

Wyandotte, Michigan November 17, 2014

Regular session of the City Council of the City of Wyandotte, the Honorable Mayor Joseph R. Peterson presiding.

ROLL CALL

Present: Councilpersons Fricke, Sabuda, Schultz, Stec

Absent: Councilpersons Galeski, Miciura

PRESENTATION

November 13, 2014

The Honorable City Council, City of Wyandotte, 3200 Biddle Avenue – Ste. 300  
Wyandotte, MI 48192

Gentlemen and Madam:

As you know, the City of Wyandotte has always strongly supported its military population and has great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the armed forces.

Many citizens of our community have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force.

Purple Heart recipient and member of the Vietnam Veterans Memorial Committee, Dave Polczynski, has spearheaded a mission to make Wyandotte the first city Downriver to be designated as a “Purple Heart City”.

I am recommending that the City Council designate Wyandotte as a “Purple Heart City” to remember and recognize veterans who are recipients of the Purple Heart Medal. I thank you in advance for your support.

Sincerely,  
Joseph R. Peterson, Mayor, City of Wyandotte

COMMUNICATIONS MISCELLANEOUS

November 13, 2014  
Mayor Peterson & The City Council  
Wyandotte, MI 48192

Subject: Legal Opinion on the 13th Pension Checks

To All:

At the October 27, 2014 City Council Meeting, Council Person Sheri Fricke requested a legal opinion in regards to changing a ratified contract relating to the 13th pension check.

At the November 10, 2014 City Council Meeting, there was a discussion that the legal opinion in regards to changing a ratified contract relating to the 13th pension check had been received.

At this same meeting the actual legal opinion was never read for our residents to hear.

Please have this opinion read at the City Council Meeting of November 17, 2014 so our residents will be ensured that the City Council is following the opinion given and will be enforced no later than the fiscal year of 2014.

Andrew Przytula 1736 Oak Street Wyandotte, MI 48192

November 6, 2014

Mr. Todd Drysdale City of Wyandotte 3131 Biddle Street Wyandotte, MI 48192

RE: 13th Check Dear Mr. Drysdale:

Recently, the City Council approved a supplemental retirement allowance for retirees of the City, using the formula in effect for December 2013. The City Council requested a legal opinion regarding whether that allowance is required under the State Constitution or prior collective bargaining agreements with the City's unions and whether the distribution formula may be changed.

For the reasons described in this letter, it is our opinion that the City Council (as it has done in the past) has the discretion to increase, decrease or eliminate, on an annual basis, the supplemental retirement allowance to retirees. It can also change the percentage payout to individuals, provided that individuals in a same category are treated consistently (such as all police employees retiring in 2014 receive the same formula for a payout).

#### Background

The City operates an independent Retirement System for its retirees. Beginning in 1972, the City Council adopted an Ordinance amending the Retirement System so that existing retirees would receive an additional check in December, as a supplement to the monthly checks they were receiving. This practice was formally called the "supplemental retirement allowance" and commonly referred to as the "13th check". Similar to the tiering described in the City's current collective bargaining agreements, the 1972 Ordinance provided a higher payment formula to retirees who have been retired the longest period of time.

It is our understanding that the supplemental retirement allowance program was instituted unilaterally by the City Council in response to requests by retirees and not as a result of a negotiated demand by any of the City's unions. To our knowledge, no union has ever demanded that the supplemental retirement allowance be specifically incorporated into their collective bargaining agreement or that the City acknowledge the supplemental retirement allowance as a binding past practice. In the most recent collective bargaining agreements, the City has negotiated provisions that a scale be incorporated so that the oldest retirees receive a larger amount than the younger retirees. The language of the Police Command, Patrol and Dispatch units specifically states that the supplemental retirement allowance is at the sole discretion of the City Council. Since this is a contractual requirement, and some current employees may retire this year or next year, the 2015 supplemental retirement allowance should follow the formula in the collective bargaining agreements.

#### History of Supplemental Retirement Allowance Payments

The right of municipal employees to collectively bargain was established in 1969. Most of the City's labor unions were established in the early 1970's. The typical practice, at least since the late 1990's, was for the City and its unions to negotiate changes to pension provisions into the newest collective bargaining agreement. The City Council would then amend the retirement ordinance to be consistent with that new collective bargaining agreement, after ratifying that new collective bargaining agreement.

On January 24, 1972, the City Council enacted the first supplemental retirement allowance ordinance. That ordinance stated (emphasis added):

The provisions of this section shall be operative during the fiscal year if the city council:

Adopts a resolution declaring the provisions of this section in effect for the fiscal year; and

Appropriates an amount sufficient to finance the supplemental retirement allowance to be made during the fiscal year.

Subject to the preceding restrictions, each retirant or beneficiary included in one (1) of the following three (3) groups shall be eligible for a supplemental retirement allowance upon his written application filed with the retirement commission:

[remainder of the scale describes a formula for the supplement allowance].

On August 23, 1976, the Retirement Ordinance was amended to change the distribution formula scale and added employees who had retired between 1966 and (depending on the category of retirees), between 1969 to 1973 for "supplemental payment A" and 1975 for "supplemental payment B". This revised distribution formula, like the 1971 Ordinance, granted greater benefits to those retirees who had been retired longer. The provisions relating to the restrictions established by the City Council in the 1972 ordinance remained in effect.

On May 9, 1977, the Retirement Ordinance was amended to include the most recent retirees, however, the provisions relating to the restrictions established by the City Council in the 1972 ordinance remained in effect. The distribution formula did not change and still provided a greater benefit to individuals who had been retired the longest.

On March 12, 1979, the Retirement Ordinance was again amended to change the distribution formula, but again, the provisions relating to the restrictions established by the City Council in the 1972 ordinance remained in effect. Although the dollar amounts changed, the principle that those retirees who had been retired the longest received the greatest benefit.

On June 8, 1981, the Retirement Ordinance was again amended, this time to establish a formula based upon credited service. However, the Ordinance was also amended to change the procedural restrictions for the establishment of the supplemental retirement benefit allowance:

The provisions of this section shall be effective December 15, 1980, and shall be operative during a fiscal year if the (1) retirement commission adopts a resolution as of September thirtieth of each fiscal year to allocate monies to the special retirement reserve fund for the fiscal year under section 2-238, and, (ii) the city council adopts a resolution declaring provisions of this section in effect for the fiscal year.

Subject to the preceding restrictions, to be eligible for a special supplemental retirement benefit allowance, the retirant or beneficiary must have been in receipt of a retirement allowance for one (1) full calendar year as of the September thirtieth prior to receiving a retirement allowance.

[remainder of the scale remains unchanged].

(h) Notwithstanding anything in this section to the contrary, no special supplemental retirement benefit allowance shall be made to any retirant or beneficiary in any fiscal year unless sufficient monies are available in the special retirement reserve fund to make the benefit payment provided in subsection (c).

These procedural restrictions have remained unchanged since the 1981 amendment. In 2005, the City Council unilaterally reduced the supplemental retirement allowance by cutting it in half. There was no challenge to this reduction by a retiree or a union. Since 2005, the supplemental retirement allowance has not been restored to its pre-2005 levels.

### Analysis

1. Retirees do not have a Vested Right to a Supplemental Retirement Allowance under the Michigan Constitution.

The Michigan Constitution in Article 9, Section 24 states in relevant part:

The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

There is very direct and clear guidance from the courts on the meaning of this Constitutional provision. The Michigan Court of Appeals has ruled that the intention of Article 9, Section 24 was to "protect the pension benefits related to work already performed". *Ass'n of Prof & Technical Employees v. City of Detroit*, 154 Mich. App. 440 (1986). Pension benefits, as such, accrue while the employee performs work.

In two cases with virtually the same facts, the Court of Appeals has twice ruled that supplemental pension enhancement ordinances do not serve to diminish or impair benefits but, rather, are supplementary. *Halstead v. Flint*, 127 Mich App. 148, 154 (1983); *Hannan v. Detroit City Counsel*, 2000 Mich App. Lexis 980 (2000). In this case, the supplemental retirement allowance is not related to work performed; it is a gratuity passed after the employee retires. *Id.* The only way a supplemental retirement allowance in any particular year could be become constitutionally vested is when the Council issues an ordinance approving that allowance. Unless and until the City Council extends the supplemental retirement benefit to retirees, they have not accrued a constitutional right to a special supplemental retirement allowance. Thus, our opinion is there is no viable constitutional claim that the special supplemental retirement allowance is a vested right that cannot be altered by Council.

2. The City has Retained the Right to Exercise its Sole Discretion in Issuing The Special Supplemental Retirement Allowance.

It is our opinion that the City should prevail in any challenge claiming either a union contract and/or ordinance(s) incorporated by reference make a binding commitment of a special supplemental retirement allowance.

The subject of pension benefits and their calculation is clearly a mandatory subject of bargaining that must be negotiated to agreement or impasse. *St Clair Intermediate School Dist v. Intermediate Ed Ass'n/Michigan Ed Ass'n*, 458 Mich. 540, 550, 551 (1998). "Under the PERA, an employer commits an unfair labor practice if, before bargaining, it unilaterally alters or modifies a term or condition of employment, unless the employer has fulfilled its statutory obligation or has been freed from it." *Port Huron Ed Ass'n v. Port Huron Area School Dist*, 452 Mich. 309, 317 (1996). An employer "can fulfill its statutory duty by bargaining about a subject and memorializing resolution of that subject in the collective bargaining agreement." *Id.*, at 31718. When the parties "negotiat[e] for a provision in the collective bargaining agreement that fixes the parties' rights," they "foreclose[] further mandatory bargaining" because "the matter is 'covered by' the agreement." *Id.* at 318.

Past practice may create a term of employment despite clear and unambiguous language only when that past practice is "so widely acknowledged and mutually accepted that it creates an amendment to the contract." *Macomb County v. AFCSME Council 25 Locals 411 & 893*, 494 Mich. 65 (2013) (citing *Port Huron Ed Ass'n*, supra at 312). The Supreme Court describes this as an exceedingly high burden to meet and that a party alleging such a term must present "evidence establishing the parties' affirmative intent to revise the collective bargaining agreement and establish new terms and conditions of employment." *Id.* at 82. Arbitration, not the Michigan Employment Relations Commission (MERC), is the forum to resolve whether past practice has matured to a new term or condition of employment. *Id.*

The supplemental retirement allowance is clearly and unambiguously contingent upon the City Council approving the financing to the reserve fund and adopting a resolution to put that allowance into action for the fiscal year. This

has been the case since the inception of the payments. With regard to their negotiations and collective bargaining agreements, the Unions have never demanded bargaining over the issue of entitlement to the supplemental retirement allowance, despite bargaining other elements of their pensions. Thus, the matter of pensions has been extensively bargained, and any challenge to the pension provision would be a matter of interpretation; not an unfair labor practice charge before MERC. *Port Huron Ed Ass'n, supra*, p. 317. The collective bargaining agreements only mention that pension ordinances are adopted into the agreements by reference. In the most recent agreements, the unions agreed that if the supplemental retirement allowance was approved by the sole discretion of the Commission, then the retirees would accept a payment of percentage of supplemental pay, which would allow for those who had progressed further into retirement a higher share of the payment.

Further, the supplemental retirement allowance ordinance clearly states that that allowance is to be paid only if the Retirement Commission adopts such a resolution and approves the financing of the reserve fund.

This language is clear and unambiguous that the supplemental retirement allowance would be paid only in the discretion of the City Council and Retirement Commission. Thus, to claim a contractual right to the supplemental retirement allowance, a retiree would have to show that the payment has been, "so widely acknowledged and mutually accepted that it creates an amendment to the contract," and that the parties had an affirmative intent to revise the collective bargaining agreement and establish new terms and conditions of employment. *Macomb County, supra*, p. 82.

Our opinion is that the unions or retirees could not meet that burden of proof to show that their contracts were amended by past practice to add a separate and enforceable terms that they must be paid a supplemental retirement allowance of some amount each fiscal year. Specifically, for a number of years they have allowed the contracts to be ratified without demanding that the supplemental retirement allowance be mandatory or that it even be a fixed sum. The mere fact that it has always been paid is not enough to overcome the clear and unambiguous language. They would have to produce evidence that the City had intent to make this a mandatory payment. There is to our knowledge no such evidence. If anything, there is evidence that the unions knew the payment was discretionary and, in fact, in 2005 it was reduced without any objection. Specifically, the City's unions agreed to recent contracts with language affirming the payment was within the Council's sole discretion. If they were under the impression it was mandatory, they would not have otherwise conceded that payment was discretionary.

Given the recently negotiated formula in the collective bargaining agreements, that formula should be followed in 2015, if the City Council elects to provide a supplemental retirement allowance.

Lastly, our opinion is that that an arbitrator or court interpreting the contracts, ordinances and past practice would find that these payments are completely discretionary. Thus, while we cannot guarantee that an arbitrator or court would agree with this analysis, our opinion is that the City should prevail in any challenge to the discretion of the City Council to increase, decrease or eliminate, on an annual basis, the supplemental retirement allowance to retirees.

Sincerely,  
 Steven H. Schwartz  
 Steven H. Schwartz & Associates, P.L.C., 31600 W. Thirteen Mile Road, Suite 125  
 Farmington Hills, Michigan 48334

Honorable Mayor and City Council  
 Wyandotte City Hall  
 3200 Biddle Ave  
 City of Wyandotte

November 3, 2014

To Whom It May Concern:

The St. Patrick's Youth Group (of St. Vincent Pallotti) would like permission to use the city parking lot located at the corner of First Street and Chestnut for a fundraising event. This event would consist of parking cars for spectators of the Christmas Parade, November 22, 2014. St. Patrick's Catholic Church parking lots will be utilized, but the group feels the additional lot would provide more income. All proceeds benefit the teens directly.

Thank you for considering this matter. Please feel free to call Andrew Kilburn at (734) 282-5882 or Fr. Michael Cremin at (734) 285-9470 for any additional information.

Sincerely  
 Andrew C. Kilburn, St. Patrick's Youth Group Enclosure (1)

November 12, 2014  
City of Wyandotte

Mayor and City Council  
Dear Mayor Peterson and Wyandotte City Council Members,

Wyandotte Community Alliance has been working on rehabbing the house at 313 Superior. Although this project has been very challenging we have made our presence and purpose known in the neighborhood. We are well on our way to turning this old long-vacant 3 apartment house into a single family home.

In our efforts to bring this property up to code and address the items noted in the July 2014 City Inspection Report we initially established a budget of \$150,000. (A copy of our current budget is on your desk.) "The Blue Tarp House" as it was known for the past 5+ years had several areas of water damage both inside and out. We started our work by re-roofing the house and the neighbors immediately acknowledged PROGRESS! I think it is fair to say the best part of this project has been sharing electric, water, equipment, contractors, ladders and tools, and ideas with our neighbors! Our job on this level has definitely been a success.

In order to reduce restructuring costs our members filled 7 dumpsters with demo materials while our carpenter reversed and rebuilt 2 new staircases, enlarged the central hallway for handicap accessibility, put in numerous new headers, "sistered" all the crippled and sagging joists, and roughed in the rest of house to get it back to a single family structure. Please note on the copy of our budget that all this structure-code Inspection Report work (highlighted in green) represented 52% of our original \$150,000 budget.

Our next job was to shore up the basement where water was constantly pouring in thru the old brick walls and missing windows. After meetings with city inspectors and contractors we had the exterior of the basement waterproofed. We also added 7 new additional support poles and a 14' steel beam to support the upper walls of the house which had been severely compromised over the years. We replaced the glass block windows that were broken or missing in the basement. During the carpentry work and after the basement was waterproofed we began to smell sewer gas and still noted water on the basement floor in several places. We had the sewer line checked and ended up having to "sleeve" the old sewer line from the back of the house to the alley. The basement smelled much better but the floor was still wet!

We contacted the Water Department to test the basement water for chlorine or leaks in the outside line. There was no chlorine found and no leaks detected which indicated it was ground water seeping through the basement floor. To deal with this the group voted to have the inside of the basement waterproofed and add a sump pump. That work begins in early January. Now bringing this house up to code represents almost 80% of our original \$150,000 budget.

Several line items in red have not been bid but are estimated based on past work on the Third Street and Maple Street houses. These items in red do not have enough inside work completed to bid the flooring, countertops, and window and door trim, etc. We anticipate these costs may increase 15%-20% beyond the amounts estimated. We are actively working on drywall bids at this time.

WCA began this project with \$178,000 in our bank account. The bids we have currently leave those funds short so we have raised our budget in order to continue to complete the work needed to make this house livable.

MOTION: Motion by Loya, second by Wms. - Whereas Wyandotte Community Alliance is short \$22,000 in our revised \$200,000 budget we are requesting \$28,000 in contingency for a TOTAL REQUEST OF \$50,000/from TIFA funds to be repaid from the sale of this property.

Vote was unanimous. November 5, 2014

This leaves us room for those additional yet unknown costs indicative to this 100+ year old house (outside water line concerns, more surprise structural and floor problems, a lengthy time before a sale is final, etc.)

Wyandotte Community Alliance respectfully hopes Mayor and Council will acknowledge our reputation, our work, and our dedication to the neighborhoods in our City since 1984 and work with us to turn the house at 313 Superior into a HOME.

Sincerely,  
Joe Darany, Chairman WCA

November 12, 2014  
 The Honorable Joseph R. Peterson & City Council  
 3200 Biddle Avenue, Suite 300 Wyandotte, Michigan 48192

Dear Mayor and Council:

I am writing you to inform you on some of the recent happenings at the Downriver Council for the Arts, which is located in the James R DeSana Center for Arts and Culture at 81 Chestnut.

Our mission

To enrich the quality of life in the downriver communities by advocating and promoting the arts and providing opportunities for involvement and participation in arts and cultural activities.

About the DCA

Founded in 1978, the Downriver Council for the Arts (DCA) is a non-profit 501(c)(3) organization that proudly serves over 350,000 residents in 21 downriver communities. We actively support local artists and performers through artistic outreach programs and special promotional opportunities. The DCA also creates regional partnerships with other cultural organizations, schools and service clubs to promote artistic, cultural and special events throughout Southeast Michigan.

What the DCA offers

Lectures, workshops, classes and youth art camps, gallery exhibits, theater productions, literary events, music concerts and classes, gift gallery, facility rentals and volunteer opportunities.

We have also enclosed some of our marketing pieces that we are using at the Downriver Council for the arts. These are the pieces that we use to advertise the programs and events at the building. Our "Mark your calendars" is a piece that we will continue to produce. It gives the community a snapshot of what is coming up in the months at the Downriver Council for the Arts.

I thank you for your continued support of the James R. DeSana Center for Arts and Culture. If you have any questions, please feel free to contact me.

Sincerely, Tammy Trudelle, Executive Director, Downriver Council for the Arts

#### PERSONS IN THE AUDIENCE

Tom Pillar, 2397 23rd, regarding analog cable system. Election results on cable following election night?

Don Icenogle, 1302 13th, regarding downriver police basketball fundraiser 11-22-14. Looking for business support.

#### COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

November 11, 2014

Mayor and City Council City of Wyandotte  
 3200 Biddle Avenue Wyandotte, MI 48192

Dear Honorable Mayor and City Council Members:

SUBJECT: TRAFFIC CONTROL ORDER 2014-04

After review, the Traffic Bureau and Inspector Pouliot recommend the installation of "Handicap Parking Signs" at 1610 16th St., Wyandotte, MI 48192. This request met all the qualifications set forth by the Commission; therefore, in concurrence with Inspector Pouliot, this letter serves as a recommendation for Council support of Traffic Control Order 2014-03 as specified on said order.

If there are any additional questions, please feel free to contact my office at extension 4424.

Sincerely, Daniel J. Grant Chief of Police

CITY OF WYANDOTTE REQUEST FOR COUNCIL ACTION  
MEETING DATE: November 17th, 2014 AGENDA ITEM #6

ITEM: Eight Yack Arena Rental Contracts — Lions Club Flea Market, North American Model Engineering Expo (NAMES), Annual Walk for MS, Southgate Anderson High School Graduation, Woodhaven High School Graduation, Wyandotte Roosevelt High School Graduation, Circus Pages, and the Downriver Health Fair

PRESENTER: Justin N. Lanagan, Superintendent of Recreation

INDIVIDUALS IN ATTENDANCE: N/A

BACKGROUND: These eight rentals are annual rentals of the Yack Arena during the Spring/Summer once the ice and hockey boards come down. The NAMES Expo features steam and gasoline powered model engines and various vendors relating to model engineering. The Walk for MS is a special event to raise money for Multiple Sclerosis. The Yack Arena serves as the registration and hospitality, as well as the start and finish for their 5k walk through the city. The Roosevelt and Southgate Anderson High School Graduations will be the commencements for the Class of 2015. Woodhaven High School reserves the building as an emergency back-up site in case of inclement weather for their commencements (they try to host theirs outside). The Downriver Health Fair puts on free health screenings, healthy cooking demonstrations, offers tips to healthier lifestyles, etc. The Lions Club Flea Market is a large indoor garage sale. Circus Pages is a national traveling circus featuring live animals and other circus acts. Due to the cumulative size of all the contracts, a copy of each has been emailed to councilgwyan.org and the hard copies are available in the Clerk's office. A blank contract, hold harmless agreement, and listing of arena rental costs are attached.

STRATEGIC PLAN/GOALS: To provide the finest services and quality of life.

ACTION REQUESTED: Adopt a resolution concurring with the Superintendent of Recreation's recommendation to have the Mayor and City Clerk sign the attached contract for the various upcoming events.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: 101-000-654-610-020. Last year, these rentals generated over \$23,000.00 in revenue in building, table/chair, and pipe and drape rental fees.

IMPLEMENTATION PLAN: The resolutions and all necessary documents will be forwarded to the Mayor and City Clerk to sign.

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION: TDrysdale

LEGAL COUNSEL'S RECOMMENDATION: Approved by Legal Affairs

MAYOR'S RECOMMENDATION: jrp

LIST OF ATTACHMENTS:

A blank copy of a Yack Arena Rental Contract  
A blank copy of a Yack Arena Hold Harmless Agreement  
Current listing of Arena rental costs

CITY OF WYANDOTTE REQUEST FOR COUNCIL ACTION  
MEETING DATE: November 17th, 2014 AGENDA ITEM #7

ITEM: City Council Referral — Vinewood Village Condominium Association

PRESENTER: Mayor Joseph Peterson; Todd A. Drysdale, City Administrator; Mark Kowalewski, City Engineer and William Look, City Attorney

INDIVIDUALS IN ATTENDANCE: N/A

BACKGROUND: The Vinewood Village Condominium Association has presented the attached request to the City for payment. MSHDA met on November 12, 2014, and failed to come to a decision on this request. The City did have vacant units within the Condominium Association and these vacant units were not paying association fees during the time period the units were vacant. This contributed to not having adequate funds within the Association to operate. From April 2013, thru November 2014, the vacant City units would have paid \$6,250 if these vacant units were occupied. Recommend paying \$6,250 to the Association provided the attached release is signed by all fourteen (14) owners.

STRATEGIC PLAN/GOALS: N/A

ACTION REQUESTED: Pay \$6,250 to the Vinewood Village Condominium Association for Association fees during the period of which City owned units and were vacant.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: General Fund Balance derived from NSP2 Administration Funds.

IMPLEMENTATION PLAN: Obtain fourteen (14) owner releases, then pay \$6,250 to Vinewood Village Condominium Association.

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION:

LEGAL COUNSEL'S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION:

LIST OF ATTACHMENTS:

Vinewood Village request of \$10,010.00

General Release

CITY OF WYANDOTTE REQUEST FOR COUNCIL ACTION  
MEETING DATE: November 17th, 2014 AGENDA ITEM #8

ITEM: Sale of City Owned Property

PRESENTER: Mark A. Kowalewski, City Engineer

BACKGROUND: On October 4, 2013, the City closed with Joseph Daly on the exchange of the properties at former 1051 Walnut, former 204 Walnut and 30 feet of vacant land adjacent to 2319 9th Street. The contract for Exchange of Real Estate required Mr. Daly to submit plans for the construction of single family homes at former 1051 Walnut and 204 Walnut for City review and approval. City Council approved the home at former 204 Walnut on May 12, 2014, and construction has started. Therefore, attached for your review is the elevation for the construction of a one (1) story single family home at former 1051 Walnut. The features of the home are approximately 1,995 square feet, 3 bedrooms, exterior to be brick, attached garage and full basement. This home exceeds the requirements in the Contract for Exchange of Real Estate. Construction will start in Spring 2015.

STRATEGIC PLAN/GOALS: We are committed to enhancing the community's quality of life by: 1. Fostering the revitalization and preservation of older areas of the City as well as developing, redeveloping new areas. 2. Ensuring that all new developments will be planned and

designed consistent with the city's historic and visual standards; have a minimum impact on natural areas; and, have a positive impact on surrounding areas and neighborhoods. 3. Fostering the maintenance and development of stable and vibrant neighborhoods.

ACTION REQUESTED: Approve elevation for the home at former 1051 Walnut

BUDGET IMPLICATIONS & ACCOUNT NUMBER: n/a

IMPLEMENTATION PLAN: Mr. Daly to secure permit for the construction of a new single family dwelling at former 1051 Walnut.

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION: TDrysdale

LEGAL COUNSEL'S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION: jrp

LIST OF ATTACHMENTS: Elevations for the proposed home

#### REPORTS AND MINUTES

Daily Cash Receipts	November 12, 2014
Police Commission Meeting	November 6, 2014
Fire Commission Meeting	October 14, 2014

#### CITIZENS PARTICIPATION

None

#### RECESS

#### RECONVENING

#### ROLL CALL

Present: Councilpersons Fricke, Sabuda, Schultz, Stec

Absent: Councilpersons Galeski, Miciura

#### RESOLUTIONS

Wyandotte, Michigan November 17, 2014

RESOLUTION by Councilperson Donald Schultz

RESOLVED by the City Council that the reading of the minutes of the previous meeting be dispensed with and the same stand APPROVED as recorded without objection.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

ROLL ATTACHED

Wyandotte, Michigan November 17, 2014

RESOLUTION by Councilperson Donald Schultz

RESOLVED by the City Council that WHEREAS, the people of the City of Wyandotte have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the Armed Forces; AND WHEREAS, the veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; AND WHEREAS, the contributions and sacrifices of the men and women from the City of Wyandotte who served in the Armed Forces have been vital in maintaining the freedom and way of life enjoyed by our citizens; and WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces; and WHEREAS, the City of Wyandotte has a large, highly decorated veteran population including many Purple Heart recipients; and WHEREAS, the citizens of our community who have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service; and NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council do hereby proclaim the City of Wyandotte as a "PURPLE HEART CITY", honoring the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

YEAS: Councilmembers Fricke, Sabuda, Schultz, Stec, Mayor Peterson

NAYS: None

Wyandotte, Michigan November 17, 2014

RESOLUTION by Councilperson Donald Schultz

RESOLVED by the City Council that the communication from Andrew Przytula relative to the Legal Opinion on the 13th Pension check is hereby received and placed on file. AND BE IT FURTHER RESOLVED that said legal opinion as rendered by Steven H. Schwartz be read into the record by the City Clerk as requested by Mr. Przytula.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

ROLL ATTACHED

Wyandotte, Michigan November 17, 2014

RESOLUTION by Councilperson Donald Schultz

RESOLVED by the City Council that the communication from the St. Patrick's Youth Group requesting to utilize the city-owned parking lot located at the corner of First Street and Chestnut for a fundraiser consisting of parking cars for spectators of the Christmas Parade, November 22, 2014 is hereby received and placed on file. AND BE IT FURTHER RESOLVED that Council GRANTS permission provided a Hold Harmless Agreement is executed as prepared by the Department of Legal Affairs; AND FURTHER that said resolution be forwarded to the Police and Department of Public Service for coordination of same.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

YEAS: Councilmembers Fricke, Sabuda, Schultz, Stec

NAYS: None

Wyandotte, Michigan November 17, 2014

RESOLUTION by Councilperson Donald Schultz

RESOLVED by the City Council that the communication from the Wyandotte Community Alliance requesting a loan of \$50,000 is hereby referred to the City Administrator and City Attorney to provide a contract for said loan to the Wyandotte Community Alliance for the rehab of 313 Superior; with the stipulation that said fund to be reimbursed after the sale of the home.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

YEAS: Councilmembers Fricke, Sabuda, Schultz, Stec

NAYS: None

Wyandotte, Michigan November 17, 2014

RESOLUTION by Councilperson Donald Schultz

RESOLVED by the City Council that the communication from Tammy Trudelle, Executive Director, Downriver Council for the Arts relative to the recent events that took place at the James R. DeSana Center for the Arts and Culture at 81 Chestnut is hereby received and placed on file. AND FURTHER the Mayor and Council encourage all citizens to take part in various activities held at the Center.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

ROLL ATTACHED

Wyandotte, Michigan November 17, 2014

RESOLUTION by Councilperson Donald Schultz

RESOLVED by the City Council that Council CONCURS in the Traffic Control Order 2014-04 as set forth by the Chief of Police and hereby APPROVES the installation of "Handicap Parking Signs" in front of 1610-16th street, Wyandotte. AND FURTHER directs the Department of Public Service to install same.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

YEAS: Councilmembers Fricke, Sabuda, Schultz, Stec

NAYS: None

Wyandotte, Michigan November 17, 2014

RESOLUTION by Councilperson Donald Schultz

RESOLVED by the City Council that Council CONCURS with the recommendation of the Superintendent of Recreation and hereby APPROVES the following Benjamin F. Yack Arena rental contracts: Lions Club Flea Market; North American Model Engineering Expo; Walk for MS; Southgate Anderson Graduation; Woodhaven Graduation; Roosevelt High School Graduation; Circus Pages; and the Downriver Health Fair events in the amount of \$1,300.00 per day including all associated rental costs payable in full upon completion of the event as stipulated in the Contracts, events to be held April 11 and 12, 2015; April 17-19, 2015; May 16, 2015; June 3, 2015 June 9, 2015 June 11; 2015; June 13, 2015 and July 25, 2015. AND BE IT FURTHER RESOLVED that Council hereby authorizes the Mayor and City Clerk to sign said rental agreement.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

YEAS: Councilmembers Fricke, Sabuda, Schultz, Stec

NAYS: None

Wyandotte, Michigan November 17, 2014

RESOLUTION by Councilperson Donald Schultz

RESOLVED by the City Council that the request of the Vinewood Village Condominium Association is approved in the amount of \$6,250 from General Fund Balance derived from NSP2 Administration Funds provided all fourteen (14) owners sign the general release form prepared by the City Attorney. AND BE IT FURTHER RESOLVED that the Mayor and City Council now consider this matter finalized.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

YEAS: Councilmembers Fricke, Sabuda, Schultz, Stec

NAYS: None

Wyandotte, Michigan November 17, 2014

RESOLUTION by Councilperson Donald Schultz

RESOLVED by the City Council that the communication from the City Engineer regarding the sale of the property at former 1051 Walnut is hereby received and placed on file; AND BE IT FURTHER RESOLVED that the Council APPROVES the elevations for the construction of the single family home at former 1051 Walnut as presented to Council.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

YEAS: Councilmembers Fricke, Sabuda, Schultz, Stec

NAYS: None

Wyandotte, Michigan November 17, 2014

RESOLUTION by Councilperson Donald Schultz

RESOLVED by the City Council that the total bills and accounts in the amount of \$553,826.65 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

YEAS: Councilmembers Fricke, Sabuda, Schultz, Stec

NAYS: None

ADJOURNMENT

MOTION by Councilperson Donald Schultz

Supported by Councilperson Leonard Sabuda

That we adjourn.

Carried unanimously

Adjourned at 8:33 PM

November 17, 2014

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William R. Griggs, City Clerk