



**CITY OF YPSILANTI
COUNCIL MEETING MINUTES
COUNCIL CHAMBERS AT CITY HALL
ONE SOUTH HURON, YPSILANTI, MI 48197
TUESDAY, NOVEMBER 1, 2005
7:30 P.M.**

I. CALL TO ORDER

The Council Meeting was called to order at 7:30 p.m.

II. ROLL CALL

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

All Council Members were present.

III. INVOCATION

Mayor Farmer 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 Farmer introduced Eastern Michigan University President John Fallon, Vice-President of University Relations Juanita Reid, and Assistant Vice-President of University Relations Kathleen Tinney.

VI. AGENDA APPROVAL

Mayor Pro-Tem Swanson moved and support was given to accept the amended Agenda.

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

(Amended Agenda)

**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS
ONE SOUTH HURON STREET, YPSILANTI, MI 48197
TUESDAY, NOVEMBER 1, 2005
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 –

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

V. INTRODUCTIONS –

VI. AGENDA APPROVAL –

VII. PRESENTATIONS –

- A. Letter of Commendation to Sigma Nu and Arm of Honor
- B. Reflection on a Life Well-Lived: Rosa Parks, Presented by Mayor Cheryl Farmer

VIII. AUDIENCE PARTICIPATION –

IX. MINUTES –

- A. **Resolution No. 2005 - 186**, approving the Minutes of October 11th and 22nd, 2005.

X. ORDINANCE – FIRST READING

- A. An Ordinance to Amend Section 14-7 of the Ypsilanti City Code to permit keeping animals under State or Federal Permit
 - 1. Open the Public Hearing
 - 2. **Resolution No. 2005 - 187**, closing the public hearing.
 - 3. **Resolution No. 2005 - 188**, approving the ordinance on First Reading.
- B. An Ordinance to Amend Chapter 102 of the Ypsilanti City Code, entitled “Traffic and Vehicles*,” by Re-Adopting by Reference the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as Amended, for the Purpose of Regulating the Streets and Highways of the City of Ypsilanti and to Repeal or Amend all Ordinance Sections Inconsistent thereto and to set forth the penalties.”
 - 1. Open the Public Hearing
 - 2. **Resolution No. 2005 – 189**, closing the public hearing.
 - 3. **Resolution No. 2005 – 190**, approving the ordinance on First Reading.

(Amended Agenda Continued)

- C. An Ordinance to Amend Chapter 102 of the Ypsilanti City Code, entitled "Traffic and Vehicles*," Article II "Uniform Traffic Code," by Adopting by Reference the Uniform Traffic Code for Cities, Townships, and Villages, as Amended, to Delete or Amend Previous Amendments to this Article, and to Add New Amendments to this Article, for the Purpose of Regulating the Streets and Highways Of the City of Ypsilanti and to set forth the penalties."
 - 1. Open the Public Hearing
 - 2. **Resolution No. 2005 - 191**, closing the public hearing.
 - 3. **Resolution No. 2005 - 192**, approving the ordinance on First Reading.

- D. An Ordinance entitled, "753 South Grove Planned Unit Development."
 - 1. Open the Public Hearing
 - 2. **Resolution No. 2005 - 193**, closing the public hearing.
 - 3. **Resolution No. 2005 - 194**, approving the ordinance on First Reading.

- E. An Ordinance to amend Section 122-294 and Section 122-314 of the City of Ypsilanti Code of Ordinances to add Medical or Dental Offices or Clinics as Special Uses in the R-3 and R-4, Multiple-Family Residential Districts.
 - 1. Open the Public Hearing
 - 2. **Resolution No. 2005 - 195**, closing the public hearing.
 - 3. **Resolution No. 2005 - 196**, approving the ordinance on First Reading.

- F. An Ordinance to amend Section 122-517 of the City of Ypsilanti Code of Ordinances to add Laundry and Dry Cleaning Customer Outlets and Coin Operated Laundromats as Permitted Uses in the C/I, Commercial-Industrial Zoning Districts.
 - 1. Open the Public Hearing
 - 2. **Resolution No. 2005 - 197**, closing the public hearing
 - 3. **Resolution No. 2005 - 198**, approving the ordinance on First Reading.

- G. An Ordinance entitled, "Vacant Superior Road Rezoning."
 - 1. Open the Public Hearing
 - 2. **Resolution No. 2005 - 199**, closing the public hearing.
 - 3. **Resolution No. 2005 - 200**, approving the ordinance on First Reading.

- H. An Ordinance entitled, "Vacant West Michigan Rezoning."
 - 1. Open the Public Hearing
 - 2. **Resolution No. 2005 - 201**, closing the public hearing.
 - 3. **Resolution No. 2005 - 202**, approving the ordinance on First Reading.

- I. An Ordinance entitled, "10 South Prospect Rezoning."
 - 1. Open the Public Hearing
 - 2. **Resolution No. 2005 - 203**, closing the public hearing
 - 3. **Resolution No. 2005 - 204**, approving the ordinance on First Reading.

XI. CONSENT AGENDA - Resolution No. 2005 - 205

- A. **Resolution No. 2005 - 206**, approving the agreement with AATA regarding transit service for the City of Ypsilanti for a period of October 1, 2005 through September 30, 2006 in the amount of \$190,804, that the funds be expended from the General Fund Account #101-967-969-01.

- ~~B. **Resolution No. 2005 - 207**, awarding the bid contract to V & J Cement Construction for the Sidewalk Replacement Program not to exceed \$65,000,000; that the City Manager is authorized to sign the necessary contract documents and any change orders, subject to the approval of the City Attorney to facilitate the service contract. (Removed from Consent Agenda per Council request.)~~

(Amended Agenda Continued)

- C. Resolution No. 2005 – 208**, amending effective date for the Municipal Employees' Retirement System of Michigan Defined Benefit Program (MERS) contract for Edward B. Koryzno, Jr., City Manager retirement benefit plan from September 6, 2005 to October 1, 2005.
- D. Resolution No. 2005 – 209**, amending the effective date of the Municipal Employees' Retirement System of Michigan Defined Benefit Program (MERS) Day of Work or Hours per Month for MERS Retirement Purposes for Edward B. Koryzno, Jr., City Manager from September 6, 2005 to October 1, 2005.
- E. Resolution No. 2005 – 210**, approving the purchase of a Dump Truck with Salter and Underbody, for the use in the Department of Public Works.
- F. Resolution No. 2005 – 211**, approving the purchase of a Lift Truck for use in the Department of Public Works.
- G. Resolution No. 2005 – 212**, authorizing the City Treasurer to levy and assess on the December 2005 tax roll special assessments for unpaid bills totaling \$63,053.57.

XII. RESOLUTIONS / MOTIONS ETC.

- B. Resolution No. 2005 – 207, awarding the bid contract to V & J Cement Construction for the Sidewalk Replacement Program not to exceed \$65,000.000; that the City Manager is authorized to sign the necessary contract documents and any change orders, subject to the approval of the City Attorney to facilitate the service contract.**
- A. Resolution No. 2005 – 212A, adopting the labor contract between the City of Ypsilanti and AFSCME Union Local 623 with changes.**
- B. Resolution No. 2005 – 212B, approving the recommendation of Counsel in Executive Session and approving a Consent Judgment in Federal Court concerning the ADA Sidewalk Case.**

XIII. COUNCIL PROPOSED BUSINESS –

XIV. LIAISON REPORTS –

- A.** SEMCOG Update
- B.** Recreation Commission
- C.** Washtenaw Area Transportation Study
- D.** Washtenaw Development Council
- E.** Ypsilanti Area Community Fund
- F.** Smart Zone Local Development Finance Authority
- G.** Washtenaw Metro Alliance

XV. COMMUNICATIONS FROM THE CITY MANAGER –

- A.** Closed session per Section 8 (c) regarding collective bargaining negotiations and possible consideration of a resolution regarding the union contract, and (e) to consider pending litigation.

XVI. COMMUNICATIONS FROM THE MAYOR –

XVII. ADJOURNMENT –

- A.** Resolution No. 2005 – 213, adjourning the City Council Meeting.

VII. PRESENTATIONS

- A.** Letter of Commendation to Sigma Nu and Arm of Honor

Mayor Farmer invited representatives from Sigma Nu and Arm of Honor fraternities to present to them a letter of commendation for their fundraising activities to assist victims of Hurricane Katrina.

B. Reflection on a Life Well-Lived: Rosa Parks

Mayor Farmer read a letter of tribute to honor Rosa Parks. Council Members then offered their own remarks. Mayor Pro-Tem Swanson requested that all stand for a moment of silence in honor of Mrs. Parks.

VIII. AUDIENCE PARTICIPATION

Council received public comments. Audience participation is recorded on audiocassette and is available to the public for up to sixty days following the City Council meeting.

IX. MINUTES

A. Resolution No. 2005-186, approving the Minutes of October 11th and 22nd, 2005.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of October 11th and 22nd, 2005, be approved.

OFFERED BY: Council Member Richardson

SUPPORTED BY: Council Member Nickels

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

Minutes were approved with noted correction.

X. ORDINANCES – FIRST READING

A. An Ordinance to Amend Section 14-7 of the Ypsilanti City Code to permit keeping animals under State or Federal Permit.

1. Open the Public Hearing – There were no public comments.

2. **Resolution No. 2005 – 187**, closing the public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the Public Hearing on an ordinance entitled, “An Ordinance to Amend Section 14-7 of the Ypsilanti City Code to permit keeping Animals under State or Federal Permit” **be officially Closed.**

OFFERED BY: Council Member Richardson
SUPPORTED BY: Council Member Nickels

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. Resolution No. 2005 – 188, approving the ordinance on First Reading.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an ordinance entitled, “An Ordinance to Amend Section 14-7 of the Ypsilanti City Code to permit keeping Animals under State or Federal Permit” **be approved on First Reading.**

OFFERED BY: Council Member Richardson
SUPPORTED BY: Council Member Nickels

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

B. An Ordinance to Amend Chapter 102 of the Ypsilanti City Code, entitled “Traffic and Vehicles*,” by Re-Adopting by Reference the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as Amended, for the Purpose of Regulating the Streets and Highways of the City of Ypsilanti and to Repeal or Amend all Ordinance Sections Inconsistent thereto and to set forth the penalties.”

1. Open the Public Hearing – There were no public comments.

2. **Resolution No. 2005 – 189**, closing the public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on a ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 102 OF THE YPSILANTI CITY CODE, ENTITLED “TRAFFIC AND VEHICLES*,” BY RE-ADOPTING BY REFERENCE THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 to 257.923, AS AMENDED, FOR THE PURPOSE OF REGULATING THE STREETS AND HIGHWAYS OF THE CITY OF YPSILANTI AND TO REPEAL OR AMEND ALL ORDINANCE SECTIONS INCONSISTENT THERETO AND TO SET FORTH THE PENALTIES" **be officially Closed.**

OFFERED BY: Council Member Richardson
SUPPORTED BY: Council Member Nickels

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. Resolution No. 2005 – 190, approving the ordinance on First Reading.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 102 OF THE YPSILANTI CITY CODE, ENTITLED "TRAFFIC AND VEHICLES*," BY RE-ADOPTING BY REFERENCE THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 to 257.923, AS AMENDED, FOR THE PURPOSE OF REGULATING THE STREETS AND HIGHWAYS OF THE CITY OF YPSILANTI AND TO REPEAL OR AMEND ALL ORDINANCE SECTIONS INCONSISTENT THERETO AND TO SET FORTH THE PENALTIES" **be approved on First Reading.**

OFFERED BY: Council Member Richardson
SUPPORTED BY: Council Member Nickels

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

C. An Ordinance to Amend Chapter 102 of the Ypsilanti City Code, entitled "Traffic and Vehicles*," Article II "Uniform Traffic Code," by Adopting by Reference the Uniform Traffic Code for Cities, Townships, and Villages, as Amended, to Delete or Amend Previous Amendments to this Article, and to Add New Amendments to this Article, for the Purpose of Regulating the Streets and Highways of the City of Ypsilanti and to set forth the penalties."

1. Open the Public Hearing – There were no public comments.
2. **Resolution No. 2005 – 191**, closing the public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on a ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 102 OF THE YPSILANTI CITY CODE, ENTITLED "TRAFFIC AND VEHICLES*," ARTICLE II "UNIFORM TRAFFIC CODE," BY ADOPTING BY REFERENCE THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES, AS AMENDED, TO DELETE OR AMEND PREVIOUS AMENDMENTS TO THIS ARTICLE, AND TO ADD NEW AMENDMENTS TO THIS ARTICLE, FOR THE PURPOSE OF REGULATING THE STREETS AND HIGHWAYS OF THE CITY OF YPSILANTI AND TO SET FORTH THE PENALTIES" **be officially Closed.**

OFFERED BY: Council Member Nickels
SUPPORTED BY: Mayor Pro-Tem Swanson

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. **Resolution No. 2005 – 192**, approving the ordinance on First Reading.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 102 OF THE YPSILANTI CITY CODE, ENTITLED "TRAFFIC AND VEHICLES*," ARTICLE II "UNIFORM TRAFFIC CODE," BY ADOPTING BY REFERENCE THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES, AS AMENDED, TO DELETE OR AMEND PREVIOUS AMENDMENTS TO THIS ARTICLE, AND TO ADD NEW AMENDMENTS TO THIS ARTICLE, FOR THE PURPOSE OF REGULATING THE STREETS AND HIGHWAYS OF THE CITY OF YPSILANTI AND TO SET FORTH THE PENALTIES" **be approved on First Reading.**

OFFERED BY: Council Member Nickels
SUPPORTED BY: Mayor Pro-Tem Swanson

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

D. An Ordinance entitled, "753 South Grove Planned Unit Development."

1. Open the Public Hearing – There were no public comments.

2. **Resolution No. 2005 – 193**, closing the public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed ordinance entitled, "753 SOUTH GROVE PLANNED UNIT DEVELOPMENT" be **officially closed.**

OFFERED BY: Mayor Pro-Tem Swanson
SUPPORTED BY: Council Member Nickels

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. **Resolution No. 2005 – 194**, approving the ordinance on First Reading.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed ordinance entitled, "753 SOUTH GROVE PLANNED UNIT DEVELOPMENT" be approved on **First Reading, subject to review and approval of a development agreement.**

OFFERED BY: Mayor Pro-Tem Swanson
SUPPORTED BY: Council Member Nickels

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

E. An Ordinance to amend Section 122-294 and Section 122-314 of the City of Ypsilanti Code of Ordinances to add Medical or Dental Offices or Clinics as Special Uses in the R-3 and R-4, Multiple-Family Residential Districts.

1. Open the Public Hearing – There were no public comments.
2. **Resolution No. 2005 – 195**, closing the public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled, "MEDICAL OR DENTAL OFFICES OR CLINICS ZONING ORDINANCE TEXT AMENDMENT" **be officially Closed.**

OFFERED BY: Council Member Gawlas
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. **Resolution No. 2005 – 196**, approving the ordinance on First Reading.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed Ordinance entitled, "MEDICAL OR DENTAL OFFICES OR CLINICS ZONING ORDINANCE TEXT AMENDMENT" **be approved on First Reading.**

OFFERED BY: Council Member Gawlas
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

- F.** An Ordinance to amend Section 122-517 of the City of Ypsilanti Code of Ordinances to add Laundry and Dry Cleaning Customer Outlets and Coin Operated Laundromats as Permitted Uses in the C/I, Commercial-Industrial Zoning Districts.

1. Open the Public Hearing – There were no public comments.
2. **Resolution No. 2005 – 197**, closing the public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider an Ordinance entitled, “LAUNDRY/DRY-CLEANING OUTLETS AND COIN OPERATED LAUNDROMATS ZONING ORDINANCE TEXT AMENDMENT” **be officially Closed.**

OFFERED BY: Council Member LaRue
SUPPORTED BY: Council Member Filipiak

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. **Resolution No. 2005 – 198**, approving the ordinance on First Reading.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an Ordinance entitled, “LAUNDRY/DRY-CLEANING OUTLETS AND COIN OPERATED LAUNDROMATS ZONING ORDINANCE TEXT AMENDMENT” **be approved on First Reading.**

OFFERED BY: Council Member LaRue
SUPPORTED BY: Council Member Filipiak

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

- G.** An Ordinance entitled, “Vacant Superior Road Rezoning.”

1. Open the Public Hearing - Council received public comments. Audience participation is recorded on audiocassette and is available to the public for up to sixty days following the City Council meeting.
2. **Resolution No. 2005 – 199**, closing the public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider an Ordinance entitled, "VACANT SUPERIOR ROAD REZONING," **be officially Closed.**

OFFERED BY: Council Member LaRue
SUPPORTED BY: Council Member Filipiak

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. Resolution No. 2005 – 200, approving the ordinance on First Reading.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an Ordinance entitled, "VACANT SUPERIOR ROAD REZONING," **be approved on First Reading.**

OFFERED BY: Council Member LaRue
SUPPORTED BY: Council Member Filipiak

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

H. An Ordinance entitled, "Vacant West Michigan Rezoning."

1. Open the Public Hearing - Council received public comments. Audience participation is recorded on audiocassette and is available to the public for up to sixty days following the City Council meeting.
2. **Resolution No. 2005 – 201**, closing the public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider an Ordinance entitled, "VACANT WEST MICHIGAN REZONING," **be officially Closed.**

OFFERED BY: Council Member Filipiak
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. Resolution No. 2005 – 202, approving the ordinance on First Reading

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an Ordinance entitled, "VACANT WEST MICHIGAN REZONING," **be approved on First Reading.**

OFFERED BY: Council Member Filipiak
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

I. An Ordinance entitled, "10 South Prospect Rezoning.

1. Open the Public Hearing – There were no public comments.
2. **Resolution No. 2005 – 203**, closing the public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider an Ordinance entitled, "10 SOUTH PROSPECT REZONING," **be officially Closed.**

OFFERED BY: Council Member Gawlas
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. **Resolution No. 2005 – 204**, approving the ordinance on First Reading.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an Ordinance entitled, "10 SOUTH PROSPECT REZONING," **be approved on First Reading.**

OFFERED BY: Council Member Gawlas
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

XI. **CONSENT AGENDA** – **Resolution No. 2005 – 205**, approving Consent Agenda items.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the following Consent Agenda items be approved.

- A. Resolution No. 2005 – 206**, approving the agreement with AATA regarding transit service for the City of Ypsilanti for a period of October 1, 2005 through September 30, 2006 in the amount of \$190,804, that the funds be expended from the General Fund Account #101-967-969-01.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the attached purchase of service agreement between the City of Ypsilanti and the Ann Arbor Transportation Authority for the transit service for the period October 1, 2005, through September 30, 2006, in the amount of \$190,804 be approved.

FURTHER, that the Mayor and City Clerk be authorized to sign said agreement on behalf of the City subject to the approval of the City Attorney.

FURTHER, that the funds be expended from the general Fund Account #101-967-969-01.

OFFERED BY: Council Member Filipiak
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

~~**B. Resolution No. 2005 – 207**, awarding the bid contract to V & J Cement Construction for the Sidewalk Replacement Program not to exceed \$65,000.000; that the City Manager is authorized to sign the necessary contract documents and any change orders, subject to the approval of the City Attorney to facilitate the service contract. (Removed from Consent Agenda at Council's request.)~~

- C. Resolution No. 2005 – 208**, amending effective date for the Municipal Employees' Retirement System of Michigan Defined Benefit Program (MERS) contract for Edward B. Koryzno, Jr., City Manager retirement benefit plan from September 6, 2005 to October 1, 2005.

RESOLUTION FOR ADOPTING MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN DEFINED BENEFIT PROGRAMS

THE CITY COUNCIL OF THE CITY OF YPSILANTI whose fiscal year is July 1 to June 30, desires to make available to its eligible employees (as defined below) benefits provided by the Municipal Employees' Retirement System of Michigan (MERS), as authorized by 1996 PA 220. Benefits available are those provided under the Plan Document of 1996.

IT IS RESOLVED that pursuant to the Initial Actuarial Valuation dated February 1, 2005, by MERS' actuary, MERS benefits stated in Section 1 below are to be provided

to the following employee division (e.g., general, police and fire, DPW, union, non-union): General City Manager.

Please note: If no Initial Valuation has been done by MERS' actuary on the specific benefit program (or combination of programs) selected below; or the Initial Valuation is more than one (1) year old at the time MERS' coverage becomes effective as provided under Section 4 of this Resolution; then, per Retirement Board requirements, this resolution will not be implemented until a current actuarial valuation is done by MERS' actuary and necessary supporting contribution rates certified.

1. Benefit programs/formulae (e.g., B-2 / F55 / V-8 / FAC 3 / E-2) selected are: B-4-80% max / F55 / V-8 / Fac-3 / E-2 / RS 50%.
2. The required employee contribution is 0%. (May be any percentage in hundredths of a percent, not to exceed ten [10] percent, unless higher rate is established by collective bargaining agreement accompanying this Resolution.)
- 3.1 Prior service credit with this municipality/court rendered previously by each covered employee in the division is subject to and shall be credited as provided under Section 2C(3) of the MERS Plan Document and MERS Initial Actuarial Valuation and Supplemental Valuation Procedure (as approved by the Retirement Board on September 28, 1999), whose respective terms are incorporated by reference.

All prior service from date of hire.
- 3.2 The Initial Valuation discloses the actuarial reduction in the employer's future contribution rate that will occur where assets of a preceding qualified plan (whether defined benefit or defined contribution plan) and/or other source are transferred to MERS.
- 3.3 In all asset transfers, the employer shall furnish MERS with all necessary and specific information required by MERS on the allocation of employer and employee contributions and investment earnings, along with taxable and nontaxable status on the employee contribution portion.
4. The effective date of this Resolution for making deductions for the employee contributions specified above, and for the payment of necessary employer contributions to MERS, as required in the Plan Document, shall be the same date that MERS' coverage begins, which is October 1, 2005.
5. For municipalities, Plan Section 41 requires adoption by affirmative vote of a majority of the governing body; for courts, see Plan Section 41A. A complete copy of the fully executed collective bargaining agreement (if applicable), and certified copy of the complete official minutes or other official authorizing action for the open meeting at which this resolution was adopted must be forwarded to MERS with this resolution.

OFFERED BY: Council Member Filipiak
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

- D. Resolution No. 2005 – 209**, amending the effective date of the Municipal Employees' Retirement System of Michigan Defined Benefit Program (MERS) Day of Work or Hours Per Month for MERS Retirement Purposes for Edward B. Koryzno, Jr., City Manager from September 6, 2005 to October 1, 2005.

**RESOLUTION FOR DEFINING A DAY OF WORK OR
HOURS PER MONTH FOR MERS RETIREMENT PURPOSES**

Note: To adopt the part-time to full-time employee service credit program under Plan Document Section 4(6), the governing body must adopt the Uniform Resolution Defining Hours Per Month For Part-Time Employees and Service Credit Conversion Upon Promotion to Full-Time Status.

IN ACCORDANCE WITH SECTION 3(1) OF THE MERS PLAN DOCUMENT, as the City Council City of Ypsilanti, does hereby certify that a day of work, or the number of hours of work in a month, for Edward B. Koryzno for retirement purposes, shall consist of one of the following to be effective as of October 1, 2005.

- A. A day shall consist of 8 hours. (Ten [10] days a month of such work days equals one month of credited service.)
- B. A month shall consist of hours. (Each month of such work hours equals one month of credit service.)

OFFERED BY: Council Member Filipiak
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

- E. Resolution No. 2005 – 210**, approving the purchase of a Dump Truck with Salter and Underbody, for the use in the Department of Public Works.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, bids were duly advertised for the purchase of a Dump Truck with Salter and Underbody, for use in the Department of Public Works.

WHEREAS, bids were publicly opened on Friday, September 30, 2005 and reviewed for compliance with the bidding specifications for said equipment.

NOW, THEREFORE, BE IT RESOLVED THAT, the Ypsilanti City Council approves the purchase of said Dump Truck.

OFFERED BY: Council Member Filipiak
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

F. Resolution No. 2005 – 211, approving the purchase of a Lift Truck for use in the Department of Public Works.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, bids were duly advertised for the purchase of a Lift Truck, for use in the Department of Public Works.

WHEREAS, bids were publicly opened on Friday, September 30, 2005 and reviewed for compliance with the bidding specifications for said equipment.

NOW, THEREFORE, BE IT RESOLVED THAT, the Ypsilanti City Council approves the purchase of said Lift Truck.

OFFERED BY: Council Member Filipiak
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

G. Resolution No. 2005 – 212, authorizing the City Treasurer to levy and assess on the December 2005 tax roll special assessments for unpaid bills totaling \$63,053.57.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the City Treasurer be authorized to levy and assess on the December 2005 tax roll the attached listing of unpaid bills totaling \$63,053.57.

OFFERED BY: Council Member Filipiak
SUPPORTED BY: Council Member LaRue

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

XII. RESOLUTIONS / MOTIONS –

B. Resolution No. 2005 – 207, awarding the bid contract to V & J Cement Construction for the Sidewalk Replacement Program not to exceed \$65,000.00; that the City Manager is authorized to sign the necessary contract documents and any change orders, subject to the approval of the City Attorney to facilitate the service contract.

RESOLVED BY THE YPSILANTI CITY COUNCIL:

WHEREAS, bids were duly advertised for the Sidewalk Replacement Program; and

WHEREAS, two (2) sealed bids were publicly opened on September 30, 2005 and reviewed for compliance with bidding qualifications and project specification; and

WHEREAS, the bid submitted by V & J Cement Construction, Inc., 4855 Bridle Run, 1B, Ypsilanti, MI 48197, the amounts of \$3.95 per square foot for four inch sidewalk; \$4.50 per square foot for six inch sidewalk; \$18.00 per linear foot for standard concrete curb and \$0.25 per linear foot for concrete saw cutting, was the lowest qualified bid and best meets the project specifications and is in the best interests of the City; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council awards the bid to V & J Cement Construction, Inc., for the afore mentioned prices for the Sidewalk Replacement Program not to exceed \$65,000.00

THAT the City Manager is authorized to sign the necessary contract documents and any change orders, subject to approval by the City Attorney, to facilitate the service contract.

OFFERED BY: Council Member Richardson

SUPPORTED BY: Council Member Nickels

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

A. Resolution No. 2005 – 212A, adopting the labor contract between the City of Ypsilanti and AFSCME Union Local 623 with changes.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the labor contract between the City of Ypsilanti and AFSCME Union Local 623 be adopted with the following changes:

- Sick Time – Increase cashout of accumulated sick time at retirement from 50% to 75%.
- Vacation Time – Remove maximum for cashout of accumulated vacation time at retirement.
- Hospitalization Medical Coverage – Members will have health insurance through Blue Cross/Blue Shield's Community Blues PPO-1 Plan. The City shall pay the cost for the employees' and dependents insurance, including prescription, optical and dental insurance. The City will reimburse \$5 of the \$10 office co-pay to a maximum of \$100 for single person, \$200 for 2 person, and \$200 for family coverage. Members must switch to the new health care plan on 1/1/2006. ~~The RX co-pay of \$5/\$10 will take effect on 1/1/2006.~~ The RX co-pay of \$5/\$10 will take effect on 1/1/2006 for all members.
- Increase waiver rates to \$5000/year for family, \$4000/year for two-person and \$2000/year for single.
- Retirement: Effective the 1st of the month following contract ratification, the parties agree to participate under the Michigan Employees' Retirement System B-4 plan, with the following riders: FAC-3, F50/25 and F55/15, for all retirements effective after that date. The employees agree to maintain payroll deductions of 5% of wages toward retirement. In addition to this payment, if and when the actuary determines that City revenues are needed to contribute to the retirement system, the employees agree to pay for 50% of that amount.
- Retiree Health Insurance – Replace current language with the following: Retirees will have health insurance through Blue Cross/Blue Shield's Community Blues PPO-1 Plan. The City agrees to pay for the cost of the insurance premium for the retiree and eligible dependents according to the schedule listed in the next paragraph.
- Life Insurance Coverage – Change from \$35,000 to \$40,000 coverage for active employees, and increase paid coverage for retirees to \$5000 from \$1000.
- Monetary Compensation Plan – Three year contract (7/1/04-6/30/07). Across the board increase of 0% for 7/1/04, and a 45¢/hour for 7/1/05, and 50¢ across the board wage increase for 7/1/06. Add three steps to the pay scale for all classification for the "over 25 years seniority" scale.
- Contract termination is June 30, 2007
- Letter of Understanding. The parties agree to discuss the issue of subcontracting in the 2007 contract negotiations.

OFFERED BY: Mayor Pro-Tem Swanson
SUPPORTED BY: Council Member Nickels

VOTE

Yes: 6 No: 0 Absent: 1 (Richardson) Vote: Carried

B. Resolution No. 2005 – 212B, approving the recommendation of Counsel in Executive Session and approving a Consent Judgment in Federal Court concerning the ADA Sidewalk Case.

RESOLVED BY THE YPSILANTI CITY COUNCIL:

Resolved that the Ypsilanti City Council approves the recommendation of Counsel in Executive Session and approves a Consent Judgment in Federal Court concerning the ADA Sidewalk Case.

OFFERED BY: Council Member Gawlas

SUPPORTED BY: Council Member LaRue

VOTE

Yes: 6 No: 0 Absent: 1 (Richardson) Vote: Carried

XIII. COUNCIL PROPOSED BUSINESS

- A. Council Member Richardson spoke regarding the Water Street property. She stated that she feels that there seems to be no activity with regard to this project and that there should be at least some kind of discussion on the matter to generate more enthusiasm. She also discussed issues with the Ypsilanti Police Department.
- B. Council Member Nickels spoke regarding evaluations ~~for~~ by Council Members for ~~and~~ the City Clerk and the City Manager.
- C. Council Member Filipiak asked how much money is spent annually on first class postage for public notices and what the requirements are with regard to public notices.
- D. Council Member LaRue mentioned Comcast and stated that he felt there should be a review of the franchise fee.
- E. Council Member Gawlas had nothing to report at this time.
- F. Mayor Pro-Tem Swanson had nothing to report at this time.

XIV. LIAISON REPORTS

- A. SEMCOG Update – nothing to report at this time.

- B.** Recreation Commission – Council Member Nickels attended the meeting in October. The Commission discussed having Eastern Michigan University invite recreation leaders from throughout eastern Washtenaw County for its recreation summit. They also discussed holding an expo of non-profit opportunities in which non-profit organizations would meet to determine whether there are any opportunities for support of recreation in Ypsilanti. Their next meeting is November 3, 2005. There will be a joint City Council/Recreation meeting in December.
- C.** Washtenaw Area Transportation Study – Council Member Nickels mentioned York Township’s withdrawal of their truck ban. He noted that Washtenaw Area Transportation Study employees are expected to have a 25% co-pay for their healthcare. He also stated that the city of Ypsilanti had not reported crash data for the month of October as of the time of the last meeting.
- D.** Washtenaw Development Council – nothing to report at this time.
- E.** Ypsilanti Area Community Fund – Council Member Richardson mentioned that there will be a social event in December. Grants will be awarded shortly after December 1, 2005.
- F.** Smart Zone Local Development Finance Authority – Council Member Gawlas mentioned that contracts are changing to better reflect the closer relationship between the Smart Zone and the Ann Arbor SPARK.
- G.** Washtenaw Metro Alliance – Council Member Gawlas stated that he did not attend the last meeting. City Manager Ed Koryzno gave an update. Mr. Koryzno noted that Mr. Paul Tait gave a presentation on the Ann Arbor-to-Detroit rail concept and updated the group on the funding that was received at the federal level. He mentioned that Carlisle-Wortman Associates, Inc. was hired to prepare the Washtenaw Open Space Land Use Plan. Mr. Koryzno has a hard copy of the plan, but stated that it may also be reviewed at Washtenaw County’s website.
- H.** Mayor Pro-Tem Swanson thanked all Council Members, Ed Koryzno, Police Chief Basar and Deputy Chief Harshberger for attending the NAACP Dinner.
- I.** Council Member Richardson attended the School Board Meeting last Monday evening. She stated that the main topic was moving their bus garage to Congress Street near the RCTC building. She mentioned that the school board did not impose a time limit during audience participation, and they allowed time for response.

XV. COMMUNICATIONS FROM THE CITY MANAGER

- A.** Closed Session per Section 8(c) regarding collective bargaining negotiations and possible consideration of a resolution regarding the union contract, and (e) to consider pending litigation.

By roll call vote all Members of Council agreed to go into Closed Session at 10:15 p.m.

- B.** City Manager Ed Koryzno attended a two-day conference discussing collaborative efforts among communities which was sponsored by the Wayne State University, Michigan Suburbs Alliance, Michigan Municipal League, SEMCOG and a host of other organizations. He also informed Council that parking meters are installed, the parking lane is striped, and a bike lane is striped on Cross Street. Warner Street is scheduled to be paved November 7th. Crack sealing will begin next week on the list of streets provided to Council. He also reminded Council of the work session scheduled for November 3rd to discuss prioritizing major streets and the water lines underneath to coincide with federal funds available to the city.

XVI. COMMUNICATIONS FROM THE MAYOR

Mayor Farmer informed Council that Jessie Rutherford, the former Recreation Director for whom Rutherford Pool is named, was named to the State Recreation Hall of Fame. A proclamation will be presented in his honor at the next City Council meeting. She also announced that Jon Ichesco was named the Washtenaw County Firefighter of the Year by the Washtenaw County One Hundred. She brought up the Water Street project by mentioning that she saw a development of two-story homes by Cross Winds, a developer interested in the Water Street project, that she felt was a very nice development. She noted that the Ypsilanti Community Band played a memorial concert at Pease Auditorium in memory of the 75th anniversary of the last time that John Philip Sousa brought his band to this community. She requested that Council Members Gawlas and/or Nickels attend an upcoming neighborhood meeting to find out what the concerns are regarding the sale of a piece of city property.

XVII. ADJOURNMENT

- A. Resolution No. 2005 – 213, adjourning the 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 LaRue
SUPPORTED BY: Council Member Filipiak

VOTE

Yes: 7 No: 0 Absent: 0 Vote: Carried

Council reconvened 11:32 p.m. Meeting was adjourned at 11:35 p.m.