



**CITY OF YPSILANTI
REGULAR COUNCIL MEETING
Tuesday, November 21, 2023 @ 6:00 PM
Council Chambers
One South Huron, Ypsilanti, MI 48197
[Launch Meeting - Zoom](#)**

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

- A. 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.

IV. AGENDA APPROVAL

V. PRESENTATIONS

- A. Amy Cell City Manager Search Update
- B. Youth Mental Health Mini-Grant Application: Our Community Reads
1. Resolution 2023-225, Approving a fund transfer to increase the balance of the Youth Mental Health Mini-Grant.
 2. Resolution 2023-226, Approving a mini grant of \$5,000 for Our Community Reads.
- C. Youth Mental Health Mini-Grant Application: Ypsilanti Choral Association
1. Resolution 2023-227, Approving a mini grant of \$5,000 for Ypsilanti Choral Association.
- D. Youth Mental Health Mini-Grant Application: Elevation Youth
1. Resolution 2023-228, Approving a mini grant of \$5,000 for Elevation Youth.
- E. Care Based Safety
- F. Decriminalization Policy

VI. PUBLIC COMMENT (3 MINUTES)

VII. ORDINANCES FIRST READING

- A. Ordinance 1422, an ordinance entitled, "An ordinance to add a new Division 9 to Chapter 2 - Administration, Article VII - Department of the city of Ypsilanti Code of Ordinances to create the Department of Community Services, create the position of Director of Community Services, establish the functions of the department, and provide for the prescription of departmental rules and regulations."
 - 1. Resolution 2023-229, Determination.
 - 2. Public Hearing.
 - 3. Resolution 2023-230, Closing the public hearing.

VIII. CONSENT AGENDA

- A. Resolution 2023-231, Approving the Consent Agenda.
 - 1. Resolution 2023-232, Approving the minutes of the November 7th and November 9th City Council meetings.
 - 2. Resolution 2023-233, Approving special assessments for the winter 2023 tax bills.

IX. RESOLUTIONS/MOTIONS/DISCUSSIONS

- A. Discussion regarding City Manager search.
- B. Resolution 2023-213, Approving Ordinance 1421, an ordinance entitled, "Removing the Open Meetings Act Requirements from the Ypsilanti Police Advisory Commission." **(Second Reading - Tabled)**
- C. Resolution 2023-234, Approving appointments to boards and commissions.
- D. Resolution 2023-235, Approving an agreement with MDOT.

X. BOARD AND COMMISSION - LIAISON REPORTS

- A. Police Advisory Commission
- B. Human Relations Commission
- C. Parks and Arts Commission
- D. Sustainability Commission
- E. Historic District Commission
- F. Planning Commission
- G. Zoning Board of Appeals

XI. LIAISON REPORTS

- A. SEMCOG Update

- B. Washtenaw Area Transportation Study
- C. Urban County
- D. Ypsilanti Downtown Development Authority
- E. Friends of Rutherford Pool
- F. Bicentennial Committee

XII. COUNCIL PROPOSED BUSINESS

XIII. COMMUNICATIONS FROM THE MAYOR

XIV. COMMUNICATIONS FROM THE CITY MANAGER

XV. PUBLIC COMMENT (3 MINUTES)

XVI. ADJOURNMENT

- A. Resolution No. 2023-236, adjourning the City Council Meeting.
- B. Please click [here](#) to access the City Council Contact Form. This form can be used to submit any comments/concerns you might have about this agenda.



Resolution No. 2023-225
November 21, 2023

RESOLUTION TO TRANSFER FUNDS FROM THE MISCELLANEOUS
REVENUE ACCOUNT TO THE YOUTH CONTRIBUTION ACCOUNT TO
INCREASE THE YOUTH MENTAL HEALTH MINI-GRANT TOTAL FOR
FISCAL YEAR 2023-2024 FROM \$10,000 TO \$15,000

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

Whereas, in the budget for FY 2023-2024, City Council approved a \$10,000 grant to organizations that serve the youth in the City, and

Whereas, the Youth Mental Health Mini-Grant Committee has narrowed the pool of applicants to three finalists: Our Community Reads, Ypsilanti Choral Association, and Elevation Youth; and

Whereas, the Youth Mental Health Mini-Grant Committee wishes to award the maximum individual grant amount of \$5000 to each of the three finalists;

Now, therefore, Council authorizes a transfer of funds from the Miscellaneous Revenue Account, account number 101-4-0000-694-01, to the Youth Program Contribution Account, account number 101-7-7470-836-00 in the amount of Five Thousand Dollars (\$5,000) to award the maximum individual grant amount to all three finalists.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2022-226
November 21, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council approved a grant to organizations that serve the youth in the City; and

WHEREAS, Our Community Reads is an organization currently serving the youth in the City of Ypsilanti;
and

WHEREAS, Our Community Reads has submitted a grant application.

NOW THEREFORE BE IT RESOLVED that the Ypsilanti City Council approves a mini grant to Our Community Reads in the amount of \$5,000 to support programs assisting community youth through their efforts.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

City of Ypsilanti - Youth Mental Health Mini-Grant Application

Name of Organization	Our Community Reads
Organization Address	P.O Box 970791
Phone Number	██████████
Email Address	██
Please describe the services and/or programs you provide to City of Ypsilanti youth, and how long you have been providing these services.	Our Community Reads is committed to creating safe spaces for Black children to feel seen, valued, empowered and celebrated through youth programming like Queens Club, Young Men of Purpose, free book fairs, adult storytimes, pop up storytimes, lunch bunch in collaboration with YCS, storytime in collaboration with EMU Bright Futures, and CLR Academy.
Do you know how many City of Ypsilanti youth you currently serve? If so, please share. If not, please describe what you do know that leads you to understand that you serve City of Ypsilanti youth (for instance, among youth from Ypsilanti and Superior Township as well).	My youth programs primarily serve children living in the 48197/48198 zip codes and attend YCS.
What program, service, or initiative are you proposing, and how will it benefit the mental health of City of Ypsilanti youth? Please describe as fully as needed so that we can understand what you propose to do, including activities, timeline, number of youth reached, any other relevant demographic information.	We are planning a Queens Club Girl's Night at the Ypsilanti District Library at 1900 N Harris and a few game nights with community leaders and a Chicago business owner and her daughter visiting via Zoom. Reaching about 30 children over all events. The youth in the Sycamore Meadows area and the current members have participated in previous events and have requested more over the next 12 months.
Is this a new, ongoing, or expansion of an existing program or service?	Expansion or Variation

As a result of your proposed work, what impact will we see? If we were writing a newspaper article at the conclusion of a very successful program, what would it say changed in our community and among our youth?

Engagement and connection through play. Children want to be seen, heard and valued. They sometimes need assistance seeing their value. We have witnessed the joy and openness during our Jewelry making Queens Club event and when I have sat and played board games with them and had snacks. They are much more receptive to guidance when they feel valued and play is a wonderful bridge builder.

How much are you applying for (\$5000 is max in one year; the year follows Ypsilanti's fiscal year which begins July 1)?

4,900.

Total annual budget

\$1,600 storytime chess training and materials. \$700 multiple guest visitors, authors and business owners. \$1,000 food and snacks. 1,000 facilitator. \$600 Our Community Reads shirts for each young person that attends, creating a sense of community and belonging.

501c3 Determination Letter

[OCR EIN IRS determination.pdf](#)

Are you 990s on Guidestar? if yes please upload file

Field not completed.

Please upload you non-discrimination policy

[Our Community Reads Anti-Discrimination Policy.pdf](#)



Resolution No. 2022-227
November 21, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council approved a grant to organizations that serve the youth in the City; and

WHEREAS, Ypsilanti Choral Association is an organization currently serving the youth in the City of Ypsilanti; and

WHEREAS, Ypsilanti Choral Association has submitted a grant application.

NOW THEREFORE BE IT RESOLVED that the Ypsilanti City Council approves a mini grant to Ypsilanti Choral Association in the amount of \$5,000 to support programs assisting community youth through their efforts.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

City of Ypsilanti - Youth Mental Health Mini-Grant Application

Name of Organization	Ypsilanti Choral Association
Organization Address	510 Hart Place
Phone Number	██████████
Email Address	████████████████████
Please describe the services and/or programs you provide to City of Ypsilanti youth, and how long you have been providing these services.	We are a community-service based youth choir. Our parent organization, the Ypsilanti Choral Association has been in operation since 1988, however this new iteration of Ypsilanti Youth Choir started in 2023. We have been singing in the community and donating our time to people who need the joy of music for many years.
Do you know how many City of Ypsilanti youth you currently serve? If so, please share. If not, please describe what you do know that leads you to understand that you serve City of Ypsilanti youth (for instance, among youth from Ypsilanti and Superior Township as well).	Currently about 20 youth, hoping to expand to 35-40 youth.
What program, service, or initiative are you proposing, and how will it benefit the mental health of City of Ypsilanti youth? Please describe as fully as needed so that we can understand what you propose to do, including activities, timeline, number of youth reached, any other relevant demographic information.	Please see attached doc, there is not enough space here. Doc is attached to Non-Discrimination Policy attachment section, and it includes the non-discrimination statement on page 2.
Is this a new, ongoing, or expansion of an existing program or service?	Ongoing

As a result of your proposed work, what impact will we see? If we were writing a newspaper article at the conclusion of a very successful program, what would it say changed in our community and among our youth?

Our impact is to help keep our young people in after-school programs & safe from violence in the streets, so you will see an expanded membership in the choir, many community performances & even opportunities for our choir to travel within and outside of the community! Results will be a community that gathers more often for positive reasons, and young adults who have confidence in their skills.

How much are you applying for (\$5000 is max in one year; the year follows Ypsilanti's fiscal year which begins July 1)?

\$5000.00

Total annual budget

\$40,000.00

501c3 Determination Letter

[Screen Shot 2023-09-29 at 4.15.14 PM.png](#)

Are you 990s on Guidestar? if yes please upload file

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Please upload you non-discrimination policy

[YYC Mental Health Mini Grant City of Ypsi 2023.pdf](#)



Resolution No. 2022-228
November 21, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council approved a grant to organizations that serve the youth in the City; and

WHEREAS, Elevation Youth is an organization currently serving the youth in the City of Ypsilanti; and

WHEREAS, Elevation Youth has submitted a grant application.

NOW THEREFORE BE IT RESOLVED that the Ypsilanti City Council approves a mini grant to Elevation Youth in the amount of \$5,000 to support programs assisting community youth through their efforts.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

City of Ypsilanti - Youth Mental Health Mini-Grant Application

Name of Organization	Elevation Youth Corp
Organization Address	7424 Willow Creek Dr, Ypsilanti MI 48197
Phone Number	[REDACTED]
Email Address	[REDACTED]
Please describe the services and/or programs you provide to City of Ypsilanti youth, and how long you have been providing these services.	We provide arts programming and a safe place to be during our annual summer program. We have been providing a summer program experience since 2021. We are hoping to begin an after-school program, and are also looking to train young people in this program in photography and videography, which would then allow us to hire them as teaching artists and expand the programming.
Do you know how many City of Ypsilanti youth you currently serve? If so, please share. If not, please describe what you do know that leads you to understand that you serve City of Ypsilanti youth (for instance, among youth from Ypsilanti and Superior Township as well).	50 students between our summer program, ACCE in-school program and proposed after-school program
What program, service, or initiative are you proposing, and how will it benefit the mental health of City of Ypsilanti youth? Please describe as fully as needed so that we can understand what you propose to do, including activities, timeline, number of youth reached, any other relevant demographic information.	Please see attached document in the Non-discrimination policy section, as this space isn't long enough to describe our programming in the detail you are asking for.
Is this a new, ongoing, or expansion of an existing program or service?	Expansion or Variation

As a result of your proposed work, what impact will we see? If we were writing a newspaper article at the conclusion of a very successful program, what would it say changed in our community and among our youth?

The community will see a media product that is student-produced, and other artistic products at the end of program performance/show. You will see students more confident in their skills, able to speak about the creation process, opening up about mental health on camera and in class, etc. What it will change is the community's perception of our teenagers and their capacity for greatness.

How much are you applying for (\$5000 is max in one year; the year follows Ypsilanti's fiscal year which begins July 1)?

\$5000

Total annual budget

\$18,000.00

501c3 Determination Letter

[EYC IRS Tax Exempt 501c3 Proof.png](#)

Are you 990s on Guidestar? if yes please upload file

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Please upload you non-discrimination policy

[EYC Mental Health Mini Grant City of Ypsi 2023.pdf](#)



REQUEST FOR LEGISLATION
November 21, 2023

For: Mayor and City Council

From: Andrew Hellenga, Interim City Manager

Subject: Ordinance 1422, an ordinance entitled, "An ordinance to add a new Division 9 to Chapter 2 - Administration, Article VII - Department of the city of Ypsilanti Code of Ordinances to create the Department of Community Services, create the position of Director of Community Services, establish the functions of the department, and provide for the prescription of departmental rules and regulations."

SUMMARY & BACKGROUND: City Council contracted Carlisle Wartman and Associates to complete an audit of the city's Planning Department. The results of that audit indicate a need for strong cohesion among the Planning, Building, and Code Enforcement.

On the November 7, 2023 City Council Meeting staff was directed to provide an ordinance for approval combining the three divisions, per City Charter 2.09(a).

This ordinance will divide this department into two divisions: Economic Development/Planning/Administrative Services and Building/Code Enforcement and be under one director the Community Services Director.

RECOMMENDED ACTION: Approval

ATTACHMENTS:

1. Department of Community Services - Establishment update 11-8-2023
2. CED Department

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: November 21, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:

**STATE OF MICHIGAN
COUNTY OF WASHTENAW
CITY OF YPSILANTI**

ORDINANCE NO. 1422

AN ORDINANCE TO ADD A NEW DIVISION 9 TO CHAPTER 2 – ADMINISTRATION, ARTICLE VII – DEPARTMENTS OF THE CITY OF YPSILANTI CODE OF ORDINANCES TO CREATE THE DEPARTMENT OF COMMUNITY SERVICES, CREATE THE POSITION OF DIRECTOR OF COMMUNITY SERVICES, ESTABLISH THE FUNCTIONS OF THE DEPARTMENT, PROVIDE FOR THE PRESCRIPTION OF DEPARTMENTAL RULES AND REGULATIONS.

THE CITY OF YPSILANTI ORDAINS:

SECTION 1. AMENDMENT TO CITY CODE OF ORDINANCES.

The City of Ypsilanti Code of Ordinances is hereby amended to add a new Division 9 to Chapter 2, Article VII of the code titled “Community Services Department” and to add sections 2-600 to 2-624 creating the Department of Community Services, creating the position of Director of Community Services, establishing the functions of the department, providing for the prescription of departmental rules and regulations, and permitting the appointment of a deputy and designation of an acting director.

SECTION 2. CREATION OF COMMUNITY SERVICES DEPARTMENT.

City of Ypsilanti Code of Ordinances is hereby amended as follows:

CHAPTER 2 – ADMINISTRATION

ARTICLE VII – DEPARTMENTS OF THE CITY

DIVISION 9 – COMMUNITY SERVICES DEPARTMENT

§ 2-600 CREATION OF COMMUNITY SERVICES DEPARTMENT.

There is hereby created the administrative department of Community Services of the City of Ypsilanti.

§ 2-601 HEAD OF COMMUNITY SERVICES DEPARTMENT.

The Community Services Department shall be headed by the Director of Community Services, who shall be the administrative officer of the department. The Director of Community Services shall direct the work of the department and be responsible for the efficient and effective operations of the department. The director shall be appointed by the City Manager and shall serve at the pleasure of the City Manager subject to Section 4.04 of the city charter regarding employment termination. The salary of the director shall be set by the City Manager in accordance with budget appropriations. In addition to the responsibilities outlined in this Chapter for the Community Services Department, the director shall perform such duties as are provided for community development or economic development directors by state law, charter, city ordinances, and the administrative directives of the City Manager.

The director shall have the authority to hire, promote, demote, discipline, or discharge employees of the department with the approval of the City Manager and in accordance with budgetary appropriations and any applicable collective bargaining agreements which may be in effect from time to time. The director shall prepare the department's annual budget proposals for submission to, and consideration by, the City Manager and City Council in accordance with the requirements specified by the City Manager, charter, ordinance, or law, and shall administer the department's budget after adoption.

§ 2-602 FUNCTIONS OF COMMUNITY SERVICES DEPARTMENT.

The functions of the Community Services Department shall consist of the following:

- (A) **Community and Economic Development.** The director shall be responsible for all community and economic development functions of the city, including the provision of expertise and assistance to individuals and developers for new construction, rehabilitation, or redevelopment, provision of advice and assistance with economic development incentives, provision of assistance with master plan, zoning, construction or other codes, and compliance with the city's Community Benefits code. The director shall be responsible for administering the city's Community Development Block Grant (CDBG) program and shall perform other related duties as required by the City Manager.
- (B) **Building Permitting, Inspections, and Enforcement.** The director shall be responsible for the proper supervision and management of residential and commercial construction permitting and inspections of the city, including but not limited to building, mechanical, electrical, and plumbing code permits, inspections, and enforcement, rental housing inspections and certifications, and property maintenance code enforcement.
- (C) **Planning and Zoning.** The director shall be responsible for the proper supervision and management of planning, zoning and historic district functions of the city, including preparation of general plans of the city, preparation and periodic update of the city's zoning ordinance, and provision of planning and zoning expertise and assistance for the city's planning commission, board of zoning appeals, historic district commission, city council, and other boards and commissions. The director shall cause to be prepared other plans as directed by the city council or City Manager.
- (D) **Parks and Recreation.** Until such time that the city shall establish an independent Parks and Recreation Department, the director shall be responsible for the supervision, oversight, and coordination of park and recreation services, programs, and contracts with other public, nonprofit, or private agencies, periodic inspection of conditions of all parks and recreation facilities and coordination of repairs and improvements with the Director of Public Services, and annual recommendation to the City Manager on necessary park and recreation facility improvements, staffing, and other needs for budget planning purposes.

§ 2-603 DEPARTMENT RULES AND REGULATIONS.

The Director of Community Services may prescribe administrative rules, policies, and procedures for the operation of the department, subject to approval by the City Manager, and which

may be amended or repealed by the director upon written notice to, and approval by, the City Manager. It shall be the duty of all employees of the department to comply with such rules and orders while effective.

SECTION 2. FULL FORCE AND EFFECT OF CITY CODE.

Except as specifically amended by this ordinance, the Code of the City of Ypsilanti shall remain in full force and effect.

SECTION 3. SEVERABILITY.

If any provision of this ordinance is held to be invalid, the invalidity shall not affect other provisions of this ordinance that can be given effect without the invalid provision.

SECTION 4. EFFECTIVE DATE.

A synopsis of this ordinance shall be published in accordance with the Charter of the City of Ypsilanti, and this ordinance shall become effective after publication at the expiration of 30 days after adoption.

CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN

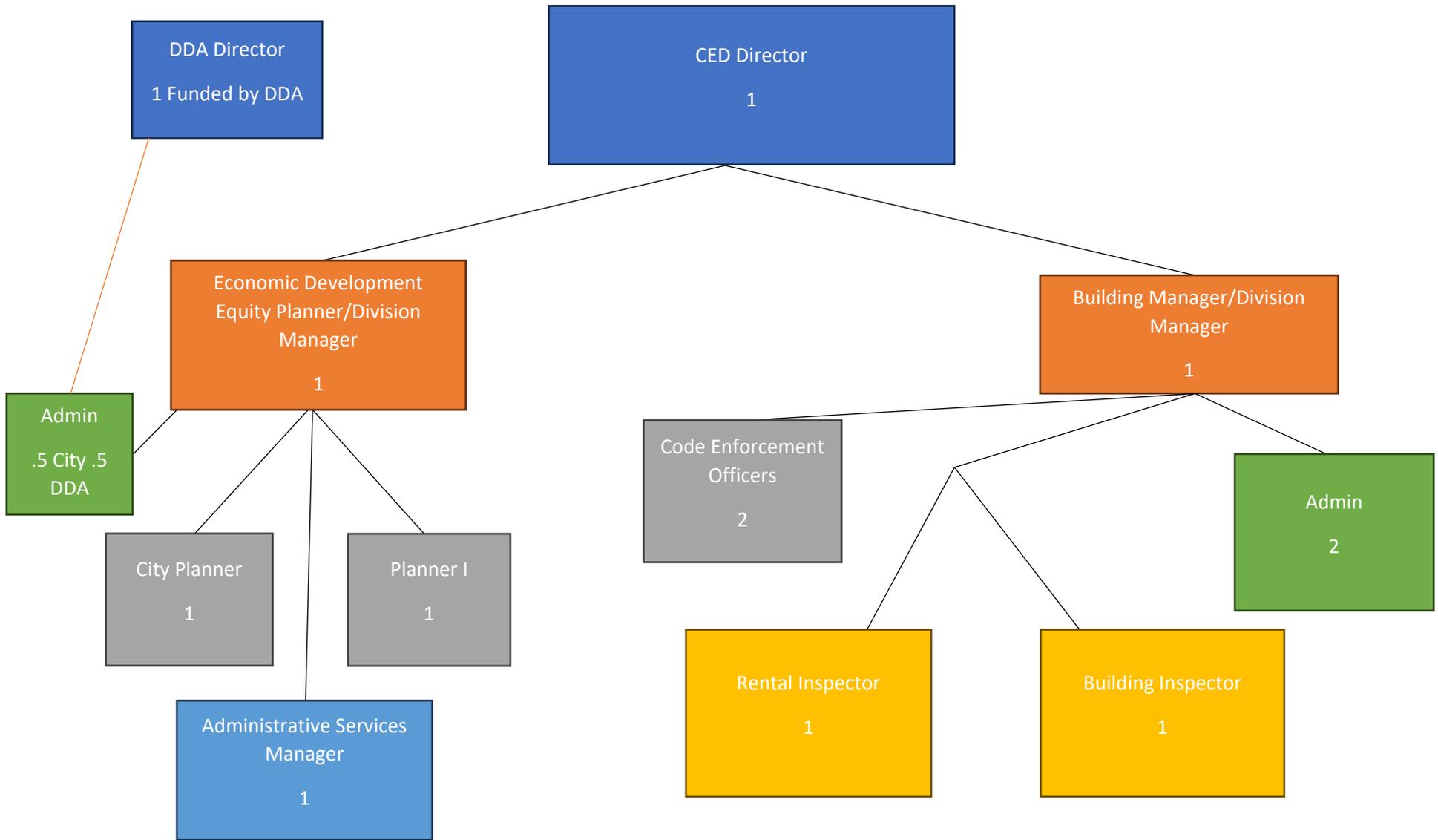
By: _____
Nicole Brown, Mayor

Aaron Smith, Interim City Clerk

CERTIFICATION

I, Aaron Smith, Interim Clerk of the City of Ypsilanti, Michigan, do hereby certify that the foregoing Ordinance was adopted at a Regular Meeting of the City Council of the City of Ypsilanti held on _____, and that the ordinance or a brief summary thereof was published in accordance with Section 2.10 of the city charter on _____, 2023.

Aaron Smith, Interim City Clerk





Resolution No. 2023-229
November 21, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

BE IT RESOLVED THAT AN ORDINANCE TO ADD A NEW DIVISION 9 TO CHAPTER 2 – ADMINISTRATION, ARTICLE VII – DEPARTMENTS OF THE CITY OF THE CITY OF YPSILANTI CODE OF ORDINANCES TO CREATE THE DEPARTMENT OF COMMUNITY SERVICES, CREATE THE POSITION OF DIRECTOR OF COMMUNITY SERVICES, ESTABLISH THE FUNCTIONS OF THE DEPARTMENT, PROVIDE FOR THE PRESCRIPTION OF DEPARTMENTAL RULES AND REGULATIONS be approve on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



REQUEST FOR LEGISLATION
November 21, 2023

For: Mayor and City Council

From:

Subject: Public Hearing.

SUMMARY & BACKGROUND:

RECOMMENDED ACTION:

ATTACHMENTS:

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: November 21, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:



Resolution No. 2023-230
November 21, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT THE PUBLIC HEARING FOR AN ORDINANCE TO ADD A NEW DIVISION 9 TO CHAPTER 2 – ADMINISTRATION, ARTICLE VII – DEPARTMENTS OF THE CITY OF THE CITY OF YPSILANTI CODE OF ORDINANCES TO CREATE THE DEPARTMENT OF COMMUNITY SERVICES, CREATE THE POSITION OF DIRECTOR OF COMMUNITY SERVICES, ESTABLISH THE FUNCTIONS OF THE DEPARTMENT, PROVIDE FOR THE PRESCRIPTION OF DEPARTMENTAL RULES AND REGULATIONS be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2023-232, approving the minutes of the November 7, 2023, and November 9, 2023, City Council meetings.
2. Resolution No. 2023-233, approving special assessments for the winter 2023 property tax bills.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2023-232
November 21, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of the November 7th, 2023, and November 9th, 2023, City Council Meetings be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**FULL MINUTES
REGULAR COUNCIL MEETING
6:30 PM - Tuesday, November 7, 2023
Council Chambers
One South Huron, Ypsilanti, MI 48197**

I. CALL TO ORDER

The meeting was called to order at 6:34 PM.

II. ROLL CALL

Present: Mayor Nicole Brown, Mayor Pro-Tem Wilcoxon, Council Member Evan Sweet, Council Member Roland Tooson, Council Member Desirae Simmons (6:36), Council Member Me'Chelle King (6:36)

Absent: Council Member Jennifer Symanns

Mayor Pro-Tem Wilcoxon moved to excuse the absent and late council members, seconded by Council Member Tooson. On a voice vote, the motion carried.

Yes - 4, No - 0, Absent - 3 (Council Member D. Simmons, Council Member J. Symanns, Council Member King)

III. PLEDGE OF ALLEGIANCE

- A. 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.**

IV. AGENDA APPROVAL

Council Member Sweet amended the agenda to move Resolutions 2023-216 and 217 up on the agenda to after the first Public Comment session.

Mayor Pro-Tem Wilcoxon moved to approve the agenda as amended, seconded by Council Member Tooson. On a voice vote, the motion carried.

Yes - 6, No - 0, Absent - 1 (Council Member J. Symanns)

V. CLOSED SESSION

Council Member Tooson moved to enter Closed Session citing MCL 15.268 (d) to consider the purchase of property at 6:38 PM. Mayor Pro-Tem Wilcoxon seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

- A. MCL 15.268 (d) to consider the purchase of property**

VI. PUBLIC COMMENT (3 MINUTES)

Council Member Tooson moved to leave Closed Session at 8:38 PM. Council Member Simmons seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

Thirty members of the public made comments.

Mayor Pro-Tem Wilcoxon moved to extend the meeting end time to 12:00 AM, seconded by Council Member King. On a voice vote, the motion carried.

Yes - 6, No - 0, Absent - 1 (J. Symanns)

VII. **MOVED RESOLUTIONS**

A. **Resolution 2023-216, Approving the purchase of 599 S. Mansfield. Amended**

Mayor Pro-Tem Wilcoxon moved to approve Resolution 2023-216. Council Member Sweet seconded the motion.

Yes: (5) Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

Abstain: (1) Michelle King

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

Whereas, the Ypsilanti Department of Public Service needs a new building to continue operations, and

Whereas, City Council authorized a property search by buyer’s agent, and

Whereas, suitable property has been found at 599 South Mansfield, and

Whereas, City Council, after staff presentation and recommendation, finds it in the best interest of the City of Ypsilanti to purchase 599 South Mansfield for the sum of \$3,700,000 cash,

Now therefore, the purchase of 599 South Mansfield is approved and authorized and the Mayor and City Clerk are authorized to sign the proposed purchase agreement, copy attached hereto, and the City Manager and staff are authorized to implement the purchase agreement and do all things necessary to close the purchase, all subject to the approval of the City Attorney.

Further, the City Manager and staff are authorized to sell any and all of the unneeded personal property that goes with the sale by public or private sale, as allowed by law, and to retain auctioneers and sales agents as necessary.

B. **Resolution 2023-217, Approving a budget amendment for the purchase of 599 S. Mansfield. Amended**

Mayor Pro-Tem Wilcoxon moved to approve Resolution 2023-217. Council Member Tooson seconded the motion.

Yes: (5) Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

Abstain: (1) Michelle King

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

Whereas, City Council determines that the purchase of 599 South Mansfield, Ypsilanti, MI 48197 is necessary for the continued operation of the Ypsilanti Department of Public Service, and

Whereas, the property at 599 South Mansfield is suitable and available for purchase, and

Whereas, City Council has authorized the purchase of 599 Mansfield and a budget amendment is required to transfer funds for the purchase,

Now, therefore, Council authorizes a Budget Adjustment to transfer funds from the General Fund to the Capital Improvement Fund, account 414-2652-970-03 in the amount of Two Million, Nine Hundred Fifty Dollars (\$3,700,000) for the purchase of 599 South Mansfield, Ypsilanti, MI 48197.

VIII. **PRESENTATIONS**

A. **Avalon Housing CBA Public Hearing**

Five members of the public made comments.

1. **Resolution 2023-209, Closing the public hearing for Avalon Housing CBA.**

Council Member Sweet moved to approve Resolution 2023-209. Council Member Tooson seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None
Absent: (1) Jennifer Symanns

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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that the public hearing to consider adopting a Community Benefits Agreement for 206 N. Washington be officially closed.

IX. MOVED RESOLUTIONS

- A. Resolution 2023-219, Approving the Water Street Services Proposal from Carlisle Wortman.**
Council Member Sweet moved to amend the agenda to move Resolution 2023-219 prior to the Consent Agenda, seconded by Council Member Tooson. On a voice vote, the motion carried.
Yes - 6, No - 0, Absent - 1 (J. Symanns)

Council Member D. Simmons moved to amend Resolution 2023-219 to a limit of \$70,000. Council Member Sweet seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

Council Member King moved to approve Resolution 2023-219 as amended. Council Member Sweet seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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Now therefore be it resolved that the Ypsilanti City Council approve the Water Street Services Proposal from Carlisle Wortman, in an amount not to exceed \$70,000, subject to the approval by the City Attorney.

- B. Resolution 2023-220, Appointing Randolph T. Barker as the Assistant Ypsilanti City Attorney.**
Council Member Sweet moved to amend the agenda to move Resolution 2023-220 prior to the Consent Agenda, seconded by Council Member King. On a voice vote, the motion carried.
Yes - 6, No - 0, Absent - 1 (J. Symanns)

Council Member Sweet moved to approve Resolution 2023-220. Mayor Pro-Tem Wilcoxon seconded the motion.

Yes: (5) Michelle King, Evan Sweet, Roland Tooson, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (2) Jennifer Symanns, Desirae Simmons

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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-
That upon the recommendation of John M. Barr, Ypsilanti City Attorney, attorney Randolph T. Barker is hereby appointed Assistant Ypsilanti City Attorney.

X. CONSENT AGENDA

Council Member King moved to remove Resolution 2023-213 from the consent agenda. Council Member Sweet seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

- A. Resolution 2023-210, Approving the Consent Agenda.**

Council Member Tooson moved to approve Resolution 2023-210 as amended. Council Member Sweet seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2023-211, approving the minutes of the October 17, 2023, City Council meeting.

2. Resolution No. 2023-212, approving the bylaws of the Parks and Arts Commission.

3. Resolution No. 2023-214, approving an updated Memo of Understanding for Overnight Shelter at St. Luke's.

4. Resolution No. 2023-215, approving Bonnie Wessler and Gary Burchwell as WRRMA delegate and alternate.

B. Resolution 2023-211, Approving the minutes of the October 17th, 2023 meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of the October 17th, 2023, City Council Meeting be approved.

C. Resolution 2023-212, Approving the bylaws of the Parks and Arts Commission.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the bylaws of the Parks and Arts Commission be approved.

D. Resolution 2023-214, Approving an updated Memo of Understanding for Overnight Shelter at St. Luke's.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City of Ypsilanti recognizes the importance of an overnight warming shelter during the cold harsh winter months in Michigan and seeks to assist our most vulnerable; and

WHEREAS, the City operates the Ypsilanti Freighthouse and generates revenue to help support the ongoing maintenance and community purpose of the space; and

WHEREAS, the investment in a warming center at the Freighthouse is part of a broader strategy to prioritize community health collaboration with community partners like the Shelter Association of Washtenaw County and Ypsilanti Downtown Development Authority; and

WHEREAS, St Luke's Episcopal Church has offered to host an overnight warming shelter at 120 N Huron St, and the Shelter Association of Washtenaw County will provide operational support as detailed in the following memorandum of understanding

Now therefore be it resolved that the Ypsilanti City Council approve the Memorandum of Understanding with the Shelter Association of Washtenaw County and the City of Ypsilanti and St Luke's Episcopal Church to jointly operate an overnight warming shelter at 120 N Huron beginning in November 2023 and ending by March 2024 and authorize the Mayor and City Clerk to sign on behalf of the city.

E. Resolution 2023-215, Approving Bonnie Wessler and Gary Burchwell as WRRMA delegate and alternate.

CITY OF YPSILANTI
WASHTENAW COUNTY, MICHIGAN
RES NO. 2023-215

RESOLUTION TO APPOINT A DELEGATE AND ALTERNATE TO THE WASHTENAW REGIONAL RESOURCE MANAGEMENT AUTHORITY (WRRMA)

November 7, 2023

At a regular meeting of the City Council of Ypsilanti, Washtenaw County, Michigan held at 1 S. Huron, Ypsilanti MI 48197 on November 7, 2023 at 6:30 PM.

Present: Mayor Nicole Brown, Mayor Pro-Tem Steve Wilcoxon, Council Member Me'Chelle King, Council Member Desirae Simmons, Council Member Roland Tooson, Council Member Evan Sweet

Absent: Council Member Jennifer Symanns

The following preamble and resolution were offered by Council Member Tooson and supported by Council Member Sweet.

WHEREAS, the City of Ypsilanti is a member of the Washtenaw Regional Resource Management Authority; and

WHEREAS, the City Council has the authority to appoint a delegate as detailed in the WRRMA Articles of Incorporation; and

WHEREAS, the City Council has determined that the citizens of the community will be served well by the appointments of DPS Director Bonnie Wessler to the role of WRRMA Delegate and DPS Foreman Gary Burchwell to the role of WRRMA Alternate.

NOW THEREFORE BE IT RESOLVED that Bonnie Wessler is hereby appointed as WRRMA Delegate, and Gary Burchwell is hereby appointed as WRRMA Alternate; and

BE IT FURTHER RESOLVED, that the appointees shall serve in the role during the next fiscal year or until his/her successor is appointed by this Council.

XI. RESOLUTIONS/MOTIONS/DISCUSSIONS

A. Resolution 2023-213, Approving Ordinance 1421, an ordinance entitled, "Removing the Open Meetings Act Requirements from the Ypsilanti Police Advisory Commission." (Second reading)

Council Member King moved to table Resolution 2023-213. Mayor Pro-Tem Wilcoxon seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

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

the ordinance named "Removing the Open Meetings Act Requirements from the Ypsilanti Police Advisory Commission, " be approved on Second and Final Reading.

Mayor Pro-Tem Wilcoxon moved to extend the meeting end time to 1:00 AM, seconded by Council Member Sweet. On a voice vote, the motion carried.

Yes - 6, No - 0, Absent - 1 (J. Symanns)

B. Resolution 2023-218, Approving the Middle Huron Partners contract.

Council Member Simmons moved to approve Resolution 2023-218. Mayor Pro-Tem Wilcoxon seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

that the contract with Middle Huron Partnership to provide services as described in their statement of work covering the period of January 1st, 2024 – December 31st, 2028 for an amount not to exceed \$63,244.20 be approved.

C. Discussion of the Carlisle Wortman audit of the Planning Department.

Mayor Pro-Tem Wilcoxon moved to approve the CED Director Org Chart presented by Interim City Manager Andrew Hellenqa, seconded by Council Member Tooson. On a voice vote, the motion carried.

Yes - 6, No - 0, Absent - 1 (J. Symanns)

D. Resolution 2023-221, Approving regulations for advisory bodies.

Council Member Simmons added a friendly amendment to the list of regulations: All meetings will be recorded, the recordings will be maintained for a minimum of one year, and recordings are

available to the public upon request.

Council Member Tooson moved to approve Resolution 2023-221. Mayor Pro-Tem Wilcoxon seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

that the proposed regulations for advisory bodies be approved.

Advisory Bodies Regulations

1. Advisory bodies are defined (as of November 7, 2023) as the Human Relations Commission, Parks and Arts Commission, Police Advisory Commission, and Sustainability Commission.
2. Advisory body meetings will have time on their agendas for public comments.
3. Each advisory body will determine a schedule of meetings for the year that will be posted publicly at city hall no later than the third week of December in the preceding year. An annual schedule of meetings will be posted on the city website.
4. Each advisory body must meet in person at least once every three months. Other meetings may be in person or virtually at the commission's discretion.
5. The default in-person meeting location is Council Chambers of City Hall. Any other physical location must have prior approval by the clerk's office no later than three business days prior to the meeting.
6. Changing a meeting's location, time, or date must have a notice posted no later than two business days before the meeting. Cancellation has no time limit, but a cancellation notice should be posted as soon as possible once a decision has been made to cancel a meeting.
7. Commissioners may attend meetings in person or via Zoom, but they are heavily encouraged to attend non-virtual meetings in person.
8. Meetings have a quorum requirement of the majority of seated members, minimum three. If an advisory body has an even number of seated members, one more than half of the seated members need to be in attendance to be considered a majority.
9. Commissioners may discuss commission business outside of meetings, but the results of those discussions should be presented at public meetings. Decisions requiring a vote can only be made in public meetings.
10. Each advisory body will have a staff liaison and a council liaison. A staff liaison should attend every meeting. A council liaison should attend as many meetings as possible.
11. Each advisory body can elect a secretary or similar position to take notes and prepare meeting minutes. If they choose not to do so, action minutes will be prepared by the staff liaison. Minutes should be posted within two business days of the meeting's adjournment.
12. Each advisory body will prepare an annual report for City Council by the third week of each December.
13. Meetings will be recorded, recordings will be maintained for a minimum of one year, and recordings are available upon request.

E. Discussion of Youth Mini Grant Applicants.

Council will ask the top three applicants to attend the November 21st City Council meeting to give short presentations.

F. Resolution 2023-222, Affirming support and solidarity with the Palestinian people of Gaza.

Council Member King added a friendly amendment: The City of Ypsilanti demands an end to military aid and support for Israel.

Council Member Simmons moved to approve Resolution 2023-222 as amended. Council Member King seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (1) Jennifer Symanns

RESOLUTION AFFIRMING YPSILANTI'S SUPPORT AND SOLIDARITY WITH THE PALESTINIAN PEOPLE OF GAZA

- WHEREAS, the City of Ypsilanti stands in solidarity with the Palestinian people of Gaza, who are currently facing a campaign of ethnic cleansing and collective punishment by the state of Israel; and

- WHEREAS, collective punishment is considered a war crime under international law, and refers to a form of sanction imposed on persons or a group of persons in response to a crime committed by one of them or a member of the group; and

- WHEREAS, the state of Israel is engaging in collective punishment against the Palestinian people in Gaza in response to Hamas attacks on Israel; and

- WHEREAS, this collective punishment of the Palestinian people includes shutting off all access to electricity, drinking water, food, and humanitarian aid; and

- WHEREAS, the UN says approximately 2 million people in Gaza may soon run out of drinking water and all medical care; and

- WHEREAS, ethnic cleaning refers to the creation of an ethnically homogenous geographic area through the elimination of unwanted ethnic groups by deportation, forcible displacement, or genocide; and

- WHEREAS, Israel is now engaged in an ethnic cleansing campaign by explicitly requiring two million Palestinians to leave Gaza immediately or risk being bombed in their homes by the Israeli army; and

- WHEREAS, the Gaza Strip, one of the most densely populated places on Earth, has been repeatedly referred to by human rights groups as "the world's largest open-air prison" even prior to this conflict; and

- WHEREAS, Gaza is known as "the world's largest open-air prison" due to ongoing, unbearable living conditions imposed by the state of Israel, including a full air, land and sea blockade, enclosure of its borders by concrete walls and barbed wire fences, and the strict prohibition of Palestinians from leaving and entering the territory freely; and

- WHEREAS, this blockade on Gaza has caused a 42% unemployment rate, while 84% of the population relies on humanitarian aid, 41% of Palestinians have too little food, 60% of Palestinian children are anemic, and the Gazan population cannot count on more than 2-4 hours of continuous electrical power a day; and

- WHEREAS, prior to this current water shortage, only 1% of Gaza population has access to safe drinking water, leaving Gaza's population – half of whom are children – increasingly vulnerable to waterborne diseases, infections, and dehydration; and

- WHEREAS, Israel has not allowed many common cancer diagnosis and treatment tools, including PET CT and radiotherapy, to enter Gaza since 2007; and

- WHEREAS, pediatric cancer cases that are typically considered treatable are often fatal in the Gaza Strip, as a result of the lack of healthcare and restrictions on movement; and

- WHEREAS, the state of Israel would not be able to maintain an apartheid regime without enormous military aid provided by the United States every year, thereby also depriving Americans of money for their own urgent needs;

- NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YPSILANTI, that the City of Ypsilanti condemns antisemitism, Islamophobia, and ethno-nationalism in all its forms; and

- BE IT FURTHER RESOLVED, the City of Ypsilanti urges the Michigan delegation, including Congresswoman Debbie Dingell, Senators Debbie Stabenow and Gary Peters, and Governor Gretchen Whitmer, to support H. Res. 786 calling for an immediate de-escalation and cease-fire in Israel and occupied Palestine put forward by fellow Michigan Congresswoman Rashida Tlaib and others; and

- BE IT FURTHER RESOLVED that the City of Ypsilanti calls for an immediate ceasefire and lifting of the siege on Gaza; and

- BE IT FURTHER RESOLVED that the City of Ypsilanti calls for the safe return of all hostages held by Hamas, and all Palestinians extrajudicially detained by Israel; and

-

BE IT FURTHER RESOLVED that the City of Ypsilanti calls for an immediate end to military aid/support for Israel; and

FINALLY, BE IT RESOLVED that the City of Ypsilanti advocates for the dignity and safety of residents in every community, regardless of what crimes its leadership may commit, and that peaceful diplomacy is the only way to achieve this safety and dignity.

XII. BOARD AND COMMISSION - LIAISON REPORTS

A. Police Advisory Commission

Whether or not the Open Meetings Act requirements are removed at the next meeting, the November and December meetings will be subject to the Open Meetings Act. The next meeting is November 16th, 2023. Everyone who made public comments about YPAC at tonight's council meeting is heavily encouraged to attend.

B. Human Relations Commission

Commission is struggling to meet due to members not responding to requests for available meeting times. Commissioners, please respond to the Doodle invite sent by Katie Jones.

C. Parks and Arts Commission

No update in the interest of time.

D. Sustainability Commission

No update in the interest of time.

E. Historic District Commission

No update in the interest of time.

F. Planning Commission

No update in the interest of time.

G. Zoning Board of Appeals

No update in the interest of time.

XIII. LIAISON REPORTS

A. SEMCOG Update

No update in the interest of time.

B. Washtenaw Area Transportation Study

No update in the interest of time.

C. Urban County

No update in the interest of time.

D. Ypsilanti Downtown Development Authority

No update in the interest of time.

E. Friends of Rutherford Pool

No update in the interest of time.

F. Bicentennial Committee

No update in the interest of time.

XIV. COMMUNICATIONS

A. WRRMA Budget and Summary of Activities

XV. COUNCIL PROPOSED BUSINESS

- **Mayor-Pro Tem Wilcoxon** - No update in the interest of time.
- **Council Member Tooson** - No update in the interest of time.

- **Council Member Sweet** - No update in the interest of time.
- **Council Member D. Simmons** - The Ypsilanti Youth Poet Laureate has been released, look for more information soon.
- **Council Member King** - No update in the interest of time.
- **Council Member J. Symanns** - Absent.

XVI. COMMUNICATIONS FROM THE MAYOR

The new agenda management software and board portal is great.

XVII. COMMUNICATIONS FROM THE CITY MANAGER

- There should be a work session in the next few months to cover facility analysis and fund balance strategy.
- Goals should be in by December, but the city manager won't be seated until late December. Start working on goals now.

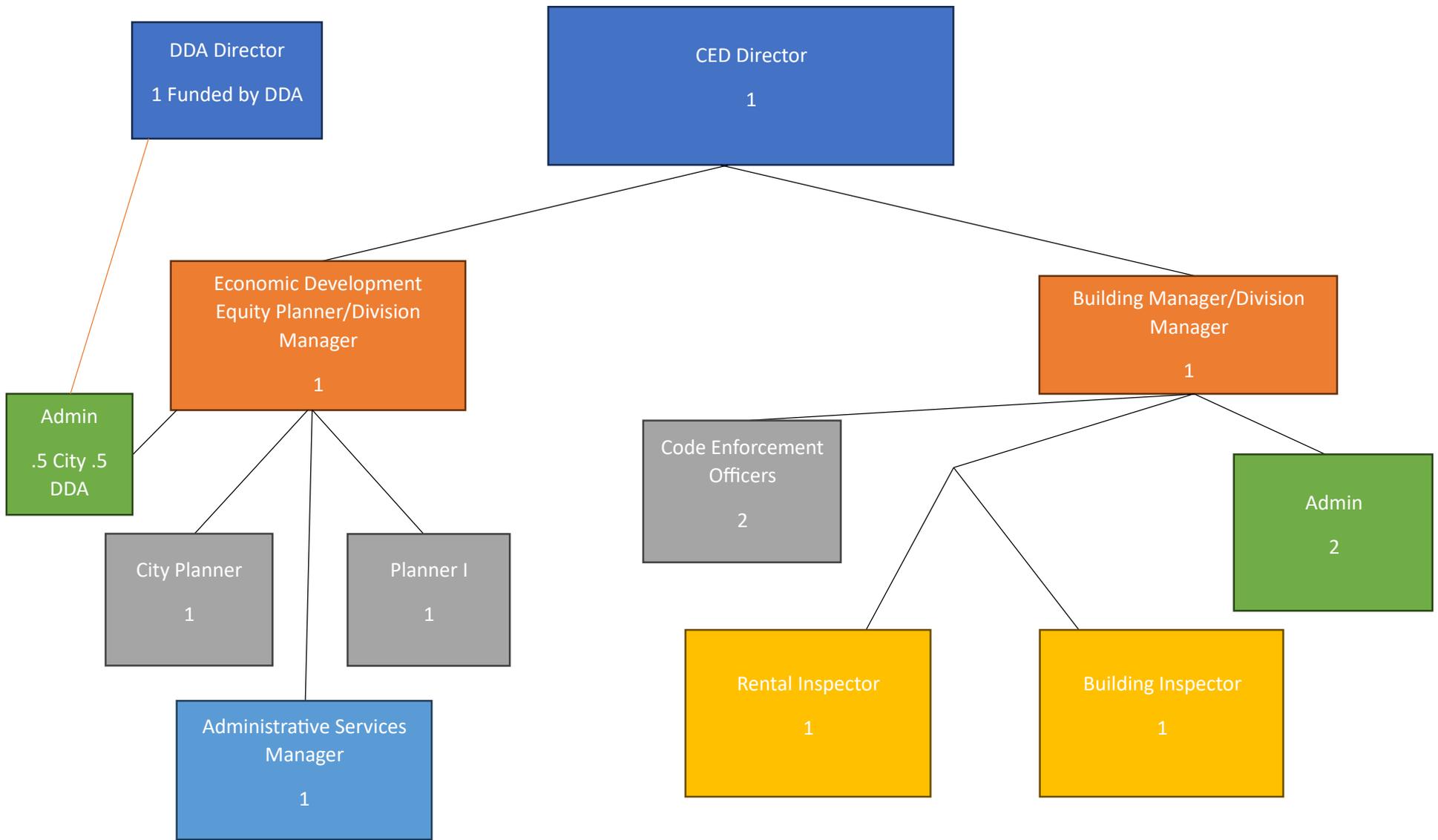
XVIII. PUBLIC COMMENT (3 MINUTES)

Five members of the public made comments.

XIX. ADJOURNMENT

The meeting was adjourned at 12:31 AM.

- A. Resolution No. 2023-223, adjourning the City Council Meeting.**
- B. Please click [here](#) to access the City Council Contact Form. This form can be used to submit any comments/concerns you might have about this agenda.**





**ACTION MINUTES
REGULAR COUNCIL MEETING Meeting
6:00 PM - Thursday, November 9, 2023
Council Chambers
One South Huron, Ypsilanti, MI 48197**

I. CALL TO ORDER

The meeting was called to order at 6:00 PM.

II. ROLL CALL

Present: Mayor Nicole Brown, Mayor Pro-Tem Steven Wilcoxon, Council Member Evan Sweet, Council Member Roland Tooson, Council Member Jennifer Symanns, Council Member Me'Chelle King (6:01 PM), Council Member Desirae Simmons (6:12 PM).

Absent: None.

III. PLEDGE OF ALLEGIANCE

- A. 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.**

IV. AGENDA APPROVAL

Council Member J. Symanns moved to approve the agenda, seconded by Council Member Tooson. On a voice vote, the motion carried.

Yes - 6, No - 0, Absent - 1 (D. Simmons)

V. PRESENTATIONS

- A. Needs of the Department of Public Services**

VI. PUBLIC COMMENT (3 MINUTES)

Twenty-three members of the public made comments.

VII. RESOLUTIONS/MOTIONS/DISCUSSIONS

City Council entered a recess at 8:26 PM and resumed the meeting at 8:46 PM.

- A. Reconsideration of Resolution 2023-216, Approving the purchase of 599 S. Mansfield.**

Mayor Pro-Tem Wilcoxon moved to approve the Reconsideration of Resolution 2023-216 and 217. Council Member Tooson seconded the motion.

Yes: (6) Michelle King, Evan Sweet, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

No: 0 None

Absent: (0)

Abstain: (1) Jennifer Symanns (Not present for the original vote on November 7th)

Council Member Sweet moved to approve Resolution 2023-216. Mayor Pro-Tem Wilcoxon seconded the motion.

Yes: (3) Desirae Simmons, Jennifer Symanns, Roland Tooson

No: (4) Me'Chelle King, Steven Wilcoxon, Nicole Brown, Evan Sweet

Absent: (0)

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

-

Whereas, the Ypsilanti Department of Public Service needs a new building to continue operations, and

Whereas, City Council authorized a property search by buyer's agent, and

Whereas, suitable property has been found at 599 South Mansfield, and

Whereas, City Council, after staff presentation and recommendation, finds it in the best interest of the City of Ypsilanti to purchase 599 South Mansfield for the sum of \$3,700,000 cash,

Now therefore, the purchase of 599 South Mansfield is approved and authorized and the Mayor and City Clerk are authorized to sign the proposed purchase agreement, copy attached hereto, and the City Manager and staff are authorized to implement the purchase agreement and do all things necessary to close the purchase, all subject to the approval of the City Attorney.

Further, the City Manager and staff are authorized to sell any and all of the unneeded personal property that goes with the sale by public or private sale, as allowed by law, and to retain auctioneers and sales agents as necessary.

B. Reconsideration of Resolution 2023-217, Approving a budget amendment for the purchase of 599 S. Mansfield.

Mayor Pro-Tem Wilcoxon moved to approve Resolution 2023-217. Council Member Tooson seconded the motion.

Yes: (0)

None

No: 7

Michelle King, Evan Sweet, Jennifer Symanns, Roland Tooson, Desirae Simmons, Steve Wilcoxon, Nicole Brown

Absent: (0)

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

Whereas, City Council determines that the purchase of 599 South Mansfield, Ypsilanti, MI 48197 is necessary for the continued operation of the Ypsilanti Department of Public Service, and

Whereas, the property at 599 South Mansfield is suitable and available for purchase, and

Whereas, City Council has authorized the purchase of 599 Mansfield and a budget amendment is required to transfer funds for the purchase,

Now, therefore, Council authorizes a Budget Adjustment to transfer funds from the General Fund to the Capital Improvement Fund, account 414-2652-970-03 in the amount of Two Million, Nine Hundred Fifty Dollars (\$3,700,000) for the purchase of 599 South Mansfield, Ypsilanti, MI 48197.

VIII. PUBLIC COMMENT (3 MINUTES)

Eighteen members of the public made comments.

IX. RESOLUTIONS

A. Reconsideration of Resolution 2023-216, Approving the purchase of 599 S. Mansfield.

Council Member Sweet moved to Reconsider Resolutions 2023-216 and 217. Council Member King seconded the motion.

Yes: (5)

Evan Sweet, Jennifer Symanns, Roland Tooson, Desirae Simmons, Nicole Brown

No: 2

Michelle King, Steve Wilcoxon

Absent: (0)

Council Member D. Simmons moved to approve Resolution 2023-216. Council Member Tooson seconded the motion.

Yes: (5)

Evan Sweet, Jennifer Symanns, Roland Tooson, Desirae Simmons, Nicole Brown

No: 2

Michelle King, Steve Wilcoxon

Absent: (0)

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

Whereas, the Ypsilanti Department of Public Service needs a new building to continue operations, and

Whereas, City Council authorized a property search by buyer’s agent, and

Whereas, suitable property has been found at 599 South Mansfield, and

Whereas, City Council, after staff presentation and recommendation, finds it in the best interest of the City of Ypsilanti to purchase 599 South Mansfield for the sum of \$3,700,000 cash,

Now therefore, the purchase of 599 South Mansfield is approved and authorized and the Mayor and City Clerk are authorized to sign the proposed purchase agreement, copy attached hereto, and the City Manager and staff are authorized to implement the purchase agreement and do all things necessary to close the purchase, all subject to the approval of the City Attorney.

Further, the City Manager and staff are authorized to sell any and all of the unneeded personal property that goes with the sale by public or private sale, as allowed by law, and to retain auctioneers and sales agents as necessary.

B. Reconsideration of Resolution 2023-217, Approving a budget amendment for the purchase of 599 S. Mansfield.

Council Member Tooson moved to approve Resolution 2023-217. Council Member Simmons seconded the motion.

Yes: (5) Evan Sweet, Jennifer Symanns, Roland Tooson, Desirae Simmons, Nicole Brown

No: 2 Michelle King, Steve Wilcoxon

Absent: (0)

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

Whereas, City Council determines that the purchase of 599 South Mansfield, Ypsilanti, MI 48197 is necessary for the continued operation of the Ypsilanti Department of Public Service, and

Whereas, the property at 599 South Mansfield is suitable and available for purchase, and

Whereas, City Council has authorized the purchase of 599 Mansfield and a budget amendment is required to transfer funds for the purchase,

Now, therefore, Council authorizes a Budget Adjustment to transfer funds from the General Fund to the Capital Improvement Fund, account 414-2652-970-03 in the amount of Two Million, Nine Hundred Fifty Dollars (\$3,700,000) for the purchase of 599 South Mansfield, Ypsilanti, MI 48197.

X. ADJOURNMENT

The meeting was adjourned at 9:57 PM.

A. Resolution No. 2023-224, adjourning the Special City Council Meeting.

B. Please click [here](#) to access the City Council Contact Form. This form can be used to submit any comments/concerns you might have about this agenda.



REQUEST FOR LEGISLATION
November 21, 2023

For: Mayor and City Council

From: Rheagan Basabica

Subject: Resolution 2023-233, Approving special assessments for the winter 2023 tax bills.

SUMMARY & BACKGROUND: Bi-annually, all bills that remained unpaid for at least 30 days after the billing date, are to be added to the July or December tax roll as special assessments. These unpaid bills include AHB, board ups, trash removal, weed removal, rental inspections, dangerous building escrow, dangerous building inspection, graffiti removal snow removal, drains, water, and other miscellaneous bills.

Once these items are added to the tax roll, they become a lien on the property in accordance with the City Charter, Special Assessments, and Section 8.01 Article VIII.

Further, at tax settlement, in March the County pays the city for any unpaid items. Washtenaw County Treasurer's Office serves as the collection agent for the city.

RECOMMENDED ACTION: City Council authorizes the City Treasurer to levy and assess the Winter 2023 Special Assessments.

ATTACHMENTS:

1. 2023-233 Special Assessments Resolution
2. Special Assessment Letter
3. Special Assessment Types Summary
4. Winter 2023 Special Assessment Final Mailing Addresses

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: November 21, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:



Resolution No. 2023-233
November 21, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That, the City Treasurer be authorized to levy and assess on the December 2023 tax roll the attached listing of unpaid bills totaling \$27,620.

11/13/2023
11:43 AM

SPECIAL ASSESSMENT ROLL
All Records
All Special Assessments
WINTER SEASON

Page: 1/1
CR: Yps123

Parcel No	Owners Name	Sp. Assessment	Amount
Totals for 230 AHB		Count: 57	27,620.00
Grand Totals		Count: 57	27,620.00

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



November 21, 2023

Andrew Hellenga
Interim City Manager
1 South Huron
Ypsilanti, MI 48197

RE: Special Assessments

In accordance with the City Charter Chapter, Special Assessments, Chapter 8.01. Article VIII. I hereby certify that the attached is a true copy of all installments on Special Assessment Rolls, which are due and have remained unpaid as of Sep 30, 2023.

The City Council, at their next meeting, can authorize me to levy these unpaid bills on the December 2023 Tax Roll.

Sincerely,

Rheagan Basabica, CPA, CGFM
Finance Director/Treasurer

SPECIAL ASSESSMENT SUMMARY LIST

AHB	unpaid Administrative Hearings Bureau Lien
Board up	delinquent bill for a boarded-up house
Business Inspection	unpaid bill for business inspection fee
Dangerous Escrow	delinquent bill for dangerous building escrow account
Dangerous Inspection	delinquent bill for dangerous building inspection fee
Delinquent Water	unpaid resident bills from YCUA for water and sewer service
Drain	drain maintenance work from Washtenaw County Water Resources Commissioner's Office
Graffiti	unpaid Graffiti abatement from last year
Inspect fee	delinquent bill for building inspection fee
Leaf Removal	unpaid code enforcement leaf removal abatement from last year
Rental Inspect	delinquent bill for rental inspection fee
Snow Removal	unpaid code enforcement snow removal abatement from last year
Trash	unpaid code enforcement Trash abatement from last year
Weeds	unpaid code enforcement Weeds abatement from last year
AHB	unpaid Administrative Hearings Bureau Lien
Board up	delinquent bill for a boarded-up house
Business Inspection	unpaid bill for business inspection fee
Dangerous Escrow	delinquent bill for dangerous building escrow account
Dangerous Inspection	delinquent bill for dangerous building inspection fee
Delinquent Water	unpaid resident bills from YCUA for water and sewer service
Drain	drain maintenance work from Washtenaw County Water Resources Commissioner's Office
Graffiti	unpaid Graffiti abatement from last year
Inspect fee	delinquent bill for building inspection fee
Leaf Removal	unpaid code enforcement leaf removal abatement from last year

Parcel	Address	Code	Amount
11-11-39-168-023	122 HAWKINS	230	\$910.00
11-11-10-230-005	616 E CROSS	230	\$460.00
11-11-10-267-002	24045 ROCKINGHAM ST	230	\$460.00
11-11-40-109-005	341 CORRIE RD	230	\$710.00
11-11-39-160-015	411 SECOND AVE	230	\$460.00
11-11-10-360-007	333 S. PROSPECT	230	\$510.00
11-11-40-185-003	3684 CRYSTAL LAKE LN	230	\$460.00
11-11-09-106-009	302 E CROSS ST	230	\$410.00
11-11-06-450-114	2 SUNFLOWER CIR	230	\$410.00
11-11-06-450-114	2 SUNFLOWER CIR	230	\$410.00
11-11-06-450-114	2 SUNFLOWER CIR	230	\$410.00
11-11-06-450-037	2 SUNFLOWER CIR	230	\$710.00
11-11-06-450-037	2 SUNFLOWER CIR	230	\$460.00
11-11-40-401-010	22 N HURON ST	230	\$410.00
11-11-09-496-004	319 S GROVE ST	230	\$610.00
11-11-39-412-009	23 N WASHINGTON	230	\$535.00
11-11-40-414-017	206 N HURON ST	230	\$410.00
11-11-40-430-008	23 N. WASHTINGTON STREET	230	\$535.00
11-11-10-267-002	24045 ROCKINGHAM ST	230	\$610.00
11-11-10-262-007	29200 NORTHWESTERN HWY SUITE 4	230	\$460.00
11-11-09-112-011	517 WASHTENAW	230	\$510.00
11-11-39-177-023	7 SANTA CLARA ST	230	\$410.00
11-11-39-145-027	1004 W MICHIGAN AVE	230	\$410.00
11-11-39-145-027	1004 W MICHIGAN AVE	230	\$410.00
11-11-39-145-027	1004 W MICHIGAN AVE	230	\$460.00
11-11-09-112-011	517 WASHTENAW	230	\$410.00
11-11-09-112-011	517 WASHTENAW	230	\$410.00
11-11-39-182-010	15 W MICHIGAN AVE	230	\$460.00
11-11-40-415-026	6689 ORCHARD LAKE	230	\$460.00
11-11-40-109-005	341 CORRIE RD	230	\$910.00
11-11-37-126-024	206 N. HURON ST	230	\$410.00
11-11-10-262-007	29200 NORTHWESTERN HWY SUITE 4	230	\$410.00
11-11-10-262-005	29200 NORTHWESTERN HWY SUITE 4	230	\$410.00
11-11-37-127-002	522 MONROE ST	230	\$410.00
11-11-40-113-007	412 PERRIN	230	\$510.00
11-11-09-170-024	601 ARMSTRONG	230	\$410.00
11-11-09-405-008	50831 DENALI COURT	230	\$410.00
11-11-37-100-005	108 S. ADAMS #981371	230	\$510.00
11-11-40-430-033	126 COLLEGE PL	230	\$510.00
11-11-39-177-011	206 S HAMILTON ST	230	\$460.00
11-11-10-345-012	307 ARNET ST	230	\$460.00
11-11-39-427-021	505 MONROE	230	\$510.00
11-11-39-285-014	143 CADY CENTRE #407	230	\$410.00
11-11-10-230-005	616 E CROSS	230	\$560.00
11-11-39-160-049	967 W MICHIGAN AVE	230	\$410.00
11-11-10-262-007	29200 NORTHWESTERN HWY SUITE 4	230	\$560.00

Parcel	Address	Code	Amount
11-11-40-432-017	922 N CONGRESS STREET	230	\$460.00
11-11-06-450-114	2 SUNFLOWER CIR	230	\$460.00
11-11-06-450-114	2 SUNFLOWER CIR	230	\$510.00
11-11-06-450-114	2 SUNFLOWER CIR	230	\$460.00
11-11-40-430-009	412 PERRIN	230	\$410.00
11-11-09-191-009	9206 HURON RIVER DR	230	\$410.00
11-11-40-113-015	412 PERRIN	230	\$410.00
11-11-40-113-005	PO BOX 43766	230	\$410.00
11-11-40-109-005	341 CORRIE RD	230	\$710.00
11-11-40-183-008	363 CARRIAGE WAY	230	\$410.00
11-11-09-170-022	517 WASHTENAW	230	\$410.00
	TOTAL		<u>\$27,620.00</u>



REQUEST FOR LEGISLATION
November 21, 2023

For: Mayor and City Council

From:

Subject: Discussion regarding City Manager search.

SUMMARY & BACKGROUND:

RECOMMENDED ACTION:

ATTACHMENTS:

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: November 21, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:



Resolution No. 2023-213
November 21, 2023 **Tabled November 7, 2023**

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

the ordinance named "Removing the Open Meetings Act Requirements from the Ypsilanti Police Advisory Commission, " be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1421**

An ordinance to amend City Code Chapter 2, Article IV, Division 6, Section 2-184 (1-3, 6) to remove the Open Meetings Act requirements from the Ypsilanti Police Advisory Commission.

1. THE CITY OF YPSILANTI HEREBY ORDAINS

That section 2-184 (1-3, 6) of Chapter 2, Article IV, Division 6 the Ypsilanti City Code is hereby amended to revise section 2-184 (1-3, 6) to remove Open Meetings Act requirements from the Ypsilanti Police Advisory Commission as follows:

• **Sec. 2-184. - Procedure.**

Procedure for the operation of the Ypsilanti police advisory commission shall be as follows:

- ~~1.—A majority of the Ypsilanti police advisory commission members appointed shall constitute a quorum.~~
- ~~2.—No meeting of the Ypsilanti police advisory commission shall commence or continue in the absence of a quorum.~~
3. A majority vote ~~of those forming a quorum~~ **of those present** shall be required for any action by the Ypsilanti police advisory commission, except where otherwise specified in this article, other city ordinances, or the city charter.
4. Regular meetings of Ypsilanti police advisory commission shall be held no less than quarterly. Any scheduled meeting may be rescheduled at the preceding regular meeting.
5. The records of the Ypsilanti police advisory commission shall be subject to the Freedom of Information Act, Act No. 442 of the Public Acts of Michigan of 1976 (MCL 15.231 et seq.), as amended.
- ~~6.—All meetings of the Ypsilanti police advisory commission shall be subject to the Open Meetings Act, Act No. 267 of the Public Acts of Michigan of 1967 (MCL 15.261 et seq.), as amended.~~
7. The Ypsilanti police advisory commission shall provide an opportunity for public comment as to the business being conducted by the

Ypsilanti police advisory commission, pursuant to its established rules and by-laws.

(Ord. No. 1295, § 1, 11-14-2017; [Ord. No. 1362](#), § 1.1, 8-18-2020)

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

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

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

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

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

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ____ DAY
OF _____, 2023.

Aaron Smith, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1421 was published in Washtenaw Legal News on the _____ day of _____, 2023.

Aaron Smith, Interim City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2023.

Aaron Smith, Interim City Clerk

Notice Published: October 5th, 2023

First Reading: October 17th, 2023

Second Reading:

Published:

Effective Date:



Resolution No. 2023-234
November 21, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

<u>Name</u>	<u>Board</u>	<u>Expiration</u>
Teresa Gillotti 407 E Forest Ave Ypsilanti, MI 48198	Ypsilanti Housing Commission	11/1/2028
Theresa Urbanic 719 Oxford Road Ypsilanti, MI 48197	Police and Fire Pension Board	12/1/2027

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Citizen Advisory Boards and Commissions Participation Resume

The people of Ypsilanti are involved in their City government and are an important part of the community's achievements. Individuals interested in receiving more information in regards to serving on an advisory board or commission are invited to contact the City Clerk's Office at 734-483-1100. Alternatively, citizens who would like to participate can submit their information in the form below.

Qualifications

Must be a resident/business owner in the city for at least two years. Or Council must determine your expertise is essential and not available in an applicant that meets the qualifications above. Must be eligible to vote in the state if not applying for youth membership.

Name	Teresa Gillotti
Email Address	[REDACTED]
Address	407 E FOREST AVE
City	YPSILANTI
State	MI
Zip Code	48198
Phone Number	[REDACTED]
Number of Years in the Community	15
Ward You Live In	3
Education	Masters
Occupation	Urban Planner
Employer	Gillotti Community Consulting, LLC
Are you applying for youth membership?	No
Are you registered to vote in the City of Ypsilanti?	Yes

I would like to be considered and could devote sufficient time to serve on the following board or commission:

Ypsilanti Housing Commission

Party Affiliation

Field not completed.

Field not completed.

Why are you interested in serving on these boards/commissions?

I've been a part of the redevelopment of YHC housing, and in my previous role at the County was able to stay connected to the good work of the YHC. I'm interested in serving on the board to provide support and assistance as the YHC moves to find ways to sustain and improve property maintenance and tenant services, while also looking to develop more affordable housing in the City of Ypsilanti.

Work/volunteer experience related to the board or commission:

I previously served as the lead planner and/or director of community and economic development for the City of Ypsilanti from 2010 to 2014. I worked at the Washtenaw County Office of Community and Economic Development from 2014-2022, serving as director from 2018-2022. In both those roles I was engaged in the work of the YHC, mainly during the redevelopment of Hamilton Crossing, and also during the RAD conversion of Parkridge and Strong Housing.

I understand that appointment to a City of Ypsilanti board or commission requires regular attendance at board meetings.

Yes

I hereby certify that all of the information above is true.

Yes

Citizen Advisory Boards and Commissions Participation Resume

The people of Ypsilanti are involved in their City government and are an important part of the community's achievements. Individuals interested in receiving more information in regards to serving on an advisory board or commission are invited to contact the City Clerk's Office at 734-483-1100. Alternatively, citizens who would like to participate can submit their information in the form below.

Qualifications

Must be a resident/business owner in the city for at least two years. Or Council must determine your expertise is essential and not available in an applicant that meets the qualifications above. Must be eligible to vote in the state if not applying for youth membership.

Name	Theresa Urbanic
Email Address	[REDACTED]
Address	719 Oxford Rd
City	Ypsilanti
State	MI
Zip Code	48197
Phone Number	[REDACTED]
Number of Years in the Community	29 years
Ward You Live In	Ward 2
Education	B.A. & J.D.
Occupation	Lawyer
Employer	Mitzel Law Group PLC
Are you applying for youth membership?	No
Are you registered to vote in the City of Ypsilanti?	Yes

I would like to be considered and could devote sufficient time to serve on the following board or commission:

Police and Fire Pension Board

Party Affiliation

Field not completed.

Field not completed.

Why are you interested in serving on these boards/commissions?

I would like to serve on the Ypsilanti Police and Fire Pension Board to give back to my community. Ensuring that we keep our commitments to our police officers and firefighters directly relates to the safety and protection of our community.

Work/volunteer experience related to the board or commission:

Currently, I work at a boutique law firm that handles complex estate and trust administration, including fiduciary income tax issues. Previously, I worked for about ten years at the U.S. Attorney's Office in Detroit, representing law enforcement officials in federal litigation.

I understand that appointment to a City of Ypsilanti board or commission requires regular attendance at board meetings.

Yes

I hereby certify that all of the information above is true.

Yes



REQUEST FOR LEGISLATION
November 21, 2023

For: Mayor and City Council

From: Bonnie Wessler, DPS Director

Subject: Resolution 2023-235, Approving an agreement with MDOT.

SUMMARY & BACKGROUND: Funding has been programmed in the Washtenaw County Transportation Improvement Program (TIP) for rehabilitation work on the Spring Street Bridge and the LeForge Street Bridge over the Huron River, using Local Bridge funding. This work will include mill & removal of the asphalt surface, replacement of the waterproofing membrane, concrete barrier & sidewalk patching, and approach reconstruction as well as necessary related work.

This construction work is estimated to cost a total of \$703,000; \$562,400 (80%) will be covered from Federal funds; \$105,450 (15% from State competitive grants (local bridge funds), and the City responsible for the remaining \$35,150 (5%). The estimated cost of the maintenance work to be performed on Factory is \$366,600 and on LeForge is \$268,000.

Pricing is still dynamic, and although the City's participation is capped at 5%, that may be a larger dollar amount. Once this contract is approved, MDOT will let the project; once the bids are in, OHM will present us with a proposal for construction engineering (CE) services. CE services are generally approximately 15% of the construction amount.

It is anticipated that we will budget for and provide these repairs for calendar year 2024.

	Account	Resolution	City Share	Total Anticipated Amount
Design Engineering	202-7-9090-975-00	2022-277	\$88,500	\$88,500
Construction Engineering	202-7-9090-975-00	<i>Proposal not yet submitted</i>	\$106,000	\$106,000
Construction	202-7-9090-975-00	<i>Not yet bid</i>	\$35,150	\$703,000
Total Anticipated Cost to City				\$229,650
Total Anticipated Cost of Project				\$897,500

RECOMMENDED ACTION: Approval

ATTACHMENTS:

1. 2023-235 MDOT Agreement
2. 215136_23-5465

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: November 21, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:



RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the rehabilitation of the Spring and Leforge Bridges are programmed for construction year 2024 in the current 3-year TIP; and

WHEREAS, it is necessary to enter into a contract with the Michigan Department of Transportation for the implementation of this project; and,

NOW THEREFORE BE IT RESOLVED THAT that the City of Ypsilanti City Council approves the Michigan Department of Transportation Contract No. 23-5465; and

FURTHERMORE, THAT Mayor Nicole Brown and Interim City Clerk Aaron Smith are authorized to sign this contract, subject to approval by the City Attorney, and any change orders may be approved by the City Manager to facilitate completion of this work.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

LOCAL BRIDGE
FEDERAL

CAB

Control Section	BHT 81000
Job Number	215136CON
Project	24A0005
Structure	#11088; #11091
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	23-5465

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF YPSILANTI, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in Ypsilanti, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated October 27, 2023, attached hereto and made a part hereof:

The removal and replacement of the hot mix asphalt surface and waterproofing membrane on the structure #11088, which carries Spring Street over the Huron River, Section 9, T03S, R07E, City of Ypsilanti, Washtenaw County, Michigan, including concrete barrier and sidewalk patching, permanent pavement markings and reconstruction of the approaches; concrete patching of the bridge deck, sidewalk and substructure of the structure #11091, which carries Leforge Road over the Huron River, Section 4, T03S, R07E, City of Ypsilanti, Washtenaw County, Michigan, including approach reconstruction; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal and State law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal funds under the following Federal program:

SECTION 144 OF TITLE 23 USC
(HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM)

WHEREAS, the PROJECT has been approved for financing in part with funds appropriated to the Local Bridge Fund pursuant to Section 10(5) of Act 51, Public Acts of 1951, as amended, for the state Local Bridge Program; and

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except for construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

The Michigan Department of Environment, Great Lakes, and Energy has informed the DEPARTMENT that it adopted new administrative rules (R 325.10101, et. seq.) which prohibit any governmental agency from connecting and/or reconnecting lead and/or galvanized service lines to existing and/or new water main. Questions regarding these administrative rules should be directed to the Michigan Department of Environment, Great Lakes, and Energy. The cost associated with replacement of any lead and/or galvanized service lines, including but not limited to contractor claims, will be the sole responsibility of the REQUESTING PARTY.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the project including advertising and awarding the construction contract for the PROJECT. Such administration shall be in accordance with PART II Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

- A. Design or cause to be designed the plans for the PROJECT.
- B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.
- C. Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

5. The PROJECT COST shall be met in part by Federal Funds and by state Local Bridge Funds. Upon final settlement of costs, Federal Funds will be applied to the eligible items of PROJECT COST. The state Local Bridge Funds will be applied to the balance of the PROJECT COST, after deduction of Federal Funds, such that the Federal Funds and state Local Bridge Funds shall equal 95 percent of those PROJECT COSTS eligible for participation with such funds. The remaining 5 percent of the eligible items of PROJECT COST, as well as any ineligible items of PROJECT COST, shall be paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds or paid by state Local Bridge Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds and State Funds earned as the PROJECT progresses.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the approaches being constructed as a part of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

Buy America Requirements (23 CFR 635.410) shall apply to the PROJECT and will be adhered to, as applicable, by the parties hereto.

9. The REQUESTING PARTY certifies that it is not aware if and has no reason to believe that the property on which the work is to be performed under this agreement is a facility, as defined by the Michigan Natural Resources and Environmental Protection Act [(NREPA), PA 451, 1994, as amended 2012]; MCL 324.20101(1)(s). The REQUESTING PARTY also certifies that it is not a liable party pursuant to either Part 201 or Part 213 of NREPA, MCL 324.20126 et seq. and MCL 324.21323a et seq. The REQUESTING PARTY is a local unit of government that has acquired or will acquire property for the use of either a transportation corridor or public right-of-way and was not responsible for any activities causing a release or threat of release of any hazardous materials at or on the property. The REQUESTING PARTY is not a person who is liable for response activity costs, pursuant to MCL 324.20101 (vv) and (ww).

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Michigan Department of Environment, Great Lakes, and Energy, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Michigan Department of Environment, Great Lakes, and Energy and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code and/or State Funds.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, and any inspections of work by the DEPARTMENT pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT does not relieve the REQUESTING PARTY and the local agencies, as applicable, of their exclusive jurisdiction of the highway or bridge structure(s) and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

Upon completion of the PROJECT, the REQUESTING PARTY shall accept the facilities constructed as built to specifications within the contract documents. It is understood that the REQUESTING PARTY shall own the facilities and shall operate and maintain the facilities in accordance with all applicable Federal and State laws and regulations, including, but not limited to, Title II of the Americans with Disabilities Act (ADA), 42 USC 12131 et seq., and its associated regulations and standards, and DEPARTMENT Road and Bridge Standard Plans and the Standard Specifications for Construction.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway or bridge structure(s), described as the PROJECT, for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended, rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. Each party to this contract will remain responsible for any and all claims arising out of its own acts and/or omissions during the performance of the contract, as provided by this

contract or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This contract is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this contract.

17. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving construction claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be reasonable and necessary and shall be considered PROJECT COSTS.

18. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction, and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT, and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.
- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

19. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto; upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract; and with approval by the State Administrative Board.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as written below.

CITY OF YPSILANTI

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
for Department Director MDOT

By _____
Title:



October 27, 2023

EXHIBIT I

CONTROL SECTION BHT 81000
JOB NUMBER 215136CON
PROJECT 24A0005
STRUCTURE #11088; #11091

	<u>TOTAL ESTIMATED COST</u>	<u>FEDERAL FUNDS (EST 80%)</u>	<u>STATE LOCAL BRIDGE FUNDS (EST 15%)</u>	<u>TOTAL FEDERAL & STATE AID</u>	<u>BALANCE REQ. PARTY'S SHARE</u>
<u>STRUCTURE AND APPROACHES</u>					
Construction (Contracted)	\$703,000	\$562,400	\$105,450	\$667,850	\$35,150

NO DEPOSIT REQUIRED

DOT

TYPE B
BUREAU OF HIGHWAYS
03-15-93

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
 - 1. Engineering
 - a. FAPG (6012.1): Preliminary Engineering
 - b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
 - c. FAPG (23 CFR 635A): Contract Procedures
 - d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
 - 2. Construction
 - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
 - b. FAPG (23 CFR 140B): Construction Engineering Costs
 - c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
 - d. FAPG (23 CFR 635A): Contract Procedures
 - e. FAPG (23 CFR 635B): Force Account Construction
 - f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement

- g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)
 - h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
 - i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments--Allowable Costs
3. Modification Or Construction Of Railroad Facilities
- a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
 - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
- 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by ten percent (10%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate

arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, as amended, including, but not limited to, the Single Audit Amendments of 1996 (31 USC 7501-7507).

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

a. Agencies expending a total of \$500,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

- The Reporting Package
- The Data Collection Form
- The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$500,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Education
Accounting Service Center
Hannah Building
608 Allegan Street
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final

or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).
5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

APPENDIX B
TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.



Resolution No. 2023-236
November 21, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or three (3) members of Council.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE: