



APPROVED

**CITY OF YPSILANTI  
REGULAR COUNCIL MEETING  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, APRIL 14, 2017  
7:00 p.m.**

**I. CALL TO ORDER –**

The meeting was called to order at 7:04 p.m.

**II. ROLL CALL –**

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

**Council Member Bashert moved, seconded by Council Member Richardson to excuse the absences of Mayor Edmonds and Council Member Vogt.**

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

**III. INVOCATION –**

Mayor Pro-Tem Brown asked all to stand for a moment of silence.

**IV. PLEDGE OF ALLEGIANCE –**

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

**V. INTRODUCTIONS –**

Mayor Pro-Tem Brown introduced the following individuals; City Manager Darwin McClary, Economic Development Director Beth Ernat, Police Chief Tony DeGiusti, Ordinance Officer James Jackson, and City Attorney John Barr.

**VI. AGENDA APPROVAL –**

**Council Member Richardson moved, seconded by Council Member Bashert to approve the agenda.**

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

## **VII. PRESENTATIONS -**

Ypsilanti Community Schools' millage proposal – Ben Edmondson, Superintendent

Mayor Pro-Tem Brown introduced Ypsilanti Community Schools Superintendent Ben Edmondson.

Superintendent Ben Edmondson provided a presentation regarding the Ypsilanti Community Schools operating millage renewal.

An audience member asked when the school district will meet with realtors. Mr. Edmondson responded he is currently working with a realtor to campaign other companies to stop offering Ann Arbor school of choice as an incentive to sell Ypsilanti properties.

An audience member asked if Ypsilanti Community Schools (YCS) is networking to inform the community of the positive direction YCS is moving. Mr. Edmondson replied he is very accessible to the community and has had 800 information meetings to gain support from the community for the district.

Peninsular Paper Dam Presentation and Dam Removal Study - Laura Rubin, Executive Director Huron River Watershed Council

Mayor Pro-Tem Brown introduced Huron River Water Council Executive Director Laura Rubin.

Executive Director Laura Rubin provided a presentation regarding the Peninsular Paper Dam and park.

An audience member asked if Ms. Rubin was aware that twenty years ago there was interest in commercializing that area, however, since the City used state funding it is precluded from revitalization attempts. Ms. Rubin replied to her understanding the City is only precluded from selling, but it could be leased.

Council Member Murdock stated he shared various studies that have been completed regarding the dam. He explained the Peninsular Paper Company gave the City the dam and around 7 acres to the north. The City hoped to restore the park, use the dam for power generation, and install a historic structure sign. Over the last three decades there have been several meetings with parties interested in power generation, unfortunately, it became difficult to make the project fiscally solvent. At this point the possibility of power generation on this specific dam seems remote because of natural gas prices. He said there are few options for funding at the state and federal levels for dams, however, mostly for removal. The 2014 inspection of the dam was the first to complete an inspection of the dam below the water line and the estimates were a result of that inspection. The Department of Environmental Quality has since requested a plan and timeline on when the City will fix the dam. He explained he is always skeptical about presentations with designs that show only positive possibilities. Tonight he is interested in gathering information regarding removal of the dam and other possible strategies. He explained nothing has been done to maintain, or improve the park since its installation. He said the Historic District Commission (HDC) has requested both the dam and the power house be included in the historic district, which if the City decides to tear down both structures could cause issue. He asked for a study to be completed to gather information regarding the dam and the ecosystem surrounding it.

Council Member Bashert stated there are at least four really good reasons to consider removing the dam. However, this discussion is for Council to decide if it would like to make a matched investment to find out what are the City's options.

Council Member Richardson asked how much the City's match would be for the study. Council Member Murdock responded the study is estimated to cost is around \$40,000 so that City's portion would not exceed for than \$20,000,

which the City has \$25,000 budget. City Manager McClary responded in the affirmative, and explained there is \$25,000 in the General Fund set aside for Pen Dam which would be used for this study. Ms. Rubin added that amount will suffice because it will be matched by the Water Council.

- Resolution No. 2017-088, authorizing city administration to work with the Huron River Watershed Council to prepare the necessary bid specifications, bid advertisement, and cost sharing agreement.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, the Michigan Department of Environmental Quality has informed the city that considerable repairs to the Peninsular Paper Dam are necessary for public health, safety, and welfare and for the preservation of property, if the city desires to maintain the dam; and**

**WHEREAS, a study has previously been completed outlining the scope of work, costs, and impacts for the repair and preservation of the dam; and**

**WHEREAS, it is necessary to undertake a similar study to identify the scope of work, costs, and impacts for the removal of the dam to assist the city council in determining the most beneficial option for the city;**

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby authorize city administration to work with the Huron River Watershed Council to prepare the necessary bid specifications, bid advertisement, and cost sharing agreement for approval by council to complete a study on the scope of work, cost, and impacts of the removal of the Peninsular Paper Dam.**

OFFERED BY: Council Member Murdock  
SECONDED BY: Council Member Richardson

Council Member Murdock asked if the City will need to bid this out because of its professional services contract. Mr. McClary responded the total project would be up to \$40,000 which may require formal competitive bidding. Mr. Murdock stated the Attorney’s Office at one time informed Council that professional services were exempt from the competitive bid process. Mr. McClary responded that might be the case but he will need to do further investigation.

On a roll call, the vote to approve Resolution No. 2017-088 was as follows:

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

VOTE:

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

## **VIII. AUDIENCE PARTICIPATION -**

1. Jon Lusk, 1111 W. Clark Rd, stated 28 years ago he purchased land and built a home and he and his wife are active in the community and sit on City Boards and Commissions. If the dam is removed it will remove the view of the river from his property. If that is done he will argue in front of the Tax Assessment Board of Review his property would be worthless. He believes Peninsular Park will also be damaged by removing the dam, as well as any water recreation enjoyed at this location. An Attorney advised him that if the City leases the land the state will require the City to replace the land used for the park.
2. Gail Wolkoff, 1728 Whittier Rd, stated she is now a non-profit business owner with an L3C, she lives in the City, and she works with youth in the community. She stated she is interested in the CoPAC issue taken up during last meeting. She believes CoPAC is used to connect neighborhoods with the police with the intent of creating safer neighborhoods. What has presented during the last meeting was ostensibly that ideal "mashed" together with several other functions. She believes those other functions should be kept separate and offered her services to the formation of a new body.
3. Adam Gainsley, 409 Adams, stated he is representing Citizens for Ypsi and informed Council his group submitted enough signatures to place a Water Street Debt Millage on the August ballot. He thanked everyone who signed the petition and Council for their guidance and support.
4. Sue Melke, 330 Chidester #409, asked if \$25,000 is spent for the Pen Dam study where will the money come from to maintain the dam.

Mr. McClary responded staff will need to examine that issue closely, but the City will continue to maintain its obligations. Council Member Murdock added the DEQ performs its inspections at no cost to the City. Ms. Melke agreed the Black Lives Matter issues and CoPAC should remain separate as Ms. Wolkoff previously stated. She added the Task Force meeting at the High School last summer gives evidence a Community Police Board is definitely needed even if it only improves perception.

5. Steven Lachance, 8 S. Summit, stated when he moved here twelve years ago he and his wife decided Ypsilanti would be their community. He asked if the Pen Dam study would include any potential economic value added to the City without removing the dam, or would that be completely separate. He stated he is looking to become more active in the community and where he can go to see what commissions are active.
6. Michael Simmons, 128 Bell, asked for an update on the Bell/Kramer issue. He commented on the "One Human Family" banner and asked about everyone else in the community. He said if that banner continues to be up there should be another that says black lives matter.

Mr. McClary stated the purpose of the Pen Dam study is purely for the removal of the dam. He explained a previous study has already been completed on how to make improvements to the dam and will share that with the community. He added this study will examine the economic impact of the removal of the dam.

**IX. REMARKS BY THE MAYOR PRO-TEM –**

— Asked City Clerk McMullan where Mr. Lachance could find minutes for past meetings.

Ms. McMullan responded all approved minutes are located on the website and all listed Boards and Commission are currently active. If minutes have not been approved for some time it is possible they do not meet regularly, but Council has not disbanded. Adam Gainsley added there is a vacancy list but it is one month out of date.

**X. RESOLUTIONS/MOTIONS/DISCUSSIONS –**

- 1. Resolution No. 2017-089, approving minutes of March 7, and March 21, 2017.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**THAT the minutes of March 7 and March 21, 2017 be approved.**

OFFERED BY: Council Member Richardson  
SECONDED BY: Council Member Bashert

On a roll call, the vote to approve Resolution No. 2017-089 was as follows:

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

VOTE:

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

- 2. Resolution No. 2017-090, awarding bid for ordinance abatement services to Premium Lawn Services and Classic Lawn Care and Building Maintenance.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That the ordinance abatement services bid for the City of Ypsilanti be awarded to Premium Lawn Solutions and Classic Lawn Care & Building Maintenance, and that the City Manager is authorized to make change orders and determine the primary and alternate contractor.**

**Further, the Mayor and City Clerk are authorized to sign contracts with the Contractors, subject to the approval by the City Attorney.**

OFFERED BY: Council Member Robb  
SECONDED BY: Council Member Bashert

Ordinance Officer James Jackson stated the previous contract for abatement was headquartered in Brownstown and it was difficult from them to come to Ypsilanti for one job. His intention with the new contract was to solicit services from local companies in order to be more responsive. The two bids are local; one in Ann Arbor and one in Ypsilanti Township and he hopes they will be more responsive.

On a roll call, the vote to approve Resolution No. 2017-090 was as follows:

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

VOTE:

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

3. Resolution No. 2017-091, approving dispatch services agreement with Washtenaw County.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

**WHEREAS, the City entered into a contract for dispatch services with the County of Washtenaw, starting January 1, 2010, and**

**WHEREAS, there has been no adjustment of the cost of dispatch service for seven years, since January 1, 2010, and**

**WHEREAS, the County of Washtenaw has requested a cost increase of \$2,190 per year to \$75,190 per year, beginning July 1, 2017, and**

**WHEREAS, the service is necessary and City Council determines it in the best interest of the City,**

**NOW THEREFORE, the contract amendment is approved and the Mayor and City Clerk are authorized to sign the contract amendment for and on behalf of the City of Ypsilanti, subject to the approval of the City Attorney.**

OFFERED BY: Council Member Bashert

SECONDED BY: Council Member Murdock

Chief DeGiusti stated the City initially entered into this contract with the Sheriff's Department in 2010. The County was eligible to increase the contract by 5% after four years of the contract, however, the contract was only raised by 3% after seven years. He explained the service is very responsive to the City and it would be very cost prohibitive for the City to provide its own dispatch.

On a roll call, the vote to approve Resolution No. 2017-091 was as follows:

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

VOTE:

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

## **XI. LIASON REPORTS –**

- A. SEMCOG Update – Council Member Richardson stated communications were sent to Council today and the next meeting will be May 4<sup>th</sup>.
- B. Washtenaw Area Transportation Study - None
- C. Urban County - None
- D. Ypsilanti Downtown Development Authority - None
- E. Eastern Washtenaw Safety Alliance - None
- F. Police-Community Relations/Black Lives Matter Joint Task Force – None

Council Member Murdock stated after last meeting he was under the impression Council was going to schedule a work session to develop a Police Board.

- G. Friends of Rutherford Pool - None
- H. Housing Equity Leadership Team - None
- I. Economic Development Coordinating Committee - None

## **XII. COUNCIL PROPOSED BUSINESS –**

### Richardson

- Attended an Inkster City Council meeting and recommended each Council Member visit another Community's Council meeting to see how their meetings are structured to see if Ypsilanti can improve.
- Thanked City Manager McClary and Mayor Pro-Tem Brown for attending the forum last week.

### Murdock

- Thanked staff for the update on the Truck Route Ordinance enforcement.

Chief DeGiusti stated officers have already been given training on how to enforce the Truck Route Ordinance. He is meeting with DPS Director Kirton tomorrow, April 19<sup>th</sup> to discuss sign placement in addition to how to notify local trucking companies.

- Asked if Council will be given the new dangerous buildings list as well as what it means and what the process is.

### Bashert

- Thanked Citizen's for Ypsi for their efforts on the petition drive. She sees it as highly unusual and commended all the citizens who performed the work. She is thankful for the possibility that a large amount of the debt could be available in the near future.
- Asked for an update on Bell/Kramer and suggested that her motion to table the resolution might not have been according to Robert's Rules. From what she understands nothing has changed but the issue needs to come back to Council. She asked what must be done to place that issue on an upcoming agenda.

Council Member Robb asked what action Council would take if it comes back to Council. Council Member Bashert responded she is not exactly sure, but if Robert's Rules were not followed it should come back to Council. Mr. Robb responded Council created policy to have residents take

the tests. If those residents do not wish to have the testing complete there isn't a policy to come to Council for approval. He asked if Council Member Bashert would like to change the policy. Ms. Bashert responded no, and explained without the testing complete there is no information to make a decision. Mr. Robb asked what would come to Council to approve, and what is it that Council Member Bashert does not like about the policy. Ms. Bashert responded he does not like that those citizens could be unsafe. She said the issue is if the item was not properly tabled it should come back to Council. Council Member Richardson replied she does not feel the table motion was done incorrectly, and legal counsel did not object. Ms. Bashert stated she received an email from City Manager McClary that a table motion must include a timeline. Mr. McClary responded a question was posed to him on how an issue could come back to Council. He said the motion that was approved was to table the issue and a motion to table, in his understanding, is to lay on the table an issue until the end of the meeting, or at the latest the next meeting. If a Council Member wishes to postpone an item the motion should be to postpone with an attached time, or to postpone indefinitely. He explained if an item is tabled and is not brought back by the next meeting it dies. City Attorney Barr stated this meeting belongs to Council, and Council may set its own rules. If two Council Members wish something to be added to the agenda it can be added, but strict reading of Robert's Rules if a motion to table is made and approved if it is not brought back by the next meeting it dies. Ms. Ernat stated DEQ offered to meet with residents of Bell/Kramer to discuss the testing, however, a meeting was not set. She explained she had not heard from residents until recently how said he would solicit signatures. That individual informed her that he has up to six signed agreements and will be getting another to get to seven. If she has Council's blessing she will proceed forward with the testing if she can secure that seventh agreement.

Council Member Murdock responded he believed the Planning Commission was going to review the matter regardless of testing. Ms. Ernat replied that review was based on the completion of the testing, she asked for Council blessing to move forward with testing less than 75% of the properties. Council Member Robb stated he would prefer not to change the rules and since this item was not brought back by the next Council meeting it died.

**Council Member Bashert moved, Council Member Richardson seconded to complete testing with seven signed agreements.**

Council Member Robb stated the motion to table was tied to zoning not the amount of signed agreements to complete testing. He explained testing could already have been completed on the properties whose owners have signed the agreement. Council Member Murdock stated the mindset to postpone the testing until 75% of the agreements were signed is to produce accurate results. Mr. Robb responded he doesn't think anyone here can provide clear evidence whether seven of eight testing sites is statistically significant. He asked why testing is not completed as agreements are signed. Ms. Ernat responded because of the mobilization costs.

Council Member Richardson asked how many locations of the eleven would need to be tested to make it cost efficient. Ms. Ernat responded she isn't certain there is a number that could be given, but the number she sees as most efficient would include all properties in direct contact with the landfill. After the testing is complete and a resident of Bell/Kramer requests to have testing it would need to come back to Council and more funds allocated. Council Member Robb stated in order for the data to be useful it should include all the properties that touch the landfill. He said because of this Council should not reduce the number to avoid data that cannot be

interpreted properly. Council Member Murdock suggested waiting until the rental property agreed to test and complete it then.

**Council Member Bashert withdrew the motion. Council Member Richardson withdrew her motion.**

Brown

- Stated she is not able to access her City Email and asked in the meantime to add a secondary email to the website.

**XIV. COMMUNICATIONS FROM THE CITY MANAGER –**

- Stated he submitted his Manager’s Report to Council, which included budget preparation, contract negotiations, truck route ordinance, and a Water Street update.
- He provided an update on the Hewitt streetlight. MDOT has given approval for the installation of that streetlight and should be installed within the next six weeks.
- The City Hall upper parking lot light is still waiting for MDOT approval.
- DPS is working on obtaining a contractor to install the bike path on Forest.

Council Member Richardson asked what the cross street is for the light on Hewitt. Mr. McClary responded he believes it is near Stadium Dr.

Council Member Murdock asked if the budget would be presented to Council on Monday, May 1<sup>st</sup>. Mr. McClary responded in the affirmative, the budget will be sent to Council on that date. Mr. Murdock stated if the millage is approved in August it will not be collected until the following year, and will not impact this year. Mr. McClary responded in the affirmative.

**XV. COMMUNICATIONS –**

- Clerk McMullan stated Monday, April 24<sup>th</sup> through Friday, April 28<sup>th</sup> she will be out of the office attending a conference, and in her absence Deputy Clerk Hellenga will be available to assist.

**XVI. AUDIENCE PARTICIPATION –**

1. Adam Gainsley, 409 Adams, asked that the millage not be called Mr. Gainsley’s millage. He also thanked City Clerk Frances McMullan and Deputy Clerk Andrew Hellenga for all their assistance during the petition drive.
2. Steven Lachance, 8 S. Summit, stated he reviewed the City’s website and fund all needed materials.
3. Dave Calkin, 302 Elm, stated he is in favor of the Water Street Debt Millage and the Medical Marijuana Facilities Licensing Act. It seems the businesses that have pioneered the industry in Ypsilanti have earned the right of market lead time. The quicker Council approves an ordinance will help the current businesses make additional investments to be able to compete.

**XVII. REMARKS FROM THE MAYOR –**

Nominations:

**Economic Development Corporation**

Nathan Vogt (replacing Brett Lenart)  
Washtenaw County Brownfield Redevelopment Authority  
415 W. Michigan  
Ypsilanti, MI 48197

**Parks & Recreation Commission**

Cathy Thorburn (reappointment)  
1212 Sherman  
Ypsilanti, MI 48197  
Term Expiration: 5/1/2020

**Planning Commission**

Heidi Jugenitz (reappointment)  
33 Photo  
Ypsilanti, MI 48198  
Term expiration: 5/1/2020

Liz Dahl MacGregor (reappointment)  
103 N. Lincoln  
Ypsilanti, MI 48198  
Term expiration: 5/1/2020

**Human Relations Commission**

Ka'Ron Gaines (new appointment)  
833 Armstrong  
Ypsilanti, MI 48197  
Term expiration: 5/1/2020

**Ypsilanti Housing Commission**

Heidi Frankenhauser (Replacing Valerie Brannon)  
217 Oak  
Ypsilanti, MI 48198  
Term Expiration: 12/31/2018

**XVIII. CLOSED SESSION –**

Resolution No. 2017-092, to approve convening into closed session pursuant to Section 8(c) of the Michigan Open Meetings Act, Public Act 267 of 1976, being MCL 15.268(c), for the purpose of strategy sessions connected with the negotiation of the IAFF, COAM, POAM, and AFSCME contracts.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, the collective bargaining agreements for all four of the City of Ypsilanti's bargaining units expire on June 30, 2017; and**

**WHEREAS, it is necessary for the City Council and city administration to meet and confer in closed session on collective bargaining strategy prior to engaging in contract negotiations;**

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the City Council does hereby approve convening into closed session pursuant to Section 8(c) of the Michigan Open Meetings Act, Public Act 267 of 1976, being MCL 15.268(c), for the purpose of strategy sessions connected with the negotiation of the IAFF, COAM, POAM, and AFSCME contracts.**

OFFERED BY: Council Member Richardson  
SECONDED BY: Council Member Bashert

On a roll call, the vote to approve Resolution No. 2017-092 was as follows:

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

VOTE:

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

The meeting adjourned to closed session 9:07 p.m.

**XIX. ADJOURNMENT -**

Resolution No. 2017-093, adjourning the City Council meeting.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

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

OFFERED BY: Council Member Bashert  
SECONDED BY: Council Member Richardson

On a voice vote the motion carried, and the meeting adjourned at 9:42 p.m.