212 which meant the truck had to shut down. The truck cannot be used for fire; the fuel tank is punctured and can only be filled up to half.

Maddison also replied by stating that - one of the big items we have to do with the pump testing, not sure what the problem is it's not cooling itself and because the temperature raises so much can't continue the test. A mechanic says that it'll be 10 thousand to put in a new radiator for a 20 year old truck. The top of the fuel tanks are rusted can only fit so much fuel, over fill it, it leaks all over.

Council Member Vogt says that the truck is unreliable and unsafe, but let's talks about funding. Chief Anthouard says the money was moved twice to capital improvements. Also the bulk of the money is going to give us the chance to use a bond option. It won't be 460 thousand it will be reduced by either 10 thousand or 13 thousand depending on the option taken. Also, we may be able to get 12 thousand by selling the current truck says Chief Anthouard.

Mayor Edmonds wonders if there are repairs that can be put into the old truck to raise its resale value. Maddison says it's possible but the Fire Department is scavenging some equipment from the old truck to use on the new truck to cut down on the price of it. Edmonds then wonders what would be the market for the old truck. Maddison answers that small towns would be interested in purchasing and a few organizations, Chief Anthouard adds that it will be refurbished for use.

Council Member Ann Brown asks the Chief if he had applied for any grants. Chief Anthouard says that yes they should receive a few grants. The money that Ypsilanti will save on the money from the line times that we did not use was 35 thousand; we did a 10% match. Council Member Anne Brown then asks if this was one of the items in the Capital Improvement. Manager McMullen said yes and council approved it and so that it would not be subject to freezing.

On a roll call the vote to approve Resolution No. 2016-186

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

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.

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

Mr. Barr starts off by saying about a year ago the Herman Kittle matter was moving forward to recoup from the state organizations and departments the MISHDA raised problems with environmental concern. Mr. Barr says that it was very clear that the City needed an environmental audit, the City came to my office and I said we need an expert to look at this. With the Manager's approval I did a search for an environmental attorney and found this specific attorney who was not connected to this issue. Mr. Barr says the attorney's work has been satisfactory and the City Manager only has the authority to approve 2500, we would like 3000 to continue his work.

Ms. Ernat says that he has been invaluable over the past couple of months. We still have work to do with the MISHDA staff and we believe consistency will be key. Council Member Anne Brown asks when they expect this. Ms. Ernat says that since we do have a purchase agreement with Herman Kittle we need to finish those projects.

Mayor Edmonds says that he has been really valuable to us in advising this kind of project and how to proceed on it. Council Member Anne Brown asks if he is preparing to do care plan or is that staff. Ms. Ernat says he is preparing to do care and he supervising the middle so it has to go to Herman Kittle for answers and it has been submitted.

Council Member Anne Brown asks if Ms. Ernat or Mr. Barr will be amending the scope of the work. Ms. Ernat says no they don't think so and Mr. Barr says it's a continuing scope.

Council Member Robb says that he supports doing this; however this practice of spending money until we reach our limit then asking for more is part of the old management system. He says that we need to be much more accurate of what we need to spend ahead of time. Mayor Pro-Tem Richardson says she agrees with Robb and there should be a system in which there is no continuous need to ask for money.

On a roll call the vote to approve Resolution No. 2016-187

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

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

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

Mayor Pro Tem Richardson starts by saying she thinks that the City has to remember the evaluation is over a year old and she doesn't think waiting however long before Manager McMullen's interim manager duties are over is fair to her. Mayor Pro-Tem Richardson says she think we should be right and fair to everyone.

City Council Vogt says that this is a compromise between different points of view roughly averaging the three positions. He would like to point out that there is no point in making affective as Manager McMullen is making more money in her current position as Interim Manager.

Mayor Pro-Tem Richardson says she agrees that the payment was a compromise coming together. She is not bothered by that as she voted on the increase. Mayor Pro-Tem says her problem is the evaluation is a year behind and she feels that there should be retroactive pay.

Manager McMullen then says that she is puzzled as to how that applied to something that was a year old. She says that went back and applied it to what is going on now, and she feels that the evaluation should be based on the merit of the work she did then.

Council Member Vogt says that the disagreement stems from the effective date and amount, they did not resolve the issues of retroactive pay and it is hi interoperation that it was not resolved. Council Member Ann Brown asks if this was the recommendation from the committee to which Council Member Vogt says yes it was.

Mayor Pro-tem Richardson says that was she did not understand, they never used the word retroactive but they did talk about paying from the time of the evaluation. Council Member Anne Brown says they need to deal with the issue before us with the 3.5% which will resume when Manager McMullen goes back on roll.

Manager McMullen says she was like to ask council to consider a different percentage because historically not long ago employees were given raises for taking on extra duties. The Clerk has taken on extra duties, we have given raises to employees taking on extra duties, so I think I deserve more than 3.5%.

Mayor Edmonds says she would like to accept the resolution that is being presented at this time. Council Member Murdock says that talking about this issue for a year and a half we need to bring it to some conclusion so we can move on. Council Member Robb says that the reason the evaluation is late because the rest of Council did not finish it. He says that Murdock didn't even compete one and that the evaluations are in their mail boxes and he'll pick them up Friday.

Mayor Edmonds says that she will not be able to have it done by then as she is busy, but can have it the next week. Council Member Anne Brown says that under new business they still have to say it doesn't entail anything about the responsibility of the treasurer.

Council Member Robb states that the goals that were set were not goals for her. Council Member Anne Brown goes on to say that the she is referring to the specifically the responsibilities she has taken on as the Treasurer and none of this is reflected on the evaluation.

On a roll call the vote to approve Resolution No. 2016-188

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

VOTE:

YES: 4 NO: 2 ABSENT: 1 VOTE: Carried

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

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

Mayor Edmonds asks Council Member Nicole Brown to walk them through this. Council Member Nicole Brown says that they basically went through the first form and made some edits, so that citizens can write out their complaints a little more clearly, as well as adding an online component. Some small edits on the questions and gave the citizens a chance to decide how they want to receive correspondence, and an area form for a complaint number so you can follow up if you want to be anonymous.

Council Member Anne Brown says that they reduced it from several sheets down to a front and back that allows people to submit this form anonymously online and have several places they can complete this form. This is a police and citizen complaint form. She then asks Chief DeGiusti if he had a chance to review it.

Chief DeGiusti says that the YPD are very pleased with the form and there isn't much difference in the policies then what's on the form. Mayor Edmonds asks if it make sense for us to approve it in the first place. Council member Nicole Brown points out that the two do not necessarily go together and the process sis how the police handle citizens coming in to make complaints.

Council Member Robb states that he created a form back in December and had it all laid out. In January he took the form to the task force and asked for approval, it then took 8 months and they sent it back changed with things moved around. Council Member Robb states that the fact that it took 10 months and this is the first thing being put forward is

embarrassing and he's voting against it. He also points out that the form he created was benchmarked across 7 different police departments across the country he says his objection is that they are not taking time to rewrite the task force form. The committee is likely to adopt an oversight which will go to the HRC then back to us.

Mayor Edmonds says she could care less about voting on a form that is laid out different. Council Member Robb says that staff gave us that form, it was laid out by staff. Mayor Pro-Tem Richardson ask why the form for the task for is going to HRC and not Council as the task force was formed by Council anything dealing with it should go through Council first.

Council Member Robb says that they moved some things around and made other changes. Mayor Edmonds says that Council decided to refer to HRC, and then it kept working with them or a few months. So what is before Council now is the form of substantive changes, questions and further on the form. She asks about where to drop off the form.

Council Member Nicole Brown says that there are several locations to drop it off. It will be sent to the City Manager, Police Chief and Attorney to be investigated. Council member Ann Brown says that there will be notifications once the form is submitted. Mayor Edmonds asks if they call in to the police department or the Clerk. She says she would recommend on the website where this is or on the form that if you have any questions where you can call.

Council Member Nicole Brown points out that people will receive a receipt with a number on it to call after turning in the form. This will allow for a follow up with the complaint. Mayor Pro-Tem asks if its going to be 7 days just receive the receipt. Council Member Anne Brown says its going to be up to 7 days not in 7 days.

Mayor Pro-Tem Richards then says that too long, if she made a complaint she would want to receive a receipt right then when she turned it in. Council Member Anne Brown says you will receive a receipt if you hand it in in person. Council Member Nicole Brown says that if you drop it off or submit it online it can take up to 7 days due to USPS. Mayor Pro-Tem Richardson thinks that it should say that on the form. Council Member Nicole Brown says they are trying to keep the form as simple as possible and changing the language can cause the form to get to large.

Mayor Edmonds then says her amendment would be to add a main contact. Chief DeGiusti says he would suggest putting the YPD down as the contact because if you call the Clerk they'll just have to call YPD anyway. Council Member Nicole Brown says that part of the revamping was the people's fear of communicating with the police department and wanting a neutral contact. DeGiusti says that they are talking about police and community relations, which means the police should be talking to the citizens. Mayor Edmonds believes that this is about ease of access in which calling the Clerk you are more than likely to get someone to answer than calling the Police Department.

Council Member Nicole Brown says that she thought the concern was the following up with the receipts. Chief DeGiusti says you can drop it off at three different places, the clerk office may not know. Council Member Anne Brown says whoever receives the complaint should always call the clerk to give them the number. Council Member Vogt wonders what number to which Council Member Anne Brown states the complaint number.

Council Member Vogt says that he was brain storming and says that the complaint number on the City website subset and having a police message saying we need more information please contact this number. Mayor Pro-Tem Richardson says there are still people who do not have access to computers or the internet.

Mayor Edmonds points out that she agrees with Council Members Nicole Brown and Robb about not making it too long. She also says that the Clerk's office is our main source of citizen communication. Council Member Nicole Brown ask what phone number was it, she will add the number to the Clerk's office complaint form. Mayor Edmonds asks if there are any more questions or comments on the adding the phone number? Council Member Robb opposes this to which Mayor Pro-Tem Richardson asks if he is opposed to the Clerk's number on the form any number on the form.

Council Member Rob says he is opposed to redesigning the forma at a council meeting. He says what does adding a number even means. Does it go at the bottom or the top, he doesn't know.

On a roll call the vote to approve Resolution No. 2016-179

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 ABSENT: 0 VOTE: Carried

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

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

Council Member Nicole Brown says that some edits concerning when the constituents come in to the police department were made. Who they encountered and how mediation was to occur. Pronouns were changed from he's and she's to the complainant and verbiage was changed and sent to the HRC who did not make any changes.

Mayor Edmonds said to clarify her question of when they were looking at the overall zero representation and things that sort of informed and composed our policy from that. Council Member Nicole Brown said they looked at it and don't believe that it was anything superficially changed.

Council Member Anne Brown said it was submitted anonymously the police would seek to find out who that person was, that was the change that was made. Mayor Pro Tem Richardson asked Council Member Nicole Brown to repeat her last comment. Council Member Nicole Brown said that it was edited with many changes from the campaigns it was just edited to make it more neutral for people.

Mayor Edmonds asked the Chief if he had any other comments. Chief DeGiusti said that has not seen it a very long time, and he asked Council Member Robb it was pretty much the same. Council Member Robb says they changed it. Mayor Edmonds says this not an edited version to show changes. Chief DeGiusti said he would have to look at it.

Mayor Edmonds asks if there are any further discussions. Manager McMullen asks if there is an appeal process, what if they go through the process and are not satisfied. Council Member Robb says that the policy is on how the policy handles the complaints. Manager McMullen says she is just taking a step further for the process. Council Member Robb says this policy is just on complaints but not he process.

Council Member Nicole Brown says that it's not internal it's how the police handle a complaint when it comes to them. Mayor Edmonds says the review board on the sub-committee is still looking at the broader process and where a review board would come into an appeal process that question can be dealt with in a large process.

Manager McMullen says she only asked the question from past experiences as people bring in forms and don't know what happens next. Mayor Edmonds asks when are they discussing the next level of the appeal process. Council Member Anne Brown says that what Manager McMullen asked is if with the direction or subliminal material completing this form there will be something starting what to do its unsatisfactorily.

On a roll call the vote to approve Resolution No. 2016-180

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

XIII. <u>LIASON REPORTS</u> –

A. SEMCOG Update
Mayor Pro Tem Richardson says there is nothing at this time.

B. Washtenaw Area Transportation Study
Council Member Murdock says there is no meeting this month or last month

C. Urban County
Council Member Anne Brown says it was canceled

D. Freight House
Council Member Murdock points out that Mayor Edmonds accidently missed the freight house.

Ms. Ernat says that what has been created over the past few weeks were three different list. What to be completed by envision the contractor. We are officially out of money for the project two additional list one for a temporary sea of hope, all items that need to be addressed, then there is a long term to do before the end of the year list. Safety items have been added as things have popped up.

Mayor Edmonds asks if there are safety items that are not safety items. Ms. Ernat says that they are required for long term maintenance to the building. Mayor Edmonds asks if it will be 60 days at max. Ms. Ernat says that what she attended to do was to update the MLU to include any ongoing maintenance items, which should be appearing shortly to Council. Her guesstimate is around October.

Mayor Edmonds asks how much money would be needed. Ms. Ernat says that she will be working on the friends of the freight house; with they had a meeting to request the City to wave a past bill that Council Member Murdock knows about.

Council Member Murdock says that it was moving dirt for the stimulus grant. Ms. Ernat says that the request had been made from the City to wave the amount, the request has not

been responded to. She says that it would be a good chance to leverage 24 thousand the Friends of the Freight House finished all of the needed work.

Council Member Anne Brown asked if there was a current operating budget for Friends of the Freight House. Ms. Ernat says there is not. Council Member Anne Brown asked if they are still doing fundraising independent for anything, Ms. Ernat says she cannot answer that.

E. Parks and Recreation

Council Member Anne Brown says the Park Commission would like to write down park fee form and break down the expenses as we come through a few events of trail town will be meeting in September.

F. Ypsilanti Downtown Development Authority

Mayor Edmonds says the meeting is this Thursday.

G. Eastern Washtenaw Safety Alliance

Council Member Anne Brown says they are not meeting till September

H. Police-Community Relations/Black Lives Matter Joint Task Force

Council Member Nicole Brown says there is no new news.

I. Friends of Rutherford Pool

Council Member Nicole Brown says maybe next week.

XIV. COUNCIL PROPOSED BUSINESS –

Richardson

- Wanted to know about the Town Center and if the elevator had been repaired.

  Mayor Edmonds said she didn't get any report of it being down.

  Ms. Ernat says that the elevator is still running, but the back-up generator did explode, which controls all the emergency power. She says that the fire department was told to get it done; they did not wait for a permit as it was an emergency.

  Mayor Pro-Tem asked why they would need a permit. Ms. Ernat says because the generator, they will have to put a temporary one outside the building for the time being.

  The remainder of this issue was carried over to Communications from the Mayor.

- Asks if there is a way to get more light in the parking lot out back.

  Mayor Edmonds says there is a grant funding opportunity here as there is a company owned by an Ypsilanti resident making solar street lights. They work on many projects and are based out of Pittsfield but are City owned.

  Council Member Nicole Brown ask why are they are in Pittsfield and not downtown Ypsilanti. Mayor Edmonds says they use manufacturing buildings as well.

- Fundraising for Parkridge and are selling t-shirts at 15 dollars and up so that people know they are free to give more. They will also be selling at the Parkridge Community Festival.

Vogt-

- Two things following up the discussion on truck roads. Using Hewitt Street as a truck route there is a petition from Stadium Meadows with 75 signatures opposing this.

- Wants to note the great pleasure he had presenting the City's proclamation to Charles Kettle's Medal of Honor winner.

Anne Brown-

- Council Member Robb under the 2016 Evaluation it says technical performance, if you can add in responsibilities in terms of Treasurer and take out Mayor Exchange Days.
  Mayor Pro-Tem Richardson points out we were active in exchange days, but when we started cutting line items we determined that it was something we could no longer do.

Robb-

- No new business

Nicole Brown-

- No new Business

Anne Brown moved to extend meeting to 10:30 Nicole Brown seconded

Murdock-

- Second meeting September, September 20 is 47 days after the freeze. Council needs to have some options to balance budget in two year cycle FY 16-17 and 17-18 or have some options to come pretty close.

  Mayor Edmonds says that if Council can have information ready by the first meeting in September then it will be easier getting ready for the second meeting.

XIV. COMMUNICATIONS FROM THE MAYOR –

- Town Center- Touched based with Congresswoman Dingle 3 times a day about this. Yesterday was the meeting, was there by phone, Mayor Pro-Tem Richardson was there as well as Council Member Anne Brown, Beth, Frank and Dan. There were also several residents around 8 or 9 people including on the phone for the City, 4 people from their headquarter, staff, legal services, 4 people from MISHDA. Mr. Barr was preparing a conversation.

  Mr. Barr stats that its pretty well covered and the City is dealing with a meeting with other law firms involved and the mayor suggested we look at a pilot.

  Mayor Edmonds says that the pilot is a piece that the City controls, they are understanding with so many bodies involved.

  Ms. Ernat says that they are in their rights to condemn the building but are not the entity to relocate the residents. Not every resident are on the state or federal funding waiver or voucher.

  Council Member Anne Brown says that the director of MISHDA indicated that there are no prior records of issues with that building.

Mayor Edmonds says that they are gather as much information as they can to look at the violation of the fair housing. Part of the problem is that residents feel like their complaints aren't being heard.

Council Member Murdock says that this is somewhat related to the pilot for contract. The Council should seriously consider a service fee.

Mayor Edmonds said she did talk to the Fire Chief today about the extent of extra runs. He said It does not justify charging for run as it continues its hard to say at this point. They are hoping to know more about the legal status by the end of the week and she will be in direct contact with the director of MISHDA. The fire department will be on call just in case the elevator fails.

- She had dinner with Mayor Bobby Hopewell of Kalamazoo and spoke to him about Mayor Things. She also spoke to Mayor Chris Taylor of Ann Arbor. One of the things that was bought to her attention was that a HUD funded building with Elevator issues is under law suit in Kalamazoo.

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

- EMU- October 18, like council to work on thinking about a date for the YCF school Board meeting.
- Still working on a location for EMU meeting and would like Council's input before proposing a date for the YCF meeting.
- Have meeting Tuesday with See Click Fix, so that we can let residents know we are acknowledging issues. Nan is currently monitoring it.
- Looking into the Facebook page to find out who was the original creator. Need to know if we can take it over fully or if we have to start a new page.
- Heidi is sending the list server still. Trying to get as much information from before she leaves at end of the September.
- Ms. Ernat announced that Ypsilanti has been approved for 200,000 grant for our Brownfield redevelopment. Water Works Bridge should be replaced by tomorrow, and mid-block crossing trail will be seamless.

XV. <u>AUDIENCE PARTICIPATION</u> –

- None

XVII. <u>REMARKS FROM THE MAYOR</u> –

- None

XVIII. <u>ADJOURNMENT</u> -

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

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

On a voice vote, the motion carried, and the meeting adjourned at 10:20 p.m.

Resolution No. 2016-196
September 4, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Michigan is one of three states that does not have an official state insect; and

WHEREAS, the Monarch butterfly is native to Michigan; and

WHEREAS, the Monarch butterfly is widely recognized throughout the state of Michigan; and

WHEREAS, the Monarch, as a pollinator, plays a critical role in the reproduction of plants; and

WHEREAS, the Monarch's migration lures many tourists annually to the shores of the Great Lakes; and

WHEREAS, conservation efforts are underway across the state of Michigan to protect the Monarch butterfly and by designating the Monarch as Michigan's official State Insect, those efforts will be strengthened.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Ypsilanti supports the designation and adoption of the Monarch butterfly as Michigan's official Stat Insect.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016 - 197
September 06, 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 Second and Final 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. 2016-198
September 06, 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 Second and Final 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. 2016-199
September 06, 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 Second and Final 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.

REQUEST FOR LEGISLATION
September 6, 2016

From: Stan Kirton, Public Works Director

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

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SUMMARY & BACKGROUND:

To comply with the consent judgment handed down in the Ann Arbor Center for Independent Living vs. the City of Ypsilanti, the City along with Orchard Hiltz and McCliment, Inc. has developed the Sidewalk Ramp Replacement Program. The program began in September of 2008 and continues annually.

The 2016 Sidewalk Ramp Replacement Program will be done in two phases due to different requirements associated with the funding. Funding for the first phase includes Metro-Act funds as well as General Fund monies to add additional ramps per the Fourth Consent Decree to the recently completed Prospect Road Project and the installation of additional sidewalk ramps throughout the City.

Bids were solicited for phase one of the sidewalk Ramp Replacement Program on MITN. Five (5) sealed bids were received by the August 26, 2016 deadline and publicly opened by the Deputy City Clerk. The bids ranged from $266,977.00 to $98,862.95. The bids were reviewed for compliance with the City's advertised specifications, including ordinance requirements and bond requirements.

City Staff and OHM recommend that the City Council award phase one of the 2016 Sidewalk Ramp Replacement Program Contract to Doan Construction, Inc., 3670 Carpenter Road, Ypsilanti, MI 48197 for the amount of $98,862.95.

Attachments: Resolution, Bid Tabulation, Contracts

Recommended Action: Approval

Date Received: August 30, 2016 Agenda Item No.: _____

For Agenda of September 6, 2016

City Manager Comments: _____

Finance Director Approval: _____

Council Action Taken: _____

Resolution No. 2016 - 200
September 6, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, bids were duly advertised for The 2016 Sidewalk Ramp Replacement Program; and

WHEREAS, five (5) bids were publicly opened on Friday, August 26, 2016 at 2:00 p.m. and reviewed for compliance with bidding qualifications and project specifications; and

WHEREAS, the bid submitted by Doan Construction Co., Inc., 3670 Carpenter Road, Ypsilanti, MI 48197, best meets the project specifications and qualifications and is in the best interests of the City; and

WHEREAS, Metro-Act Funds and General Fund monies have been allocated for the 2016 Sidewalk Ramp Replacement Program;

NOW THEREFORE BE It RESOLVED THAT the City Council awards the bid to Doan Construction Co., Inc. in the amount of $98,862.95 for the construction of ADA sidewalk ramps on Prospect Road and throughout the City during the 2016-17 construction season; and

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

FURTHER, that the City Manager is authorized to sign change orders for additional ramp repairs subject to the approval by the City Attorney.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

ADDENDUM TO AGREEMENT FOR SERVICES

This Addendum shall be a part of a certain Agreement between the CITY OF YPSILANTI, a Michigan municipal Home-rule corporation of One South Huron Street, Ypsilanti, Michigan 48197 referred to as "CITY", and _____ _____, of _____ _____, Michigan, referred to as "CONTRACTOR", a _____ _____. (sole proprietor, corporation, partnership, etc.).

1. This Addendum is an addition and amendment to the primary Contract between the parties. In an event of a conflict between the language of this Addendum and the primary Contract, the language and terms of this Addendum shall take precedence.

2. Standard of Performance. The CONTRACTOR shall perform the Contract faithfully and diligently and perform the services in a competent, professional, satisfactory and proper manner and during the Contract term or extensions thereof, use every best effort and endeavor to promote the interests of the CITY and devote such time, attention, skill, knowledge and ability as is necessary to most effectively and efficiently carry out and perform the Contract.

3. The parties understand and agree that the CITY may terminate this Contract at any time with or without notice. In such event the CONTRACTOR will be compensated for work already completed

4. This Contract is to be performed in Washtenaw County, Michigan, and all legal venue shall exclusively lie therein.

5. The parties agree that time is of the essence in the performance of this Contract by the CONTRACTOR.

6. Each provision of this Contract shall be separately enforceable and in the event that a court of competent jurisdiction determines or adjudges that any provision of this Contract is invalid or illegal, such decision shall not effect the rest of the Contract which shall remain in full force and effect.

7. This Agreement shall be governed by and construed in accordance with the laws of Michigan.

8. Independent Contractor. The relationship of the CONTRACTOR to the CITY is and shall continue to be that of an independent contractor and no liability or benefits such as worker's compensation, pension rights, or other rights or liabilities arising out of or related to a contract for hire or employer/employee relationship shall arise or accrue to either party as a result of the performance of this Contract.

9. Waiver of Liability. The CONTRACTOR hereby waives any claim against the CITY and agrees not to hold the CITY liable for any personal injury or damage incurred by

it, its employees or associates on this project which is not held by a court of competent jurisdiction to be directly attributable to the sole and/or gross negligence or malicious intentional conduct of any employee of the CITY acting within the scope of their employment. It further agrees to hold the CITY harmless from any such claim by its employees or associates.

10. For the purpose of the hold harmless indemnity and insurance provisions contained in this Contract, the term "CITY" shall be deemed to include the City of Ypsilanti and all other associated, affiliated, allied or subsidiary entities, or commissions, officers, agents, representatives and employees.

11. The following Indemnification Agreement shall be, and is hereby, a provision of the Contract and shall be endorsed on the reverse sides of all certificates of insurance:

> "The CONTRACTOR agrees to protect, defend, indemnity and hold the CITY and its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or arising directly or indirectly out of this Agreement and/or the performance hereof. Without limiting the generality of the foregoing, any and all such claims, etc., relating to personal injury, death, damage to property, defects in materials or workmanship, actual or alleged infringement of any patent, trademark, copy right (or application for any thereof) or any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or decree of any court, shall be included in the indemnity hereunder. The CONTRACTOR further agrees to investigate, handle, respond to, provide defense for and defend any such claims, etc., at his sole expense and agrees to bear all other costs and expenses related thereto, even if it (claims, etc.) is groundless, false or fraudulent."

12. <u>Insurance.</u>

a. The CONTRACTOR prior to commencing work shall provide at his own cost and expense the following insurance to the CITY in insurance companies licensed and/or approved in the State of Michigan, which insurance shall be evidenced by certificates and/or policies as determined by the CITY. All policies and certificates of insurance shall be approved by the Department of <u>City Manager</u> of the CITY prior to the inception of any work.

b. Each certificate or policy shall require that, thirty days prior to cancellation or material change in the policies, notice thereof shall be given to the CITY by

registered mail, return receipt requested, for all of the following stated insurance policies. All such notices shall name the CONTRACTOR and identify the contract number.

c. All property losses shall be made payable to and adjusted with the CITY.

d. In order to determine financial strength and reputation of insurance carriers, all companies providing the coverages required shall be licensed or approved by the Insurance Bureau of the State in which the work is performed and shall have a financial rating not lower than XI and a policyholder's service rating no lower than B+ as listed in A.M. Best's Key Rating Guide, current edition. Certificates of insurance shall note A.M. Best's Rating. Companies with ratings lower than B+:XI will be acceptable only upon written consent of the CITY.

e. All policies and certificates of insurance of the CONTRACTOR shall contain the following clauses:

(1) The clause "other insurance provision" in a policy in which the CITY is named as an insured, shall not apply to the CITY.

(2) The insurance companies issuing the policy or policies shall have no recourse against the CITY (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(3) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the CONTRACTOR.

(4) The CITY (at its option) shall be listed as an Additional Named Insured on the following insurance coverages provided by the CONTRACTOR.

YES ____	NO ____	1)	Comprehensive General Liability
YES ____	NO ____	2)	Automobile Liability
YES ____	NO ____	3)	Owners Contractors Protective Liability

f. The CONTRACTOR shall maintain at its own expense during the term of this Contract the following insurance:

(1) Worker's Compensation insurance with Michigan statutory limits and employers' liability insurance with minimum limits of $500,000 each accident.

(2) General Liability insurance with a minimum limit of liability per occurrence of $1 Million Combined Single Limit (Bodily Injury/Property Damage), with no aggregate..

This insurance shall indicate on the Certificate of Insurance the following coverages:

(a) Premises - Operations
(b) Independent Contractor and Subcontractors
(c) Products and Completed Operations
(d) Broad Form Contractual
(e) Broad Form Liability Endorsement

(3) Automobile Liability insurance with minimum limits of liability, per occurrence, of $1 Million Combined Single Limit (Bodily Injury/Property Damage) unless otherwise indicated in the "Special Conditions" of the Contract

specifications. This insurance shall include for bodily injury and property damage the following coverages:

(a) Owned automobiles
(b) Hired automobiles
(c) Non-owned automobiles

(4) Protective Liability Insurance: Owners and Contractors. The CONTRACTOR shall provide the original and duplicate policy of insurance to the City Manager. This insurance contract shall name the CITY as the insured and remain in effect until the contract is accepted by the CITY.

The insurance shall provide minimum limits of liability per occurrence of $500,000. Combined Single Limit. Said insurance shall provide that the term "Owner" or CITY shall be deemed to include all authorities, boards, bureaus, commissions, divisions, departments, districts and offices of the CITY and the individual members, employees and agents thereof in their official capacities.

(5) Construction Insurance: The CONTRACTOR at his own cost and expense shall provide and maintain the applicable construction insurance until the Contract is accepted by the CITY and/or its designee. This coverage shall be written for 100% of the completed value covering the CITY as the insured, with a deductible of not more than $1,000. The CONTRACTOR shall provide the original and duplicate policy to the CITY (unless the CITY shall accept, in lieu thereof, all contained endorsements including all applicable provisions and coverages).

(6) Professional Services. CONTRACTOR shall provide professional liabilities (errors and omissions) insurance, with minimum limits of $1 Million each occurrence.

(7) Disability Benefits: The CONTRACTOR shall provide proof of compliance with the Disability Benefits Law. (If applicable).

(8) Additional insurance may be required on an individual basis for extra hazardous contracts and specific service agreements. If such additional insurance is required for a specific contract, that requirement will be described in the "Special Conditions" of the contract specifications.

g. If any of the Property and Casualty insurance requirements are not complied with at their renewal dates, payments to the CONTRACTOR will be withheld until those requirements have been met, or at the option of the CITY the CITY may pay the Renewal Premium and withhold such payments from any monies due the CONTRACTOR.

h. In the event that claims in excess of the insured amounts provided herein, are filed by reason of any operations under the Contract, the amount of excess of such claims, or any portion thereof, may be withheld from payment due or to become due the CONTRACTOR until such time as the CONTRACTOR shall furnish such additional security covering such claims as may be determined by the CITY.

i. If at any time any of the foregoing policies shall be or become unsatisfactory to the CITY to form or substance, or if a company insuring any such policy shall be or become unsatisfactory to the CITY, the CONTRACTOR shall upon notice to that effect from the CITY promptly obtain a new policy, submit the same to the City Manager for approval and submit a certificate thereof as herein provided. Upon failure of the CONTRACTOR to furnish, deliver and maintain such insurance as above provided, this

Contract, at the election of the CITY may be forthwith declared suspended, discontinued or terminated. Failure of the CONTRACTOR to take out and/or maintain or the taking out and/or maintenance of any required insurance, shall not relieve the CONTRACTOR from any liability under the Contract, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the CONTRACTOR concerning indemnification.

j. Certificate of Insurance; required language. The Certificate of Insurance obtained by the CONTRACTOR shall contain the following language: "The City of Ypsilanti, Michigan, its elected officials, officers, employees, boards, commission, authorities, voluntary associations, and any other units operating under the jurisdiction of the City and within appointment of its operating budget, including the City of Ypsilanti, are named as additional insured, and such coverage shall be considered to be the primary coverage rather than any policies and insurance or self insurance retention owned or maintained by the City of Ypsilanti."

13. Conflict of Interest. The CONTRACTOR covenants that the CONTRACTOR (individually, or if a corporation, trust, limited liability company or partnership, "the entity") nor any officer, principal, partner, agent or employee of the entity has any interest nor shall they acquire any interest, directly or indirectly, which would conflict in the manner or degree of performance with the Contract. Further that if any such conflict of interest develops and exists during the term of the contract that the CONTRACTOR shall, within 7 days of the existence of such conflict of interest, notify the CITY in writing of the existence and nature of the said conflict of interest.

14. Contingent Fees. The CONTRACTOR warrants it has not employed or retained any company or person other than bonafide employees working solely for the CONTRACTOR, to solicit or secure this Contract, and that it has not paid or agreed to pay any company, or person, other than a bonafide employee working solely for the CONTRACTOR, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award of making this Contract. For breach or violation of this warranty, the CITY shall have the right to annual the Contract without liability or, at its discretion, to deduct from the fees due the CONTRACTOR, or otherwise, recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

15. The CONTRACTOR further agrees to perform this Contract in accord with all federal, state and local laws and will not discriminate against, or give preferential treatment to, any person on the basis of race, sex, sexual orientation, color, national origin, religion, handicap status, heights, weight, marital status, or other criteria which is not relevant to the particular job.

16. The CONTRACTOR further agrees not to discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, national origin, disability as set forth in the American's With Disability Act, Michigan PWDA, age, height, weight, or marital status (except insofar as it relates to a bonafide or

occupational qualification reasonably necessary to the normal operation of the business). Breach of this provision may be regarded as material breach of the Agreement.

17. Permits. The CONTRACTOR shall secure and bear the cost of any permits or licenses of a temporary nature necessary for the prosecution of the work. In particular, he shall secure and bear the cost of shutting off and turning on public services of every nature which may be required by his operations. Where such discontinuance of service affects consumers, due and sufficient notice shall be served upon those so affected.

18. Davis-Bacon Act. Pursuant to the Davis-Bacon Act (Title 29, 40 UCS Section 276A-276A-5), the rates of wages paid to employees of the CONTRACTOR on this work shall be no less than the prevailing wages for this locality to all class of workers employed by the CONTRACTOR on this improvement, as set forth in the Code and Act.

19. Improvement of Real Property or Performing Management Construction Services. In the event the contract provides for improvement of real property or performing management construction services as provided in MCLA 125.1591, the following provisions apply:

(A) A contract between CONTRACTOR and the CITY for an improvement as provided above shall contain the following provisions:

(a) That if a CONTRACTOR discovers one or both of the following physical conditions of the surface or subsurface at the improvement site, before disturbing the physical condition, the contractor shall promptly notify the CITY of the physical condition in writing:

(i) A subsurface or a latent physical condition at the site is differing materially from those indicated in the improvement contract.

(ii) An unknown physical condition at the site is of an unusual nature differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in the improvement contract.

(b) That if the CITY receives a notice under subdivision (A), the CITY shall promptly investigate the physical condition.

(c) That if the CITY determines that the physical conditions do materially differ and will cause an increase or decrease in costs or additional time needed to perform the contract, the CITY's determination shall be made in writing and an equitable adjustment shall be made and the contract modified in writing accordingly.

(d) That the CONTRACTOR cannot make a claim for additional costs or time because of a physical condition unless the CONTRACTOR has complied with the notice requirements of subdivision (A). The CITY may extend the time required for notice under subdivision (A).

(e) The CONTRACTOR cannot make a claim for an adjustment under the contract after the CONTRACTOR has received the final payment under the contract.

(B) If the CONTRACTOR does not agree with the CITY's determination, with the CITY's consent the CONTRACTOR may complete performance on the contract.

(C) At the option of the CITY, the CONTRACTOR and the CITY shall arbitrate the CONTRACTOR's entitlement to recover the actual increase in contract time and costs incurred because of the physical condition of the improvement site. The arbitration shall be conducted in accordance with the rules of the American Arbitration Association and judgment rendered may be entered in any court having jurisdiction.

20. Living Wage.

A. (1) If this contract involves $25,000, or more, Living Wages shall be paid according to the Ypsilanti Living Wage Ordinance No. 892 (The Ordinance) and City Code Section 2-298(8); and

(2) Suitable notices shall be posted in the work place; and

(3) Evidence of compliance including payroll records shall be provided to the Ypsilanti Personnel Department within 10 days of written request from the Ypsilanti Personnel Department.

B. In the event of violation of the provisions of The Ordinance or this contract this contract may be modified or terminated to comply with the provisions of The Ordinance, including withholding of moneys in amount equal to Living Wages not paid in accordance with The Ordinance and the City may also take action to recover the amount of the contract provided to any person found to have violated The ordinance.

C. Any employee shall have a separate cause of action to enforce the provisions of this contract and The Ordinance and any rights conferred under The Ordinance, in law and or equity, and any court of competent jurisdiction upon proper proof and the prevailing of the employee in such action, shall award actual damages, wage restitution, interest and actual attorney fees.

D. The City shall have the right to enforce this contract and The Ordinance in law or equity by court process including specific performance.

21. Minimum Wage.

A. (1) The CONTRACTOR must pay minimum wages to all employees according to Ordinance No. 1217 (The Ordinance) and City Code Section 2-2112.

(2) The CONTRACTOR must post suitable notices in the work place.

(3) The CONTRACTOR must provide evidence of compliance, including payroll records, to the Ypsilanti Personnel Department within 10 days of written request from the Ypsilanti Personnel Department.

B. In the event of violation of the provisions of The Ordinance or this contract this contract may be modified or terminated to comply with the provisions of The Ordinance, including withholding of moneys in amount equal to Minimum Wages not paid in accordance with The Ordinance and the City may also take action to recover the amount of the contract provided to any person found to have violated The Ordinance.

C. Any employee shall have a separate cause of action to enforce the provisions of this contract and The Ordinance and any rights conferred under The Ordinance, in law and or equity, and any court of competent jurisdiction upon proper

proof and the prevailing of the employee in such action, shall award actual damages, wage restitution, interest and actual attorney fees.

D. The City shall have the right to enforce this contract and The Ordinance in law or equity by court process including specific performance.

22. Not in Default to City. The CONTRACTOR hereby certifies that the CONTRACTOR is not in default to the CITY, and that there are no unpaid taxes, real or personal, owed to the CITY by the CONTRACTOR, and the CONTRACTOR has no other unfulfilled obligations to the CITY and is in compliance with all Ypsilanti City codes and ordinances. The parties understand that a breach of this provision is a material breach of the contract.

23. American's With Disabilities Act Compliance. If this contract alters or resurfaces any streets, intersections, sidewalks, or curb ramps, CONTRACTOR shall ensure that each portion of the project, to the maximum extent feasible, shall be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities. Each project shall comply with the American's With Disabilities Act requirements, including 28 C.F.R. §§ 35.151(b),(c),(e)(1) and (e)(2) and 28 C.F.R. Part 36, App. A, the ADAAG.

Note: The City of Ypsilanti has chosen to follow the ADAAG standards rather than the UFAS standards. *See* United States Department of Justice ADA Title II Technical Assistance Manual, Section II-6.2100)

As used in this Section, the term "resurface" shall have the definition given by the United States Department of Justice Title II Technical Assistance Manual § II-6.6000 "Resurfacing beyond normal maintenance is an alteration. Merely filling potholes is considered to be normal maintenance."

As used in this Section, the term "to the maximum extent feasible" shall have the meaning set forth at 28 C.F.R. § 36.402(c).

As used in this Section, the term "readily accessible to and usable by persons with disabilities" shall have the meaning set forth at Section II-6.1000 of the US Department of Justice ADA Title II Technical Assistance Manual, and set forth at 28 CFR Appendix B Section 36.401.

24. The Contract and its attachments, and this Addendum, are the sole Contract and Agreement between the parties. Any changes, additions or deletions shall not be effective or actionable unless they are in writing signed by the parties.

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

IN WITNESS WHEREOF, the undersigned have set their hands this _____ day of _____, 20____.

In the presence of:

_____

_____

_____

_____

APPROVED AS TO FORM:

_____
JOHN M. BARR P-10475
Ypsilanti City Attorney

CONTRACTOR

BY: _____
Print:
Its:

CITY OF YPSILANTI, a Michigan
Municipal Home-rule City

BY: _____

City Manager

Tabulation for Bids Received on 8/26/16
2016 Ramps
City of Ypsilanti, Washtenaw County, State of Michigan
OHM Job Number 0094-16-0030

Item No.	Description	Estimated Quantity	Doan Construction Co. 3670 Carpenter Rd. Ypsilanti, MI 48197 Phone: 734-971-4678 Unit Price	Amount	GM and Sons, Inc. 6784 Whitmore Lake Rd. Whitmore Lake, MI 48189 Phone: 734-929-1259 Unit Price	Amount	Saladino Construction Co., Inc. 3303 North Territorial Rd. W Ann Arbor, MI 48105 Phone: 734-665-5913 Unit Price	Amount	Century Cement Co., Inc. 12600 Sibley Rd. Riverview, MI 48193 Phone: 734-284-8770 Unit Price	Amount	Lacaria Concrete Construction 3720 Central Ave. Detroit, MI 48210 Phone: 313-843-3865 Unit Price	Amount
	CATEGORY 1 -Prospect Ramps											
1)	Mobilization, Max 5%	1 LS	$1.00	$1.00	$7,000.00	$7,000.00	$6,500.00	$6,500.00	$7,500.00	$7,500.00	$5,600.00	$5,600.00
2)	Traffic Control and Maintenance	1 LS	$1.00	$1.00	$2,900.00	$2,900.00	$3,000.00	$3,000.00	$25,000.00	$25,000.00	$30,000.00	$30,000.00
3)	Curb and Gutter, Rem	315 Ft	$11.00	$3,465.00	$16.00	$5,040.00	$10.00	$3,150.00	$23.50	$7,402.50	$25.00	$7,875.00
4)	Pavt, Rem	90 Syd	$25.00	$2,250.00	$28.00	$2,520.00	$15.00	$1,350.00	$1.00	$90.00	$25.00	$2,250.00
5)	Sidewalk, Rem	270 Syd	$10.00	$2,700.00	$28.00	$7,560.00	$15.00	$4,050.00	$18.00	$4,860.00	$25.00	$6,750.00
6)	HMA, 13A, Repair	36 Ton	$25.00	$900.00	$205.00	$7,380.00	$150.00	$5,400.00	$50.00	$1,800.00	$300.00	$10,800.00
7)	Curb and Gutter, Conc, Det F3	315 Ft	$33.00	$10,395.00	$25.00	$7,875.00	$38.00	$11,970.00	$30.00	$9,450.00	$35.00	$11,025.00
8)	Detectable Warning Surface	132 Ft	$30.00	$3,960.00	$35.00	$4,620.00 [1]	$45.00	$5,940.00	$60.00	$7,920.00	$135.00	$17,820.00
9)	Sidewalk Ramp, Conc, 6 inch	970 Sft	$7.61	$7,381.70	$6.50	$6,305.00	$7.00	$6,790.00	$6.00	$5,820.00	$10.00	$9,700.00
10)	Sidewalk, Conc, 4 inch	1645 Sft	$4.43	$7,287.35	$5.00	$8,225.00	$6.00	$9,870.00	$6.00	$9,870.00	$9.00	$14,805.00
11)	Post, Steel, 3 lb	28 Ft	$10.00	$280.00	$25.00	$700.00	$15.00	$420.00	$10.00	$280.00	$35.00	$980.00
12)	Sign, Type IIIB	18 Sft	$15.00	$270.00	$35.00	$630.00	$28.00	$504.00	$25.00	$450.00	$100.00	$1,800.00
13)	Pavt Mrkg, Polyurea, 12 inch, Crosswalk	856 Ft	$5.00	$4,280.00	$5.50	$4,708.00	$10.00	$8,560.00	$5.00	$4,280.00	$12.00	$10,272.00
14)	Surface Restoration	378 Syd	$0.01	$3.78	$11.00	$4,158.00	$7.00	$2,646.00	$4.00	$1,512.00	$15.00	$5,670.00
	TOTAL 1:			$43,174.83		$69,621.00 [3]		$70,150.00		$86,234.50		$135,347.00
	CATEGORY 2 -Additional Ramp Improvements											
15)	Curb and Gutter, Rem	400 Ft	$11.00	$4,400.00	$16.00	$6,400.00	$10.00	$4,000.00	$23.50	$9,400.00	$25.00	$10,000.00
16)	Pavt, Rem	45 Syd	$25.00	$1,125.00	$28.00	$1,260.00	$15.00	$675.00	$1.00	$45.00	$25.00	$1,125.00
17)	Sidewalk, Rem	423 Syd	$10.00	$4,230.00	$28.00	$11,844.00	$15.00	$6,345.00	$18.00	$7,614.00	$25.00	$10,575.00
18)	HMA, 13A, Repair	18 Ton	$25.00	$450.00	$205.00	$3,690.00	$150.00	$2,700.00	$50.00	$900.00	$300.00	$5,400.00
19)	Curb and Gutter, Conc, Det F3	400 Ft	$33.00	$13,200.00	$30.00	$12,000.00	$38.00	$15,200.00	$30.00	$12,000.00	$35.00	$14,000.00
20)	Detectable Warning Surface	240 Ft	$30.00	$7,200.00	$35.00	$8,400.00	$42.00	$10,080.00	$60.00	$14,400.00	$135.00	$32,400.00
21)	Sidewalk Ramp, Conc, 6 inch	1800 Sft	$7.61	$13,698.00	$6.50	$11,700.00	$7.00	$12,600.00	$6.00	$10,800.00	$10.00	$18,000.00
22)	Sidewalk, Conc, 4 inch	2000 Sft	$4.43	$8,860.00	$5.00	$10,000.00	$6.00	$12,000.00	$6.00	$12,000.00	$9.00	$18,000.00
23)	Pavt Mrkg, Polyurea, 6 inch, Crosswalk	1200 Ft	$2.10	$2,520.00	$2.50	$3,000.00	$6.00	$7,200.00	$2.10	$2,520.00	$12.00	$14,400.00
24)	Surface Restoration	512 Syd	$0.01	$5.12	$10.00	$5,120.00	$7.00	$3,584.00	$4.00	$2,048.00	$15.00	$7,680.00
	TOTAL 2:			$55,688.12		$73,414.00		$74,384.00		$71,727.00		$131,580.00 [2]
	TOTAL BID AMOUNT:			**$98,862.95**		**$143,035.00** [3]		**$144,534.00**		**$157,961.50**		**$266,927.00** [3]

CORRECTIONS

[1] Bidder's multiplication error was corrected.
[2] Bidder's summation error was corrected.
[3] Bidder's total was adjusted to reflect correction.

H:\Municipal_Group Operations\Bid Tabs\Ypsi City\[bidtab 0094-16-0030.xls]Sheet1

ARCHITECTS. ENGINEERS. PLANNERS.

OHM Advancing Communities™

August 30, 2016

City of Ypsilanti
One Huron Street
Ypsilanti MI 48197

Attention: Stan Kirton
Director of Public Services
City of Ypsilanti

Regarding: Bid Results
2016 Ramps

Dear Mr. Kirton:

Sealed bids for the 2016 Ramps were received and publicly read aloud at 2:00 pm on Friday, August 26, 2016 in the City of Ypsilanti Council Chambers. Proposals were received from five (5) bidders with as-checked results ranging from $98,862.95 to 266,927.00. The detailed bid tabulation is attached.

Doan Construction Company 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 Doan Construction Company and have found it to be acceptable. We have also reviewed the qualifications submitted by Doan Construction Company 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 Doan Construction Company 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
Marcus J. McNamara

CC: Frances McMullan, City Manager

P:\0000_0100\0094160030_2016_Ramps_Construction\100 Administration\100.03 Award Letter\Bid_Results_Ramps.docx\

Attachment: Bid Tab

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

REQUEST FOR LEGISLATION
September 6, 2016

From: Stan Kirton, Public Services Director

Subject: Bid Award for 2016 Urgent Road Repairs

SUMMARY & BACKGROUND:

On July 19, 2016 City Council gave approval for staff to issue an RFP to make urgent road repairs on three segments of major roads within the City. The FY 2016-2017 Budget includes $310,000 in the Major Road Fund for Urgent Major Street Repairs and construction engineering. These repairs included sections of Cornell Street, Huron River Drive and Hamilton Street.

Staff solicited bids via of direct mail and on MITIN. Seven (7) bids were received. Best Asphalt, Inc. submitted an bid in the amount of $210,676.00; Al's Asphalt Paving Company submitted a bid in the amount of $219,000.00; Spartan Paving, Inc. submitted a bid in the amount of $225,992.09; Pavex Corporation submitted a bid in the amount of $238,682.32; Asphalt Specialists, ASI Inc. submitted an bid in the amount of $238,976.85; Cadillac Asphalt, LLC submitted a bid in the amount of $263,500.00; and Ajax Paving Industries, INC. submitted an bid in the amount of $323,304.65.

Due to the favorable unit pricing submitted by Best Asphalt, funds are available to repair additional road segments that have been identified as in need of repairs. Staff is seeking approval from council to make additional repairs beyond the three (3) road segments listed in the RFP. Staff would like to make additional repairs to road segments that were identified as in need of repairs until the allocated funds are depleted.

Staff recommends accepting the bid submitted by Best Asphalt, Inc. for the amount of $210,676.00 and approval for the City Manager to approve of any change orders required to make repairs to the additional road segments beyond the three segments that were listed in the RFP. The expenditure for all road repairs will be capped at $290,000 with $20,000 in construction engineering services with a total project $310,000.00. Construction costs will be expended from account #202-7-9059-973-04.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Bid Tabulation, Resolution, Contract

CITY MANAGER APPROVAL:_____ AGENDA DATE: Sept. 6, 2016_

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 201
September 6, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council allocated funds for Urgent Road Repairs to three sections of major streets within the city; and

WHEREAS, City council authorized staff to solicit bids to make these urgent repairs; and

WHEREAS, seven (7) bids were received: Ajax Paving Industries, Inc. $323,304.65; Cadillac Asphalt, LLC. $263,500.00; ASI, Inc. 238,967.85; Pavex Corporation $238,682.32; Spartan Paving, Inc. $225,992.09; Al's Asphalt Paving Company $219,000.00; and Best Asphalt, Inc. $210,676.00.

WHEREAS; the bid submitted by Best Asphalt, Inc., 6334 N. Beverly Plaza, Romulus, MI 48174, best meets the project specifications and is in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council awards the bid to by Best Asphalt, Inc. in the amount of $210,676.00; and

THAT, the construction cost be expended from account #202-7-9059-973-04; and

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

FURTHER, that the City Manager and City Clerk are authorized to sign change orders for additional road repairs up to the City's allocation of $290,000 and the total project budget with construction engineering of $310,000, subject to the approval by the City Attorney.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

ADDENDUM TO AGREEMENT FOR SERVICES

This Addendum shall be a part of a certain Agreement between the CITY OF YPSILANTI, a Michigan municipal Home-rule corporation of One South Huron Street, Ypsilanti, Michigan 48197 referred to as "CITY", and _____ _____, of _____ _____, Michigan, referred to as "CONTRACTOR", a _____ _____. (sole proprietor, corporation, partnership, etc.).

1. This Addendum is an addition and amendment to the primary Contract between the parties. In an event of a conflict between the language of this Addendum and the primary Contract, the language and terms of this Addendum shall take precedence.

2. Standard of Performance. The CONTRACTOR shall perform the Contract faithfully and diligently and perform the services in a competent, professional, satisfactory and proper manner and during the Contract term or extensions thereof, use every best effort and endeavor to promote the interests of the CITY and devote such time, attention, skill, knowledge and ability as is necessary to most effectively and efficiently carry out and perform the Contract.

3. The parties understand and agree that the CITY may terminate this Contract at any time with or without notice. In such event the CONTRACTOR will be compensated for work already completed

4. This Contract is to be performed in Washtenaw County, Michigan, and all legal venue shall exclusively lie therein.

5. The parties agree that time is of the essence in the performance of this Contract by the CONTRACTOR.

6. Each provision of this Contract shall be separately enforceable and in the event that a court of competent jurisdiction determines or adjudges that any provision of this Contract is invalid or illegal, such decision shall not effect the rest of the Contract which shall remain in full force and effect.

7. This Agreement shall be governed by and construed in accordance with the laws of Michigan.

8. Independent Contractor. The relationship of the CONTRACTOR to the CITY is and shall continue to be that of an independent contractor and no liability or benefits such as worker's compensation, pension rights, or other rights or liabilities arising out of or related to a contract for hire or employer/employee relationship shall arise or accrue to either party as a result of the performance of this Contract.

9. Waiver of Liability. The CONTRACTOR hereby waives any claim against the CITY and agrees not to hold the CITY liable for any personal injury or damage incurred by

it, its employees or associates on this project which is not held by a court of competent jurisdiction to be directly attributable to the sole and/or gross negligence or malicious intentional conduct of any employee of the CITY acting within the scope of their employment. It further agrees to hold the CITY harmless from any such claim by its employees or associates.

10. For the purpose of the hold harmless indemnity and insurance provisions contained in this Contract, the term "CITY" shall be deemed to include the City of Ypsilanti and all other associated, affiliated, allied or subsidiary entities, or commissions, officers, agents, representatives and employees.

11. The following Indemnification Agreement shall be, and is hereby, a provision of the Contract and shall be endorsed on the reverse sides of all certificates of insurance:

> "The CONTRACTOR agrees to protect, defend, indemnity and hold the CITY and its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or arising directly or indirectly out of this Agreement and/or the performance hereof. Without limiting the generality of the foregoing, any and all such claims, etc., relating to personal injury, death, damage to property, defects in materials or workmanship, actual or alleged infringement of any patent, trademark, copy right (or application for any thereof) or any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or decree of any court, shall be included in the indemnity hereunder. The CONTRACTOR further agrees to investigate, handle, respond to, provide defense for and defend any such claims, etc., at his sole expense and agrees to bear all other costs and expenses related thereto, even if it (claims, etc.) is groundless, false or fraudulent."

12. Insurance.

a. The CONTRACTOR prior to commencing work shall provide at his own cost and expense the following insurance to the CITY in insurance companies licensed and/or approved in the State of Michigan, which insurance shall be evidenced by certificates and/or policies as determined by the CITY. All policies and certificates of insurance shall be approved by the Department of City Manager of the CITY prior to the inception of any work.

b. Each certificate or policy shall require that, thirty days prior to cancellation or material change in the policies, notice thereof shall be given to the CITY by

registered mail, return receipt requested, for all of the following stated insurance policies. All such notices shall name the CONTRACTOR and identify the contract number.

c. All property losses shall be made payable to and adjusted with the CITY.

d. In order to determine financial strength and reputation of insurance carriers, all companies providing the coverages required shall be licensed or approved by the Insurance Bureau of the State in which the work is performed and shall have a financial rating not lower than XI and a policyholder's service rating no lower than B+ as listed in A.M. Best's Key Rating Guide, current edition. Certificates of insurance shall note A.M. Best's Rating. Companies with ratings lower than B+:XI will be acceptable only upon written consent of the CITY.

e. All policies and certificates of insurance of the CONTRACTOR shall contain the following clauses:

(1) The clause "other insurance provision" in a policy in which the CITY is named as an insured, shall not apply to the CITY.

(2) The insurance companies issuing the policy or policies shall have no recourse against the CITY (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(3) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the CONTRACTOR.

(4) The CITY (at its option) shall be listed as an Additional Named Insured on the following insurance coverages provided by the CONTRACTOR.

YES ____	NO ____	1)	Comprehensive General Liability
YES ____	NO ____	2)	Automobile Liability
YES ____	NO ____	3)	Owners Contractors Protective Liability

f. The CONTRACTOR shall maintain at its own expense during the term of this Contract the following insurance:

(1) <u>Worker's Compensation</u> insurance with Michigan statutory limits and employers' liability insurance with minimum limits of $500,000 each accident.

(2) <u>General Liability</u> insurance with a minimum limit of liability per occurrence of $1 Million Combined Single Limit (Bodily Injury/Property Damage), with no aggregate..

This insurance shall indicate on the Certificate of Insurance the following coverages:

(a) Premises - Operations
(b) Independent Contractor and Subcontractors
(c) Products and Completed Operations
(d) Broad Form Contractual
(e) Broad Form Liability Endorsement

(3) Automobile Liability insurance with minimum limits of liability, per occurrence, of $1 Million Combined Single Limit (Bodily Injury/Property Damage) unless otherwise indicated in the "Special Conditions" of the Contract

specifications. This insurance shall include for bodily injury and property damage the following coverages:

(a) Owned automobiles
(b) Hired automobiles
(c) Non-owned automobiles

(4) Protective Liability Insurance: Owners and Contractors. The CONTRACTOR shall provide the original and duplicate policy of insurance to the City Manager. This insurance contract shall name the CITY as the insured and remain in effect until the contract is accepted by the CITY.

The insurance shall provide minimum limits of liability per occurrence of $500,000. Combined Single Limit. Said insurance shall provide that the term "Owner" or CITY shall be deemed to include all authorities, boards, bureaus, commissions, divisions, departments, districts and offices of the CITY and the individual members, employees and agents thereof in their official capacities.

(5) Construction Insurance: The CONTRACTOR at his own cost and expense shall provide and maintain the applicable construction insurance until the Contract is accepted by the CITY and/or its designee. This coverage shall be written for 100% of the completed value covering the CITY as the insured, with a deductible of not more than $1,000. The CONTRACTOR shall provide the original and duplicate policy to the CITY (unless the CITY shall accept, in lieu thereof, all contained endorsements including all applicable provisions and coverages).

(6) Professional Services. CONTRACTOR shall provide professional liabilities (errors and omissions) insurance, with minimum limits of $1 Million each occurrence.

(7) Disability Benefits: The CONTRACTOR shall provide proof of compliance with the Disability Benefits Law. (If applicable).

(8) Additional insurance may be required on an individual basis for extra hazardous contracts and specific service agreements. If such additional insurance is required for a specific contract, that requirement will be described in the "Special Conditions" of the contract specifications.

g. If any of the Property and Casualty insurance requirements are not complied with at their renewal dates, payments to the CONTRACTOR will be withheld until those requirements have been met, or at the option of the CITY the CITY may pay the Renewal Premium and withhold such payments from any monies due the CONTRACTOR.

h. In the event that claims in excess of the insured amounts provided herein, are filed by reason of any operations under the Contract, the amount of excess of such claims, or any portion thereof, may be withheld from payment due or to become due the CONTRACTOR until such time as the CONTRACTOR shall furnish such additional security covering such claims as may be determined by the CITY.

i. If at any time any of the foregoing policies shall be or become unsatisfactory to the CITY to form or substance, or if a company insuring any such policy shall be or become unsatisfactory to the CITY, the CONTRACTOR shall upon notice to that effect from the CITY promptly obtain a new policy, submit the same to the City Manager for approval and submit a certificate thereof as herein provided. Upon failure of the CONTRACTOR to furnish, deliver and maintain such insurance as above provided, this

Contract, at the election of the CITY may be forthwith declared suspended, discontinued or terminated. Failure of the CONTRACTOR to take out and/or maintain or the taking out and/or maintenance of any required insurance, shall not relieve the CONTRACTOR from any liability under the Contract, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the CONTRACTOR concerning indemnification.

j. Certificate of Insurance; required language. The Certificate of Insurance obtained by the CONTRACTOR shall contain the following language: "The City of Ypsilanti, Michigan, its elected officials, officers, employees, boards, commission, authorities, voluntary associations, and any other units operating under the jurisdiction of the City and within appointment of its operating budget, including the City of Ypsilanti, are named as additional insured, and such coverage shall be considered to be the primary coverage rather than any policies and insurance or self insurance retention owned or maintained by the City of Ypsilanti."

13. Conflict of Interest. The CONTRACTOR covenants that the CONTRACTOR (individually, or if a corporation, trust, limited liability company or partnership, "the entity") nor any officer, principal, partner, agent or employee of the entity has any interest nor shall they acquire any interest, directly or indirectly, which would conflict in the manner or degree of performance with the Contract. Further that if any such conflict of interest develops and exists during the term of the contract that the CONTRACTOR shall, within 7 days of the existence of such conflict of interest, notify the CITY in writing of the existence and nature of the said conflict of interest.

14. Contingent Fees. The CONTRACTOR warrants it has not employed or retained any company or person other than bonafide employees working solely for the CONTRACTOR, to solicit or secure this Contract, and that it has not paid or agreed to pay any company, or person, other than a bonafide employee working solely for the CONTRACTOR, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award of making this Contract. For breach or violation of this warranty, the CITY shall have the right to annual the Contract without liability or, at its discretion, to deduct from the fees due the CONTRACTOR, or otherwise, recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

15. The CONTRACTOR further agrees to perform this Contract in accord with all federal, state and local laws and will not discriminate against, or give preferential treatment to, any person on the basis of race, sex, sexual orientation, color, national origin, religion, handicap status, heights, weight, marital status, or other criteria which is not relevant to the particular job.

16. The CONTRACTOR further agrees not to discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, national origin, disability as set forth in the American's With Disability Act, Michigan PWDA, age, height, weight, or marital status (except insofar as it relates to a bonafide or

occupational qualification reasonably necessary to the normal operation of the business). Breach of this provision may be regarded as material breach of the Agreement.

17. Permits. The CONTRACTOR shall secure and bear the cost of any permits or licenses of a temporary nature necessary for the prosecution of the work. In particular, he shall secure and bear the cost of shutting off and turning on public services of every nature which may be required by his operations. Where such discontinuance of service affects consumers, due and sufficient notice shall be served upon those so affected.

18. Davis-Bacon Act. Pursuant to the Davis-Bacon Act (Title 29, 40 UCS Section 276A-276A-5), the rates of wages paid to employees of the CONTRACTOR on this work shall be no less than the prevailing wages for this locality to all class of workers employed by the CONTRACTOR on this improvement, as set forth in the Code and Act.

19. Improvement of Real Property or Performing Management Construction Services. In the event the contract provides for improvement of real property or performing management construction services as provided in MCLA 125.1591, the following provisions apply:

(A) A contract between CONTRACTOR and the CITY for an improvement as provided above shall contain the following provisions:

(a) That if a CONTRACTOR discovers one or both of the following physical conditions of the surface or subsurface at the improvement site, before disturbing the physical condition, the contractor shall promptly notify the CITY of the physical condition in writing:

(i) A subsurface or a latent physical condition at the site is differing materially from those indicated in the improvement contract.

(ii) An unknown physical condition at the site is of an unusual nature differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in the improvement contract.

(b) That if the CITY receives a notice under subdivision (A), the CITY shall promptly investigate the physical condition.

(c) That if the CITY determines that the physical conditions do materially differ and will cause an increase or decrease in costs or additional time needed to perform the contract, the CITY's determination shall be made in writing and an equitable adjustment shall be made and the contract modified in writing accordingly.

(d) That the CONTRACTOR cannot make a claim for additional costs or time because of a physical condition unless the CONTRACTOR has complied with the notice requirements of subdivision (A). The CITY may extend the time required for notice under subdivision (A).

(e) The CONTRACTOR cannot make a claim for an adjustment under the contract after the CONTRACTOR has received the final payment under the contract.

(B) If the CONTRACTOR does not agree with the CITY's determination, with the CITY's consent the CONTRACTOR may complete performance on the contract.

(C) At the option of the CITY, the CONTRACTOR and the CITY shall arbitrate the CONTRACTOR's entitlement to recover the actual increase in contract time and costs incurred because of the physical condition of the improvement site. The arbitration shall be conducted in accordance with the rules of the American Arbitration Association and judgment rendered may be entered in any court having jurisdiction.

20. Living Wage.

A. (1) If this contract involves $25,000, or more, Living Wages shall be paid according to the Ypsilanti Living Wage Ordinance No. 892 (The Ordinance) and City Code Section 2-298(8); and

(2) Suitable notices shall be posted in the work place; and

(3) Evidence of compliance including payroll records shall be provided to the Ypsilanti Personnel Department within 10 days of written request from the Ypsilanti Personnel Department.

B. In the event of violation of the provisions of The Ordinance or this contract this contract may be modified or terminated to comply with the provisions of The Ordinance, including withholding of moneys in amount equal to Living Wages not paid in accordance with The Ordinance and the City may also take action to recover the amount of the contract provided to any person found to have violated The ordinance.

C. Any employee shall have a separate cause of action to enforce the provisions of this contract and The Ordinance and any rights conferred under The Ordinance, in law and or equity, and any court of competent jurisdiction upon proper proof and the prevailing of the employee in such action, shall award actual damages, wage restitution, interest and actual attorney fees.

D. The City shall have the right to enforce this contract and The Ordinance in law or equity by court process including specific performance.

21. Minimum Wage.

A. (1) The CONTRACTOR must pay minimum wages to all employees according to Ordinance No. 1217 (The Ordinance) and City Code Section 2-2112.

(2) The CONTRACTOR must post suitable notices in the work place.

(3) The CONTRACTOR must provide evidence of compliance, including payroll records, to the Ypsilanti Personnel Department within 10 days of written request from the Ypsilanti Personnel Department.

B. In the event of violation of the provisions of The Ordinance or this contract this contract may be modified or terminated to comply with the provisions of The Ordinance, including withholding of moneys in amount equal to Minimum Wages not paid in accordance with The Ordinance and the City may also take action to recover the amount of the contract provided to any person found to have violated The Ordinance.

C. Any employee shall have a separate cause of action to enforce the provisions of this contract and The Ordinance and any rights conferred under The Ordinance, in law and or equity, and any court of competent jurisdiction upon proper

proof and the prevailing of the employee in such action, shall award actual damages, wage restitution, interest and actual attorney fees.

D. The City shall have the right to enforce this contract and The Ordinance in law or equity by court process including specific performance.

22. Not in Default to City. The CONTRACTOR hereby certifies that the CONTRACTOR is not in default to the CITY, and that there are no unpaid taxes, real or personal, owed to the CITY by the CONTRACTOR, and the CONTRACTOR has no other unfulfilled obligations to the CITY and is in compliance with all Ypsilanti City codes and ordinances. The parties understand that a breach of this provision is a material breach of the contract.

23. American's With Disabilities Act Compliance. If this contract alters or resurfaces any streets, intersections, sidewalks, or curb ramps, CONTRACTOR shall ensure that each portion of the project, to the maximum extent feasible, shall be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities. Each project shall comply with the American's With Disabilities Act requirements, including 28 C.F.R. §§ 35.151(b),(c),(e)(1) and (e)(2) and 28 C.F.R. Part 36, App. A, the ADAAG.

Note: The City of Ypsilanti has chosen to follow the ADAAG standards rather than the UFAS standards. *See* United States Department of Justice ADA Title II Technical Assistance Manual, Section II-6.2100)

As used in this Section, the term "resurface" shall have the definition given by the United States Department of Justice Title II Technical Assistance Manual § II-6.6000 "Resurfacing beyond normal maintenance is an alteration. Merely filling potholes is considered to be normal maintenance."

As used in this Section, the term "to the maximum extent feasible" shall have the meaning set forth at 28 C.F.R. § 36.402(c).

As used in this Section, the term "readily accessible to and usable by persons with disabilities" shall have the meaning set forth at Section II-6.1000 of the US Department of Justice ADA Title II Technical Assistance Manual, and set forth at 28 CFR Appendix B Section 36.401.

24. The Contract and its attachments, and this Addendum, are the sole Contract and Agreement between the parties. Any changes, additions or deletions shall not be effective or actionable unless they are in writing signed by the parties.

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

IN WITNESS WHEREOF, the undersigned have set their hands this _____ day of _____, 20____.

In the presence of:

_____

_____

_____

_____

APPROVED AS TO FORM:

_____
JOHN M. BARR P-10475
Ypsilanti City Attorney

CONTRACTOR

BY: _____
Print:
Its:

CITY OF YPSILANTI, a Michigan
Municipal Home-rule City

BY: _____

City Manager

Tabulation for Bids Received on 8/26/16
2016 Road Program
City of Ypsilanti, Washtenaw County, State of Michigan
OHM Job No.: 0094-15-0060

Item No.	Description	Estimated Quantity	Best Asphalt, Inc. 6334 N. Beverly Plaza Romulus, MI 48174 Phone: 734-729-9440 Unit Price	Amount	Al's Asphalt Paving Co. 25500 Brest Rd. Taylor, MI 48180 Phone: 734-946-1880 Unit Price	Amount	Spartan Paving, Inc. 9690 Andersonville Rd. Clarkston, MI 48346 Phone: 248-625-1575 Unit Price	Amount	Pavex Corporation 2654 Van Horn Rd. Trenton, MI 48183 Phone: 734-676-6220 Unit Price	Amount	Asphalt Specialists, Inc. 1780 E. Highwood Pontiac, MI 48340 Phone: 248-334-4570 Unit Price	Amount	Cadillac Asphalt, LLC 4751 White Lake Rd. Clarkston, MI 48346 Phone: 248-620-7954 Unit Price	Amount
1)	Mobilization, Max.5%	1 LS	$10,000.00	$10,000.00	$9,932.40	$9,932.40	$10,000.00	$10,000.00	$5,700.00	$5,700.00	$10,980.00	$10,980.00	$13,200.00	$13,200.00 *
2)	Traffic Maintenance and Control	1 LS	$7,500.00	$7,500.00	$7,500.00	$7,500.00	$11,750.00	$11,750.00	$16,000.00	$16,000.00	$12,550.00	$12,550.00	$8,329.56	$8,329.56
3)	Curb and Gutter, Rem	146 Ft	$15.00	$2,190.00	$11.00	$1,606.00	$15.00	$2,190.00	$25.00	$3,650.00	$12.00	$1,752.00	$12.04	$1,757.84
4)	Pavt, Rem	779 Syd	$9.00	$7,011.00	$5.50	$4,284.50	$6.00	$4,674.00	$8.00	$6,232.00	$10.00	$7,790.00	$5.02	$3,910.58
5)	Sidewalk, Rem	244 Syd	$12.50	$3,050.00	$20.00	$4,880.00	$8.00	$1,952.00	$12.00	$2,928.00	$7.00	$1,708.00	$6.77	$1,651.88
6)	Aggregate Base, 8 inch	765 Syd	$12.60	$9,639.00	$30.00	$22,950.00	$22.00	$16,830.00	$19.00	$14,535.00	$11.90	$9,103.50	$25.00	$19,125.00
7)	Structure, Adj	4 Ea	$500.00	$2,000.00	$450.00	$1,800.00	$550.00	$2,200.00	$750.00	$3,000.00	$500.00	$2,000.00	$750.00	$3,000.00
8)	Cold Milling HMA Surface	8353 Syd	$3.30	$27,564.90	$3.75	$31,323.75	$4.08	$34,080.24	$3.64	$30,404.92	$4.00	$33,412.00	$4.09	$34,163.77
9)	HMA, 13A, Overlay	672 Ton	$79.00	$53,088.00	$82.00	$55,104.00	$85.00	$57,120.00	$90.90	$61,084.80	$89.00	$59,808.00	$95.00	$63,840.00
10)	HMA, 13A, Wedge and Overlay	361 Ton	$92.00	$33,212.00	$82.00	$29,602.00	$94.00	$33,934.00	$96.00	$34,656.00	$90.00	$32,490.00	$110.00	$39,710.00
11)	HMA, 13A, Repair	236 Ton	$95.00	$22,420.00	$82.00	$19,352.00	$96.00	$22,656.00	$96.00	$22,656.00	$95.00	$22,420.00	$140.00	$33,040.00
12)	Curb and Gutter	146 Ft	$35.00	$5,110.00	$35.00	$5,110.00	$30.00	$4,380.00	$40.00	$5,840.00	$45.25	$6,606.50	$44.64	$6,517.44
13)	Detectable Warning Surface	75 Ft	$40.00	$3,000.00	$40.00	$3,000.00	$35.00	$2,625.00	$55.00	$4,125.00	$32.00	$2,400.00	$32.10	$2,407.50
14)	Sidewalk, 4 inch	1435 Sft	$6.00	$8,610.00	$5.50	$7,892.50	$5.00	$7,175.00	$7.75	$11,121.25	$9.50	$13,632.50	$9.38	$13,460.30
15)	Sidewalk, Ramp, 6 inch	759 Sft	$7.00	$5,313.00	$6.50	$4,933.50	$6.00	$4,554.00	$10.00	$7,590.00	$14.75	$11,195.25	$14.40	$10,929.60
16)	Pavt Mrkg, Polyurea, 18 inch, Stop Bar	120 Ft	$8.50	$1,020.00	$8.25	$990.00	$8.25	$990.00	$8.25	$990.00	$8.50	$1,020.00	$8.28	$993.60
17)	Pavt Mrkg, Polyurea, Lt Turn Arrow Sym	1 Ea	$180.00	$180.00	$165.00	$165.00	$165.00	$165.00	$165.00	$165.00	$200.00	$200.00	$165.52	$165.52
18)	Pavt Mrkg, Polyurea, 4 inch, White	1243 Ft	$0.70	$870.10	$0.65	$807.95	$0.65	$807.95	$0.65	$807.95	$0.70	$870.10	$0.65	$807.95
19)	Pavt Mrkg, Polyurea, 4 inch, Yellow	4420 Ft	$0.70	$3,094.00	$0.65	$2,873.00	$0.65	$2,873.00	$0.65	$2,873.00	$0.70	$3,094.00	$0.65	$2,873.00
20)	Pavt Mrkg, Polyurea, 6 inch, Crosswalk	556 Ft	$2.75	$1,529.00	$2.65	$1,473.40	$2.65	$1,473.40	$2.65	$1,473.40	$3.50	$1,946.00	$2.66	$1,478.96
21)	Surface Restoration	285 Syd	$15.00	$4,275.00	$12.00	$3,420.00	$12.50	$3,562.50	$10.00	$2,850.00	$14.00	$3,990.00	$7.50	$2,137.50
	TOTAL BID AMOUNT			$210,676.00		$219,000.00		$225,992.09		$238,682.32		$238,967.85		$263,500.00

ADDITIONAL BIDDERS

Ajax Paving Industries, Inc.	$323,304.65

H:\Municipal_Group Operations\Bid Tabs\Ypsi City\[bidtab 0094-15-0060.xls]Sheet1

CORRECTIONS

* Bidder's amount exceeds max.

ARCHITECTS. ENGINEERS. PLANNERS.

OHM Advancing Communities™

August 30, 2016

City of Ypsilanti
One Huron Street
Ypsilanti MI 48197

Attention: Stan Kirton
Director of Public Services
City of Ypsilanti

Regarding: Bid Results
2016 Road Program

Dear Mr. Kirton:

Sealed bids for the 2016 Road Program were received and publicly read aloud at 2:00 pm on Friday, August 26, 2016 in the City of Ypsilanti Council Chambers. Proposals were received from seven (7) bidders with as-checked results ranging from $210,676.00 to 323,304.65. The detailed bid tabulation is attached.

Best Asphalt, Inc. 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 Best Asphalt, Inc. and have found it to be acceptable. We have also reviewed the qualifications submitted by Best Asphalt, Inc. 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 Best Asphalt, Inc. 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

_____
Marcus J. McNamara

CC: Frances McMullan, City Manager

P:\0000_0100\0094150060_2016_Road_Program_Construction\100 Administration\100.03 Award Letter\Bid_Results_Roads.docx\

Attachment: Bid Tab

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

REQUEST FOR LEGISLATION
September 6, 2016

From: Stan Kirton, Public Services Director

Subject: Contract with Orchard, Hiltz & McCliment, Inc. for the Construction Engineering Services for the 2016 Urgent Road Repairs

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SUMMARY & BACKGROUND:

Upon Council approval of the construction services contract for the 2016 Urgent Road Repairs, the construction phase will need engineering services.

OHM has submitted a proposal for construction engineering services at a not to exceed cost of $19,800. The cost for these services is based on hourly costs for the construction services contract amount as well as any additional construction up to the allocated amount of $290,000. Construction engineering costs will be expended from account #202-7-9059-975-05.

Attachments: OHM Proposal for Construction Engineering Services

Recommended Action: Approval

Date Received: _____August 30, 2016_____ Agenda Item No.: _____

City Manager Comments: _____

For Agenda of _September 6, 2016___ Finance Director Approval _____

Council Action Taken: _____

Resolution No. 2016 - 202
September 6, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council allocated funds for Urgent Road Repairs to three (3) sections of major streets within the city; and

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

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

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 $19,800.00; and

THAT, the construction engineering costs be expended from account #202-7-975-9059-975-05; 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 30, 2016

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

Attention: Mr. Stan Kirton
Department of Public Services Director

Regarding: **2016 Road Program**
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 2016 Road Repairs Project in the City of Ypsilanti.

PROJECT UNDERSTANDING

We understand that this will be a road repair project on various streets throughout the City. We further understand that the City has budgeted a maximum of $290,000 for the construction contract. The bids for the three priority streets were very competitive and we understand the City may extend the contract to complete additional repairs. The scope and fee provided in this proposal assume that additional repair locations are added to the base contract.

SCOPE OF CONSTRUCTION SERVICES

Construction Layout

Survey layout services for the paving activities are not included for this project. Layout will consist of marking the repair areas with paint.

Construction Observation

OHM will provide part time on-site construction observation services for all paving activities and restoration. 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.

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.).

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

Contract Administration
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 -	**$19,800**
Geotechnical Testing-	**$0**
TOTAL	**$19,800 (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 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,

ORCHARD, HILTZ & McCLIMENT, INC.

[redacted]

ACCEPTED

By: _____
Printed Name

_____
Signature

_____
Title

_____
Date

REQUEST FOR LEGISLATION
September 6, 2016

From: Bonnie Wessler, City Planner

Subject: Additional Research on Proposed Truck Routes

Staff has recently been directed to prepare an ordinance that limits truck traffic to certain streets within the City. After the first reading, staff has been further directed staff to perform more research on aspects of the ordinance that were not evident upon the first draft, specifically ramifications with MDOT, with neighbors, with enforcement, and for traffic safety. Additional public comment has also been received and is appended.

MDOT Ramifications
Staff has researched many aspects of potential MDOT involvement. Limiting trucks to certain streets in conformance with State enabling legislation does not appear to have any impact upon funding, nor any impact upon the State freight plan or "all-seasons" road network.

Impact upon future ability to reduce capacity on Washtenaw, Hamilton, and Huron or to revert those streets to a two-way system depends on the volume of traffic diverted to those trunklines. The 2025 volume as projected in 2011 shows those roads as being 13,000-17,000 vehicles per day; trucks being diverted to these roads would certainly increase that volume, but to what extent is debatable. It is of note that most criteria for lane reductions state that when traffic volume surpasses 15,000 vehicles per day, additional design sensitivity is needed. In short, it becomes trickier. However, to what extent this could make local execution trickier cannot be known without modeling.

Neighboring Jurisdictions
Neither Superior Township nor Ypsilanti Township have established truck routes. The roads to which trucks would be directed appear to be all-seasons roads (without seasonal weight restrictions), capable of bearing truck traffic, with the exception of LeForge north of Geddes.

Enforcement
YPD has indicated that they have neither the equipment nor the training to measure weight of vehicles, thus the construction of the ordinance around number of axles is preferred and acceptable. Enforcement of this ordinance will be a secondary item to the normal work load and will be addressed as time and manpower permit.

Traffic Safety
Staff notes that the intersection of Huron River Drive and LeForge is one of intense pedestrian and nonmotorized activity due to its location at the confluence of student housing, bus stops, EMU, and the Border-to-Border trail. Its location is further complicated by the rail intersection to

the north of the road intersection. It is very likely that an increase in truck traffic at this location, as well as the relatively tricky and similarly multimodal Huron/Forest/Lowell jog, would result in an increase in traffic crashes at these locations.

Hewitt, too, may face challenges as EMU uses it heavily for events, albeit generally outside of "business hours." The intersection of Hewitt and Huron River Drive also intersects with the Border-to-Border Trail.

Air Quality/Route Length
It appears that relocating truck traffic from North Prospect westward would increase vehicle miles traveled in both the City and in neighboring jurisdictions, as well as idling time at higher-volume intersections; this could have a negative impact on local air quality over time.

The omission of Maus between Prospect and Grove and Harriet between Huron and Hamilton could also create longer, more complex routes for trucks attempting to access I-94 from the south-east, although these volumes are assumed to be minimal.

The omission of Superior has the potential to push truck traffic from the south and west to LeForge, although these volumes are assumed to be minimal.

Public Comment
Written comments have been received and are attached.

Attachments:
- Public Comment

CITY MANAGER APPROVAL: COUNCIL AGENDA DATE: 9/6/2016

CITY MANAGER COMMENTS:

FINANCE DIRECTOR APPROVAL:

Resolution No. 2016-204
September 06, 2016

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 Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
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 300 of 1949 (MCL 257.1 ET SEQ)

1. THE CITY OF YPSILANTI HEREBY ORDAINS That the Ypsilanti City Code is hereby amended by adding Article VI to Chapter 102, entitled "Commercial Truck Routes and Traffic," and by adding sections, to be numbered 102-250 through 102-290, which sections read as follows:

Article VI – Commercial Truck Routs and Traffic

Section 102-250. Definitions.

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

Axle means the common axis of rotation of one or more wheels whether power driven or freely rotating, and whether in one or more segments and regardless of the number of wheels carried thereon.

Commercial truck means a vehicle, including a truck, truck tractor, semi, or trailer that meets one or more the following:

(1) Has a gross combination weight rating of 10,000 pounds or more;
(2) Has gross combination weight of 10,000 pounds or more; or
(3) Has a gross combination axle count of three or more.

Commercial truck does not include governmentally owned or leased vehicles, public utility vehicles, or a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

Gross combination axle count means the combined number of axles of the power unit and any towed unit or units.

Gross combination weight means the combined weight of the power unit and any towed unit or units without load plus the weight of any load thereon.

Gross combination weight rating means the sum of the gross vehicle weight ratings of the power unit and any towed unit or units.

Gross vehicle weight rating means the maximum operating weight of a vehicle, as specified by the manufacturer, including the vehicles chassis, body, engine, engine fluids, accessories, driver, passengers, and cargo.

Person means an individual, partnership, copartnership, firm, company, corporation, limited liability company, association, joint stock company, trust, estate, or any other legal entity, its legal representatives, agents or assigns.

Road means any street, highway or route within the City of Ypsilanti that is designed or ordinarily used for vehicular travel.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Section 102-251. Truck routes.

The following roads, or portions of roads, in the City of Ypsilanti, to the exclusion of all other roads, are hereby designated as truck routes, and are classified for traffic of commercial trucks (see Truck Route Map):

Cross Street: from Huron Street to Washtenaw Avenue

Ecorse Road: entire length

Forest Avenue: from Lowell to Hamilton

Grove Street: from Spring/Factory Street to southern city limit

Hamilton Street: entire length

Harriet Street and Spring/Factory Street: from Hamilton Street to Grove Street

Hewitt Road: entire length

Huron River Drive: entire length

Huron Street: entire length

Interstate 94 (I-94): entire length

Leforge Road: entire length

Lowell Street: entire length

Michigan Avenue: entire length

Prospect Road: from Michigan Avenue to Grove Street

Washtenaw Avenue: from west city limit to Hamilton Street

Section 102-252. Regulation of commercial truck traffic.

(a) Travel into or out of city. Commercial trucks shall enter and exit the city on truck routes only.

(b) Travel within the city, exceptions. No person shall operate a commercial truck on any road within the boundaries of the City of Ypsilanti that is not designated as a truck route except as follows:

(1) According to the exceptions provided in sections 102-253 and 102-254 of this article.

(2) The operation of authorized emergency vehicles may occur on any road within the city.

(3) The operation of recreational vehicles, as defined by state law, may use any road within the city.

(4) Road repair, construction, or maintenance vehicles while involved in the repair, construction, or maintenance of roads and utilities, both public and private, pursuant to section 102-253.

(5) Garbage and rubbish service vehicles while involved in the provision of services to residents and businesses within the city, pursuant to section 102-253.

(6) The operation of any commercial vehicle while on any officially recognized and established detour to a designated truck route.

Section 102-253. Pickups, deliveries, and service calls.

Persons operating a commercial truck shall not operate the commercial truck on roads other than a designated truck route except when being used to make pick-ups, deliveries, or service calls within the city. Said persons shall operate the commercial truck in such a manner as to leave the designated truck route and proceed to its destination or destinations in the city by the most direct route. Upon completion of the pick-up, delivery, or service call, the person operating the commercial truck shall return to the nearest designated truck route or leave the city by the most direct route. Persons operating a commercial truck for such purposes shall restrict such travel to a minimum. This section shall not be interpreted as permitting a commercial vehicle otherwise restricted to a truck route from entering or leaving the city by other than a truck route.

Section 102-254. Leaving or returning to home or place of business.

Nothing in this article shall prevent a commercial truck from leaving or returning to its customary storage location or the owner or operator's personal residence, or a commercial or industrial location in the city, provided the most direct route to and

from a designated truck route is utilized and the persons operating a commercial truck for such purposes restricts such travel to a minimum. This section shall not be interpreted as permitting a commercial vehicle otherwise restricted to a truck route from entering or leaving the city by other than a truck route.

Section 102-255. Special or emergency permits.

The city manager shall have the authority to grant a written permit in special or emergency situations to temporarily allow exceptions for the operation of commercial trucks that would otherwise be in violation of this article. However, without the approval of City Council, such a permit may not be given for more than one round trip and shall not be valid for a period of more than 10 days from the date of issue. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. Fees for such a permit shall be set by resolution of the city council.

Section 102-256. Signs.

The truck routes designated by this article shall be posted with appropriate signs along said route as required by law. Roads not designated as a truck route by this article may be posted with appropriate signs according to law.

Section 102-257. Municipal civil infraction.

A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.

Sections 102-258—122-290. – Reserved.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

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

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any

right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

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

_____
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _1271_____was published according to Section 11.13 of the City Charter on the _____ day of _____, 2016.

_____
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2016.

_____
Frances McMullan, City Clerk

Notice Published: _July 26, 2016_____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____

Bonnie Wessler

From: Beth Ernat
Sent: Tuesday, August 23, 2016 8:04 AM
To: Bonnie Wessler
Subject: FW: Proposed Truck Routes

Beth Ernat
Director of Economic Development
City of Ypsilanti
734-482-9774 direct
734-945-9270 cell
bernat@cityofypsilanti.com
www.cityofypsilanti.com

From: [redacted]
Sent: Thursday, August 04, 2016 2:43 PM
To: Amanda Edmonds; Pete Murdock; Brian Robb; Anne Brown; Dan Vogt; Lois Richardson; Nicole Brown
Cc: Beth Bashert; Beth Ernat; Frances McMullan
Subject: Proposed Truck Routes

Hello Mayor and Council,

With regards to the proposal for establishing local truck routes which you'll be considering this evening I'd like to pass along a couple notes for consideration. While I am not fully against this legislation I do have concerns that I would appreciate being worked into the discussion.

The first is the effect of removing Prospect as an available route on surrounding streets. As a former resident of Prospect near Forest I fully agree that the volume of truck traffic is a nuisance. However as a current resident at Cross and Adams I am fully aware that there is also enough truck traffic in this neighborhood that if all the traffic from Prospect were to divert to Huron and Hamilton we would have much bigger problems. While these two streets are major thoroughfares in our town they are also primarily residential both North and South of downtown. As it stands these streets are already very unfriendly for pedestrians, bikes and wheelchairs. Further the city is already struggling to maintain them - as I write this both Hamilton and Huron are in such bad shape that every truck makes enough noise to rattle my windows a block away. Adding any significant truck traffic would amplify these issues greatly.

I understand that data around how many trucks use Prospect and how much of that traffic would end up on Huron and Hamilton is hard to come by. However looking at a map diverting to Huron and Hamilton is not an unreasonable choice for a driver to make. These two streets are much closer than Ridge Rd or 275. While there

are more lights on Huron and Hamilton I expect total drive time going this route would be similar to going to Ridge or 275.

To get over this concern I would need confidence that the amount of traffic shifted to Huron and Hamilton would not be significant.

My second concern is how this will affect our Master Plan, in particular our long term goal of making Hamilton, Huron, Cross, and Washtenaw into two-way streets. Designating these as trucking routes is a move away from walkability and goes against the idea of complete streets. My concern is that this will reflect badly when we start to work with MDoT on getting approval to reengineer those streets.

To get over this concern I would need confidence that a move like this would not reflect badly on proposals we take to MDoT and other partners around making these streets two-way. Alternatively knowing that redrawing this truck route map or rescinding it would be an acceptable way to mitigate concerns about such a proposal would also be acceptable.

While the project of converting those streets to two-way is a HUGE one and is still many years down the road it absolutely must remain a priority in our current decision making. I am fully convinced that the long term success of our city is closely tied to the success of making those streets two-way.

As I mentioned I won't be at the council meeting tonight but I am more than happy to talk further, either in person or by phone or email. Thank you!

-Adam Gainsley
[redacted]
409 N Adams

Ypsilanti City Council
1 N. Huron St.
Ypsilanti, MI 48197

Dear members of Council,

As I am unable to attend tonight's public hearing on the proposed resolution to create designated truck routes in Ypsilanti, I am writing to express my thoughts and concerns regarding the proposal.

Having lived on Prospect Road for several years, I recognize the issues arising from truck traffic on that road and appreciate the effort to reduce traffic noise and volume in our city, particularly in residential areas. At the time that I lived there, Prospect Road was also in a state of extreme disrepair, and I am sure that truck traffic contributed to the speed and extent of its degradation.

That said, I have several concerns about the proposed creation of "designated truck routes" through the city.

Safer streets downtown

The proposed truck routes cut through the key downtown areas of our city. Making our streets safe and walkable should be one of the city's highest priorities, as it both protects physical health and contributes to economic vitality. Unfortunately many sections of our key streets (Michigan, Huron, Hamilton, Cross, and Washtenaw) are unfriendly to both pedestrians and cars. The car accident rates are high and the streets are difficult to cross safely in most locations due to high traffic speeds and volumes. In addition, I am sure you are aware of multiple cases of cars crashing into buildings and onto sidewalks in our downtown due to high speeds and carelessness.

These conditions exist because these roads are designed to be high-speed throughways. That decision was not the city's, but I am concerned that by encouraging trucks to use these streets to drive *through* our city, rather than using the roads to reach a final destination, would increase traffic volumes and may increase average speeds on our already-problematic roads. This proposal sends the wrong message about our desire to make our streets safer by reinforcing the idea that the purpose of our downtown streets is for vehicles to quickly cut through the city.

Precedent for future improvements

Of course, I do understand that these streets are not directly controlled by the city and are instead controlled by the state through the Michigan Department of Transportation (MDOT), and that the city does not have the option of restricting truck traffic on these streets. However, the requirement of MDOT oversight on these streets leads to my second concern. Over the years the City has sought permission from MDOT to make improvements to our roads to make streets safer and more attractive, for example adding the boulevard to Michigan Avenue or adding crosswalks and accessible ramps along Cross Street near campus. The city has also expressed the desire, both in the Master Plan and in other proposals, to make additional improvements to our roads. My concern is that if we were to apply to MDOT to make an improvement, that the designated truck route legislation might be used by MDOT to argue against the improvement.

As just one example, I would love to see an improvement to the intersection at Huron and Cross—the configuration is confusing and inconvenient for drivers and dangerous to pedestrians (I'm happy to follow up on my reasons for this belief.) Since that intersection is included as a proposed "designated truck route," I worry that it may place additional restrictions on us to ensure that the intersection is friendly to high volumes of truck traffic. I admit that I don't know whether this would be a consideration, but before passing this legislation I think the city should explore its potential future implications.

Adding to existing problems

Thirdly, I worry that the proposed routes may place undue stress on some of the city's most overcrowded and underdeveloped intersections. The Huron River Drive and Leforge area in particular already experiences heavy traffic and is in a state of disrepair. It is worth considering whether additional truck traffic would have an impact on traffic flows in this and other areas that are already problematic.

Alternative solutions

I wonder whether there are ways to address the problem of truck traffic on Prospect Road and other residential streets without leading to the potential unintended consequences outlined above. One solution could be to create and enforce weight limits or other truck restrictions on neighborhood streets. Added enforcement of

speed limits and crosswalks may also help to limit traffic, as they may deter trucks from cutting through the city as a way to save time.

I would like to see the following questions answered and considered before the proposal is accepted:

1. Would truck volumes have an impact on the safety and noise levels on the streets where the designated truck routes are proposed?
2. If the city were to appeal to MDOT to move forward with traffic calming, pedestrian safety, or redesigned intersections along our state-controlled roads, could the designation of those areas as "truck routes" hinder that effort?
3. Could the desired outcome of getting trucks off of Prospect and other residential roads be achieved with weight limits, traffic enforcement, or other prohibitions?

I appreciate your consideration of these concerns, as well as the considerable time and effort that was expended by my council representatives, Mr. Murdock and Mr. Robb, in creating this proposal to regulate truck traffic in the city. I hope that by offering my concerns we are able to reach a stronger and more equitable proposal that leads to improved safety on all of our city streets, both now and in the future.

Respectfully Submitted,

Gillian Ream Gainsley
409 N. Adams Street
Ypsilanti MI 48197

Aug. 7, 2016

RE: OPPOSITION TO DESIGNATION OF HEWITT AS A TRUCK ROUTE

Dear Ypsilanti City Council,

We are the Board of Directors and residents of Stadium Meadows Condominiums. We strongly oppose designating Hewitt St. as a truck route.

1. It is an important emergency route. Several times per day emergency vehicles travel this road.

2. Hewitt St. is our only entrance and our drive is hidden; there have been several rear end collisions with cars waiting for traffic to clear to turn into our drive. Truck traffic would create more hazardous conditions.

3. Large crowds visit EMU events at the stadiums, including sporting events, graduations, concerts and others. This requires officers from EMU directing traffic and controlling the lights at the corner of Hewitt and Washtenaw. There is often times complete gridlock on Hewitt. Truck traffic would create more gridlock and make it more difficult for emergency vehicles.

4. Many persons walking or biking the Border to Border Trail already have trouble crossing Hewitt. Truck traffic would make for more hazardous conditions for pedestrians and bikers.

5. In addition, we have a large increase of traffic during shift changes at St. Joseph Hospital.

We need less and slower traffic, not more. Adding trucks would interfere with the present uses of the street and needs of the area, and would add to an unsafe environment and add an unacceptable increase in noise.

We respectfully request you oppose the designation of Hewitt as a truck route.

Signature	Address
[redacted]	

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Aug. 7, 2016

RE: OPPOSITION TO DESIGNATION OF HEWITT AS A TRUCK ROUTE

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Signature | Address | Not #6

[redacted]

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HUGO J. MACK, B.G.S., J.D.
ATTORNEY AT LAW
P-30997

August 9, 2016

State of Michigan
City of Ypsilanti
Ypsilanti City Council

Dear Council Members:

As a resident, taxpayer and registered voter, I am writing this letter in opposition to Hewitt Road becoming a truck route.

I have lived here for over a decade and have always been concerned about the speed and volume of traffic that approaches our one ingress and egress off of Hewitt Road.

Many times I have seen near tragic/fatal rear end collisions due to our drive being hidden and right after a blind turn.

Economic conveniences cannot imperil human safety.

Please do not allow our community to be placed in more danger of collision than we are already in.

/S/ Hugo J. Mack
[redacted]

Hugo J. Mack, B.G.S., J.D.
2658 Stadium View Dr. #3
Ypsilanti, Michigan 48197-1579
1-734-434-0622 Home
1-734-239-3118 Cellular
hugomack@hotmail.com

Andrew Hellenga

From:	Frances McMullan
Sent:	Monday, September 05, 2016 3:02 PM
To:	Andrew Hellenga
Subject:	Fwd: Please reject the proposed rerouting of trucks to go through our child-filled, student-filled neighborhood

Please place in meeting duke and copy for Council. Thank you.

Sent from my iPhone

Begin forwarded message:

From: Elizabeth Gratch <[redacted]
Date: September 5, 2016 at 11:13:16 AM EDT
To: <mayor@cityofypsilanti.com>, <loiserich@hotmail.com>, <abrown@cityofypsilanti.com>, <dvogt@cityofypsilanti.com>, <pmurdock@cityofypsilanti.com>, <brobb@cityofypsilanti.com>, <fmcmullan@cityofypsilanti.com>
Cc: Murph Murphy <[redacted]
Subject: Please reject the proposed rerouting of trucks to go through our child-filled, student-filled neighborhood

Dear City Council Members and others,

Richard Murphy alerted us to the startlingly flawed proposed ordinance to reroute truck traffic along Hamilton and Huron. We have collectively worked so hard to make our neighborhood, which includes Hamilton Street, a livable place where children and families can walk fairly safely and EMU students can get safely to school and back, not to mention all of us having some chance to enjoy a pleasant quality of life (although the frequent fireworks set off around Ypsilanti at all times of the day and night, far from the Fourth of July holiday, is a continuing nuisance). We also want to consider the seniors living at Cross Street Village and others and their enjoyment and safety one block away from Hamilton. This is a livable neighborhood, from steady efforts by many of us to make it that way, and it would bring enormous harm to us to make Hamilton and Huron a truck route.

Thank you for hearing our urgent comments about a matter that could change our neighborhood and would undoubtedly cause some families to move away. Please reject this very unworkable and ill-conceived plan.

Sincerely,

Elizabeth Gratch and Matthew Waldsmith
208 Olive Street
Ypsilanti, MI

Andrew Hellenga

From: Frances McMullan
Sent: Tuesday, September 06, 2016 12:44 PM
To: Andrew Hellenga
Subject: FW: Truck Route Ordinance

Please include electronically and make copies for council.

Frances M. McMullan

Frances M. McMullan, Interim City Manager
City of Ypsilanti
1 S. Huron Street
Ypsilanti, MI 8197
(734) 483-1810 (office)
(734) 483-7260 (fax)

"The time is always right to do what is right." Dr. Martin Luther King, Jr.

From: Adam Gainsley [redacted]
Sent: Tuesday, September 06, 2016 12:33 PM
To: Amanda Edmonds; Lois Richardson; Anne Brown; Daniel Vogt; Pete Murdock; Brian Robb; Frances McMullan; Nicole Brown
Subject: Truck Route Ordinance

Hello Council,

I am writing in regard to the ordinance you'll be considering tonight to effectively remove Prospect as a route option for trucks. I am respectfully requesting your vote against this ordinance for several reasons.

I lived on Prospect at Gordon for three years. Now I've lived at the corner of Cross and Adams for two years. Problems related to traffic in general and specifically large vehicles is a much larger issue at the main intersections along Cross (Huron, Adams, Hamilton) than it is along Prospect. If any part of our city needs to be updated to relieve these issues it's these core neighborhoods.

Further I've requested evidence that removing Prospect as a route would not result in increased traffic on Huron and Hamilton. So far I've received none whatsoever other than being told to go look at a map. I did look at a map and it turns out using Huron and Hamilton as an alternative to Prospect is the fastest alternative during most parts of the day, even compared to 275 or Ridge.

Also, no effort has been made to ensure that this move wouldn't hinder any future efforts to make the streets that are designated as truck routes more pedestrian friendly. There's a serious need for long term work to make our

central neighborhoods safer for all traffic including bicycless, pedestrians, and wheelchairs. Designating some of the main roads in these neighborhoods as truck routes sure seems like a backwards step in that effort.

While I understand that there is frustration around truck traffic along Prospect this is not an acceptable way to resolve that. Please don't 'fix' this problem by exacerbating issues in the rest of our city.

Thank you,
Adam Gainsley
[redacted]
409 N Adams
Ypsilanti MI 48197

Andrew Hellenga

From: Frances McMullan
Sent: Tuesday, September 06, 2016 1:17 PM
To: Andrew Hellenga
Subject: FW: Proposed Truck Route

For tonight.

Please place a copy of each letter in the meeting folder also.

Frances

Frances M. McMullan

Frances M. McMullan, Interim City Manager
City of Ypsilanti
1 S. Huron Street
Ypsilanti, MI 8197
(734) 483-1810 (office)
(734) 483-7260 (fax)

"The time is always right to do what is right." Dr. Martin Luther King, Jr.

From: Jean McKee [redacted]
Sent: Tuesday, September 06, 2016 1:03 PM
To: Amanda Edmonds; loiserich@hotmail.com; Anne Brown; Daniel Vogt; Pete Murdock; Brian Robb; Frances McMullan
Subject: Proposed Truck Route

Hello all,

I'm writing because I cannot attend the City Council meeting tonight but wanted to voice my concerns about the proposed truck route. I currently live on N Huron St, an area that will be impacted by the proposed route. As I understand the proposal, the new route would move truck traffic off of Prospect Rd and increase the already heavy truck volume that speeds past our house. Huron St is not in good condition - adding even more heavy trucks going down this road is not going to help that. The condition of the road makes the already noisy trucks that much louder as they barrel down the street. Our section of Huron St is 25 mph, and not only is this not well posted, it is not followed by hardly any driver. It is unsafe for my toddler to meander in her own front yard or down the street. Additionally, it is loud and unpleasant to have the constant noise of the truck engines, brakes, and the axles banging over all the potholes.

I understand that no one is really interested in having semi trucks driving at all times through their neighborhood. However, I'm disappointed that the City is considering a proposal that will alleviate some of the residents' concerns, only to dump extra concerns on other residents.

There has to be a better solution. Repaving the road in conjunction with MDOT? Posting more visible speed limit signs (and something to alert drivers that the speed is decreasing ahead of them)? Considering a move to change the traffic pattern to a two-way street?

Thank you,
Jean McKee

--
"Let us step out into the night and pursue that flighty temptress, adventure." ~Albus Dumbledore

REQUEST FOR LEGISLATION
September 6, 2016

To: Mayor and Council

From: Beth Ernat, Director of Community and Economic Development

Subject: Right of First Refusal – 50 Kramer

SUMMARY & BACKGROUND: Annually the County Treasurer forecloses on properties that are three years delinquent in taxes. When the County Treasurer forecloses and chooses to list properties for foreclosure auction sale, the local unit of government can request to use the right of first refusal to obtain property within the jurisdiction. If the local unit of government requests this action the Treasurer must determine if the local unit will utilize the property for a public purpose. If it is determined that the property will be used for a public purpose the local unit of government must pay the lowest bid, which is the last year's taxes for the property.

Although several parcels were of interest to City staff in this year's tax foreclosure list, one property in particular was concerning. The property located at 50 Kramer has been identified as classed as a vacant residential parcel. This parcel is located in a known contaminated area adjacent to the former City Landfill, bound by I-94 and Kramer. The property is an 8700 sf vacant lot. In discussion with the County Treasurer and her staff, this property would be eligible for the City to acquire under the right of first refusal for $4638.00

The attached map shows this as a property sandwiched between three City owned parcels. Staff is currently working with an interested party to purchase the entire City owned section of the land that was formerly the City landfill. The interested party is aware of the environmental contamination and would be seeking to develop the property in the future for non-residential usage. The interested party has not made a formal request and does not at this time wish to be identified. At this time a sale of land is not guaranteed, however, the risk of another party purchasing the property at auction and being unable to develop the property is quite high and not in the best interest of the City.

Additional information regarding the environmental concerns and City actions to notify property owners and rezone the property to not include residential development is being presented at the Sept. 6, 2016 meeting as the Bell/Kramer zoning update. This is a very unique situation and staff recommends the use of right of first refusal to protect the property allowing the City to have contiguous ownership.

RECOMMENDED ACTION: Staff recommends the purchase of 50 Kramer by Right of First Refusal from Washtenaw County Treasurer. This recommendation is not made lightly due to City financial constrains but it is both good practice and in the City's best interest to remove this property from tax auction.

ATTACHMENTS: Map

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 204
September 6, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, 50 Kramer Street was foreclosed on by the Washtenaw County Treasurer for nonpayment of property taxes; and

WHEREAS, The City of Ypsilanti has the Right of First Refusal for properties being sold at tax auction by the Country Treasurer; and

WHEREAS, it is in the best interest of the public for the City to acquire a parcel between three City owned properties with known environmental contaminants for the price of $4,638; and

WHEREAS, the City intends to the sell City owned property located at the former landfill site, bound by I-94 and Kramer for non-residential future use.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the use of It's Right of First Refusal to acquire the property located at 50 Kramer Street and authorizes the Interim City Manager to pay $4638 to the Washtenaw County Treasurer.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Bell-Kramer/Landfill Area

Legend

In tax fcl

City-owned in BK

WGIS.Contour_2ft

ELEVINDEX

Index Contour

Intermediate Contour

Feet

0 30 60 120

Data from Washtenaw County GIS and Ypsilanti Planning and Development
October 2015

REQUEST FOR LEGISLATION
August 23, 2016

To: Mayor and Council

From: Joe Meyers, Community Development Manager

Subject: Property Disposition Policy

SUMMARY & BACKGROUND: Per the property disposition adopted in January 2016, the city council delegated the authority to the City Manager to enter into purchase agreements selling city owned lots. Under this policy, properties can be sold for $1.00 plus closing costs to adjoining property owners that (1) own and have Homestead status on an adjoining parcel; (2) are current and have a record of staying current on all property taxes; and (3) have no outstanding tickets or property violations within the City of Ypsilanti.

The Cooperative Orchard of Ypsilanti requested to purchase 465 Jefferson St which is adjacent to their property at 473 Jefferson St. While this group has a record of staying current on all property taxes and no outstanding tickets or property violations, but they cannot obtain homestead status because they do not have a structure on the property and are an orchard. The property has also been deemed as a sidelot because it would be quite challenging to build a any structure per our zoning code.

RECOMMENDED ACTION: Staff recommends the city council approve the sale of 465 Jefferson to the Cooperative Orchard of Ypsilanti for the sidelot price of $1.00 plus closing costs.

ATTACHMENTS:

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 205
September 6, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti owns residential and commercial property as a result of tax foreclosure and seeks to sell the properties and return properties to active tax rolls; and

WHEREAS, A Property Disposition Policy has been created to achieve the goals of selling city-owned property in a fair and clear manner; and

WHEREAS, The Property Disposition Policy states that preference for sale shall be given to adjoining property owners that (1) own and have Homestead status on an adjoining parcel; (2) are current and have a record of staying current on all property taxes; and (3) have no outstanding tickets or property violations within the City of Ypsilanti; and

WHEREAS, the Cooperative Orchard of Ypsilanti is current and has a record of staying current on all property taxes, has no outstanding tickets or property violations, but they cannot obtain homestead status because they do not have a structure on the property and are operating a community orchard.

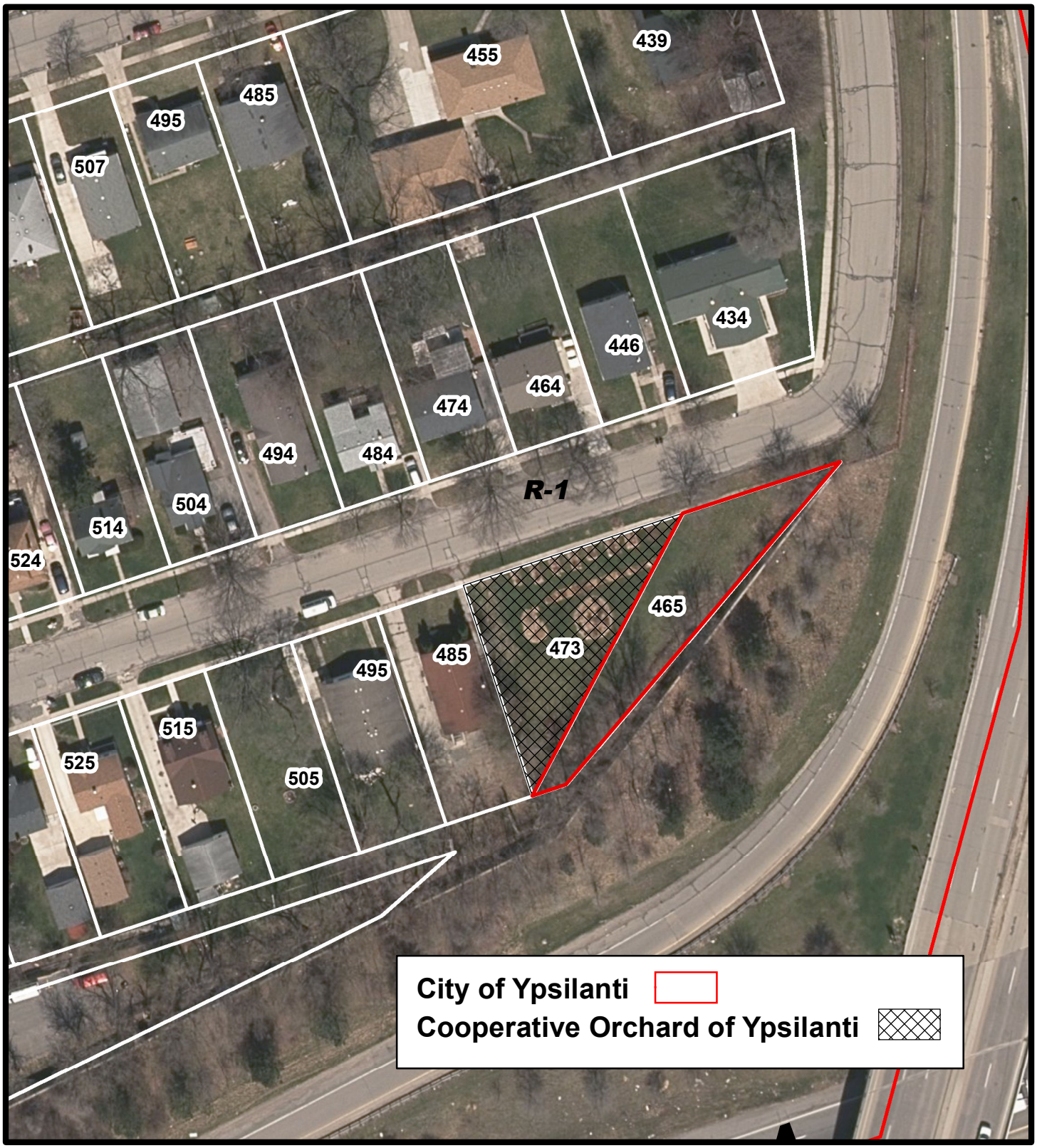
NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council accepts and approves the sale of property as a sidelot to the Cooperative Orchard of Ypsilanti for $1.00 plus closing costs ($500).

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Cooperative Orchard of Ypsilanti Request



N 0 55 110 220 Feet

Data from Washtenaw County GIS and Ypsilanti Planning and Development
For illustrative purposes only
August 30, 2016

Print

Citizen Advisory Boards and Commissions Participation Resume - Submission #157

Date Submitted: 7/26/2016

The people of Ypsilanti are involved in their City government and are an important part of the community's achievements. Individuals interested in receiving more information in regards to serving on an advisory board or commission are invited to contact the City Clerk's Office at 734-483-1100. Alternatively, citizens who would like to participate can submit their information in the form below.

Name*

Heather Khan

Email Address*

[redacted]

Address

711 Cambridge Street

City

Ypsilanti

State

MI

Zip Code

48197

Phone Number*

[redacted]

Fax Number

Number of Years in the Community

Living in the community: 1, Working in the community: 5

Ward You Live In

2

Education

Ph. D. in Urban and Regional Planning (Florida State University, 2008), Master of Urban Planning (Wayne State University, 2004)

Occupation

Associate Professor of Urban Planning

Employer

Eastern Michigan University

I would like to be considered and could devote sufficient time to serve on the following board or commission:

- ☐ Board of Review
- ☐ Board of Ethics
- ☐ Civil Service Commission
- ☐ YCUA
- ☐ Ypsilanti Downtown Development Authority
- ☐ Economic Development Corporation/Brownfield Redevelopment Authority
- ☐ Historic District Commission
- ☐ Housing Commission
- ☐ Human Relations Commission
- ☐ Planning Commission
- ☐ Property Maintenance Construction Board of Appeals
- ☐ Parks and Recreation Commission
- ☐ Ann Arbor Transit Authority
- ☐ Police and Fire Pension Board

Why are you interested in serving on these boards/commissions?*

I would like to be considered and could devote sufficient time to serve on the Zoning Board of Appeals (ZBA). After working in the community for 5 years, last year I chose to make Ypsilanti my permanent home. As an urban planning educator, I am excited by the progress I have witnessed since beginning my work at EMU in 2011. Now, as a city resident, I feel even further invested in the community and would relish the opportunity to be more involved.

Work/volunteer experience related to the board or commission:

Please see above.

I understand that appointment to a City of Ypsilanti board or commission requires regular attendance at board meetings.

☑ Yes

I hereby certify that all of the information above is true.

☑ Yes

Resolution No. 2016 - 206
September 06, 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: