

**CITY OF WYANDOTTE**  
**REGULAR CITY COUNCIL MEETING**

A Regular Session of the Wyandotte City Council was held in Council Chambers, on Monday, February 10, 2020, and was called to order at 7:00pm with Honorable Mayor Joseph R. Peterson presiding.

The meeting began with the Pledge of Allegiance, followed by roll call.

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Present: Councilpersons Robert Alderman, Christopher Calvin, Robert DeSana, Megan Maiani, Leonard Sabuda, and Donald Schultz

ABSENT: City Treasurer Todd Browning

Also, Present: Theodore Galeski, City Assessor; William Look, City Attorney; Greg Mayhew, City Engineer; and Lawrence Stec, City Clerk

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**PRESENTATION OF PETITIONS**

**PUBLIC HEARINGS**

**UNFINISHED BUSINESS**

**CALL TO THE PUBLIC**

**CONSENT AGENDA**

**2020-29 MINUTES**

By Councilperson DeSana, supported by Councilperson Maiani

RESOLVED that the minutes of the meeting held under the date of January 27, 2020, be approved as recorded, without objection.

Motion unanimously carried.

**2020-30 SPRING FLING 2020 SIGN PLACEMENT REQUEST**

By Councilperson DeSana, supported by Councilperson Maiani

WHEREAS the Council has received a request from Rick Malechuck of St. Vincent Pallotti Parish requesting the use of city property on Biddle, Goddard, Northline, Oak, Eureka, and Grove for placement of 4x4, 2x4, & 18x24 standard lawn signs for the Spring Fling 2020 event from April 17 through May 12, 2020.

BE IT RESOLVED that Council grants permission to St. Vincent Pallotti Parish and its Spring Fling 2020 organizers to place said signs on the requested city-owned lots for the requested time period, provided that the organization submits a Hold Harmless Agreement to the City Clerk, as prepared by the Department of Legal Affairs.

Motion unanimously carried.

**2020-31 2020 WYANDOTTE BOAT CLUB ROWING REGATTAS**

By Councilperson DeSana, supported by Councilperson Maiani

BE IT RESOLVED that Council Concurs with the recommendation of the Special Events Coordinator to enforce the requested road closures on the requested dates and times below, in order to assist with a successful 2020 Rowing Regatta season:

**April 25th 2020:** Hebda Cup 6 am to 5 pm

BASF Waterfront Park

Biddle Avenue closed between Pine and Third Streets

**May 2nd 2020:** WY-HI Rowing Regatta 6 am to 6 pm

BASF Waterfront Park

Biddle Avenue closed between Pine and Third Streets

If the case of bad weather, the events will run the following days. The Chief of Police, Fire Chief and Superintendent of the Department of Public Service have reviewed this application/event and approved with the recommendation the organization signs a hold harmless agreement as well as add the City of Wyandotte as additional insured.

Motion unanimously carried.

### **2020-32 DOWNRIVER DELTA CDC EVENT APPROVAL**

By Councilperson DeSana, supported by Councilperson Maiani

BE IT RESOLVED that Council Concurs with the recommendation of the Special Events Coordinator to approve the use of city property for the Downriver Delta CDC Non-Profit Group to use Bishop Park and city sidewalks for their Roll Along the River Event on May 2nd 2020 from 10 am to 2 pm; AND BE IT FURTHER RESOLVED that Council approves the waiver of the fee associated with use of said property.

This event has been reviewed and approved by the Superintendent of Recreation, Superintendent of Public Service, Police Chief and Fire Chief. It is recommended that there is a hold harmless agreement (provided by the Legal Department) signed and that the group follow all City of Wyandotte ordinances. Motion unanimously carried.

### **NEW BUSINESS**

#### **2020-33 REAPPOINTMENT TO POLICE & FIRE COMMISSION – B. HECK**

By Councilperson DeSana, supported by Councilperson Maiani

RESOLVED by the City Council that Council hereby CONCURS with the recommendation of Mayor Peterson to re-appoint Bob Heck of 1283 Cedar to the Police & Fire Commission. Term to expire April 2022.

Motion unanimously carried.

#### **2020-34 HIRING OF FULL-TIME ANIMAL CONTROL OFFICER – M. MCKENZIE**

By Councilperson DeSana, supported by Councilperson Maiani

That Council Concurs with the determination that the vacancy exists for the position of Animal Control Officer and the Council authorizes the filling of such vacancy and FURTHER RESOLVED BY THE CITY COUNCIL that Madison McKenzie is being offered full-time employment as an Animal Control Officer/Ordinance Officer at level 27A contingent upon her successful completion of physical with drug screen.

Motion unanimously carried.

#### **2020-35 COMPREHENSIVE ZONING ORD. UPDATE CONTRACT-SMITHGROUP**

By Councilperson DeSana, supported by Councilperson Maiani

WHEREAS, the MEDC has developed a program for certifying Redevelopment Ready Communities, and the City of Wyandotte desires to achieve that certification by implementing best practices and recommended strategies for redevelopment; and

WHEREAS, the City of Wyandotte has engaged in the MEDC Redevelopment Ready Communities Program, in order receive Redevelopment Ready Communities Certification from the MEDC.

NOW, THEREFORE, BE IT HERBY RESOLVED, by City Council that the Council concurs in the recommendation of the Special Projects Coordinator to contract with SmithGroup for the purposes of updating the City's Zoning Ordinance and FURTHER, authorizes the City Administrator to sign the agreement on behalf of Mayor and City Clerk for a not-to-exceed amount of \$60,000.00 to be paid from account number 101-200-825-390 from Fiscal Years 2021 and 2022.

Motion unanimously carried.

**2020-36 WSAF 2020 ENTERTAINMENT CONTRACT - FAIRGRIEVE**

By Councilperson DeSana, supported by Councilperson Maiani

BE IT RESOLVED by the City Council that Council Concurs with the Special Event Coordinator in the following resolution:

A resolution to APPROVE the entertainment contract for the below band for the 2020 Wyandotte Street Art Fair to be paid from the Wyandotte Street Art Fair account 285.225.925.730.860.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby directed to execute said contract on behalf of the City of Wyandotte.

Fairgrieve - \$2,000

Motion unanimously carried.

**2020-37 REINSTATEMENT OF STATE HISTORIC TAX CREDITS**

By Councilperson DeSana, supported by Councilperson Maiani

WHEREAS, the historic buildings, neighborhoods and places in Michigan villages, towns and cities distinguish each community and provide character and a sense of place that contribute significantly to the quality of life and the economic benefits enjoyed in and by each community; and

WHEREAS, the preservation and rehabilitation of historic buildings, places and neighborhoods contributes to the beauty, character, and economic vitality of Michigan communities; and,

WHEREAS, the labor-intensive nature of historic rehabilitation creates jobs and investment in local businesses and has been proven to generate more economic activity than equivalent investment in new construction; and

WHEREAS, demolition or destruction of historic buildings creates costs to Michigan and its communities by destroying the often-irreplaceable construction and ornamental materials of each structure and by adding significantly to landfills, whose makeup is estimated to be more than 40 percent building materials and waste; and

WHEREAS, development and redevelopment within established villages, townships and cities is encouraged by Governor Whitmer; and

WHEREAS, many public policies and financial and lending practices and policies create disincentives or barriers to the preservation, renovation and rehabilitation of historic buildings and resources and create a preferential financial environment for new construction; and

WHEREAS, Michigan has measured the economic impacts of the former Michigan Historic Tax Credit programs between their enactment in 1999 and their elimination in 2011 and seen significant positive direct impacts on the revitalization of neighborhoods and communities, the preservation and creation of affordable and market-rate housing, the creation of skilled local jobs, and the subsequent private investment in areas surrounding tax-credit-driven revitalization projects; and

WHEREAS, each \$1.00 of credit issued leverages \$11.37 in direct economic impact, such that the former Michigan Historic Tax Credit programs during their twelve-year history have leveraged \$251 million in Federal historic tax credits that otherwise would not have returned to Michigan, spurred \$1.46 billion in direct rehabilitation activity, and created 36,000 jobs; and

WHEREAS, the Michigan Legislature is presently considering Senate Bill 54 and House Bill 4100 that would reinstate an up-to-25 percent investment tax credit for owners of historic residential and commercial properties who substantially rehabilitate their properties;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Wyandotte endorses and supports both Senate Bill 54 and House Bill 4100 and calls upon the Michigan Legislature to pass this important legislation and Governor Whitmer to sign it, in order to stimulate appropriate development and redevelopment and protect the historic character and quality of life of our communities.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Michigan Historic Preservation Network.

Motion unanimously carried.

**2020-38 WYANDOTTE FARMER'S MARKET CONTRACT – VINTAGE HOME MARKET**

By Councilperson DeSana, supported by Councilperson Maiani

Resolved by City Council to approve the request of the DDA Director to approve the Vintage Market, LLC Event Hosting Agreement for the 2020 Farmer's Market Season.

BE IT FURTHER RESOLVED that Mayor and City Clerk are authorized to sign and execute said contract.

Motion unanimously carried.

**2020-39 WYANDOTTE FARMER'S MARKET CONTRACT – EASTERN MARKET**

By Councilperson DeSana, supported by Councilperson Maiani

Resolved by City Council to approve the request of the DDA Director to approve the Memorandum of Understanding with the Eastern Market Corporation for the Community Farm Stand Program to take place at the Wyandotte Farmer's Market.

BE IT FURTHER RESOLVED that Mayor and Council AUTHORIZE Mayor and City Clerk to sign and execute the Memorandum of Understanding with the Eastern Market Corporation.

Motion unanimously carried.

**2020-40 VETERAN'S MEMORIAL RELOCATION PROJECT**

By Councilperson DeSana, supported by Councilperson Maiani

Resolved that the City Council agrees with the recommendation of the City Engineer and accepts the proposal from Pizzo Development Group, LLC for the relocation of the Veteran's Memorial Monument as requested in File #4775 in the amount of \$37,900.00 and funded in account #101-448-750-270.

Motion unanimously carried.

**2020-41 SALE OF FORMER 2111 5<sup>TH</sup> STREET**

By Councilperson DeSana, supported by Councilperson Maiani

Council concurs with the recommendation of the City Engineer regarding the sale of a portion of the former 2111 5th Street, Wyandotte; AND

BE IT RESOLVED that Council accepts the offer from Gary A.Carr, 2121 5th Street, to acquire the south 15 feet of the former 2111 5th Street from for the amount of \$750.00; AND

BE IT FURTHER RESOLVED that the Department of Legal Affairs is hereby directed to prepare the necessary documents and the Mayor and Clerk are hereby authorized to sign said documents.

Motion unanimously carried.

**2020-42 SALE OF FORMER 1533 11<sup>TH</sup> STREET**

By Councilperson DeSana, supported by Councilperson Maiani

RESOLVED BY THE MAYOR AND COUNCIL that the communication from the City Engineer regarding the City owned property located at former 1533 11th Street is hereby received and placed on file; AND

BE IT FURTHER RESOLVED that the Council concurs with the recommendation to sell the property known as former 1533 11th Street Street to Trademark Building & Management, Anthony J. Chirco, in the amount of \$10,000.00; AND

BE IT FURTHER RESOLVED that if the Purchaser(s), Trademark Building & Management does not undertake development within six (6) months from time of closing and complete construction within one (1) year will result in Seller's right to repurchase property including any improvements for Eight Thousand (\$8,000) Dollars. A condition will be placed on the Deed that will include this contingency;

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute the Offer to Purchase Real Estate for the property known as former 1533 11th Street, between Trademark Building & Management, and the City of Wyandotte for \$10,000 as presented to Council.

Motion unanimously carried.

**2020-43 SUBSCRIPTION YARD WASTE COLLECTION 2020**

By Councilperson DeSana, supported by Councilperson Maiani

RESOLVED that Council concurs with the recommendation of the City Engineer to continue to provide curbside yard waste collection services to the residents of Wyandotte for a fee of \$57.00 per season, or \$1.75 per week, for the 2020 season; AND,

BE IT RESOLVED that the Engineering Department will place a notice on the Wyandotte Cable TV Government Channel and on the City of Wyandotte Website, and notice shall be sent to the previous season subscribers, AND,

BE IT FURTHER RESOLVED that any resident interested in this service should submit a Curbside Yard Waste Application to the Department of Public Services, which application is available on the City's website at [www.wyandotte.net](http://www.wyandotte.net), located under the Department of Public Services/Trash Collection-Curbside Yard Waste.

Motion unanimously carried.

**2020-44 ANNUAL PERMIT – MDOT RIGHT OF WAY AND MISC. OPERATIONS**

By Councilperson DeSana, supported by Councilperson Maiani

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the City of Wyandotte hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and

those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation, construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf, it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name:

Gregory J. Mayhew, City Engineer

Brian Zalewski, Police Chief

Paul LaManes, General Manager of Municipal Services

Motion unanimously carried.

### **REPORTS & MINUTES**

Civil Service Commission	1/21/2020
Fire Commission	11/12/2019 & 1/14/2020
Police Commission	1/28/2020
Retirement Commission	1/17/2020

### **REMARKS OF THE MAYOR, COUNCIL, & ELECTED OFFICIALS**

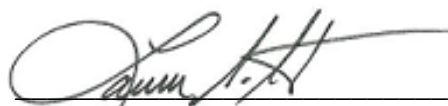
### **ADJOURNMENT**

#### **2020-28 ADJOURNMENT**

By Councilperson DeSana, supported by Councilperson Maiani

RESOLVED, that this regular meeting of the Wyandotte City Council be adjourned at 7:32 p.m.

Motion unanimously carried.



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Lawrence S. Stec, City Clerk