

**City of Ypsilanti  
Special Council Meeting  
City Council Chambers  
One South Huron Street, Ypsilanti, MI 48197  
Tuesday, December 7, 2004  
7:30 P.M.**

**I. CALL TO ORDER**

Mayor Farmer called the meeting to order at 7:30 p.m. in the Council Chambers.

**II. ROLL CALL**

Present: Mayor Farmer, Council Member Gawlas, Council Member LaRue, Council Member Nickels, Council Member Richardson, Council Member Filipiak, and Mayor Pro-Tem Swanson.

Absent: None

**III. INVOCATION**

Mayor Farmer asked everyone to observe 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**

**VI. AGENDA APPROVAL**

**CITY OF YPSILANTI  
COUNCIL MEETING AGENDA  
CITY COUNCIL CHAMBERS  
ONE SOUTH HURON STREET, YPSILANTI, MI 48197  
TUESDAY, DECEMBER 7, 2004  
7:30 P.M.**

**I. CALL TO ORDER –**

**II. ROLL CALL –**

Mayor Farmer	P A	Council Member Richardson	P A
Council Member Gawlas	P A	Council Member Filipiak	P A
Council Member LaRue	P A	Mayor Pro-Tem Swanson	P A
Council Member Nickels	P A		

**III. INVOCATION –**

**IV. PLEDGE OF ALLEGIANCE –**

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**V. INTRODUCTIONS –**

**VI. AGENDA APPROVAL –**

**VII. PRESENTATIONS –**

- A. Audit presentation fiscal year ending June 30, 2004, David Helisek, CPA Partner, and Martin Olenjnik, CPA Associate Plante & Moran
- B. Update on electrical outages in the City, Paul Ganz, DTE
- C. Update on road projects, Harry Hutchison, Department of Public Works Director

**VIII. AUDIENCE PARTICIPATION –**

**IX. MINUTES –**

- A. Resolution No. 2004 – 228, approving the Minutes of October 19<sup>th</sup> and 21<sup>st</sup>, November 3<sup>rd</sup> 8<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup>, and 20<sup>th</sup> 2004.

**X. PUBLIC HEARING/ORDINANCE – SECOND READING –**

- A. Resolution No. 2004 - 229, approving a proposed ordinance entitled "Payment of Service Fees" by the Ypsilanti Housing Commission be approved on Second and Final Reading.
- B. Resolution No. 2004 - 230, approving a proposed ordinance to amend Chapter 62, Article V, Sections 62-181(2) and (3) regarding the discharge of wastewater be approved on Second and Final Reading.

**XI. RESOLUTIONS / MOTIONS -**

- A. Resolution #2004 - 231, naming an official newspaper of record.
- B. Resolution #2004 – 232, selecting the Friends of the Ypsilanti Freight House as the operator and manager of the Ypsilanti Freight House that the Mayor and City Clerk are authorized to sign the Operation and Management Agreement.
- C. Resolution #2004 - 233, authorizes staff to solicit Requests for Proposals to evaluate the feasibility and revenue potential for a City Income Tax and extend the deadline for the Blue Ribbon Committee on City Finances final report until April 2005.

**XII. COUNCIL PROPOSED BUSINESS –**

**XIII. LIAISON REPORTS –**

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

- A. Closed session per Section 8 (d) to consider land acquisition.

**XV. COMMUNICATIONS FROM THE MAYOR –**

- A. Resolution #2004 – 234, approving appointments to the Board of Review, Historic District Commission, Human Relations Commission, Planning Commission, Recreation Commission, and Ypsilanti Community Utilities Authority and the Zoning Board of Authority.

**XVI. ADJOURNMENT –**

- A. Resolution

No. 2004 -235

**VII. PRESENTATIONS**

- A.** Audit presentation fiscal year ending June 30, 2004, David Helisek, CPA Partner, and Martin Olenjnik, CPA Associate, Plante & Moran.
- B.** Update on electrical outages in the City, Paul Gantz, DTE. Mr. Gantz gave a status of the repair work being done on the underground wiring affecting street light outages. At this time he spoke of 26 broken/open circuits that his office is aware of. He said at each site there may be multiple breaks, resulting in decisions to repair individual breaks or replace an entire run. DTE is approximately half way completed with the repairs that have been caused by street paving contractors. He talked about the three areas that are affected by the damage being done which include 1) Safety issues, 2) Public inconvenience of interruptions, and 3) Continued damage and repair shortens the live span of the system. Mr. Gantz reported that gas lines had also been cut by the contractors and those repairs were also being addressed.
- C.** Update on road project, Harry Hutchison, Department of Public Works Director. Mr. Hutchinson talked about the breaks in service involving electric, gas and water and the efforts made by his department to address them and the cooperation with DTE. Stan Kirton, Facilities Manager, gave an update on the MDOT projects and the roads. Kent Early of OHM reviewed the current status of the road projects from a financial perspective. He also spoke of projected projects for next year.

**VIII. AUDIENCE PARTICIPATION**

Brian Robb, 408 Cross St., expressed the need for the City's website to be a good source of information for interested parties.

Tyrone Wilson, 793 Green, resident and representative of RAID (Rally Against Individual Discrimination) spoke regarding the frequency of updating the website and alleged that notices have not been posted.

Steve Pierce, 118 S. Washington, spoke regarding speeding signs on South Huron, two-way signs on South Adams, the Development Agreement for Water Street, Priscilla's, Ozone House, and Washtenaw and Cross Streets.

Harvey Krage, 504 Pearl St, spoke regarding words of encouragement on the Community Meeting and the draft of the report on the Ozone House.

Tyrone Bridges talked about First Avenue, restoring the south side of town, the website and the challenge of providing activities for the youth in the City.

Leslie Chase talked about the agreement with the Freight House and South Adams becoming a two-way for traffic circulation. She felt creating a two-way street of South Adams will provide support for the downtown area.

## **IX. MINUTES**

### **Resolution # 2004-228**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of October 19<sup>th</sup> and 21<sup>st</sup>, November 3<sup>rd</sup>, 8<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup> and the 20<sup>th</sup>, 2004 be approved.

Council Member Gawlas suggested including the amended agenda as amended into the meeting Minutes.

Offered by Council Member LaRue and supported by Council Member Nickels.

Ayes: 7      Nays: 0      Absent: 0      Vote: 7

## **X. PUBLIC HEARING/ORDINANCE – SECOND READING**

### **Resolution # 2004-229**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the proposed ordinance entitled, "Payment of Service Fees" by the Ypsilanti Housing Commission be adopted on second and final reading.

Offered by Mayor Pro-Tem Swanson and supported by Council Member Nickels.

Mayor Farmer asked if there was any further discussion on second reading. There was no further discussion.

Ayes: 7 Nays: 0 Absent: 0 Vote: 7

**Resolution # 2004-230**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the proposed ordinance to amend Chapter 62, Article V, Sections 62-181(2) and (3) regarding the discharge of wastewater, be approved on Second and Final Reading.

Offered by Council Member Gawlas and supported by Council Member LaRue.

Mayor Farmer asked if there was any further discussion on second reading. There was no further discussion.

Ayes: 7 Nays: 0 Absent: 0 Vote: 7

**XI. RESOLUTIONS/MOTIONS**

**Resolution # 2004-231**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Ypsilanti Press Editions of the Ann Arbor News, a newspaper of general circulation in the City of Ypsilanti, be designated as the official newspaper for the City of Ypsilanti, for placement of all required publication notices and display advertisement.

Further, that the Ypsilanti Courier be used if the deadlines of the Ypsilanti Press Edition of the Ann Arbor News cannot be met.

Offered by Council Member LaRue and supported by Council Member Filipiak

Upon the reading by Council Member LaRue, it was noted that he reversed the names of the newspapers being considered from the written version of Resolution No. 2004-231. The Parliamentarian, Attorney John Barr, clarified that the Resolution the Council Member reads into the record is the Resolution that is being considered, even if it differs from the written version that is in the Council packet.

Council Member Gawlas asked if the legal name of the paper was the 'Ypsilanti Press Edition of the Ann Arbor News', and suggested this should be verified for the record. Mayor Farmer said if the decision was to use the local community section, which is a weekly edition instead of a daily edition, it should also be reflected in the Resolution.

Council Member Richardson asked for clarification on whether the Resolution would be naming the Ypsilanti Press Edition of the Ann Arbor News. Council Member Gawlas indicated that this was correct. Council Member Richardson also asked for clarification on whether a Council Member reading a Resolution is free to change it. Attorney Barr indicated the Resolution is not a Council Resolution until Council approves it. A Member who proposes a Resolution can do it either by a written Resolution or by oral reading and it can be changed

around when presented to Council. The changes can be made by the Council Member who offers it. If it's on the table to be considered, it has to be seconded. Then the Resolution can be voted up, voted down, amended, or whatever is decided.

Mayor Farmer requested that if a Council Member would want to do this, please have something in writing for the Members to follow.

Council Member Nickels asked if approving an agenda also meant they were approving proposed Resolutions. Attorney Barr said meeting minutes should reflect action that the Council does. All other things that someone said or thought is not what the Council did. So, the best thinking on minutes is that they should be short, concise and just show the action items. Attorney Barr said if you have a policy that says they Resolution would always be in writing, then it could be enforced. At the present time there is no policy that says this.

Council Member LaRue said he felt this particular Resolution covered a choice between two newspapers and he did not feel comfortable reading something he would be voting against. He said he wanted to have a discussion on comparative rates and the difference in implications in daily distribution to the entire area or the distribution of the weekly pull-out versus the Courier and the difference in related costs. Some of the questions he would like answered include how many display ads we run on a regular basis? Will we meet contract requirements for the number of ads to get better rates? And, he wants to ensure the distribution gets to as many households as possible. The Mayor asked the City Clerk to gather this information.

Mary Ann Dettling from the Ann Arbor News was in the audience and was available to answer questions. She clarified that the name of the weekly pull out section of the Ann Arbor News is the Ypsilanti Community News Edition of the Ann Arbor News (YCN). She reviewed the information regarding publication rates and circulation. Asked by City Clerk about waiving the \$5.00 cost for Legal Notice Affidavits, Ms. Dettling responded she has requested this service and is waiting for an answer from her supervisor. With the Courier there is no cost to us for a Legal Notice Affidavit.

Mayor Farmer said it looks like on a basis of circulation standpoint alone we might be hitting a broader audience, but we don't know what kind of costs we might incur at a time when budgets continue to shrink.

Council Member LaRue asked if, when the deadlines could be met, the staff could use the Ypsilanti Community News (YCN), when they can't be, they could use the daily and/or add the Courier to the mix, at their discretion. He asked if we could find out how often they are looking at such deadlines. What is typical on a general basis based on their experience? Ms. Dettling mentioned that normal deadlines for the YCN are Tuesday by 4:00 p.m. for the following Monday. If the information is e-mailed to her before 11:00 a.m. Wednesday, they are willing to push the deadline back to accommodate.

Council Member Richardson said the Courier has a deadline of Friday or Monday by noon, which comes out on Thursday, which is a much shorter deadline. Ms. Dettling pointed out that we currently use the Ann Arbor News for legal notices in the classified section on a regular basis. She asked if something were sent in to the Courier on Wednesday, would it

come out the next day. The response was no. Ms. Dettling pointed out that if she received something Tuesday night, it would be in the YCN within a week.

Council Member Nickels said that in both cases we are looking at 3 to 4 working days. Looking at the Courier, one plus is the cost of \$6.40 per column inch. The YCN cost is \$6.50 per column inch once a level of 52 display ads is reached. The City Clerk said we probably exceed 100 ads per year now in the Clerk's department alone. Council Member Nickels talked about the \$0.10/column inch more expensive for the YCN on Monday and would get more circulation.

Mayor Farmer asked if information could be obtained on how many column inches is the average ad. How many average ads do we run per year?

Council Member Richardson asked what a display ad is. Ms. Dettling answered that a display ad has a border and/or is an ad that is in the news portion of the newspaper, not in the classified section. Classified does have display ads with a border. Legal ads are classified liner ads which is a different classification.

Council Member Gawlas asked if both newspapers could be approached to tabulate the previous year's invoices to help calculate the costs as part of their presentations.

Mayor Farmer asked if this should be tabled so additional information could be obtained.

Council Member Richardson moved to table and Council Member LaRue supported.

Mayor Farmer asked for a vote to table until the first meeting in January, 2005.

Ayes: 7      Nays: 0      Absent: 0      Vote: Tabled till January 4, 2005

Mr. Barr asked Ms. Dettling if it were possible to get a contract for 1,000 inches for the year to get a cost break. She answered that the Ann Arbor News does offer this type of contract, but the YCN is broken down by number of insertions. She said she would work with the City Clerk and do some investigation on her own to establish the best price quotes that the paper would be able to offer the City.

**Resolution # 2004-232**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City of Ypsilanti has been forced to reduce funding for Parks and Recreation due to state revenue reductions, and

Whereas, the City of Ypsilanti recognizes Parks and Recreation is an important quality of life issue in the community, and

Whereas, the City of Ypsilanti must find substantial partners to accomplish many of the goals for recreation the Recreation Commission envisions; and

Whereas, the Friends of the Ypsilanti Freight House are prepared to assume operational and management responsibilities for the historic Ypsilanti Freight House in Depot Town; and

Whereas, the City wishes to enter into a contractual relationship with the Friends of the Ypsilanti Freight House for the operation and management of the Ypsilanti Freight House, and

NOW THEREFORE IT IS RESOLVED THAT the City Council selects the Friends of the Ypsilanti Freight House as the operator and manager for the Ypsilanti Freight House; and

Further, be it resolved, that the Mayor and City Clerk are authorized to sign the attached Operation and Management Agreement.

Offered by Council Member Filipiak and supported by Council Member LaRue.

Mayor Farmer asked if there was any discussion. She suggested on page 1 the date of the Operation and Management Agreement be made December 7, 2004 but the effective date of the Agreement be made January 1, 2005. On page 3, section O where the text covers 60 days for the Friends to come up with a plan for Capital Improvements, she suggested the 60 days begin as of the effective date of the Agreement.

Mayor Farmer asked for a vote on the Resolution.

Ayes: 7 Nays: 0 Absent: 0 Vote: 7

### **Resolution # 2004-233**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, over the past six years Ypsilanti has endured severe financial challenges, due to limited revenue growth (due to statutory constraints), record health care cost increases, record insurance cost increases post 9/11 and limited opportunities for growth in the tax base (except through redevelopment, which tends to be more costly and time consuming); and

Whereas, the City Council is concerned about providing for the safety of our residents, providing economic re-development, preserving the infrastructure, enhancing our image and meeting the financial challenges facing the City on both a short-term and long-term basis; and

Whereas, in response to these challenges, the City Council appointed the Blue Ribbon Committee on City Finances in February of 2004 to examine the fiscal condition of the City and provide a long-term report by the end of 2004; and

Whereas, beginning in March 2004 the Blue Ribbon Committee on City Finances examined both City revenues and expenses, presented City Council in July with an interim report on short-term actions and is now recommending City Council employ a firm to evaluate the feasibility and revenue potential of a City Income Tax;

NOW THEREFORE BE IT RESOLVED that City Council approves soliciting proposals to hire a firm to evaluate the feasibility and revenue potential of a City Income Tax and extends

the appointments and the final report deadline for Blue Ribbon Committee on City Finances until April, 2005.

Offered by Council Member Nickels and supported by Council Member LaRue.

Ayes: 7 Nays: 0 Absent: 0 Vote: 7

Mayor Farmer asked for discussion.

Council Member Gawlas observed the City of Ann Arbor has their own report doing the analysis regarding revenue potential and he indicated surprise at how low the exemption level was within the report. He felt it was relevant to the discussion when the report becomes available. He said he had assumed there was a significant opportunity to reduce property tax based on going to Income Tax as a source of revenue. He said he hoped the analysis for the City of Ypsilanti shows a different result than the report for the City of Ann Arbor.

Council Member LaRue asked the City Manager about how the process would go forward in terms of requesting proposals and how would Council and staff be working with the consultants during the time the report is compiled. He said he was hoping Council would have an opportunity to interact with the consultant to give a really good picture of the community and the political realities of things. He said he hoped that would help generate the kind of material Council would find most useful when they are faced with actually making a decision.

City Manager, Ed Koryzno, answered that staff prepared a Request for Proposal that was shared with the Blue Ribbon Committee on Finance (BRC) last Wednesday and is prepared to go out December 8 if Council approves. Those proposals would come back to the Blue Ribbon Committee who would make a recommendation to the City Council. Council Member LaRue said the Council Members are the ones who have to go forward once a decision is made and he was hoping for more interaction from the Council Members in drafting the RFP. Mayor Farmer asked if sending the RFP could be delayed, and Mr. Koryzno pointed out the timeframe would include a month for response to the RFP, a recommendation back to Council possibly in early May, and depending on what the study reveals, if you go forward to go forward with an Income Tax then, you have two opportunities to implement an Income Tax in January and in June. Council Member LaRue said he does not have a problem with it but would like some framework for the staff, the BRC and Council to have some input or dialog along the way.

Mr. Koryzno said the report would consist of gathering data, such as census, business and tax data, and use the information to estimate revenue that could be generated. It would provide information on what rate tax could be levied, up to 1% for residents and up to 0.5% for non-residents. Also it will look at how exemptions from income tax might work.

Council Member LaRue said it may look like the Ann Arbor News report on the Ann Arbor report. He said depending on what kind of exemptions were allowed, the City might generate revenue of \$900,000 or \$18,000,000. He talked about being part of the decision

on what kind of exemptions would be determined and making choices the Council would consider appropriate.

Mr. Koryzno said the report would be in electronic format that would allow manipulation of the data to determine what is most beneficial to the City.

Council Member Gawlas stated in the Ann Arbor News coverage examples were given for different parameters, such as renters or household income. Mr. Koryzno said the BRC was specific to ask for different options such as those.

Mayor Farmer talked about the lifespan of the BRC and suggested adding language to the Resolution extending the appointments of the Members to correspond with the final report deadline in April of 2005.

There were no responses to Mayor Farmer's request for further discussion. She asked for a vote on the Amended Resolution #2004-233.

Ayes: 7            Nays: 0            Absent: 0            Vote: 7

## **XII. COUNCIL PROPOSED BUSINESS**

Council Member LaRue talked about the City website and need for improvement. Mayor Farmer and Council Member Gawlas shared their concern with the need for meeting minutes to be up to date on the site and the elimination of dead links. Council Member Gawlas suggested looking into having the County give a brief overview of the Zope system to gain a better understanding of the City's website.

## **XIII. LIAISON REPORTS**

Council Member Gawlas reported the LDFA meeting had to be called for a lack of a quorum in attendance. Will be meeting Wednesday, December 8 at noon at the College of Business. Richard King, a representative on the LDFA, Steve Pierce, Jennifer Goulet and Megan Gibb and Council Member Gawlas are meeting to formulate some strategies for Ypsilanti.

Council Member Richardson reported the Ypsilanti Area Community Foundation will be awarding its third round of grants on December 18, 2004. She said there is still time for those who might wish to make a donation and get a tax credit through the end of the year.

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

Ed Koryzno reported on the 10 South Prospect property. The developer has acquired the adjacent properties and the City Attorney has prepared an agreement and shared it with the developer interested in the property and may be back in January for a sale agreement. Mr. Koryzno will provide a 'square foot price' along with any available comparables for Council to review.

The Parkview Tenants meeting is scheduled on December 9, 2004 with The Finch Group to share with them the City's proposal. Mr. Finch will be in town to meet with them and this will be followed by a bus trip to Cleveland on December 14 to view a Finch property.

The two coats of paving still scheduled for South Adams will be completed in the Spring and at that time, the street will become a two-way street.

Mr. Koryzno requested a Closed Session per Section 8(d) to consider land acquisition.

## **XV. COMMUNICATIONS FROM THE MAYOR**

### **Resolution # 2004-234**

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.

	<b><u>NAME</u></b>	<b><u>BOARD</u></b>	<b><u>TERM TO EXPIRE</u></b>
1.	David Robinson 722 Cambridge Ypsilanti, MI 48197	Board of Review Reappointment	12/31/2006
2.	Theodore Wicking 1213 Whittier Ypsilanti, MI 48197	Board of Review Reappointment	12/31/2006
3.	Charles Wallgren 470 Douglas Street Ypsilanti, MI 48197	Board of Review Reappointment	12/31/2006
4.	Michael Vincent 1923 Collegewood Ypsilanti, MI 48197	Civil Service Commission Reappointment	02/15/2009
5.	Judith Monaghan 25 ½ E. Cross Ypsilanti, MI 48198	Human Relations Commission Reappointment	01/22/2007
6.	Darlene Scott P.O. Box 970737 Ypsilanti, MI 48197	Human Relations Commission Reappointment	01/22/2007
7.	John Weiss 1206 Pearl Street Ypsilanti, MI 48197	Recreation Commission Reappointment	07/01/2005
8.	Edward Koryzno One South Huron Ypsilanti, MI 48197	Ypsilanti Community Utilities Authority Reappointment	12/31/2006

- |    |   |  |            |
|----|---|--|------------|
| 9. | Helen Vick<br>1015 W. Cross Street<br>Ypsilanti, MI 48197 | Zoning Board of Appeals<br>Reappointment | 05/01/2007 |
|----|---|--|------------|

Offered by Mayor Pro-Tem Swanson and supported by Council Member Nickels.

Ayes: 7 Nays: 0 Absent: 0 Vote: 7

Mayor Farmer asked for discussion. Council Member Filipiak brought up the need to fill two openings on the Recreation Committee. Mayor Farmer said they are working on that.

The Mayor asked for a vote on the reappointments.

Ayes: 7 Nays: 0 Absent: 0 Vote: 7

Mayor Farmer reminded the Council of the Mayor's Open House and talked about this being an opportunity for her to thank the many individuals who have contributed through the year. It is to be held on December 9, 2004 from 6:00 to 9:00 p.m. and invitations have gone out.

The Mayor talked about the community meeting that was held on down zoning and the next steps. She said she was considering having a small meeting with some of the good landlords to address their concerns and needs.

Eastern Michigan University staff, Pam Young, hosted a Civil War Ball in the Union Ball Room last Saturday. Many reenactors showed up in period costumes and it was a fundraiser for the Civil War Muster. This was the second year for this event.

The Mayor asked for a representative from the Council to attend each Recreation Meetings in 2005 and asked the City Clerk for a list of those meetings, and to advise her by email.

Mayor Farmer asked Council Members to prepare to discuss a resolution regarding a jail millage at the January, 2005 meeting in support of the County Resolution.

Mayor Farmer talked about having a policy to prepare resolutions in writing and reading them at the table as they are presented. Council Member Gawlas talked about the occasions when a small change has been made at the reading of a resolution and said it was clear that moving a resolution does not necessarily show approval for it. The vote can still be against it and he would prefer not to have a policy to have to put any changes in writing for the reading. Council Member LaRue stated making a change while reading a resolution into the record would happen only with a small change and would likely not happen often.

**CLOSED SESSION per Section 8 (d) to consider land acquisition.**

Mayor Farmer asked for a Roll Call Vote:

Council Member Gawlas	yes	Council Member Richardson	yes
Council Member LaRue	yes	Council Member Filipiak	yes
Council Member Nickels	yes	Mayor Pro-Tem Swanson	yes

**Resolution # 2004-233 A**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

At a regular meeting of the City Council for the City of Ypsilanti, County of Washtenaw, Michigan (the "City"), held in City Hall, located at One South Huron Street, Ypsilanti, Michigan 48187 on the 7<sup>th</sup> day of December, 2004, at 7:30 o'clock p.m., prevailing Eastern Time.

Present: Mayor Farmer, Council Member Gawlas, Council Member LaRue, Council Member Nickels, Council Member Richardson, Council Member Filipiak, and Mayor Pro-Tem Swanson.

Absent: Council Members - NONE

The following preamble and resolution were offered by Council Member Gawlas and supported by Council Member LaRue:

Whereas, the City Council authorized the City Manager to issue written Good Faith Offers, as required by MCL 213.55, offering the payment of just compensation for the acquisition of all property located in the Water Street Redevelopment Area necessary to pursue the Water Street Development Plan, and to evaluate and settle, within permissible parameters, claims arising from the acquisition of such property and the relocation of businesses and residents residing in the Development Area.

Whereas, the City has been able to acquire by negotiation all of the property within the Development Area necessary for the Development Plan, thus necessitating the commencement of legal proceedings against certain of the property owners residing or doing business in the area, including against Imad Hijazi and Linda Ulrickson ("the Hijazi Litigation"), which litigation was assigned case no. 03-556-CC and assigned to Hon. Donald E. Shelton.

Whereas, the City has reached a negotiated resolution of the legal proceedings, subject to approval of the City Council and now seeks such approval.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager is authorized to accept an all-inclusive offer to settle the pending litigation for \$271,502.15, of which \$177,102.15 was previously paid, leaving a balance payable of \$94,400.00, subject to any permissible prorations for transfer fees or real estate taxes of record.
2. The City Manager is further authorized to execute or authorize execution by the City's retained counsel of a consent judgment or other agreement consistent thereto that would conclusively resolve the matter.

Offered by Council Member LaRue and supported by Council Member Filipiak

Ayes: 7 Nays: 0 Absent: 0 Vote: 7

**XVI. ADJOURNMENT**

**Resolution #2004-235**, attached and made a part hereof, offered by Council Member Filipiak and supported by Council Member LaRue.

Ayes: 7                      Nays: 0                      Absent: 0                      Vote: 7

Adjourned at 10:50 p.m.