Revised (1-9-17)

CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, JANUARY 10, 2017
7:00 p.m.

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Bashert	P A	Council Member Robb	P A
Mayor Pro-Tem Brown	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Edmonds	P A
Council Member Richardson	P A		

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

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

V. AGENDA APPROVAL –

VI. PRESENTATIONS –

— Audit Presentation - Alan Panter, CPA Principal, Abraham & Gaffney, PC.

VII. INTRODUCTIONS –

VIII. AUDIENCE PARTICIPATION –

IX. REMARKS BY THE MAYOR –

X. ORDINANCE – FIRST READING –

Ordinance No. 1279

1. An Ordinance amending Article III Discrimination of Chapter 58 Human Relations, being Section 58-91 through Section 58-99 of the Ypsilanti City Code.

   A. Resolution No. 2017-002, determination
   B. Open public hearing
   C. Resolution No. 2017-003, close public hearing

Ordinance No. 1280

2. An Ordinance amending Ypsilanti City Code by adding a new Division 5 Sustainability Commission, to Chapter 2 Administration, Article IV Boards and Commissions.

   A. Resolution No. 2017-004, determination
   B. Open public hearing
   C. Resolution No. 2017-005, close public hearing

XI. CONSENT AGENDA – Resolution No.2017 - 006

1. Resolution No. 2017 - 007, approving the minutes of December 6, 2016.
2. Resolution No. 2017 - 008, approving nominations to Boards and Commissions
3. Resolution No. 2017 - 009, approving Contract with Orchard, Hiltz & McCliment, Inc. for Construction Engineering Services for the Signal Upgrade Project at Michigan Avenue and Prospect Road Intersection.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2017 -010, approving the change order of the Marsh Plating contract, increasing the amount by $25,730 to a total of $196,730.
2. Resolution No. 2017 -011, approving a Medical Marijuana Dispensary and Grow Facility License Denial and Revocation appeal fee.
3. Resolution No. 2017 -012, approving the City Manager Contract with Darwin McClary.

XIII. LIASON REPORTS –

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

XIII. COUNCIL PROPOSED BUSINESS –

XIV. COMMUNICATIONS FROM THE MAYOR –

XV. COMMUNICATIONS FROM THE CITY MANAGER –

XVI. COMMUNICATIONS –

Council Liaison Appointments

XVII. AUDIENCE PARTICIPATION –

XVIII. REMARKS FROM THE MAYOR –

XIX. ADJOURNMENT -

Resolution No. 2017 - 013, adjourning the City Council meeting.

Principals

Dale J. Abraham, CPA
Steven R. Kirinovic, CPA
Aaron M. Stevens, CPA
Eric J. Glashouwer, CPA
Alan D. Panter, CPA
William I. Tucker IV, CPA

ABRAHAM & GAFFNEY, P.C.
Certified Public Accountants

2601 Cambridge Court
Suite 201
Auburn Hills, MI 48326
(248) 844-2550
FAX: (248) 844-2551

To the Honorable Mayor and
Members of the City Council
City of Ypsilanti, Michigan

We have audited the financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Ypsilanti, Michigan (the City), for the year ended June 30, 2016. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards,* and the Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated October 3, 2016. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by City of Ypsilanti are described in Note 1 to the financial statements. The City adopted Governmental Accounting Standards Board (GASB) Statement No. 72, *Fair Value Measurement and Application* during the year ended June 30, 2016. Accordingly, the cumulative effects of the accounting changes are reported in the applicable financial statements. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the governmental activities financial statements were:

Management's calculation of depreciation expense for the current period is based on an estimate of the useful lives of the capital assets.

Management's calculation of the pension asset and changes therein was based on actuarial assumptions and the use of a specialist (actuary).

Management's estimate of the net other postemployment and pension benefit obligations (assets) are calculated based on actuarial studies which utilized certain actuarial assumptions.

The most sensitive estimates affecting the aggregate remaining fund information and the governmental activities financial statements were:

Management's calculation of the percentages for current and noncurrent compensated absence payments is based on an estimate of the percentage of employees' use of compensated absences.

Management's estimate of the insurance claims incurred but not reported is based on information provided by the City's third-party administrators and subsequent claims activity.

Investments are carried at fair value, which is defined as the amount that the City could reasonably expect to receive for an investment in a current sale between a willing buyer and a willing seller and is generally measured by quoted market prices.

The most sensitive estimates affecting the 2006 General Obligation Fund and the governmental activities financial statements were:

Management's estimate of the book value of investments is based on the lower of cost or market, defined in this case by the aggregate asking price of the individual parcels.

Management's estimate of the liability for environmental remediation of the Water Street Redevelopment area is based on a Brownfield Redevelopment Plan prepared by the Washtenaw County Brownfield Redevelopment Authority. This estimated cost is netted against the total asking price (market value) of the property held for resale.

We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

The following summarizes uncorrected misstatements of the Governmental Activities financial statements. Management has determined that their effects are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

- Governmental Activities - Two (2) potential misstatements noted for a total overstated net position of $47,581.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated December 19, 2016.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the management discussion and analysis, pension benefits, and other post-employment benefits, which are required supplementary information (RSI) that supplement the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on it.

We were engaged to report on other supplementary information, which accompanies the financial statements but is not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the introductory and statistical sections, which accompany the financial statements but are not RSI. We did not audit or perform other procedures on this other information and we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the use of management and members of the City Council of the City of Ypsilanti, Michigan, and is not intended to be, and should not be, used by anyone other than these specified parties.

[redacted]

ABRAHAM & GAFFNEY, P.C.
Certified Public Accountants

December 19, 2016

Principals

Dale J. Abraham, CPA
Steven R. Kirinovic, CPA
Aaron M. Stevens, CPA
Eric J. Glashouwer, CPA
Alan D. Panter, CPA
William I. Tucker IV, CPA

ABRAHAM & GAFFNEY, P.C.
Certified Public Accountants

2601 Cambridge Court
Suite 201
Auburn Hills, MI 48326
(248) 844-2550
FAX: (248) 844-2551

To the Retirement Board of the
City of Ypsilanti, Michigan
Police and Fire Retirement System
Ypsilanti, Michigan

We have audited the financial statements of the City of Ypsilanti, Michigan, Police and Fire Retirement System (the System) for the years ended June 30, 2016 and 2015. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audits. We have communicated such information in our letter to you dated October 3, 2016. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the System are described in Note 2 to the financial statements. The System adopted Governmental Accounting Standards Board (GASB) Statement No. 72, *Fair Value Measurement and Application* during the year ended June 30, 2016. Accordingly, the cumulative effects of the accounting changes are reported in the applicable financial statements. We noted no transactions entered into by the System during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

Management's estimate of the pension benefit obligations (assets) are calculated based on actuarial studies which utilized certain actuarial assumptions.

Investments are carried at fair value, which is defined as the amount that the System could reasonably expect to receive for an investment in a current sale between a willing buyer and a willing seller and is generally measured by quoted market prices.

We evaluated the key factors and assumptions used to develop these accounting estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audits.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audits, other than those that are clearly trivial, and communicate them to the appropriate level of management. We identified no such misstatements during the performance of our auditing procedures.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audits.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated December 19, 2016.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the System's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the System's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the pension schedules, which are required supplementary information (RSI) that supplement the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the use of the Retirement Board and management of the City of Ypsilanti, Michigan, Police and Fire Retirement System and is not intended to be, and should not be, used by anyone other than these specified parties.

[redacted]

ABRAHAM & GAFFNEY, P.C.
Certified Public Accountants

December 19, 2016

Please Follow the Link Below to access the audit report ending June 30, 2016

http://cityofypsilanti.com/DocumentCenter/View/1320

City of Ypsilanti
Washtenaw County, Michigan

SUPPLEMENTARY INFORMATION
TO FINANCIAL STATEMENTS
(FEDERAL AWARDS)

June 30, 2016

CITY OF YPSILANTI, MICHIGAN

Table of Contents

	Page
Independent Auditor's Report on Compliance for each Major Federal Program and on Internal Control over Compliance Required by the Uniform Guidance	1-2
Schedule of Expenditures of Federal Awards	3
Notes to Schedule of Expenditures of Federal Awards	4
Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*	5-6
Schedule of Findings and Questioned Costs	7
Summary Schedule of Prior Federal Award Audit Findings	8

Principals

Dale J. Abraham, CPA
Steven R. Kirinovic, CPA
Aaron M. Stevens, CPA
Eric J. Glashouwer, CPA
Alan D. Panter, CPA
William I. Tucker IV, CPA

ABRAHAM & GAFFNEY, P.C.
Certified Public Accountants

2601 Cambridge Court
Suite 201
Auburn Hills, MI 48326
(248) 844-2550
FAX: (248) 844-2551

INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM
AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE

To the Honorable Mayor and
Members of the City Council
City of Ypsilanti, Michigan

Report on Compliance for Each Major Federal Program

We have audited the City of Ypsilanti, Michigan's compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the City of Ypsilanti, Michigan's major federal programs for the year ended June 30, 2016. The City of Ypsilanti, Michigan's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the City of Ypsilanti, Michigan's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City of Ypsilanti, Michigan's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the City of Ypsilanti, Michigan's compliance.

Opinion on Each Major Federal Program

In our opinion, the City of Ypsilanti, Michigan, complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2016.

Report on Internal Control over Compliance

Management of the City of Ypsilanti, Michigan, is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City of Ypsilanti, Michigan's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City of Ypsilanti, Michigan's internal control over compliance.

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Ypsilanti, Michigan, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City of Ypsilanti, Michigan's basic financial statements. We issued our report thereon dated December 19, 2016, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

[redacted]

ABRAHAM & GAFFNEY, P.C.
Certified Public Accountants

December 19, 2016

CITY OF YPSILANTI, MICHIGAN

Schedule of Expenditures of Federal Awards

For the Year Ended June 30, 2016

Federal Agency / Cluster / Program Title	CFDA Number	Passed Through	Grant/ Agreement/ Account Number	Federal Expenditures
U.S. Department of Housing and Urban Development				
Community Development Block Grants (CDBG):				
Value of Loans Outstanding - prior year expenditures converted to grant	14.228	MEDC	MSC 201017-EDIG	$ 2,750,350
Urban County CDBG:				
2015 ADA Ramps Program	14.218	WC	45265	44,748
Total U.S. Department of Housing and Urban Development				2,795,098
U.S. Department of Justice				
Bureau of Justice Assistance:				
2013 Bulletproof Vest Partnership Program	16.607	Direct	2013 Bulletproof	596
2014 Bulletproof Vest Partnership Program	16.607	Direct	2014 Bulletproof	5,361
2015 Bulletproof Vest Partnership Program	16.607	Direct	2015 Bulletproof	1,640
				7,597
Edward Bryne Memorial Justice Assistance Grant Program:				
LAWNET 2014-15	16.738	MSP	2013-MU-BX-0051	8,812
LAWNET 2015-16	16.738	MSP	2015-MU-BX-0964	13,184
FY 2015 JAG Project - Tech Equipment - Body Camera	16.738	Direct	2014-DJ-BX-0736	12,313
				34,309
Total U.S. Department of Justice				41,906
U.S. Environmental Protection Agency				
Capitalization Grants for Clean Water State Revolving Funds	66.458	MDEQ	7320-01	317,406
U.S. Election Assistance Commission				
Help America Vote Act - Requirements Payments Grant				
Boolee ADA Stations	90.401	Direct	n/a	1,750
U.S. Department of Health and Human Services				
Administration for Community Living				
Special Programs for Aging Title III, Part C	93.045	MDCH	CR 43924-2	2,900
Special Programs for Aging Title III, Part C	93.045	MDCH	CR 45005	5,625
Total U.S. Department of Health and Human Services				8,525
U.S. Department of Homeland Security				
Assistance to Firefighters Grant - Staffing for Adequate Fire and Emergency Response (SAFER)	97.044	Direct	EMW-2013-FH-00191	287,298
Total expenditures of federal awards				$ 3,451,983

The accompanying notes are an integral part of these financial statements.

CITY OF YPSILANTI, MICHIGAN

Notes to the Schedule of Expenditures of Federal Awards

1. BASIS OF PRESENTATION

The accompanying schedule of expenditures of federal awards (the "Schedule") includes the federal grant activity of the *City of Ypsilanti, Michigan* (the "City") under programs of the federal government for the year ended June 30, 2016. The information in this schedule is presented in accordance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Because the Schedule presents only a selected portion of the operations of the City, it is not intended to and does not present the financial position, changes in net position or cash flows of the City.

For purposes of charging indirect costs to federal awards, the City has not elected to use the 10% deminimis cost rate as permitted by §200.414 of the Uniform Guidance.

The City's reporting entity is defined in Note 1 of the City's comprehensive annual financial report.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Expenditures reported on the Schedule are reported on the accrual and modified accrual basis of accounting based on fund type, which is described in Note 1 to the City's financial statements. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement. Negative amounts shown on the Schedule represent adjustments or credits made in the normal course of business to amounts reported as expenditures in prior years. Pass-through entity identifying numbers are presented where available.

3. PASS-THROUGH AGENCIES

The City receives certain federal grants as subawards from non-federal entities. Pass-through entities, where applicable, have been identified in the Schedule with an abbreviation, defined as

Pass-through Agency Abbreviation	Pass-through Agency Name
MEDC	Michigan Economic Development Corporation
WC	Washtenaw County
MDCH	Michigan Department of Community Health
MDEQ	Michigan Department of Environmental Quality
MSP	Michigan State Police

4. SUBRECIPIENTS

No federal awards were passed through by the City to any subrecipients.

■ ■ ■ ■ ■

Principals

Dale J. Abraham, CPA
Steven R. Kirinovic, CPA
Aaron M. Stevens, CPA
Eric J. Glashouwer, CPA
Alan D. Panter, CPA
William I. Tucker IV, CPA

ABRAHAM & GAFFNEY, P.C.
Certified Public Accountants

2601 Cambridge Court
Suite 201
Auburn Hills, MI 48326
(248) 844-2550
FAX: (248) 844-2551

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Honorable Mayor and
Members of the City Council
City of Ypsilanti, Michigan

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Ypsilanti, Michigan (the City), as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements and have issued our report thereon dated December 12, 2016.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City of Ypsilanti, Michigan's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

[redacted]

ABRAHAM & GAFFNEY, P.C.
Certified Public Accountants

December 19, 2016

City of Ypsilanti, Michigan

SCHEDULE OF FINDINGS AND QUESTIONED COSTS

Year Ended June 30, 2016

Section I - Summary of Auditor's Results

Financial Statements

Type of auditor's report issued:	Unmodified			
Internal control over financial reporting:				
Material weakness(es) identified?	_____	Yes	X	No
Significant deficiency(ies) identified?	_____	Yes	X	None reported
Noncompliance material to financial statements noted?	_____	Yes	X	No

Federal Awards

Internal control over major programs:				
Material weakness(es) identified?	_____	Yes	X	No
Significant deficiency(ies) identified?	_____	Yes	X	None reported
Type of auditor's report issued on compliance for major programs:	Unmodified			
Any audit findings disclosed that are required to be reported in Accordance with 2 CFR 200.516(a)?	_____	Yes	X	No

Identification of major programs:

CFDA Number(s)	Name of Federal Program or Cluster
14.228	Community Development Block Grant

Dollar threshold used to distinguish between Type A and Type B programs:	$ 750,000			
Auditee qualified as low-risk auditee?	X	Yes	_____	No

Section II - Financial Statement Findings

None noted.

Section III - Federal Award Findings

None noted.

City of Ypsilanti, Michigan

SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS

Year Ended June 30, 2016

FINDINGS/NONCOMPLIANCE

Significant Deficiencies and Material Weaknesses Related to Internal Controls over the Financial Statements

None noted.

Findings Related to Compliance with Requirements Applicable to the Financial Statements

None noted.

Findings Related to Compliance with Requirements Applicable to Federal Awards and Internal Control Over Compliance in Accordance with the OMB Circular A-133

None noted.

City of Ypsilanti, Michigan
Police and Fire Retirement System

FINANCIAL STATEMENTS

June 30, 2016 and 2015

CITY OF YPSILANTI, MICHIGAN POLICE AND FIRE RETIREMENT SYSTEM

Table of Contents

	Page
Independent Auditors' Report	1-2
Financial Statements for the Years Ended June 30, 2016 and 2015	
Statements of Plan Net Position	3
Statements of Changes in Plan Net Position	4
Notes to Financial Statements	5-12
GASB Required Supplementary Information	
Schedule of Investment Returns	13
Schedule of Changes in the City's Net Pension Liability and Related Ratios	14
Schedule of City Contributions	15

Principals

Dale J. Abraham, CPA
Steven R. Kirinovic, CPA
Aaron M. Stevens, CPA
Eric J. Glashouwer, CPA
Alan D. Panter, CPA
William I. Tucker IV, CPA

ABRAHAM & GAFFNEY, P.C.
Certified Public Accountants

2601 Cambridge Court
Suite 201
Auburn Hills, MI 48326
(248) 844-2550
FAX: (248) 844-2551

INDEPENDENT AUDITOR'S REPORT

To the Retirement Board of the
City of Ypsilanti, Michigan
Police and Fire Retirement System
Ypsilanti, Michigan

Report on the Financial Statements

We have audited the accompanying financial statements of the City of Ypsilanti, Michigan, Police and Fire Retirement System (the System) as of and for the years ended June 30, 2016 and 2015, and the related notes to the financial statements, which collectively comprise the System's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatements of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the System's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the System's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the City of Ypsilanti, Michigan, Police and Fire Retirement System as of June 30, 2016 and 2015, and the changes in financial position thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note 1, the financial statements present only the City of Ypsilanti, Michigan, Police and Fire Retirement System, and do not purport to, and do not, present fairly the financial position of the City of Ypsilanti, Michigan, as of June 30, 2016 and 2015, and the changes in its financial position, or, where applicable, its cash flows thereof and the budgetary comparison schedule for the General Fund for the years then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Change in Accounting Principles

During the year ended June 30, 2016, the System implemented GASB issued Statement No. 72, *Fair Value Measurement and Application*, during the year. As a result, this statement provides guidance for determining a fair value measurement for financial reporting purposes. This statement also provides guidance for applying fair value to certain investments and disclosures related to all fair value measurements. Our opinions are not modified with respect to this matter

Other Matter

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the historical pension information, as identified in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

[redacted]

ABRAHAM & GAFFNEY, P.C.
Certified Public Accountants

December 19, 2016

FINANCIAL STATEMENTS

CITY OF YPSILANTI, MICHIGAN POLICE AND FIRE RETIREMENT SYSTEM

Statements of Plan Net Position

June 30, 2016 and 2015

	2016	2015
Assets		
Investments, at fair value:		
U.S. agencies	$ 1,903,129	$ 1,837,107
Corporate bonds	4,615,927	4,697,778
Domestic equities	13,633,393	16,143,618
International equities	946,226	1,054,847
Mutual funds	5,220,696	5,404,205
Domestic real estate investment trusts	438,728	508,400
Portfolio cash	715,794	570,926
Total investments	27,473,893	30,216,881
Cash and cash equivalents	961,798	1,106,549
Total assets	28,435,691	31,323,430
Liabilities		
Accounts payable	1,302,351	919,199
Net position restricted for pension benefits	$ 27,133,340	$ 30,404,231

The accompanying notes are an integral part of these financial statements.

CITY OF YPSILANTI, MICHIGAN POLICE AND FIRE RETIREMENT SYSTEM

Statements of Changes in Plan Net Position

For the Years Ended June 30, 2016 and 2015

	2016	2015
Additions		
Investment income:		
Net appreciation (depreciation) in fair value of investments	$ (790,105)	$ 423,704
Interest and dividends	643,274	701,928
Total investment income	(146,831)	1,125,632
Less investment management fees	(106,786)	(116,563)
Total net investment income	(253,617)	1,009,069
Contributions:		
Employer	1,240,657	1,395,423
Employees	234,471	274,671
Total contributions	1,475,128	1,670,094
Total additions	1,221,511	2,679,163
Deductions		
Participant benefits	3,426,260	3,136,190
Participant refunds	998,797	669,858
Administrative expenses	67,345	66,121
Total deductions	4,492,402	3,872,169
Change in net position	(3,270,891)	(1,193,006)
Net position, beginning of year	30,404,231	31,597,237
Net position, end of year	$ 27,133,340	$ 30,404,231

The accompanying notes are an integral part of these financial statements.

CITY OF YPSILANTI, MICHIGAN POLICE AND FIRE RETIREMENT SYSTEM

Notes to Financial Statements

1. PLAN DESCRIPTION

Plan administration. The City of Ypsilanti, Michigan Police and Fire Retirement System (the "System") is a single-employer defined benefit pension plan that provides retirement, disability and death benefits to all police and fire employees of the City and their beneficiaries. Plan benefit provisions were established and may be amended under the authority of City of Ypsilanti ordinances. Cost of living adjustments are provided to members and beneficiaries. Contribution requirements were established and may be amended subject to collective bargaining agreements and approval by the Retirement Board and City of Ypsilanti City Council. The financial statements of the System are included as a pension trust fund in the City's financial statements.

Management of the System is vested in the Retirement Board of the City of Ypsilanti, Michigan Police and Fire Retirement System, which consists of five members: two that are elected (one each representing fire and police employees), two that are appointed by the City Council of the City of Ypsilanti and one that is the Treasurer of the City of Ypsilanti.

Plan membership. At June 30, membership in the plan consisted of the following:

	2015	2014
Retirees and beneficiaries receiving benefits	119	113
Terminated employees entitled to but not yet receiving benefits	2	1
Active employees	41	47
Total	162	161

Benefits provided. The System provides retirement, disability, and death benefits. Generally, retirement benefits are calculated as a percent of the member's final average compensation (AFC) for a certain number of years times the member's years of service as summarized in the following table:

Eligibility	Amount of Benefit
20 or more years of service (25 years for Fire Chief) regardless of age or age 60 regardless of service.	Straight life pension equals 3.0% of three year AFC times years of service for police and 3.0% of AFC times first 25 years of service plus 1% of AFC times years of service in excess of 25 for fire. Additional benefit provisions apply to COAM members depending on hire dates.
25 or more years of service regardless of age for fire members hired after July 1, 2009.	Straight life pension equals 2.5% of three year AFC times years of service, with a 75%
25 or more years of service regardless of age for POAM/COAM members hired after July 1, 2009.	Straight life pension equals 2.0% of three year AFC times years of service.
Members hired after July 1, 2012.	Same as members hired after July 1, 2009, except there is no annuity withdrawal option.

Retirees who are receiving benefits below the estimated federal and state poverty levels have their benefits increased up to the poverty level.

Contributions. Plan members hired prior to July 1, 2009 are required to contribute 10% of their annual covered wages to the System for pension benefits. Plan members hired after July 1, 2009 are required to contribute 5% of their annual covered wages to the System for pension benefits. The City contributes such additional amounts as necessary, based on actuarial determinations, to provide assets sufficient to pay for member benefits. The City's pension contribution for the year ended June 30, 2016 represented 39.13% of the annual covered payroll. The City's pension contribution for the year ended June 30, 2015 represented 40.47% of the annual covered payroll.

Deferred Retirement Option Program (DROP). In lieu of retiring and receiving a monthly benefit, an eligible participant may elect to participate in the DROP by making an irrevocable election to terminate employment with the City and retire upon ceasing participation in the DROP. The DROP election must specify the future retirement date which must be within the maximum time period permitted (typically 3 to 5 years, based on bargaining unit and hire date). Upon entry in the DROP, the participant ceases to accrue years of service in the defined benefit pension plan. The participant remains an employee of the City for all other purposes, but the retirement benefit payment is calculated and payments commence into a separate, restricted account. These monthly payments, along with interest earnings thereon, are not distributed to the participant until employment has terminated. DROP activity for the year ended June 30, 2016 is as follows:

Beginning Balance	Credits	Interest	Distributions	Adjustments	Ending Balance
$ 703,095	$ 487,413	$ 40,935	$ -	$ 64,800	$ 1,296,243

2. SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting. The System's financial statements are prepared on the accrual basis of accounting. Employee contributions are recognized in the period in which they are due. The City's contributions are recognized when due and the employer has made a formal commitment to provide them. Benefits and refunds are recognized when due and payable in accordance with the terms of the plan.

Valuation of Investments and Income Recognition. The System's investments are stated at fair value. Short-term investments are reported at cost, which approximates fair value. Securities traded on a national or international exchange are valued at the last reported sales price at current exchange rates. The fair value of real estate investments, if any, is based on independent appraisals. Investments that do not have established market values are reported at estimated fair value as determined by the custodian under the direction of the Retirement Board with the assistance of a valuation service.

Administration. Administrative costs are financed through the System's earnings.

Use of Estimates. The preparation of financial statements in conformity with generally accepted accounting principles requires management to make significant estimates and assumptions that could affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from those estimates.

3. DEPOSITS AND INVESTMENTS

Deposits

The System's cash and cash equivalents consist of amounts deposited in the City's cash management pool of demand deposit accounts and certificates of deposit. As such, it is not practicable to present separate custodial risk disclosures for the System's portion of this pool; accordingly, please refer to the City of Ypsilanti's comprehensive annual financial report for custodial risk disclosures of deposits.

Investments

The Michigan Public Employees Retirement Systems' Investment Act, Public Act 314 of 1965, as amended, authorizes the System to invest in stocks, government and corporate securities, mortgages, real estate, and various other investment instruments, subject to certain limitations. The Retirement Board has the responsibility and authority to oversee the investment portfolio. Various professional investment managers are contracted to assist in managing the System's assets. All investment decisions are subject to Michigan law and the investment policy established by the Retirement Board.

Investment allocation policy. The System's policy in regard to the allocation of invested assets is established and may be amended by the Retirement Board. The policy pursues an investment strategy that protects the financial health of the System and reduces risk through the prudent portfolio diversification. The adopted asset allocation policy as of June 30, 2016, is as follows:

Asset Class	Target Allocation	Long-term Expected Real Rate of Return
Domestic equity	50%	7.67%
Domestic fixed income	15%	4.80%
International equity	33%	7.20%
Cash	2%	2.30%
	100%	

Investment holdings. Following is a summary of the System's investments as of June 30:

	2016	2015
Investments at fair value, as determined by quoted market price:		
U.S. agencies	$ 1,903,129	$ 1,837,107
Corporate bonds	4,615,927	4,697,778
Domestic equities	13,633,393	16,143,618
International equities	946,226	1,054,847
Mutual funds	5,220,696	5,404,205
Domestic real estate investment trusts	438,728	508,400
Portfolio cash	715,794	570,926
Total investments	$ 27,473,893	$ 30,216,881

Credit Risk. The System's investment policy provides that its investments in fixed income securities be limited to those rated BBB or better by a nationally recognized statistical rating organization. The System's investments in U.S. agencies were rated Aaa by Moody's Investor Services at both June 30, 2016 and 2015. The System's investments in corporate securities were rated by Moody's Investor Services as follows at June 30:

Rating	2016	2015
Aa3	$ 339,893	$ 322,655
A1	380,380	615,037
A2	969,580	1,362,696
A3	826,984	389,201
Baa1	596,608	792,461
Baa2	1,502,482	804,196
Baa3	-	411,532
	$ 4,615,927	$ 4,697,778

The System's policy regarding credit risk provides that a minimum of 70% of fixed income investments must be in the top three major grades as determined by Moody's and the balance must be in the top four major grades.

Custodial Credit Risk. For investments, custodial credit risk is the risk that, in the event of the failure of the counterparty, the System will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. The System's investment policy requires that investment securities be held in trust by a third-party institution in the System's name. As such, although uninsured and unregistered, the System's investments are not exposed to custodial credit risk since the securities are held by the counterparty's trust department in the System's name. Short-term investments in money market funds are not subject to custodial credit risk.

Concentration of Credit Risk. Concentration of credit risk is the risk of loss attributed to the magnitude of the System's investment in a single issuer. The System's policy regarding concentration of credit risk does not specify limits regarding concentration of credit risk, although it provides guidelines regarding target maximums for investment types.

At June 30, 2016 and 2015, the investment portfolio did not have holdings in any one issue greater than 5% of the total investment portfolio.

Interest Rate Risk. Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The System's investment policy requires a maximum term to maturity of 30 years for any single fixed income security. The System's investment policy does not address weighted average portfolio maturities.

Notes to Financial Statements

As of June 30, 2016, maturities of the System's debt securities were as follows:

		Investment Maturities (fair value by years)			
	Fair Value	Less Than 1	1-5	6-10	More Than 10
U.S. agencies	$ 1,903,129	$ -	$ 3,639	$ 2,035	$ 1,897,455
Corporate bonds	4,615,927	408,776	885,918	2,708,731	612,502
	$ 6,519,056	$ 408,776	$ 889,557	$ 2,710,766	$ 2,509,957

As of June 30, 2015, maturities of the System's debt securities were as follows:

		Investment Maturities (fair value by years)			
	Fair Value	Less Than 1	1-5	6-10	More Than 10
U.S. agencies	$ 1,837,107	$ -	$ 9,129	$ -	$ 1,827,978
Corporate bonds	4,697,778	-	1,488,593	2,310,776	898,409
	$ 6,534,885	$ -	$ 1,497,722	$ 2,310,776	$ 2,726,387

Of the above corporate bonds as of June 30, 2016, $1,408,574 of the total is callable. The System's policy regarding interest rate risk provides that fixed income maturities may not exceed 30 years; the System's holdings comply with this requirement.

Foreign Currency Risk. Foreign currency risk is the risk that significant fluctuations in exchange rates may adversely affect the fair value of an investment. The System's exposure to foreign currency risk is limited to holdings of international equities of predominantly Canadian, European and Caribbean denominated companies.

In addition to the above, the System's holdings in mutual funds are primarily composed of underlying investments in international equities (approximately 83% of total mutual fund holdings of $5,220,696), predominately in Japanese, European and other Asian companies. The residual mutual fund underlying investments are in cash and cash equivalents, domestic equities and alternatives.

The System restricts the amount of investment in foreign currency-denominated investments to 20% of total pension system investment.

Rate of return. For the years ended June 30, 2016 and 2015, the annual money-weighted rate of return on plan investments, net of investment expenses, was -0.27 and 3.70 percent, respectively. The money-weighted rate of return expresses investment performance, net of investment expense, adjusted for the changing amounts actually invested.

Notes to Financial Statements

Fair Value Measurements. The System categorizes the fair value measurements of its investments within the fair value hierarchy established by generally accepted accounting principles. Level 1 inputs are quoted prices (unadjusted) in active markets for identical assets or liabilities. Level 2 inputs – other than quoted prices – included within Level 1 that are observable for the asset or liability, either directly or indirectly. Finally, Level 3 inputs are unobservable and are based on estimates and assumptions. These levels are determined by the System's investment manager at the portfolio level based on a review of the investment class, structure and what kind of securities are held in funds. The investment manager will request the information from the portfolio manager, if necessary.

Debt and equity securities classified in Level 1 of the fair value hierarchy are valued using prices quoted in active markets for those securities.

Debt securities classified in Level 2 of the fair value hierarchy are valued using a matrix pricing technique. Matrix pricing is used to value securities based on the securities' relationship to benchmark

The System had the following recurring fair value measurements as of June 30, 2016:

	Level 1	Level 2	Level 3	Total
U.S. agencies	$ -	$ 1,903,129	$ -	$ 1,903,129
Corporate bonds	-	4,615,927	-	4,615,927
Domestic equities	13,633,393	-	-	13,633,393
International equities	946,226	-	-	946,226
Mutual funds	5,220,696	-	-	5,220,696
Real estate investment trusts	-	438,728	-	438,728
Portfolio cash	715,794	-	-	715,794
Total investments	$ 20,516,109	$ 6,957,784	$ -	$ 27,473,893

4. NET PENSION LIABILITY OF THE CITY

The components of the net pension liability of the City at June 30, 2016, are as follows:

Total pension liability	$ 46,515,011
Plan fiduciary net position	(27,133,340)
City's net pension liability	$ 19,381,671
Plan fiduciary net position as a percentage of the total pension liability	58.33%

Actuarial assumptions. The total pension liability was determined by an actuarial valuation as of June 30, 2015 (and rolled forward to June 30, 2016), using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	No explicit price inflation assumption used
Salary increases	4.0-9.0 percent, average, including inflation
Investment rate of return	7.5 percent, net of pension plan investment expense, including inflation
Mortality rates	RP-2014 Healthy Annuitant Mortality Table

The actuarial assumptions used in the June 30, 2015 valuation were based on the results of an actuarial experience study for the period July 1, 2009 through June 30, 2014.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the pension plan's target asset allocation as of June 30, 2016 (see the discussion of the System's investment allocation policy) are summarized in the following table:

Asset Class	Long-term Expected Real Rate of Return
Domestic equity	7.67%
Domestic fixed income	4.80%
International equity	7.20%
Cash	2.30%

Discount rate. The discount rate used to measure the total pension liability was 7.5 percent. The projection of cash flows used to determine the discount rate assumed that plan member contributions will be made at the current contribution rate and that City contributions will be made at rates equal to the difference between actuarially determined contribution rates and the member rate. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total

Notes to Financial Statements

Sensitivity of the net pension liability to changes in the discount rate. The following presents the net pension liability of the City, calculated using the discount rate of 7.5 percent, as well as what the City's net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.5 percent) or 1-percentage-point higher (8.5 percent) than the current rate:

	1% Decrease (6.5%)	Current Discount (7.5%)	1% Increase (8.5%)
City's net pension liability	$ 24,406,322	$ 19,381,671	$ 15,369,075

GASB REQUIRED SUPPLEMENTARY INFORMATION

CITY OF YPSILANTI, MICHIGAN POLICE AND FIRE RETIREMENT SYSTEM

Required Supplementary Information

Schedule of Investment Returns
Last Four Fiscal Years (ultimately ten years will be displayed)

Fiscal Year Ended	Annual Money-Weighted Rate of Return, Net of Investment Expense
6/30/2013	13.99%
6/30/2014	19.22%
6/30/2015	3.70%
6/30/2016	-0.27%

CITY OF YPSILANTI, MICHIGAN POLICE AND FIRE RETIREMENT SYSTEM

Required Supplementary Information

Schedule of Changes in the City's Net Pension Liability and Related Ratios
Last Three Fiscal Years (ultimately ten fiscal years will be displayed)

	2014	2015	2016
Change in total pension liability			
Service cost	$ 417,399	$ 767,076	$ 624,175
Interest	3,244,001	3,248,978	3,377,822
Changes of benefit terms	88,956	-	-
Differences between expected and actual experience	(212,827)	481,589	-
Changes of assumptions	(203,836)	1,407,285	-
Benefit payments, including refunds of member contributions	(3,078,288)	(3,806,050)	(4,425,057)
Net change in total pension liability	255,405	2,098,878	(423,060)
Total pension liability, beginning	44,583,788	44,839,193	46,938,071
Total pension liability, ending (a)	44,839,193	46,938,071	46,515,011
Change in plan fiduciary net position			
Contributions - employer	1,358,167	1,395,423	1,240,657
Contributions - member	275,422	274,671	234,471
Net investment income	4,982,234	1,002,019	(253,617)
Benefit payments, including refunds of member contributions	(3,078,288)	(3,806,050)	(4,425,057)
Administrative expense	(60,012)	(59,069)	(67,345)
Net change in plan fiduciary net position	3,477,523	(1,193,006)	(3,270,891)
Plan fiduciary net position, beginning	28,119,714	31,597,237	30,404,231
Plan fiduciary net position, ending (b)	31,597,237	30,404,231	27,133,340
City's net pension liability, ending (a)-(b)	$13,241,956	$16,533,840	$19,381,671
Plan fiduciary net position as a percentage of the total pension liability	70.47%	64.78%	58.33%
Covered-employee payroll	$ 3,440,059	$ 3,298,809	$ 3,170,835
City's net pension liability as a percentage of covered payroll	384.93%	501.21%	611.25%

CITY OF YPSILANTI, MICHIGAN POLICE AND FIRE RETIREMENT SYSTEM

Required Supplementary Information

Schedule of City Contributions

Last Three Fiscal Years (ultimately ten years will be displayed)

Fiscal Year Ended	Actuarially Determined Contribution	Contributions in Relation to the Actuarially Determined Contribution	Contribution Deficiency (Excess)	Covered Payroll	Contributions as a Percentage of Covered Payroll
6/30/2014	$ 1,347,529	$ 1,358,167	$ (10,638)	$ 3,440,059	39.5%
6/30/2015	1,395,423	1,395,423	-	3,298,809	42.3%
6/30/2016	1,240,657	1,240,657	-	3,170,835	39.1%

Notes to Schedule of Contributions

Valuation date	Actuarially determined contribution rates are calculated as of June 30 that is 12 months prior to the beginning of the fiscal year for which the contributions are reported.
Other information	During the year ended June 30, 2015, the plan experienced a change in actuarial assumptions resulting in a $1,407,285 increase in the TPL.

Methods and assumptions used to determine contribution rates:

Actuarial cost method	Entry age normal
Amortization method	level percentage of payroll, closed
Remaining amortization period	29 years for the 2015 valuation, 30 years previously
Asset valuation method	5-year smoothed market
Inflation	No explicit price inflation assumption used
Salary increases	4.0-9.0 percent, average, including inflation
Investment rate of return	7.5 percent, net of pension plan investment expense, including inflation
Mortality rates	RP-2014 Healthy Annuitant Mortality Table

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

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

John M. Barr
Karl A. Barr
~~~~~~~

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

REQUEST FOR LEGISLATION

DATE: December 23, 2016

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Amendments to Discrimination Ordinance

SUMMARY/BACKGROUND

The Human Relations Commission (HRC) has reviewed the city Discrimination Ordinance and suggested several changes as follow:

1. The HRC made some grammatical changes.
2. Added a class of gender as a protected class.
3. Added the provision of a "perceived" status, mainly regarding gender classifications.
4. Added immigration status as a protected class.

This office reviewed the draft ordinance and met with a representative of the HRC to discuss the changes. After review we have added an exception to section 58-71 of any action required by law. In other words, if an action is mandated by law, such as not employing an undocumented alien, that would be an exception to the ordinance and not a violation of the ordinance.

ATTACHMENTS: Proposed Ordinance
~~~~~~~

RECOMMENDED ACTION: No recommendation

DATE RECEIVED:_____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:

RESOLUTION NO. 2017- 002
January 10, 2017

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

The certain ordinance entitled **"An ordinance to amend the Discrimination Ordinance of the City of Ypsilanti" Article III Discrimination of Chapter 58 Human Relations, being Section 58-91 through Section 58-99 of the Ypsilanti City Code** be adopted on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1279

An ordinance to amend the Discrimination Ordinance of the City of Ypsilanti

1. **THE CITY OF YPSILANTI HEREBY ORDAINS** That Article III Discrimination of Chapter 58 Human Relations, being Section 58-91 through Section 58-99 of the Ypsilanti City Code is hereby amended to read as follows:

ARTICLE III. - DISCRIMINATION
DIVISION 1. - GENERALLY

Sec. 58-61. - Intent.

(a) It is the intent of the city that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of ~~his~~*their* civil or political rights or be discriminated against because of *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity,gender expression* age, marital status, ~~having a~~ disability *status*, familial status, educational association, source of income, height or weight.

(b) Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government. Further, nothing in this article shall be construed to establish affirmative action for any of the classes defined herein.

(Ord. No. 865, § I, 12-16-1997)

Sec. 58-62. - Definitions.

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

Age means chronological age.

Contractor means a person who by contract furnishes services, materials or supplies. The term "contractor" does not include persons who are merely creditors or debtors of the city, such as those holding the city's notes or bonds or persons whose notes, bonds or stock is held by the city.

Disability means a functional limitation that interferes with a person's ability to see, walk, lift, hear or learn. It may refer to a physical, sensory or mental condition unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion or a limitation of physical capabilities unrelated to one's ability to acquire, rent and maintain property. Impairment refers to loss or abnormality of an organ or body mechanism, which may result in disability.

Discriminate means to subject anyone to different or separate treatment, based in whole or in part, on the person's actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity*, age, marital status, ~~having a~~ disability *status*, *gender expression*, familial status, educational association, height, or weight. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

(1) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or housing.

(2) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.

(3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.

(4) Prohibited conduct constitutes sexual harassment whether it occurs between people of the same or opposite sex.

Educational association means the fact of being enrolled or not enrolled at any educational institution.

Employer means a person employing five or more persons.

Familial status means the state of being related by blood or affinity to the fourth degree.

Housing facility means any dwelling unit or facility used for a person to regularly sleep and keep personal belongings including, but not limited to, a house, apartment, roominghouse, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.

Income means any of the following:

(1) Commissions, earnings, salaries, wages, and other income due or to be due in the future to an individual from his employer and successor employers.

(2) A payment due or to be due in the future to an individual from a profit-sharing plan, a pension plan, an insurance contract, an annuity, social security, unemployment compensation, supplemental unemployment benefits, or worker's compensation.

(3) An amount of money that is due to an individual as a debt of another individual, partnership, association, or private or public corporation, the United States or a federal agency, the state or a political subdivision of the state, another state, or another legal entity that is indebted to the individual.

Marital status means the state of being married, unmarried, divorced, separated or widowed.

Place of public accommodation means an educational, governmental, health, day care, entertainment, cultural, recreational, refreshment, transportation, financial institution, accommodation, business or other facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public, or which receives financial support through the solicitation of the general public or through governmental subsidy of any kind.

Sexual orientation shall mean, emotional, romantic, and/or sexual attractions, or the absence thereof, to people. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

Gender Identity shall mean, shall be defined as, an individual's internal sense of their own sex and a defining component of sex.

Gender Expression shall be defined as, a gender-based appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

(Ord. No. 865, § II, 12-16-1997)

Cross reference— Definitions generally, § 1-2.

Sec. 58-63. - Discriminatory housing practices.

(a) No person shall discriminate in leasing, selling or otherwise making available any housing facilities.

(b) No person shall discriminate in the terms, conditions, maintenance or repair in providing any housing facility.

(c) No person shall refuse to lend money for the purchase or repair of any real property solely because of the location in the city of such real property.

(d) No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity, gender expression* age, marital status, ~~having a~~ disability *status*, familial status, educational association, source of income, height or weight. (e) No person shall place a sign or other display on any real property which indicates that the property is for sale or has been sold when it is not for sale or has not recently been sold.

(Ord. No. 865, § III, 12-16-1997)

Sec. 58-64. - Discriminatory public accommodation practices.

No person shall discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation.

(Ord. No. 865, § IV, 12-16-1997)

Sec. 58-65. - Discriminatory employment practices.

(a) No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.

(b) No person shall discriminate in limiting membership, conditions of membership or termination of membership in any labor union or apprenticeship program.

(Ord. No. 865, § V, 12-16-1997)

Cross reference— Businesses, ch. 22.

Sec. 58-66. - Other prohibited practices.

(a) No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing housing, employment or public accommodations.

(b) No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodations.

(c) No agent, broker, labor union, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations. A report of the conviction of any such person for a violation of this article shall be made to the applicable licensing or regulatory agency for such person or business.

(d) No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this article, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.

(e) No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this article.

(Ord. No. 865, § VI, 12-16-1997)

Sec. 58-67. - Information and investigation.

(a) All persons claiming to be aggrieved by a discriminatory or unfair practice may, by themselves or by counsel, file with the city attorney a verified, written complaint which shall state the details, name and address of the person or entity alleged to have committed the discriminatory or unfair practice.

(b) After the filing of a verified complaint, a true copy shall be served within ten days by certified mail on the person against whom the complaint [is] filed, by the complainant.

(c) The city attorney shall refer this complaint to appropriate city departmental units and agencies for investigation as to the basis of the complaint.

(d) After sufficient review and determination, the city attorney shall issue a written opinion to the human relations commission whether probable cause exists to believe a discriminatory practice or practices occurred as alleged by the complainant.

(e) For an investigation, a person may be required to produce books, papers, records or other documents that may be relevant to a violation or alleged violations of this article. If such person does not comply with such request, the city attorney may apply to county circuit court for an order requiring production of such materials.

(f) If it is determined that no probable cause exists, the city attorney shall notify the complainant and respondent in writing of the dismissal of the complaint.

(g) All complaints received by the human relations commission shall retained for three years.

(Ord. No. 865, § VII, 12-16-1997; Ord. No. 947, 9-18-2001)

Sec. 58-68. - Conciliation agreements and mediation.

(a) If probable cause has been determined, the human relations commission shall notify the complainant and respondent of mediation. Participation in mediation is voluntary, and either party may reject the offer to mediate. If the mediation request is accepted, the notice shall inform the parties of the identity of the mediator and shall request a time for the mediation to occur, no later than 45 days from the date probable cause was determined. Mediation shall be an informal process conducted by the human relations commission in accordance with the procedures established by the city council.

(b) Mediation sessions are not open to the public, but any resolution of the dispute reached through mediation shall not be final until released by the human relations commission. Violations of such agreements shall be violations of this article.

(Ord. No. 865, § VIII, 12-16-1997)

Sec. 58-69. - Injunctions.

Nothing in this article shall prohibit an aggrieved person from commencing civil action to obtain injunctive relief to prevent discrimination prohibited by this article.

(Ord. No. 865, § IX, 12-16-1997)

Sec. 58-70. - Discriminatory effects.

No person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities according to race, color, religion, national origin, sex, sexual orientation, immigration status, age, source of income, familial status, educational association, marital status, having a disability, height or weight for a person to obtain housing, employment or public accommodation, except for a bona fide business necessity. Such a necessity does not arise due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons.

(Ord. No. 865, § X, 12-16-1997)

Sec. 58-71. - Exceptions.

Notwithstanding anything contained in this article, the following practices shall not be violations of this article:

(1) This article shall not be construed to prohibit or interfere with the exercise of a person's First Amendment rights.

(2) For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy.

(3) For the owner of an owner-occupied one-family or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.

(4) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age or who are handicapped.

(5) To engage in a bona fide effort to establish or enforce an affirmative action program to improve opportunities in employment for minorities and women.

(6) To discriminate based on a person's age when state, federal or local law requires such discrimination.

(7) To refuse to enter into a contract with an unemancipated minor.

(8) To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.

(9) To refuse to admit person under 18 years of age to a business providing entertainment or selling literature or merchandise of a sexually explicit matter as defined by section 3 of Act No. 33 of the Public Acts of Michigan of 1978 (MCL 722.673).

(10) For an educational institution to limit the use of its facilities to those affiliated with such institution.

(11) To provide discounts on products or services to students, minors and/or senior citizens.

(12) For a person to discriminate in any arrangement for the sharing of his own dwelling unit in which that person resides.

(13) To restrict use of lavatories and locker room facilities on the basis of sex.

(14) To use marital status limitations in health or pension plans if they conform to federal and state laws and regulations.

(15) Any action required or mandated by law.

(Ord. No. 865, § XI, 12-16-1997)

Sec. 58-72. - Affirmative action by city contractors.

All contractors proposing to do business with the city shall abide by article VI of chapter 2.

(Ord. No. 865, § XII, 12-16-1997)

Sec. 58-73. - Penalties.

(a) A violation of any provision of this article is a civil infraction punishable by a fine of not more than $500.00 plus all costs of the action. A court of competent jurisdiction may issue and enforce any judgment, writ, or order necessary to enforce this article. This may include, but is not limited to, reinstatement, payment of lost wages, hiring, or promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, or other relief deemed appropriate.

(b) Nothing contained in this article shall be constituted to limit in any way the remedies, legal or equitable, which are available to the city or any other person for the prevention or correction of discrimination.

(Ord. No. 865, § XIII, 12-16-1997)

Sec. 58-74. - Private actions for damages or injunctive relief.

(a) An individual who is the victim of discriminatory action in violation of this article may bring a civil action for appropriate injunctive relief or damages or both against the person who acted in violation of this article.

(b) As used in this article, the term "damages" includes any injury or loss caused by each violation of this article, including, but not limited to, reasonable attorney's fees.

(c) Private actions and remedies under this section are in addition to any actions for violations that the city may take.

(Ord. No. 865, § XIV, 12-16-1997)

Sec. 58-75. - Limitation of action.

No complaint shall be accepted nor action taken unless filed within one year from the date of the alleged unlawful practice. Where the alleged unlawful practice is of a continuing nature, the limitation period shall not commence to run until the unlawful practice has ceased.

(Ord. No. 865, § XV, 12-16-1997)

Sec. 58-76. - Immunity concerning performance of city duties.

This article shall not apply to the following persons concerning the performance of their official city duties:

(1) Mayor.

(2) Mayor pro tem.

(3) City council members.

(4) City attorney and all assistants.

(5) All employees and staff of the city attorney.

(6) All members of the human relations commission and the clerk and secretary thereof.

(Ord. No. 947, 9-18-2001)

Sec. 58-77. - Immunity concerning actions or non-actions concerning performance of city duties.

The following persons shall have absolute immunity concerning their actions or non-actions for the performance of their duties concerning this article:

(1) Mayor.

(2) Mayor pro tem.

(3) City council members.

(4) City attorney and all assistants.

(5) All employees and staff of the city attorney.

(6) All members of the human relations commission and the clerk and secretary thereof.

(Ord. No. 947, 9-18-2001)

Sec. 58-78. - Appeal.

An aggrieved party may appeal a decision made pursuant to this article to the circuit court by filing a claim of appeal within 21 days of the date of the order or action appealed from.

(Ord. No. 947, 9-18-2001)

Sec. 58-79. - Complaints against city attorney or human relations commission members.

In the event of a complaint against the city attorney, assistant city attorneys, or human relations commission members in other than the official capacity, the matter shall be referred to the city manager for review. The city manager shall make a determination as to whether or not probable cause exists. If probable cause does exist, the city manager shall refer the matter to the human relations commission for action. If probable cause does not exist, the city manager shall so determine and notify the human relations commission and the parties. If the complaint is against a human relations commission member, the member shall not serve on the commission until determination of such complaint.

(Ord. No. 947, 9-18-2001)

Editor's note— A portion of Ord. No. 947, adopted Sept. 18, 2001, did not specifically amend the Code and has been codified herein as § 58-79 at the discretion of the editor.

Secs. 58-80—58-90. - Reserved.

DIVISION 2. - FAIR HOUSING[3]

Footnotes:

--- (3) ---

Cross reference— Businesses, ch. 22.

State Law reference— Similar provisions, MCL 37.2501 et seq.

Sec. 58-91. - Definitions.

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

Handicap means a determinable physical or mental characteristic of an individual or a history of the characteristic which may result from disease, injury, congenital condition of birth, or functional disorder which is unrelated to the individual's ability to acquire, rent or maintain property.

Housing accommodations means improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence of one or more persons. Housing accommodations shall include unimproved real property located in any residentially zoned area of the city.

Manager means a person authorized by the owner to sell, rent, transfer or lease any real property, housing accommodations, or any interest therein.

Owner means possessor of any interest in real property including lessor, sublessor, assignor, or other person having the right of ownership or possession or the right to sell, rent, transfer, or lease any real property, housing accommodations or any interest therein.

Real estate broker or salesperson means a person, whether licensed or not, who, for or with the expectation of receiving consideration:

(1) Lists, sells, purchases, exchanges, rents or leases real property, housing accommodations, or an interest therein;

(2) Negotiates or attempts to negotiate any listing, sale, purchase, exchange, rental or lease of real property, housing accommodations, or an interest therein;

(3) Holds himself as listing, selling, purchasing, exchanging, renting or leasing real property, housing accommodations, or an interest therein;

(4) Negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance on real property, housing accommodations, or an interest therein; or

(5) Engages in the business of listing real property, housing accommodations, or an interest therein in publications.

The term "real estate broker or salesperson" shall include a person employed, acting as an independent contractor, or otherwise acting on behalf of a real estate broker or salesperson.

Real estate transaction means the sale, purchase, exchange, rental, lease, transfer, assignment or sublease or real property, housing accommodations, or an interest therein or the listing thereof for such purpose.

Real property means property used or zoned for residential purposes including a building, structure, mobile home, unimproved real estate, land, leasehold or an interest in a real estate cooperative or condominium.

Sexual orientation means male or female homosexuality, heterosexuality or bisexuality, by preference or practice.

(Code 1983, § 6.200)

Cross reference— Definitions generally, § 1-2.

Sec. 58-92. - Discrimination prohibited.

Except as otherwise provided in this division, no person engaging in a real estate transaction concerning housing accommodations, and no real estate broker or salesperson, shall, wholly or partly for reasons of *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity,gender expression* age, marital status, ~~having a~~ disability *status*, familial status, educational association, source of income, height or weight. or any other protected classification specified by state or federal law:

(1) Refuse to engage in a real estate transaction with a person;

(2) Discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities, maintenance or services in connection therewith;

(3) Refuse to receive from a person or to transmit to a person a bona fide offer to engage in a real estate transaction;

(4) Refuse to negotiate for real estate transaction with a person;

(5) Represent to a person that real property or an interest therein is not available for inspection, lease, sale and rental when in fact it is so available, or knowingly fail to bring a listing of real property to a person's attention, or refuse to permit a person to inspect real property;

(6) Print, post, circulate, mail or otherwise cause to be published a statement, advertisement, notice or sign, or use a form of application for a real estate transaction, or make a record of inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a preference, limitation, specification or discrimination with respect to *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity,gender expression* age, marital status, ~~having a~~ disability *status*, familial status, educational association, source of income, height or weight., or any other protected classification specified by state or federal law;

(7) Offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(8) Deny a person access to or membership or participation in multiple listing services, real estate broker's organizations or other real estate services;

(9) Place a sign or other display on any real property which indicates that the property is for sale or lease, or has been sold or leased when it is not for sale or lease or has not recently been sold or leased.

(Code 1983, § 6.201)

Sec. 58-93. - Exemptions.

Notwithstanding anything contained in this division, the following practices shall not be violations of this division:

(1) For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination or having membership in the organization involved.

(2) A housing facility operated by a student organization recognized by the university dean of students, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.

(3) To limit occupancy in a housing project to persons of low income, over 55 years of age or who are handicapped.

(4) To discriminate based on a person's age when such discrimination is required by state, federal or local law.

(5) To refuse to engage in a real estate transaction with a unemancipated minor.

(6) For an educational institution to limit the use of its housing facilities to those affiliated with such institution.

(7) For the owner of an owner occupied, single-family dwelling to limit the gender of the renter.

(Code 1983, § 6.202)

Sec. 58-94. - Discrimination by financial or insurance institutions.

(a) Except as otherwise provided in this division, a person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the insurance, construction, rehabilitation, repair, maintenance or improvement of real property, or an interest therein, which is utilized for housing accommodations, or a representative or such person shall not:

(1) Discriminate against the applicant because of *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity,gender expression* age, marital status, ~~having a~~ disability *status*, familial status, educational association, source of income, height or weight. or any other protected classification specified by state or federal law; or

(2) Use a form of application for insurance or financial assistance of financing, or make or keep a record or inquiry in connection with an application for financial assistance or financing, which indicates, directly or indirectly, a preference, limitation, specification or discrimination based on *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity,gender expression* age, marital status, ~~having a~~ disability *status*, familial status, educational association, source of income, height or weight. or any other protected classification specified by state or federal law.

(b) Subsection (a)(2) of this section shall not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the National Housing Act, as amended, being 12 USC 1701 to 1750(g), as amended, or by a registration board or officer acting under the statutory authority of the state or the United States.

(c) Nothing in this division shall be deemed to prohibit an owner, lender, or an agent from requiring that an applicant who seeks to buy, rent, lease, or obtain financial assistance for housing accommodations supply information concerning the applicant's financial, business, or employment status or other information designed solely to determine the applicant's financial, business, or employment status or other information designed solely to determine the applicant's credit worthiness, but not concerning handicaps for reasons contrary to the provisions or purposes of this division.

(Code 1983, § 6.203)

Sec. 58-95. - Unlawful representations to induce transaction.

It shall be unlawful for a person, for the purpose of inducing a real estate transaction from which that person may benefit financially, to represent that a change has occurred or will or may occur in the composition of an area with respect to the *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity,gender expression* age, marital status, ~~having a~~ disability *status*, familial status, educational association, source of income, height or weight. or any other protected classification specified by state or federal law, of the owners or occupants in the block, neighborhood or area in which the real property is located, or to represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located.

(Code 1983, § 6.204)

Sec. 58-96. - Property offered to public.

Nothing in this division shall require an owner to offer property to the public at large before selling or renting it, nor shall this division be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity,gender expression* age, marital status, ~~having a~~ disability *status*, familial status, educational association, source of income, height or weight. or any other protected classification specified by state or federal law.

(Code 1983, § 6.205)

Sec. 58-97. - Enforcement.

(a) *Report of violation.* Any person claiming a violation of this division shall make a written complaint to the city manager or his designee setting forth the details, including location of the property, names, dates, witnesses and other factual matter. All such complaints shall be verified by the claimant. Such complaints shall be filed with the city manager's office within 120 days after the alleged commission of the offense.

(b) *Investigation of complaints.* Within 30 days after a written, verified complaint is received, the city manager or his designee shall make a full investigation of the alleged violation. After such investigation, or at the end of such 30-day period, whichever occurs first, the city manager or his designee shall be given written notice to the person accused of the violation that he shall have 30 days within which to submit a written statement of his version of the facts or schedule a meeting with the city manager or the manager's designee to attempt to resolve the matter by conciliation.

(c) *Conciliation agreements.* The city manager may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects past discrimination. Such agreement shall be made in writing and approved as to form by both parties. Violations of such agreement shall be violations of this division.

(Code 1983, § 6.206)

Sec. 58-98. - Injunctions.

The city attorney or the city attorney's designee may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this division, to reverse the effects of such discrimination or to enforce a conciliation agreement.

(Code 1983, § 6.207)

Sec. 58-99. - Related prohibitions.

(a) No person shall provide false or substantially misleading information to any authorized person investigating a complaint regarding a violation of this division, or sign a complaint for a violation of this division based upon false or substantially misleading information.

(b) No person shall coerce, threaten, or retaliate against any individual or organization for making a complaint or assisting in an investigation regarding a violation or alleged violation of this division or require, request, conspire with, assist or coerce another person to retaliate against any individual or organization for making a complaint or assisting in any investigation pursuant to this division.

(c) No person shall conspire with, aid, assist, compel, coerce or request another person to discriminate in any manner prohibited by this division.

(d) No person shall attempt directly or indirectly to commit an act prohibited by this division.

2. <u>Severability.</u> If any clause, sentence, section, paragraph, or part of this

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

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

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

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

_____
Andrew Hellenga, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. ___ was published in The Washtenaw Legal News on the _____ day of _____, 2016.

_____
Andrew Hellenga, Interim 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.

_____
Andrew Hellenga, Interim City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____

RESOLUTION NO. 2017- 003
January 10, 2017

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

The Public Hearing for an ordinance entitled **"An ordinance to amend the Discrimination Ordinance of the City of Ypsilanti" Article III Discrimination of Chapter 58 Human Relations, being Section 58-91 through Section 58-99 of the Ypsilanti City Code** be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

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

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

John M. Barr
Karl A. Barr
~~~~~~~

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

REQUEST FOR LEGISLATION

DATE: September 18, 2012

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Sustainability Commission

SUMMARY/BACKGROUND

City Council at the November 14, 2016 passed Resolution # 2016-258, creating a Sustainability Commission. The Ypsilanti City Charter in section 9.03 provides that City Council may create boards and commissions by ordinance.

I recommend that the Sustainability Commission be finalized by ordinance.

Attached is a draft Ordinance to create a Sustainability Commission.

ATTACHMENTS: Proposed Sustainability Ordinance and Resolution to Adopt

RECOMMENDED ACTION: Adoption of the ordinance

DATE RECEIVED:_____ AGENDA ITEM NO.
~~~~~~~

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:

RESOLUTION NO. 2017- 004
January 10, 2017

RESOLUTION TO ADOPT STAINABILITY COMMISSION ORDINANCE

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

The Attached Ordinance entitled Stainability Commission Ordinance be adopted on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1280

An ordinance to establish a Sustainability Commission

1. **THE CITY OF YPSILANTI HEREBY ORDAINS** That
The Ypsilanti City Code is hereby amended by adding a new Division 5 Sustainability Commission, to Chapter 2 Administration, Article IV Boards and Commissions, as follows:

Division 5. **SUSTAINABILITY COMMISSION**

Section 2.171 Sustainability Commission Rationale

City Council by resolution 2016-258, dated November 14, 2016 set forth the reasons for a Sustainability Commission, including:

a. To create a model of sustainability through efforts to advocate, educate and promote the social, economic and environmental health of the community now and into the future.
b. To broaden the lens and scope of energy and environmental needs in the future such as wind, solar, clean air, water and improving infrastructure.
c. To recognize natural resources as chief assets of the City of Ypsilanti and encouraging responsible stewardship of these assets.
d. To collaborate with citizens, employees, employers, service providers and other governmental agencies and educational agencies to share ideas.
e. To create a Sustainability Plan.
f. To review the City of Ypsilanti's Climate Action Plan, Alternate Fuel Policy, the Michigan Green Communities Challenge, and other plans and policies and to continue the work of said plans and policies.
g. To prioritize stainability policies.

Section 2.172. Created

Pursuant to Ypsilanti City Charter section 9.03, a commission is hereby created known as the Ypsilanti Sustainability Commission,

a. to consist of nine regular members, serving for staggered three year terms, and two non-voting youth members serving one year terms. two non-voting youth members to serve one year terms.

b. There shall be a staff person assigned to the commission.
c. There shall be a Council liaison appointed to the Commission by City Council.
d. Commissioners shall be city residents, except that not more than three commissioners may be non-residents of the city of Ypsilanti.

Section 2.173 Appointment

Commissioners shall be appointed by the Mayor with the approval and confirmation of a majority of city council. Non-resident commissioners shall require a finding of the best interest of the city and approval and confirmation of not less than five affirmative votes of city council members.

Section 2.174 Duties

Duties of the Ypsilanti Sustainability Commission shall be to:

a. Establish by-laws, subject to the approval of the City Council.
b. Elect officers including a Commission chairperson.
c. Establish a meeting schedule and meet at least quarterly.
d. Take action to fulfill the reasons and rationale for the Sustainability Commission set out in Section 2.171, above.
e. To report Commission actions and findings and make recommendations to City Council at least annually.

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

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

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2017.

_____
Andrew Hellenga, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. ___ was published in The Washtenaw Legal News on the _____ day of _____, 2016.

_____
Andrew Hellenga, Interim 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 _____, 2017.

_____
Andrew Hellenga, Interim City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____

RESOLUTION NO. 2017- 005
January 10, 2017

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

The **Public Hearing** for an Ordinance entitled Sustainability Commission be **officially closed.**

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2017-006
January 10, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2017 - 007, approving the minutes of December 6, 2016.
2. Resolution No. 2017 - 008, approving nominations to Boards and Commissions
3. Resolution No. 2017 - 009, approving Contract with Orchard, Hiltz & McCliment, Inc. for Construction Engineering Services for the Signal Upgrade Project at Michigan Avenue and Prospect Road Intersection.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016 – 007
January 10, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of December 6, 2016 be approved.

OFFERED BY: _____

SUPPORTED BY:_____

YES: NO: ABSENT: VOTE:

Draft

CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, DECEMBER 6, 2016
7:00 p.m.

I. CALL TO ORDER –

II. ROLL CALL –

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

III. INVOCATION – Mayor Edmonds asked everyone 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 Interim Manager Frances McMullan, Interim City Clerk Andrew Hellenga, Legal Counsel John Bar and Dan DuChene, Director of Economic Development Beth Ernat, City Planner Bonnie Wessler, and other esteemed community members.

VI. AGENDA APPROVAL –

Moved by Mayor Pro-Tem Brown, seconded by Council Member Bashert to approve the agenda.

Agenda approved in vote.

VII. AUDIENCE PARTICIPATION –

Mayor Edmonds opened audience participation

Beverly Washington- James 968 Monroe Street- Wanted to know who decided to put so many transformers on one street and asked why the residents haven't heard anything about these transformers being put in their yards.

Adam Gainsley - 409 N. Adams: Reiterated that he would like council to formally turn down the truck routes ordinance on the table tonight.

Lillian Ellis - 760 Jenness St APT 12: Requested City Council to make the City of Ypsilanti a sanctuary city.

D'Real Graham - 211 N. Washington St.: Explained how he and a colleague were detained and harassed by the police. He asked if Ypsilanti Police Department has a stop and frisk policy and if he entered a crime scene why wasn't he redirected to another area.

Mayor Edmonds closed Audience Participation

VIII. REMARKS BY THE MAYOR –

Mayor Edmonds replied to Ms. Washington-James by saying Council will look into the issue and asked Manager McMullan to follow-up. She invited Ms. Ellis to the January 10th Council Meeting to when Council will be discussing that issue. She advised Mr. Graham to file a complaint.

Council Member Richardson apologized to Ms. Washington-James and said the City needs to stay informed of what is happening and agencies operating in the City, including DTE, should inform the City. She apologized to Mr. Graham for the experience he had, and assured him an investigation would take place.

Council Member Murdock explained to Ms. Ellis, and any other interested parties, that we would be happy to forward them the draft ordinance concerning immigration.

IX. ORDINANCE - SECOND READING –

1. Resolution No. 2016-203, approving Ordinance 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)". **(Removed from agenda 10-18-16)**

Moved by Council Member Robb, seconded by Council Member Murdock

Council Member Robb explained his frustration; Council has been working on this for two years with input from the community. Council gave direction to regulate truck traffic in Ypsilanti and staff did not take direction. He stated staff was asked to create a solution to a problem, and instead what was submitted by staff is a recommendation to not approve this ordinance. He asked staff why alternate solutions were not examined and submitted to Council.

Ms. Ernat replied staff's response is directed at this specific ordinance and staff was not directed to create alternate solutions.

Council Member Murdock replied a year ago that he and Council Member Robb met with the City Manager, representatives from OHM, and DPS Director Stan Kirton. He said Mr. Kirton brought a variety of issues relative to roads; one of them was truck traffic in the City. The City has had issues with truck traffic and the recommendation was to implement a truck route plan. He said possibility of losing Federal Funding if a truck route is created, but there isn't a case where that has ever happened which has been confirmed by SEMCOG and MDOT.

Ms. Ernat said staff reached to contacts in funding agencies and received information that there is a possibility federal funding could be pulled. Its staff's responsibility to communicate that, what Council does with that information is their choice. She said staff has no fundamental reason not to create truck routes aside from the possibility of losing funding.

Council Member Vogt said the intention is not to divert truck traffic from one part of the City to another, but outside of the City completely. There isn't hard data on the current routes and there is only an anecdotal understanding. He said Council is not interested in approving anything

that will cause uncertainty. He added greater study needs to be completed before voting on this ordinance.

Council Member Bashert said she is not going to talk about the funding questions because it is up in the air. She asked if truck routes would only address pass through traffic, and there is not data available explaining how much of truck traffic is pass through. She added even if this ordinance is approved it is possible it would do little to address the problem.

Mr. DuChene explained the ordinance does somewhat address this; he said if a delivery is being made to the Gateway neighborhood the truck would have to keep on the designated route as possible. He said a driver can make a diversion but must quickly divert back to the proper route.

Council Member Bashert said this is unenforceable, the driver could simply say they were making a delivery.

Council Member Robb stated the data being requested does not exist. He said there is a lot of cut through traffic on City roads and currently the City has no recourse to control this traffic. He said many communities do this around the State, and if the issue is suggested routes that can be debated, but he cannot agree to outright reject truck regulation when it is a common practice in the state.

Council Member Richardson responded she is not opposed to the idea of regulating truck traffic. The opposition she has heard coming from residents is they are not opposed to the regulation of truck traffic, it's the suggested routes. She's not in favor truck traffic going up and down Hamilton and Huron.

Mayor Edmonds said she would be voting no on this ordinance. She doesn't have an issue with regulating truck traffic but this ordinance is not feasible to enforce. She said people live on almost all of the streets in the City and unfortunately trucks will be on roads that people live. She said while she appreciates trying to divert trucks out of the City it only moves the problem to our neighbors.

Council Member Murdock said this ordinance is trying to limit the amount of streets trucks can use. He said Hewitt is a designated truck road by the County and the City has no recourse to change that. If you look at the County Map of truck routes and how they connect to the City you will notice they connect with the major arteries, traffic is focused on M-17 and Michigan Ave, when looking north of the City Prospect, LeForge, Holmes and many other roads are not truck routes. Everything north is not connecting, where it does connect is to the East, and that's where traffic coming from the east is most likely go.

Mayor Edmonds said she would rather keep the stress equal among everyone rather than chose winners and losers.

Council Member Vogt suggested reaching out to local trucking companies to access truck route data. There will be several different sources from that, and possibly using state and local police agencies could provide information. He said Council was told staff would research and report on data that was acquired. There is enough data for us to make informed decisions. He disagreed there is an undue burden to move truck traffic into more rural areas, driven Clark and Harrison, Clark and Ford to see where R&L would drive if they aren't coming down Prospect and those routes are less populated and the set back of houses are much greater. Those routes have less traffic and it should be easier for them than to drive through Hamilton with their tight turns. It is the Township taking the burden but it is also the safest routes.

Mayor Edmonds asked staff if R&L has been contacted.

Ms. Wessler replied that she did not contact R&L.

Council Member Murdock said suggestions for amendments from various people. He suggested that these be adopted, and there were three suggestions; MDOT suggested we add language in the ordinance including the list of streets and state highways. Secondly there was a mistake on the map, Harriet only went to Huron street, not up to Hamilton, and it is in the language but not on the map. Thirdly, add Maus from Grove to the City limit making a loop into the Township and back to M-17.

Offered by Council Member Murdock, supported by Council Member Robb

On a roll call, the vote to amend Resolution No. 2016-203 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

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

Council Member Vogt moved to remove LeForge and Hewitt from the map, street descriptions, and remove as part of the allowed truck route. He explained it is a safety issue, there are a lot of students and people coming in to visit that would not know about it being a truck route.

No Second the Amendment dies.

Council Member Vogt moved to table, seconded by Council Member Richardson

On a roll call, the vote to table ordinance 2016-203 was as follows:

Mayor Pro-Tem Brown	No	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	No
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	No		

VOTE:

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

On a roll call, the vote to approve Resolution No. 2016-203 as amended was as follows:

Mayor Pro-Tem Brown	No	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	No
Council Member Richardson	No	Council Member Vogt	No
Council Member Bashert	No		

VOTE:

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

X. CONSENT AGENDA – Resolution No. 2016-271

1. Resolution No. 2016-272, approving the minutes of November 1, 2016 and November 14, 2016.
2. Resolution No. 2016-273, approving appointment to Boards and Commissions.
3. Resolution No. 2016-274, authorizing the City Treasurer to levy and assess on the December 2016 tax roll the attached listing of unpaid bills totaling $24,025.67.

Moved by Council Member Bashert, seconded by Mayor Pro-Tem Brown

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

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

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

XI. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2016-275, approving the MOU between Washtenaw Community College and the City of Ypsilanti regarding Parkridge Center.

Moved by Mayor Pro-Tem Brown, seconded by Council Member Richardson

Manager McMullan said the contract with Washtenaw Community College and the City to provide programing at Parkridge will expire December 16th. She explained by action of Council staff is only directed funding until the end of this fiscal year. Anthony Williamson stated he contacted the new Dean of WCC to convey the value of the current partnership, while making them aware funding in the future. He said he spoke with Mr. Barfield who has agreed to spearhead fundraising efforts to continue what has been started. Ms. McMullan stated signing this MOU solidifies our commitment to Parkridge and working with WCC the agreement is for funding for the next 6 months, and added there is available grant funding if absolutely necessary.

Mayor Edmonds asked why there is not a budget amendment included with this MOU.

Manager McMullan replied that she was advised by the Finance Department the budget could be amended at the end of the Fiscal Year.

Mr. Barr explained Mr. Barfield is in the audience and the Attorney's Office has been meeting with him and his accountant to prepare a contract. He explained Mr. Barfield has raised $200,000 as an endowment fund for Parkridge and is agreeing, once everything is signed, to contribute $27,000 a year to Parkridge.

Manager McMullan asked Mr. Barfield how much he has committed and starting when.

Mr. Barfield answered $27,000 a year starting immediately.

Manager McMullan asked if this would cover payments failed to be made to the City. Mr. Barfield replied he would like begin repayment in the next months and start the $27,000 this year. Manager McMullan responded that is acceptable.

Mayor Edmonds asked if Mr. Langston would like to add anything.

Mr. Langston said he is here representing WCC and that the college would want to keep the relationship with the City of Ypsilanti and the Parkridge center. He said it has always been WCC's plan to provide community service in the eastern part of the County. He said the program at Parkridge has continued to grow over the past ten years. He stated it is imperative to keep the program going for the residents of the City and residents in the greater community. He asked the Council is if the sticking points the amount of money that is paid yearly.

Mayor Edmonds responded Council has always supported Parkridge, but funding is an issue, which is the partnership with WCC and Mr. Barfield is so essential.

Council Member Richardson said saving and maintaining Parkridge is extremely important, and was opposed of removing recreation from the budget in 2003. She there have been various points throughout her tenure on Council that the City didn't want to assist in funding or maintain the building and Council cannot allow this building to deteriorate. She stated Mr. Barfield and other community members came together and were able to keep Parkridge open, working without pay for three years until the establishment of the Parkridge Advisory Board. She sees Parkridge as more than a recreation center but an enhancement center, not just to the City but to the greater community.

Mayor Pro-Tem Brown echoed Council Member Richardson's comments and added Parkridge is a safe space for this City's youth. She said since she was young she has been a part of Parkridge and happens there is truly magnificent. She expressed her gratitude for the partnerships as they are what kept Parkridge going.

Mr. Barfield said he hired a Development Officer and is training that person to build and endowment. It is his hope that over the next five years an endowment of $1 million to $2 million will be created. We will work to create an endowment for Parkridge and if we work together we can salvage it and make it more viable to the City.

Council Member Vogt said in the past the WCC program gave an excess of $250,000 if the City and other private sources could produce $27,000. He agreed with Ms. Richardson that Parkridge is about nurturing, training, helping, and educating youth, especially those from troubled homes. It is a tremendous asset and it should be continued anyway it can.

Council Member Robb asked for his understanding that $31,391 out of the budget that is going to be put back in at the end of the year.

Manager McMullan said they gave them $10,000 to maintain the building, and the janitorial. The excess of that has been $13,000, what goes back into the fund would allow us to be fully reimbursed once Mr. Barfield put in his donation.

Council Member Robb asked Mr. Barr for clarification regarding a date.

Mr. Barr responded said Mr. Robb caught a typo and it should say for 2017. Council Member Robb asked if they would have to amend that. Mr. Barr said they could get a clean copy for the signing and they would have to note that it has been changed.

On a roll call, the vote to approve Resolution No. 2016-275 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

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

2. Resolution No. 2016-276, approving the Bell/Kramer testing proposal.

Moved by Council Member Vogt, seconded by Mayor Pro-Tem Brown

Ms. Ernat said the last council meeting staff was directed to solicit pricing for testing. She asked AKT Peerless to be here tonight to discuss possible. We will need to have access agreement with all the home and structures, it would take two hours per home and would need to be installed in the lowest part of the home. The testing would require a small hole that could be permanently covered afterwards. The monitoring includes fifteen samples and would include about ten structures.

Mayor Edmonds asked if the samples were all in the structures on that block.

Ms. Ernat said the testing would not include any housing in the Ypsilanti Housing Commission.

Mayor Edmonds asked for more information on the testing.

Ms. Vienna from AKT Peerless stated data for some previous investigation in 2013 have been researched and based on the results the scope of work will be to examine both methane in the subset. She said AKT would resample if necessary based on the data, or expand the investigation further outwards. She said AKT will be looking for both volatile organic compounds and test for methane in the landfills obviously because of the breakdown of garbage, sometimes a pocket of gas will move in a different direction.

Ms. Ernat said they did meet with Michigan Department of Environmental Quality and they were satisfied with this being a starting point for testing.

Council Member Richardson said she would like make sure the housing behind the gas station would be tested too.

Ms. Ernat responded that those houses are included.

Mayor Edmonds asked if there was a reason to be testing in the landfill, surface or otherwise.

Ms. Ernat responded that after recommendations from MDQ and longer discussions with AKT staff feels this is the critical part of the test. She said we know there is methane existing in the landfill, but we know to know where it is migrating.

Council Member Richardson asked what are we prepared to do if we find methane.

Ms. Ernat responded a strategy depends on what is found. She explained methane, for example, will always take the path of least resistance, there could be more or less. We could use monitors such as CO2 Monitors that indicate like a fire alarm when those levels are higher, this is an easy solution we could provide immediately at a lower cost.

Mayor Edmonds asked what different ways of mitigation are available.

Ms. Vienna said that you could install a venting system they are pretty simple to design and install. She said it would be prudent to find out the results first before moving ahead with plans.

Mayor Pro-Tem Brown asked for clarification of the testing process.

Ms. Vienna replied two hours for testing because 45 minutes after the installation before it is stable to collect the samples, we then send it to the lab, which is a turnaround of about five to six days, then analyzed and a report prepared for the City.

Mayor Pro-Tem Brown said it wasn't "until 30 days" but "within 30 days". After that we can take more action and planning. She asked what the timeline is for the radon vents.

Ms. Ernat responded once the results are received staff would report to Council if it would require immediate attention Council would be contacted immediately, for something moderate staff would wait for the final report to be brought to Council.

Mayor Edmonds asked if residents in the structures being tested will be informed of the results immediately.

Ms. Ernat responded the information would first go to Council and staff would inform residents, but Council will make the final decisions in terms of remidiation.

Council Member Bashert said she is very pleased with the swift response when concerning the health of residents. She asked if an issue could develop since this project went to bid. Council Member Robb said it is only $25,000.

Ms. Ernat responded the City and AKT Peerless have a professional service contract of up to $225,000. Ms. Ernat added it was not necessary for staff to bring this to Council for approval however it is staff's intention to keep Council abreast of what is happening at Bell/Kramer.

Mr. Barr said there is an exception in the charter for professional services.

Council Member Murdock asked if they are testing for VOC and Methane should be complete relatively quick.

Ms. Ernat responded the results will be available somewhat quickly, but the final report will take more time.

Council Member Murdock stated the testing will provide data on how the City should proceed. He asked how the City will fund possible remediation.

Ms. Ernat responded the budget was reduced from $20,000 to $10,000 but it can be amended at the six month budget review.

Council Member Murdock stated a budget amendment will require a budget amendment. Ms. Ernat replied it would occur during the six month budget review. Mr. Murdock asked if the City had a similar professional services contract with AKT as it does with OHM. Ms. Ernat

responded in the affirmative. Mr. Murdock asked if that contract was sufficient for remediation. Ms. Ernat responded in the affirmative. Council Member Robb added the funding should be expended from that contracted amount.

Council Member Robb said his concern is through this process the City is creating a lot of data with no baseline to measure. He stated the City is fundamentally creating a baseline with this testing with uncertainty of how long possible levels have existed. He added this data could potentially put the City at risk.

Ms. Vienna stated based on the previous studies the levels were very low to not existent near the residential structures but it is prudent to test in the homes.

Mayor Edmonds asked for clarification on the baseline.

Ms. Ernat said that the baseline tests were taken around 1975. She said at that time testing was not completed in the structures in that area. Council Member Robb asked why sampling is not done to learn how possible contamination is migrating instead of creating new data by testing in the homes in the area.

Ms. Ernat replied Council gave the direction to focus on potential harm to the residents.

Council Member Robb said he understands but the data could be used against City.

Council Member Murdock replied Pandora's Box was already opened with the testing already completed and it is important to understand how those residents are being affected.

Council Member Bashert added the issue is not to find out where the contamination is but determining the impact has on the lives and health of residents.

Council Member Robb responded in his industry that is not how testing would be complete for fear of massive lawsuits. He appreciates the health of everyone, but they are here to protect the City and that is what concerns him.

Council Member Bashert responded that with all due respect to Council Member Robb there are areas of his industry that handle liability differently.

Council Member Richardson stated this is a situation the City created and that the City needs to take responsibility to correct.

Council Member Robb replied he is not stating it is not the responsibility of the City and the City shouldn't correct the problem but the City should be testing the migration patterns and not inside the homes.

On a roll call, the vote to approve Resolution No. 2016-276 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

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

3. Resolution No. 2016-277, approving the amended 2017 Council Schedule.

Moved by Council Member Murdock, seconded by Council Member Richardson

Council Member Murdock stated January 3rd is a Tuesday and asked if January 2nd would be a holiday.

Clerk Hellenga responded in the affirmative.

Council Member Murdock asked the January dates be change to tenth and the twenty-fourth.

Council Member Murdock moved a friendly amendment to change the January Council Meeting dates to the tenth and the twenty-fourth. Council Member Richardson accepted the friendly amendment.

On a roll call, the vote to approve Resolution No. 2016-277 as amended was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

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

4. Resolution No. 2016-278, directing staff to negotiate an agreement with Amicus Management for a one-time cash payment for a sign lease to end in 2022.

Moved by Council Member Richardson, seconded by Mayor Pro-Tem Brown

Economic Development Director Beth Ernat stated this information was received early this week that a company is seeking to buyout some of Adam's Outdoor sign leases. She stated the Attorney's Office has some concern that if the sign would be leased again the lessor would attempt to remove the City form the agreement. She does not share that fear because the City is the property owner and the City would not be willing to negotiate a proposal that would not benefit the City. She added at one point this specific billboard was scheduled to be removed by Adam's Outdoor. She stated the Finance Department has agreed it would be more beneficial for the City to receive a onetime payment of $10,000 rather than continue receiving $1,500 a year. She added this is not very risky and could benefit the City.

Council Member Vogt asked who is responsible to remove the sign if the lease is not renewed in 2022. Ms. Ernat responded the City would be responsible. Mr. Vogt stated it is a reasonable amount however he is neutral but it would be useful to add to the agreement that Amicus would remove the sign.

Ms. Ernat stated it is her opinion the parcel that holds the sign is not very attractive for development due to its size. Ms. Ernat stated the billboard is a steady stream of revenue for the City even if it only amounts to $2,000 a year.

Council Member Robb stated this is not about possible revenue rather how Ypsilanti sees itself as a community. Mr. Robb stated the City prides itself on its Historic District and the City should not have billboards in its Downtown. Mr. Robb said if the City enters into this contract it means for the next six years this billboard may not be removed and the amount of money involved should remove any consideration. Mr. Robb added he believes Council should not approve this resolution and wait until Adam's Outdoor removes its billboard.

Council Member Murdock asked if Adam's leases the billboard this billboard would not apply to the agreement that Adam's must teardown billboards in order to construct others. Council Member Robb added that makes this an even worse prospect for the City. Ms. Ernat stated she does not disagree but $10,000 will assist in covering a soil test however it would not assist in solving greater budget issues. Mayor Edmonds responded $10,000 could help to fund one of the recreation centers in the City. Mr. Robb responded this should be considered in if Council would like billboards in the Downtown.

Council Member Bashert stated she is not a fan of billboards but this parcel is in a downtown area full of businesses, and billboards and advertising are a part of businesses. Ms. Bashert stated because of this it is not out of character to have a billboard in a downtown.

Council Member Richardson stated if Council approves of this resolution the lease would end in 2022 and at that time Council can decide how it would like to proceed. Council Member Robb stated Council can direct staff to inquire what the cost would be to get out of the lease and remove the sign.

Mayor Edmonds stated if Council chooses to not approve this resolution the City will continue to receive $1,500 a year and there is a possibility Adam's could remove the sign. Ms. Ernat stated one of the strategies in creating additional revenue would be to capitalize on the I-94 properties owned by the City. Ms. Ernat stated the City is limited by state statute but can permit two more digital billboards along the highway.

Council Member Bashert stated this might be more of a concern of reducing expenses instead of creating more revenue. Ms. Bashert stated it is not wise to both not accepting this lease and incurring the cost of removing the billboard.

Council Member Richardson asked if this is not approved will Adam's Outdoor remove the sign. Ms. Ernat responded no. Council Member Robb interjected unless Council removes the possibility and approves this Adam's could remove the billboard.

Mayor Edmonds stated the lump sum payment is not necessarily more revenue it is just received up front rather than over time.

On a roll call, the vote to approve Resolution No. 2016-278 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	No
Council Member Richardson	No	Council Member Vogt	No
Council Member Bashert	Yes		

VOTE:

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

XII. <u>LIASON REPORTS</u> –

A. SEMCOG Update – Meeting on Friday, December 9th.
B. Washtenaw Area Transportation Study - None
C. Urban County – Meets, Wednesday, December 7th.
D. Freight House – Ms. Ernat stated the Freight House is working to complete the last item to be eligible for a temporary Certificate of Occupancy. Ms. Ernat said a photometric study was submitted to the City in October that showed major inefficiencies in lighting. Ms. Ernat stated in order to proceed additional lights need to be installed or lights need to be hooked to a generator. Ms. Ernat added the study has also showed that the piping system is also susceptible to freezing. Ms. Ernat stated the Friends of the Freight House have not responded to questions from the City regarding this plan.

   Council Member Vogt asked what the estimated cost would be to complete the project. Ms. Ernat responded less than $10,000. Council Member Murdock interjected the total cost to complete the project is $30,000. Ms. Ernat responded that is not true, the number to open the building is $10,000. Mr. Murdock stated he is referring to total project completion. Ms. Ernat responded the generator is a permanent fix costing $10,000 plus the exterior lights for total cost of $20,000.

E. Parks and Recreation - None
F. Ypsilanti Downtown Development Authority – Meets Thursday, December 15th.
G. Eastern Washtenaw Safety Alliance – Council Member Murdock stated several reports were given about how Eastern Michigan University is responding to the graffiti issue.
H. Police-Community Relations/Black Lives Matter Joint Task Force – Meeting is Monday, December 12th.
I. Friends of Rutherford Pool - None

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

<u>Robb</u>

- Inquired about the slow resolution of ordinance issues. He requested a detailed report on the reasons why.

- Stated fourteen streetlights on N. Washington St. are out and asked if there are any plans to replace them.

<u>Vogt</u>

- Thanked staff for the installation of "hidden driveway" signs on Hewitt.

<u>Bashert</u>

- Stated she received several calls regarding the lack of quorum at the Task Force meeting. She said she is proud of this community for paying attention and being involved. She stated it is disappointing there wasn't a quorum.

- Said several residents have expressed an interest in enhancing the equipment installed in the "tot lots". She stated those residents will approaching the Park and Recreation Commission regarding the possibility.

  Council Member Richardson asked if those individuals would be willing to form a "Friends Group" as a funding mechanism. Council Member Bashert responded she would make that suggestion. Council Member Murdock added the equipment in the "tot lots" is uniform throughout the City.

Murdock

- Stated he sent some grant possibilities to Economic Development Director Beth Ernat regarding playground equipment.

  Ms. Ernat responded it is being examined for Riverside Park.

- Informed Council that he sent out to Ordinance amendments recently; one an amendment to the Non-Discrimination Ordinance and the other is based of models used by immigrant groups involving not asking a person's immigration status unless required by federal law.

Richardson

- Stated the Town Center residents have had issues with receiving their mail resulting from issues with its mailroom. She added residents were also forced in to signing new leases with higher rents. If residents did not sign the new lease rents automatically increased to $750 a month. She said Council has worked on living conditions at Town Center for some time and asked if there are any legal steps the City could help walk the residents through. City Attorney Barr responded he is in the process of getting in touch with a legal aid from Southeastern Legal Services of Michigan for assistance.

  Mayor Edmonds stated it was her understanding the issue with mail had been resolved. Interim City Manager McMullan responded she would follow-up with the Post Master. Ms. Ernat added the management service is arranging for offsite delivery and the residents will need to go to the management center. Ms. Edmonds asked for this to be confirmed.

- Asked that staff contact DTE to see if there is any recourse for Mrs. James.
- Asked staff investigates what was mentioned by D'Real Graham.

  Council Member Robb stated DTE has the ability to put transformers wherever they would like and the there is little the City can do.

  Council Member Murdock stated there was been talk in the community about people receiving their mail later in the night and he is not sure what has caused this.

XIV. COMMUNICATIONS FROM THE MAYOR –

- Stated she asked to Interim City Clerk to draft a press release regarding the formation of the Sustainability Commission and asking the public to apply. Asked if Council knows of anyone that might be interested to encourage them to apply.

- Said she would prefer the Goal Setting meetings to be held in January and ideally we hope that the new City Manager will be able to be a part of the meetings.

- Asked that Department Heads prepare a report to forward to Council to read prior to Goal Setting.

- Asked if Council would like to provide tours for potential City Manager candidates on the Friday prior to the interviews on December 17th.

  Council Member Bashert stated it is a best practice and believes the City should provide tours however she would not be available on that date. Council Member Murdock agreed it would be a good idea. Mayor Edmonds stated another option would be to conduct the interviews and if there is more than one potential candidate provide a tour prior to the second interview. Council Member Richardson agreed.

XV. COMMUNICATIONS FROM THE CITY MANAGER –

XVI. COMMUNICATIONS –

- December 17, 2016, 8:00 am – City Manager Interviews.

XVII. AUDIENCE PARTICIPATION –

1. **Beverly James - 968 Monroe Street**- stated DTE should have gone through the City's Planning Commission at some point. She added there should not be four transformers in her backyard. She said Council should be watching out for the citizens of this City. She said there must be a code to decide how many transformers can be placed in a single area.
2. **Jim Loganson – 2422 Packard –** Stated he supports the City of Ypsilanti becoming a sanctuary city. He said after September 11th the federal government began offering Byrne Memorial Grants to police forces and is curious of what the conditions are to be awarded the grant.

XVIII. REMARKS FROM THE MAYOR –

None

XIX. ADJOURNMENT -

Resolution No. 2016-279, adjourning the City Council meeting.

Moved by Council Member Vogt, seconded by Mayor Pro-Tem Brown

On a voice vote, the motion carried, and the meeting adjourned at 9:57 p.m.

Resolution No. 2017 - 008
January 10, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

NAME	**BOARD**	**TERM EXPIRATION**
D'Real Graham 211 Washington Ypsilanti, MI 48197	Human Relations Commission	01/10/2020

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
January 10, 2017

From: Stan Kirton, Public Services Director

Subject: Contract with Orchard, Hiltz & McCliment, Inc. for Construction Engineering Services for the Signal Upgrade Project at Michigan Avenue and Prospect Road Intersection

---

SUMMARY & BACKGROUND:

Federal Transportation Funds - MDOT Safety Improvement Program Funds has been programmed to upgrade the signal at the intersection of Prospect Road and Michigan Avenue. The scope of work includes the installation of: a new controller cabinet, strain poles, box span, new signals, count down pedestrian traffic signals, left turn signals on Prospect Road and concrete sidewalk ramp work. This project is slated for the 2017 construction season.

The estimated cost for geotechnical testing and construction engineering services for this project is $40,000.

OHM has submitted a proposal for geotechnical testing and construction engineering services at a not to exceed cost of $40,000. Services includes: geotechnical testing, construction layout, construction observation services for all underground, paving and restoration. Construction engineering includes reviewing shop drawings and materials certifications, attending the preconstruction meeting and answering contractor questions. Contract administration is also included in this proposal.

The FY 2016-2017 budget has allocated funding for the construction engineering services in account #202-7-9056-975-02.

Attachments: OHM Proposal for Construction Engineering Services, Resolution

Recommended Action: Approval

Date Received: _____January 4, 2017_____ Agenda Item No.: _____

City Manager Comments: _____

For Agenda of _January 10, 2017___ Finance Director Approval _____

Council Action Taken: _____

Resolution No. 2017 - 009
August 10, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council has approved the contract MDOT to make safety improvements at the intersection of Prospect Road and Michigan Avenue; and

WHEREAS, it is necessary to secure construction engineering services to expedite this project for the 2017 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 $40,000.00; and

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

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

ARCHITECTS. ENGINEERS. PLANNERS.

OHM Advancing Communities®

January 3, 2017

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

Attention: Mr. Stan Kirton
Department of Public Services Director

Regarding: **Michigan Avenue and Prospect Road**
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 Michigan Avenue and Prospect Road intersection improvement project in the City of Ypsilanti.

PROJECT UNDERSTANDING

We understand that this project will be an intersection safety enhancement project. This intersection is part of a closed loop interconnect system which utilizes radio interconnect for coordination on the Michigan Ave corridor. The project includes a new controller cabinet, strain poles, box span and signal heads, pedestrian crossing improvements, pavement repair, pavement markings, and signage.

SCOPE OF SERVICE

CONSTRUCTION SERVICES

(Construction layout, observation, construction engineering and contract administration)

Construction Layout

OHM will provide construction survey layout services for the signal installation and paving activities. Staking will be provided for signal pole locations, pedestrian push button locations, curb elevations, ramp elevations and drive approaches. This will include the initial placement of the stakes and if removed by residents and/or contractor one (1) additional staking.

Construction Observation

OHM will provide full time on-site construction observation services for all signal work and paving activities and restoration. For this proposal, we anticipate eight weeks that will require full time inspection. If the contractor requires more time than this for the major items of work, additional fees may be required. Coordinating materials testing services will also be included under construction observation. Material testing is shown as a separate line item below.

Construction Engineering

OHM will provide construction engineering services for the paving portion of 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 pre-bid, preconstruction, and one public meeting, answering requests for information (RFIs) from the contractor, resolving construction conflicts (i.e., mismarked utilities, interpretation of the contract documents, etc.). Record drawings will also be provided.

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 MDOT coordination, 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 -	**$34,000**
Geotechnical Testing-	**$6,000**
TOTAL	**$40,000 (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).

ADDITIONAL SERVICES
OHM will be pleased to provide any of the following additional services for this project on a time and material basis. A separate proposal would be provided for such services.

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

DELIVERABLES
Record Drawings in the appropriate format will be delivered upon project completion. A final pay estimate and final acceptance letter will be issued upon project completion.

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

Sincerely,

[redacted]

Marcus J McNamara

P:\0000_0100\0094140050_MichiganProspect_Safety_PM\CE\Mich_Prospect_CE_Proposal.docx

REQUEST FOR LEGISLATION
January 10, 2017

To: Mayor and Council

From: Frances McMullan, Interim City Manager

Subject: Change Order Approval – Marsh Plating contract (Park and Grove Closures)

SUMMARY & BACKGROUND: City Council entered into an agreement with Marsh Plating on June 7, 2016. The agreement dedicated a road easement to the City and included compensation to Marsh Plating for the easement. The compensation agreed to was based on the estimated cost of the improvements necessary to enhance the City right-of-way to accommodate vehicle movements as well as to mitigate the loss of the easement area. This was all done in preparation for the closures of at-grade railroad crossings located at Park and Grove. Construction is complete. The attached invoice from the contractor retained by Marsh Plating itemizes the work completed.

There was additional work necessary to complete the project. The additional work included tree removal along the property line, removal of debris from the rail right-of-way, a revised storm sewer layout, removal of road and base from Grove Road for the storm sewer, and concrete barriers in lieu of a guardrail.

OHM authorized the additional work and oversaw the project. The additional work was necessary and unavoidable. Per the agreement with Marsh Plating, reimbursement for the actual cost of work in required from the City. The base contract was $171,000. The additional work totals $25,730 for a project total of $196,730. As the change order is above $25,000, council approval is being requested.

RECOMMENDED ACTION: As the work has been completed and was necessary for the project and per the contract the City pays change orders necessary for the project, approval is recommended.

ATTACHMENTS: Letter of review from OHM and Invoice from Kaas Builders.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2017 - 010
January 10, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti entered into an agreement with Marsh Plating on June 7, 2016, and the agreement requires City compensation for said construction project for the closure the at-grade railroad crossing at Grove Road; and

WHEREAS, the City is responsible to the construction costs associated with said road construction project per agreement; and

WHEREAS, additional work was necessary to complete the project in the amount of $25,730.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the City Manager to pay the Change Order in the amount of $25,730 to Marsh Plating.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

ARCHITECTS. ENGINEERS. PLANNERS.

OHM Advancing Communities℠

December 13, 2016

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

Attention: Ms. Beth Ernat

Regarding: **Grove Street Crossing Closure**
Marsh Plating Agreement – Final Payment

Dear Ms. Ernat:

The City Council entered into an agreement with Marsh Plating via resolution No. 2016-124 on June 7, 2016. This agreement dedicated a road easement to the City and included compensation to Marsh Plating for the easement. The compensation agreed to was based on the estimated cost of the improvements necessary to enhance the City right-of-way to accommodate vehicle movements as well as to mitigate the loss of the easement area. Construction is now complete and incurred costs are known. The attached invoice from the contractor retained by Marsh Plating itemizes the work that was completed. The breakdown is summarized below:

Base contract:	$171,000
Tree Removal along property line:	$1,650
Remove HMA from rail row:	$4,750
Revised storm sewer layout:	$16,500
Grove Road HMA repair:	$1,480
Concrete barriers in lieu of guardrail:	$1,350
Total:	$196,730

The revised and additional work that was completed was necessary to complete the project. OHM has reviewed the invoice and agrees that the invoice accurately reflects the work completed. The amount of the claims is consistent with average industry pricing for similar work.

Per the purchase agreement, compensation is due to Marsh Plating for the actual cost of the work. We recommend payment to Marsh Plating for the total amount incurred following receipt of a signed affidavit that no additional claims will be pursued by Marsh Plating or their contractor, John R. Kaas Builders.

[redacted]

P:\0000_0100\0094150070_RailPlatform_Construction\GroveClosure\Marsh\Final_Acceptance_CE.docx

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

JOHN R. KAAS BUILDERS
1032 Whittaker Road
YPSILANTI, MICHIGAN 48197

Cell # (313) 218-0280
(734) 461-1044 Fax (734) 461-4886

INVOICE
No. 1859

TO marsh / City of ypsi
parking Lot & Curbing

DATE	Nov 1st 2016
CUSTOMER ORDER NO.	
SALESPERSON	
VIA	

DRinage JOB Lot on Grove

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	pull out App 2100 ft of standard & pan		
	Curbing & Repair LF		City
	pull out Aprons Repair App 2500 sq ft		per Quote
	R+R 750 ▫ ft of Side City Repair		
	5-8" thick Dig out 900 ▫ of over 18" deep		171.00 ▫
	Burden Stone Base Compact pour		
	6" Cement w 6x6-#6 Wire pined in place		
	Dispose of All Rubble Make		
	Extras		
	Dig out Extra 6" to 8" over Bur	(2100-)	N/C
	free Remove Fence Re		1,650 ▫
	Dig out Stump. old Fence Repair neighbor lot	(875)	N/C
	Lot App 750 ▫ ft Bigger than Specced @ 750	6562 ▫	N/C
per March	Haul off Dispose of Rail Work Rubble Trk		4,750.00
	Add Steel Cut Car manHole &		
	tap 11 Ft Deep Basins Set		16,500 ▫
	2 ft min Stone Road Base		
	paving Grove Rd 3 in Lift Asphalt Compact		1,480 ▫
	End of Road Grazed Rail		
	to Specked Spec @ 2500 ▫ to		
	much backed with to do	3,850	
	Concrete Roadway burnade	2,500	1,350 ▫
		1,350	

total Due 196,730.00

Thank You!

REQUEST FOR LEGISLATION
January 10, 2017

From: Andrew Hellenga, Interim City Clerk

Subject: Approving Revocation/Denial of Medical Marijuana Dispensary Appeal Fee

---

SUMMARY & BACKGROUND:

Section 7-10 of the Medical Marijuana Ordinance provides that if an applicant or licensee has a license refused, or revoked they may appeal. The appeal must be submitted with fee to the Clerk within 30 days.

Upon investigation of the ordinance and Fee Schedule currently a fee has not be set for an appeal of licensee denial or revocation.

It is the opinion of staff that the fee be set at $1,100 covering cost resulting from further staff investigation and possible hearing.

Attachments: Resolution

Recommended Action: Approval

Date Received: _____Agenda Item No.: _____

City Manager Comments: _____

For Agenda of _____ Finance Director Approval _____

Council Action Taken: _____

Resolution No. 2017 - 011
January 10, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, in February of 2011 City Council approved the Ordinance 1145 allowing City Licensed Medical Marijuana Dispensaries and Grow Facilities to operate in the City; and

WHEREAS, Section 7-10 of Ordinance 1145 provides the appeal process for applicants and licensee to appeal a denial or revocation of a Medical Marijuana Dispensary or Grow Facility License; and

WHEREAS, an appeal, with fee, is to be submitted to the Clerk's Office within 30 days of license denial or revocation; and

WHEREAS, currently the Fee Schedule does not include a fee for the appeal of license denial or revocation; and

WHEREAS, staff recommends a fee be set at $1,100 for an appeal of a Medical Marijuana Dispensary or Grow Facility License denial or revocation.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves a fee of $1,100 for an appeal of a Medical Marijuana Dispensary or Grow Facility License denial or revocation and may the Fee Schedule reflect that change.

OFFERED BY:_____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

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

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

John M. Barr
Karl A. Barr
~~~~~~~

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

EQUEST FOR LEGISLATION

DATE: January 5, 2017

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: City Manager agreement

SUMMARY/BACKGROUND

After an extended search process City Council interviewed candidates for City Manager and selected Mr. Darwin D.P. McClary, subject to a suitable contract and background check.

This office was charged with negotiating an employment agreement with Mr. McClary. I met with Mr. McClary and spent the holiday shutdown period in negotiations. I also discussed the negotiations with the mayor, several councilmembers and MS Kathie Grinzinger, the MML consultant as we progressed.

An agreement was reached, subject to City Council approval and a positive background check. A proposed employment agreement is attached.

The essential terms of the agreement are:

1. Salary - $100,000 per year.
2. Term – 4 years, at will.
3. Notice of resignation – 60 days.
4. Severance pay if terminated without cause –first year 90 day, second year 120 days, third and following years 180 days.
5. Executive leave time – 40 days no roll over
6. Housing incentive – similar to EMU plan to purchase housing and live in city
7. Moving expense – actual, up to $3,000
8. Health insurance – city plan, opt out provision
9. Pension/retirement – 9% in defined contribution plan
~~~~~~~

ATTACHMENTS: Proposed employment agreement. Resolution to approve agreement, subject to background check

RECOMMENDED ACTION: Adoption of resolution

DATE RECEIVED:_____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:

RESOLUTION NO. 2017- 012
January 10, 2017

RESOLUTION TO APPROVE HIRE DARWIN D.P. McCLARY AS YPSILANTI CITY MANAGER AND TO APPROVE HIS EMPLOYMENT CONTRACT

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

Mr. Darwin D. P. McClary is hereby hired as City Manager of the City of Ypsilanti and that the attached employment contract and its terms and conditions are hereby approved and the Mayor and City Clerk are authorized to sign said contract for and on behalf of the city, subject to satisfactory completion of all pre-employment conditions and approval by the City Attorney.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

YPSILANTI CITY MANAGER
EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF YPSILANTI AND
DARWIN D. P. McCLARY

This agreement is made between the **CITY OF YPSILANTI**, a Michigan municipal corporation, hereinafter referred to as the "CITY" and Darwin McClary of 9293 Pinestead Drive, Commerce, MI 48390, hereinafter referred to as the "EMPLOYEE" (hereinafter collectively referred to as "Parties") for the purposes herein. The parties have negotiated certain terms of the EMPLOYEE's employment with the Employer and have come to certain understandings about the terms and conditions of employment and wish to evidence this in writing.

In consideration of the premises and of the benefits to be derived from the mutual observance of the covenants in this Agreement, the parties agree as follows:

1. EFFECTIVE DATE. The Parties acknowledge and agree that EMPLOYEE's start date shall be February 13, 2017.

2. DUTIES. The CITY agrees to employ the EMPLOYEE as the City Manager of the CITY to perform all duties specified by Article IV, Section 4.03 of the Ypsilanti City Charter and by ordinances, and to perform such other proper duties as assigned by City Council. The EMPLOYEE agrees to carry out his duties in an efficient and conscientious manner, and to exercise his discretion and judgment in the best interests of the CITY at all times.

3. LENGTH OF EMPLOYMENT, TERMINATION, AND SEVERANCE PAY. This employment agreement as City Manager is contingent upon the EMPLOYEE's acceptance of the appointment, the EMPLOYEE's approval and acceptance of this employment agreement document, approval by City Council of the EMPLOYEE's appointment to City Manager and this employment agreement document, and satisfactory completion of all pre-employment aspects of this appointment, including a drug screen, background checks, driver's record check and any other pre-employment verifications deemed necessary by City Council.

Subject to the terms and conditions of this employment agreement, and notwithstanding any City personnel regulation or representation to the contrary, the EMPLOYEE shall be an "Employee-at-will" and nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the employment of the EMPLOYEE at any time except as such right to terminate employment is limited within this document or by the City Charter.

a. The Parties agree that EMPLOYEE shall remain in the employ of the CITY for a minimum of four (4) years unless this agreement is terminated prior to that date as provided
herein.

b. In the event the EMPLOYEE is terminated with/for cause, the CITY shall have no further obligation to pay any amount under this agreement and the EMPLOYEE

shall not be entitled to any further compensation, including but not limited to severance pay or additional salary but will be entitled to receive pay for his vested executive leave time as of the time of his termination.

c. For purposes of this Agreement, the termination of EMPLOYEE's employment shall be deemed to have been with/for cause only:

i. if termination of his employment shall have been the result of EMPLOYEE's willful engaging in dishonest or fraudulent actions resulting or intended to result directly or indirectly in any demonstrable material harm to the City, or

ii. if there has been a willful and continued failure by the EMPLOYEE during his employment (except by reason of incapacity due to physical or mental illness) to comply with the provisions of this Agreement, and the EMPLOYEE shall have either failed to remedy such alleged breach within ten (10) days from his receipt of written notice from the City demanding that he remedy such alleged breach or shall have failed to take all reasonable steps to that end during such ten-day period and thereafter; or

iii. if there has been a breach of fiduciary duty involving personal profit to the EMPLOYEE;

d. In the event the EMPLOYEE resigns his employment, he must give sixty (60) days prior written notice to the CITY. Furthermore, the EMPLOYEE shall not be entitled to any severance pay. Failure to give the required notice shall forfeit any vested executive leave time pay out. In the event that timely notice is given by EMPLOYEE, EMPLOYEE shall be entitled to any vested executive leave time payout.

e. In the event the EMPLOYEE is terminated without cause, the CITY shall pay to the EMPLOYEE a lump-sum severance payment according to the following schedule:

i. if terminated during the first year of employment, severance pay shall be an amount equal to ninety (90) days salary plus vested executive leave time payout.

ii. if terminated during the second year of employment, severance pay shall be an amount equal to one hundred twenty (120) days salary plus vested executive leave time payout.

iii. if terminated during the third or a subsequent year of employment, severance pay shall be an amount equal to one hundred eighty (180) days salary plus vested leave time payout.

4. BASE SALARY. Unless otherwise mutually agreed by the Parties, the CITY shall pay a salary not less than one hundred thousand dollars ($100,000.00) per year, payable bi-weekly in installments at the same time as other EMPLOYEEs of the City are paid. Any

and all adjustments to salary shall be made only by City Council, salary shall be reviewed annually, and may be made by budget authorization.

6. RESIDENCE ALLOWANCE. The CITY desires that the EMPLOYEE reside with the City of Ypsilanti but recognizes that the EMPLOYEE is not required to do so. The Parties agree that, if the EMPLOYEE elects to purchase a home within the CITY, the CITY shall reimburse the EMPLOYEE for actual moving expenses up to three thousand dollars ($3,000.00) upon submission by the EMPLOYEE of paid receipts for such expenses. The CITY shall also provide a forgivable loan to the EMPLOYEE equivalent to the same terms, conditions, and amounts offered at the time of execution of this Agreement by Eastern Michigan University to its employees under its "Live Ypsi" program, attached hereto for reference.

7. PROFESSIONAL DEVELOPMENT. Employer agrees to budget for and to pay the professional dues, subscriptions, travel, and subsistence expenses of EMPLOYEE for professional participation and travel, meetings and occasions adequate to continue his professional development. Participation can include, but not be limited to the National League of Cities, International City County Management Association, Michigan Municipal League, Michigan Municipal Executives and such other national, regional, state and local governmental and community groups and their committees for which EMPLOYEE serves as a member, or when participation is beneficial to the CITY, as well as associated short courses, institutes and seminars.

8. INDEMNIFICATION/REIMBURSEMENT. The CITY shall defend, save harmless and indemnify the EMPLOYEE against any tort, professional liability claim, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of EMPLOYEE's duties/responsibilities as City Manager, provided the EMPLOYEE acted both in good faith and within the scope of his duties/responsibilities as City Manager, and further provided the EMPLOYEE fully cooperates with the CITY in its defense of the claim, demand or other legal action. The CITY may, in its discretion, compromise and settle any claim or suit and pay the amount of any settlement or judgment rendered thereon. Indemnification shall not be provided to the EMPLOYEE by the CITY if the claim, demand or other legal action results from the willful misconduct or willful insubordination of the EMPLOYEE or if the claim, demand or legal action involves any proceeding where the EMPLOYEE is the plaintiff or an adverse party to the CITY. In addition, the City shall pay or reimburse the EMPLOYEE for all normal and reasonable expenses, including travel expenses, incurred by the EMPLOYEE during his employment or after separation of employment in connection with the EMPLOYEE's responsibilities to the City.

9. EXECUTIVE LEAVE. In lieu of vacation, sick, and personal leave time only, the EMPLOYEE shall be credited with forty (40) days of executive leave immediately on his first day of work and shall be credited with an additional forty (40) days of executive leave on each employment anniversary date thereafter to be used at the sole discretion of the EMPLOYEE. Executive leave shall not roll over from one year to the next. It is agreed that the EMPLOYEE shall not use more than ten (10) consecutive work days at a time except for illness or another emergency. In the last year worked, executive leave will be paid out on a pro rata basis for time not used but accumulated that year.

10. AUTOMOBILE ALLOWANCE. The CITY agrees to pay to the EMPLOYEE, in addition to other salary and benefits herein provided, the sum of four hundred fifty dollars ($450.00) monthly as an automobile allowance to be used to purchase, lease, or own, operate, and maintain a vehicle. The EMPLOYEE shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase or lease, operation, maintenance, repair and regular replacement of said vehicle. If the CITY requires any additional insurance to protect against its own liability, the CITY shall pay any additional cost for such insurance or shall arrange for such coverage through its own insurance carrier at the CITY's cost.

11. COMPENSATION TIME. The job of City Manager is an executive position and requires more than forty (40) hours per week. The normal business hours for the CITY are from 8AM to 5PM. No overtime pay is expected and none will be paid, and the EMPLOYEE will not accrue any "comp" time. The parties understand and agree that the EMPLOYEE shall manage his own time and may need to use some time during the regular business day for personal business.

12. INSURANCE.
The CITY will offer the EMPLOYEE all insurance coverages provided to Non-Union employees, under the terms and agreements of such individual insurance plans, including any opt-out payments. This coverage shall be effective upon the first day of employment.

For the avoidance of doubt, the CITY reserves the right to alter, modify, or terminate any or all of its insurance plans and other benefits provided to Non-Union employees during the course of this contract and EMPLOYEE may not rely on any specific coverage or term of such plans or benefits being maintained by the CITY solely for EMPLOYEE's benefit.

13. RETIREMENT. The CITY agrees to pay an amount equal to nine percent (9%) of the EMPLOYEE's base salary into a MERS 401(a) defined contribution account for the EMPLOYEE for retirement purposes, payable in bi-weekly installments at the same time as payroll is processed. The EMPLOYEE shall be 100% vested in such program on the first day of employment. The EMPLOYEE may elect to make additional contributions to the program up to the maximum allowed annually under IRS regulations. No other retirement program or contribution shall be provided by the CITY for the EMPLOYEE.

14. PREMIUMS PAID WHILE ON LEAVE. The CITY shall pay all premiums for health, life, disability, dental and vision insurance benefits that the EMPLOYEE is receiving while the EMPLOYEE is on any paid leave or disability leave.

15. **BEREAVEMENT**. The CITY agrees the EMPLOYEE shall be allowed four (4) working days as paid funeral leave for the death in the immediate family as immediate family is defined in the CITY's employee handbook.

16. HOLIDAYS. The EMPLOYEE shall receive paid holidays in accordance with those

uniformly provided for the CITY's full-time department heads.

17. PERFORMANCE EVALUATION.

a. City Council shall evaluate the performance of the EMPLOYEE annually on a list of prioritized and attainable goals that are mutually agreed upon by the Parties.

b. This review and evaluation shall be in accordance with specific criteria developed and mutually agreed upon by the Parties. Further, the Evaluation Committee shall provide the EMPLOYEE with a summary of written statements and findings of the City Council and provide an adequate opportunity for the EMPLOYEE to discuss his evaluation with the City Council.

18. ETHICAL COMMITMENTS. EMPLOYEE will at all times uphold the tenets of the ICMA Code of Ethics, a copy of which is attached hereto and incorporated herein. Specifically, the EMPLOYEE shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fundraising activities for individuals seeking or holding elected office, nor seek or accept any personal enrichment or profit derived from confidential information or misuse of public time. The CITY shall support EMPLOYEE in keeping these commitments by refraining from any order, direction, or request that would require EMPLOYEE to violate the ICMA Code of Ethics. Specifically, neither the City Council nor any individual member thereof shall request EMPLOYEE to endorse any candidate, make any financial contribution, sign or circulate any petition, or participate in any fundraising activity for individuals seeking or holding elected office, nor to handle any matter of personnel on a basis other than fairness, impartiality, and merit.

19. OUTSIDE ACTIVITIES. The employment provided for by this agreement shall be the EMPLOYEE's primary employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the CITY and the community, the EMPLOYEE may elect to accept limited teaching, consulting, or other business opportunities with the understanding that such arrangements must neither constitute interference with nor a conflict of interest with his responsibilities under this agreement.

20. BONDING. The CITY shall bear the full cost of any fidelity or other bonds required of the EMPLOYEE under any law or ordinance.

21. NOTICES. Notices required pursuant to this agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, and addressed as follows:

a. CITY: City Clerk
City of Ypsilanti
One South Huron Street
Ypsilanti, MI 48197

b. EMPLOYEE: Darwin D. P. McClary
9293 Pinestead Drive
Commerce, MI 48390-1348

Notice shall be deemed given as of the date of personal service or as of two (2) days after the date of deposit of such written notice with the United States Postal Service as evidenced by postmark.

22. INTERPRETATION OF CONTRACT.

a. This Agreement constitutes the entire understanding between the City and the EMPLOYEE. There are no oral understandings, terms or conditions and no party has relied on any representation, express or implied, not contained in this Agreement.

b. This Agreement may be changed only by a written amendment signed by both parties.

c. The Parties restate and incorporate all other provisions of the City's personnel rules, policies and procedures not inconsistent herewith and agree that all such rules, policies and provisions remain in effect. If there is any conflict between the provisions of this Employment Agreement and the rules, policies and provisions of the personnel policies of the CITY, the provisions of this Employment Agreement shall control.

d. This agreement is binding upon and inures to the benefit of the heirs and personal representatives of the EMPLOYEE.

e. If any provision or any portion of this agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement shall not be affected and shall remain in full force and effect.

Dated:_____

_____
Darwin D. P. McClary

CITY OF YPSILANTI

BY: _____
Amanda Edmonds, Mayor

BY: _____
Andrew Hellenga, Interim City Clerk

APPROVED AS TO FORM:
John M. Barr City Attorney _____

Resolution No. 2017-013
January 10, 2017

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: