

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

A Regular Session of the Wyandotte City Council was held in Council Chambers, on Monday, June 29, 2020, and was called to order at 7:00pm with Honorable Mayor Pro Tempore Robert A. DeSana presiding.

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

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Present: Mayor Pro Tempore Robert A. DeSana, Councilpersons Robert Alderman, Christopher Calvin, Megan Maiani, Leonard Sabuda, and Donald Schultz

ABSENT: None

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

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**PRESENTATIONS**

**PRESENTATION OF PETITIONS**

**PUBLIC HEARINGS**

**UNFINISHED BUSINESS**

**CALL TO THE PUBLIC**

**CONSENT AGENDA**

**2020-145 MINUTES**

By Councilperson Alderman, supported by Councilperson Sabuda

RESOLVED that the minutes of the meeting held under the date of May 18, 2020, be approved as recorded, without objection.

Motion unanimously carried.

**2020-146 ANNUAL PERMITS – WAYNE COUNTY RIGHT OF WAY**

By Councilperson Alderman, supported by Councilperson Sabuda

Dated: June 29, 2020

**CITY OF WYANDOTTE RESOLUTION**

**AUTHORIZING EXECUTION OF**

**WAYNE COUNTY PERMITS**

Resolution No. 2020-146

At a Regular Meeting of the Wyandotte City Council on June 29, 2020, the following resolution was offered:

WHEREAS, the City of Wyandotte (hereinafter the “Community”) periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the “County”) for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 et seq., the County permits and regulates such activities noted above and related temporary road closures;

NOW THEREFORE, BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the “Permit”), the Community agrees and resolves that;

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or

subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors. The Community 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 County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor’s behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit is signed by the Community’s authorized representative.

BE IT FURTHER RESOLVED, that the following individuals are authorized in their official capacity as the Community’s authorized representatives to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne, Department of Public Services Engineering Division Permit Office for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

NAME	TITLE
Brian Zalewski	Police Chief
Greg Mayhew	City Engineer
Paul LaManes	Municipal Services General Manager

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wyandotte, County of Wayne, Michigan on June 29, 2020.

Lawrence S. Stec  
City Clerk

At a regular meeting of the Wyandotte City Council held on June 29, 2020, the following Resolution was adopted:

Motion by Alderman, Supported by Sabuda

Resolved: To approve the Resolution Authorizing Execution of Wayne County 2020 Annual Permits which states that the City of Wyandotte agrees to fulfill all permit obligations, hold harmless and defend Wayne County, and authorizes Brian Zalewski, Police Chief, Greg Mayhew, City Engineer, and Paul LaManes, Municipal Services General Manager to sign the Annual Maintenance Permit A-20075, Annual Pavement Restoration Permit A-20130, and Annual Permit for Special Events A-20160.

Unanimously carried.

Resolution No. 2020-146

I, Lawrence S. Stec, City Clerk of the City of Wyandotte, hereby certify that the foregoing is a true and complete copy of a Resolution as adopted by the City Council of the City of Wyandotte, County of Wayne, Michigan, at a regular meeting held on June 29, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the Minutes of said meeting were kept and will

be or have been made available as required by said Act.

Lawrence S. Stec, City Clerk

Motion unanimously carried.

**2020-147 CITY OWNED PROPERTY AT 3131 BIDDLE – WYANDOTTE JAYCEES**

By Councilperson Alderman, supported by Councilperson Sabuda

RESOLVED BY THE MAYOR PRO TEMPORE AND CITY COUNCIL that Council authorizes the Wyandotte Jaycees to use the City Property at 3131 Biddle Avenue for their 2020 Fall Fund Raising Project "Haunted House" and storage of their haunts thru November 2021; AND

BE IT FURTHER RESOLVED that the Mayor Pro Tempore and the City Clerk are authorized to execute said Permit as presented to Council.

Motion unanimously carried.

**2020-148 WSAF 2021 ENTERTAINMENT CONTRACT – TANGERINE MOON**

By Councilperson Alderman, supported by Councilperson Sabuda

BE IT RESOLVED that Council concurs with the recommendation of the Special Event Coordinator to approve the 2021 WSAF entertainment agreement with Tangerine Moon Productions in the amount of \$12,250.00 (\$6,125 - paid and \$6,125 due for 2021 performance) for three 45-minutes sets (one each by Boogie Dynamite, Class of '98, and Mega 80s) with funds to be paid from account # 285.225.925.730.860.

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

Motion unanimously carried.

**2020-149 WSAF 2021 ENT. CONTRACTS–LARRY LEE & CATEGORY 5**

By Councilperson Alderman, supported by Councilperson Sabuda

BE IT RESOLVED that Council concurs with the Special Event Coordinator to approve the entertainment agreements for various artists listed below to provide musical entertainment during the 2021 Wyandotte Street Art Fair, with funds to be paid from account #285-225-925-730-860, for the following dates, times, and costs:

PERFORMER	DATE	TIME	COST
Larry Lee & Back in the Day	July 7th, 2021	9:30-11PM	\$1375 (50% deposit paid in 2020)
Category 5	July 9 <sup>th</sup> , 2021	6:30-8:30PM	\$800

BE IT FURTHER RESOLVED that the Mayor Pro Tempore and City Clerk are hereby directed to execute the Entertainment Agreements on behalf of the City of Wyandotte.

Motion unanimously carried.

**2020-150 2020 FARMERS MARKET ROAD CLOSURE**

By Councilperson Alderman, supported by Councilperson Sabuda

BE IT RESOLVED that Council approves the request of the Special Event Coordinator to approve of the road closure of Sycamore Street from Biddle to the Alley at Coastal Thai for the Wyandotte Downtown Market events for the below dates and times subject to the strict adherence to safety guidelines and restrictions issued by Federal, State, or County health agencies due to the pandemic: June 11th 2020 through October 29th 2020

Time to close Road: 9 am Time road will be reopened: 9 pm

All vendors will sign hold harmless agreements, be required to add the City as additional insured to their policy if they carry one and the Vintage Market, LLC will also sign a hold harmless agreement and add the city to their insurance policy for their and their vendors use of city property. The Department of Public Service will place semi-permanent signage along the diagonal parking on Sycamore, this will be a cost and time savings for the Department.

Further, the City maintains the right to deny the use of city property if the safety guidelines and restrictions become more restrictive, and, in the event that the City Council cannot meet in a timely fashion, the City Council authorizes the Mayor and/or his designee to render such a decision.  
Motion unanimously carried.

#### **2020-151 SPECIAL EVENT APPLICATION – 359 YOGA/ARROWHEAD PAVILION**

By Councilperson Alderman, supported by Councilperson Sabuda

BE IT RESOLVED that Council Concurs with the recommendation of the Special Events Coordinator, Fire Chief, Police Chief and Recreation Superintendent to approve the use of Arrowhead Pavilion for yoga classes held by 359 Yoga on the below days and times:

Monday and Wednesdays - 6 to 7 pm

Tuesday and Thursdays - 10 am to 11 am

Dates: starting as soon as possible as long as the weather allows

BE IT FURTHER RESOLVED that the organization shall sign a hold harmless agreement as well as add the City of Wyandotte as additional insured.

Motion unanimously carried.

#### **2020-152 2021 WSAF – ZAPP AGREEMENT**

By Councilperson Alderman, supported by Councilperson Sabuda

WHEREAS the Special Events Coordinator has requested to contract the services of ZAPP Software, LLC, in conjunction with the Wyandotte Street Art Fair 2021.

WHEREAS said services will consist of the following event, time and cost:

Wyandotte Street Art Fair: \$1,100 – 285-225-925-860

RESOLVED that Council concurs with the Special Events Coordinator to APPROVE the contract for Zapp Software LLC, for the 2021 WSAF with funds to be paid from the WSAF Expense Account 285-225-925-860, AND

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

Motion unanimously carried.

#### **2020-153 WOW 360 EVENT REQUESTS**

By Councilperson Alderman, supported by Councilperson Sabuda

BE IT RESOLVED that Council concurs with the recommendation of the Special Events Coordinator, Police Deputy and Chief, Recreation Superintendent and Fire Chief to support the use of city streets, sidewalks and property for the below dates in addition to the previously approved events/dates from the WOW 360 Event Hosting Agreement 2019-2021 subject to the strict adherence to safety guidelines and restrictions issued by Federal, State, or County health agencies due to the pandemic.

Swiggin' Pig: August 20-22, 2020 and July 1-4, 2021

Bark on Biddle: October 10-11, 2020

Fire and Flannel - September 25-27, 2020

Further, the City maintains the right to deny the use of city property if these safety guidelines and restrictions become more restrictive, and, in the event that the City Council cannot meet in a timely fashion, the City Council authorizes the Mayor and/or his designee to render such a decision.

Motion unanimously carried.

#### **2020-154 SEAWAY BOAT CLUB 2020 EVENT REQUEST**

By Councilperson Alderman, supported by Councilperson Sabuda

BE IT RESOLVED that Council concurs with the recommendation of the Special Event Coordinator, Fire Chief, Police Chief and Recreation Superintendent to support the following:

Until the guidelines for gatherings change, all events for 2020 will be approved.

If and when the guidelines change to allow large gatherings, then the event(s) would be approved as long as all guidelines issued by the Federal, State, or County relative to restrictions on gatherings must

be followed. If and when guidelines are changed to restrict gatherings of any kind due to the pandemic, the City has the right to address the events and potentially deny the use of city property.

Motion unanimously carried.

### **NEW BUSINESS**

#### **2020-155 CITIZENS PETITION – 3051 4<sup>TH</sup> ST. BUILDING USE**

By Councilperson Alderman, supported by Councilperson Sabuda

BE IT RESOLVED that all communications regarding the building use at 3051 4th St. are hereby received and placed on file

Motion unanimously carried.

#### **2020-156 3051 4<sup>TH</sup> ST HOMELESS SHELTER UPDATE**

By Councilperson Alderman, supported by Councilperson Sabuda

RESOLVED that the communication from the City Engineer and others regarding the use of 3051 4th St. as a homeless shelter are hereby received and placed on file.

Motion unanimously carried.

#### **2020-157 APPOINTMENT TO PLANNING & REHAB. COMM. – B. KELLY**

By Councilperson Alderman, supported by Councilperson Sabuda

RESOLVED that City Council hereby CONCURS with the recommendation of Mayor Pro Tempore DeSana to appoint Brian Kelly of 3886 14th St., Wyandotte, MI to the Planning and Rehabilitation Commission. Term to expire April 2023.

Motion unanimously carried.

#### **2020-158 BUDGET HEARING – 2020 TAX RATE TO SUPPORT FY21 OPERATIONS**

By Councilperson Alderman, supported by Councilperson Sabuda

WHEREAS the City Administrator has filed a copy of the communication relative to the 2021 Fiscal Year Operating Budget and Corresponding Operating Tax Millage Rate;

NOW, THEREFORE, BE IT RESOLVED that this Council shall hold a Budget Meeting, in accordance with Public Act 40 of 1995, in the Council Chambers of the Wyandotte City Hall, 3200 Biddle Avenue, Wyandotte, on July 13, 2020, at 7:00 pm

BE IT FURTHER resolved that the City Council will act on the 2020 operating millage rate pursuant to Public Act 75 of 1991, at the July 13, 2020, Council meeting after the closure of the required Budget Hearing

Motion unanimously carried.

#### **2020-159 NEW COURT RECORDING SYSTEM PURCHASE**

By Councilperson Alderman, supported by Councilperson Sabuda

Authorize the Mayor and City Clerk to sign the purchase quotes in the amount of \$20,850.84 for the purchase of a New Court Recording System from BIS Digital using FY2020 budgeted funds from account number 101-136-850-510.

Motion unanimously carried.

#### **Item #15 (Hiring of FT Civil Clerk) was withdrawn by the 27<sup>th</sup> District Court Administrator**

#### **2020-160 HIRING POLICE OFFICERS – MACK & GARDOCKI**

By Councilperson Alderman, supported by Councilperson Sabuda

BE IT RESOLVED BY THE CITY COUNCIL that council concurs with the determination that vacancies exist for the position of police officer and the council authorizes the filling of such vacancies and

FURTHER RESOLVED BY THE CITY COUNCIL that subsequent to a written examination, physical agility test, and interview panel conducted by the police department, candidates Aaron Mack and Morgen Gardocki are being offered employment as probationary police officers contingent upon their successful completion of a drug screen, physical, and psychological examination.

Motion unanimously carried.

**2020-161 LICENSE AGMT. – BLUE WATER EXPLORATIONS/DIAMOND JACK**

By Councilperson Alderman, supported by Councilperson Sabuda

RESOLVED BY THE MAYOR PRO TEMPORE AND COUNCIL that the communication from the City Engineer and Superintendent of Recreation, Leisure & Culture regarding the License Agreement with Blue Water Explorations, Ltd., DBA Diamond Jack's River Tours is received; AND BE IT FURTHER RESOLVED that the Mayor Pro Tempore and City Clerk are authorized to execute sale for the period of June 1, 2020 through October 1, 2020.

Motion unanimously carried.

**2020-162 CFEC – 100 MAPLE PUBLIC HEARING SCHEDULING**

By Councilperson Alderman, supported by Councilperson Sabuda

WHEREAS, Pursuant to the Commercial Redevelopment Act, Public Act 255 of 1978, as amended, the City of Wyandotte has established Commercial Redevelopment District No. 17 covering the property commonly known as 100 Maple (also known as 3040-56-58 - 1<sup>st</sup> Street), 130-134 Maple, and 140-142 Maple Street; and

WHEREAS, Ron Thomas, Rise Above Ventures, the prospective owner of property located at 100 Maple within said District, has submitted an application for a Commercial Facilities Exemption Certificate under provisions of said Act; and

WHEREAS, said Act provides that before action upon an application, the City Council shall afford the applicant, the Assessor and a representative of the affected taxing units an opportunity for a hearing.

NOW, THEREFORE BE IT RESOLVED:

1. That the application for an Exemption Certificate dated June 5<sup>th</sup>, 2020, shall remain on file in the office of the City Clerk where it was received on June 5<sup>th</sup>, 2020.
2. That the City Council shall meet in the City Council Chambers, Wyandotte City Hall, 3200 Biddle Avenue, Wyandotte, Michigan, on July 27, 2020, at 7:00 p.m., Local Time, or as soon thereafter as may be heard, and shall provide the City Assessor, the applicant, a representative of each of the taxing units, and any other taxpayer or resident of the City of Wyandotte an opportunity to be heard on the question of said application for an Exemption Certificate with regards to operations within Wyandotte Commercial Redevelopment District No. 17.
3. That the City Clerk, in accordance with said Act, inform by regular mail, the City Assessor, the applicant, and the legislative body of each taxing unit which levies ad valorem taxes in the City of Wyandotte as follows:
  1. That the City of Wyandotte has established Wyandotte Commercial Redevelopment District No. 17 and has now received and will consider an application for a Commercial Facilities Exemption Certificate within said District No. 17.
  2. That the City Council shall meet on July 27, 2020, in the City Council Chambers, Wyandotte City Hall, 3200 Biddle Avenue, Wyandotte, Michigan, at 7:00 p.m., Local Time, or as soon thereafter as may be heard to afford the City Assessor, the applicant, a representative of each taxing unit, and any other resident or taxpayer of the City an opportunity to be heard with regard to said application.
  3. That said application applies to building and land improvements for the project with an estimated project cost of \$2,000,000 (excluding property acquisition) on the property commonly known as 100 Maple.
  4. Send notice via regular mail not less than 10 days or more than 30 days before the hearing date.
  5. That the City Clerk is hereby directed to publish notice one time in substantially the following form in the News Herald, Wyandotte Edition, not less than 10 days or more than 30 days before the hearing date:

CITY OF WYANDOTTE, MICHIGAN  
 NOTICE OF HEARING ON THE ISSUANCE OF A  
 COMMERCIAL FACILITIES EXEMPTION CERTIFICATE  
 UNDER ACT 255 OF THE PUBLIC ACTS  
 OF MICHIGAN, 1978, AS AMENDED

PLEASE TAKE NOTICE: That on July 27, 2020, at 7:00 p.m., Local Time, a public hearing will be held in the City Council Chambers, Wyandotte City Hall, 3200 Biddle Avenue, Wyandotte, Michigan, on the application of the prospective property owner, Ron Thomas, Rise Above Ventures, for property located at 100 Maple (also known as 3040-56-58 - 1<sup>st</sup> Street), for the issuance of a Commercial Facilities Exemption Certificate under Act No. 255 of the Public Acts of Michigan, of 1978, as amended, for the purchase of building and land improvements to the existing building(s) at an estimated project cost of \$2,000,000 (excluding property acquisition) and located in Wyandotte Commercial Redevelopment District No. 17.

Copies of all relevant documents are available for public inspection at the City Clerk’s Office, 3200 Biddle Avenue, Wyandotte, Michigan. The City Clerk’s office may be reached at 734-324-4562. Further information may be obtained by contacting Joe Gruber, DDA Director, at 734-324-7298. Written comments received prior to or at the specified time and date of the hearing will also be considered and should be mailed or delivered to the City Clerk at City Hall, 3200 Biddle Avenue, Wyandotte, MI 48192.

The City of Wyandotte will provide auxiliary aids and service to individuals with disabilities at the meeting upon one week’s notice to the City of Wyandotte. Individuals with disabilities requiring auxiliary aids or services should contact the City of Wyandotte by writing or calling the following: Lawrence S. Stec, City Clerk, 3200 Biddle Avenue, Wyandotte, MI 48192 Phone: (734) 324-4500.

Lawrence S. Stec  
City Clerk

Publish in News Herald: One time on Wednesday, July 8, 2020

----- Mailing and Publication Instructions to City Clerk -----

Hearing date scheduled for: Monday, July 27, 2020

Send notice via Regular Mail to the Applicant, Assessor, and each Taxing Unit Levying Taxes no later than: Wednesday, July 8, 2020 (not less than 10 days or more than 30 days before the hearing date).

----- End of Mailing and Publication Instructions -----

Motion unanimously carried.

**2020-163 SALE OF FORMER 1757 2<sup>ND</sup> ST.**

By Councilperson Alderman, supported by Councilperson Sabuda

RESOLVED BY THE MAYOR PRO TEMPORE AND COUNCIL that the communication from the City Engineer regarding the City owned property located at former 1757 2nd 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 1757 2nd Street to Jonah D'Herin in the amount of \$10,000.00; AND

BE IT FURTHER RESOLVED that if the Purchaser(s),Jonah D'Herin 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 one (\$1.00) Dollar. A condition will be placed on the Deed that will include this contingency;

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mayor Pro Tempore and City Clerk are hereby authorized to execute the Offer to Purchase Real Estate for the property known as former 1757 2nd Street, between Jonah D'Herin and the City of Wyandotte for \$10,000 as presented to Council.

Motion unanimously carried.

**2020-164 NEZ APPLICATION – FORMER 1757 2<sup>ND</sup> ST, NOW 1759 2<sup>ND</sup> ST.**

By Councilperson Alderman, supported by Councilperson Sabuda

WHEREAS per a resolution adopted by the Wyandotte City Council on December 7, 1992, it is the policy of the City of Wyandotte to offer 12-year tax abatements for new single-family construction in Neighborhood Enterprise Zones within the City of Wyandotte; and

WHEREAS the former 1757 2nd Street is within the City of Wyandotte’s Neighborhood Enterprise Zone #3 adopted on December 7, 1992;

NOW THEREFORE BE IT RESOLVED by the City Council that Council CONCURS with the

recommendation of City Engineer as set forth in his communication of June 29, 2020, that the City of Wyandotte will approve a 12-year Neighborhood Enterprise Zone Exemption Certificate for the proposed redevelopment at former 1757 2nd Street now known as 1759 2nd Street, subject to the proper application materials being submitted to the City and the project's compliance with the Neighborhood Enterprise Zone Act, Act 147 of 1992, as amended; AND

WHEREAS the City Clerk and the City Assessor are hereby authorized to execute said applications for a 12-year Neighborhood Enterprise Zone Certificate.

Motion unanimously carried.

**2020-165 REZONING APPLICATION – 2011 OAK ST.**

By Councilperson Alderman, supported by Councilperson Sabuda

RESOLVED that the communication from the Planning Commission regarding the rezoning of the property known as 2011 Oak Street, Wyandotte is hereby received and placed on file; AND

BE IT FURTHER RESOLVED that Council approves the rezoning of property known as 2011 Oak Street, Wyandotte (Lots 119-121 Eureka Estates Subdivision) to Neighborhood Business District (B-1). NOW THEREFORE BE IT RESOLVED that this request be referred to the Department of Legal Affairs to prepare the proper Ordinance.

Motion unanimously carried.

**2020-166 REZONING APPLICATION – 1040 FORD AVENUE**

By Councilperson Alderman, supported by Councilperson Sabuda

RESOLVED that the communication from the Planning Commission regarding the rezoning of the property known as 1040 Ford Avenue, Wyandotte is hereby received and placed on file; AND

BE IT FURTHER RESOLVED that Council denies the request for rezoning to General Business District (B-2).

Motion unanimously carried.

**2020-167 DPS VEHICLE PURCHASE**

By Councilperson Alderman, supported by Councilperson Sabuda

BE IT RESOLVED by the Mayor Pro Tempore and City Council that Council concurs with the recommendation of the City Engineer to purchase two (2) Ford F-250's from

Gorno Ford in the amount of \$69,043.00, which shall be paid for from Account 101-448-850-530 Garage Vehicles,

FURTHER RESOLVED the Mayor and Council hereby authorizes a budget amendment to transfer \$9,043.00.00 from Account 101-448-825-431 Garage - Other Vehicle Maintenance to Account 101-448-850-530 Garage Vehicles.

Motion carried.

YEAS: Councilpersons Calvin, DeSana, Maiani, Sabuda, Schultz

NAYS: None

ABSTAIN: Councilperson Alderman

**2020-168 FIRST & FINAL #1488: SEWAGE DISPOSAL CHARGES**

By Councilperson Alderman, supported by Councilperson Sabuda

**AN ORDINANCE ENTITLED**

**“AN ORDINANCE TO AMEND SUBPARAGRAPH (a) OF SECTION 38.1-18 ENTITLED  
“SEWAGE DISPOSAL CHARGES” OF THE  
CODE OF ORDINANCES OF THE CITY OF WYANDOTTE”**

**THE CITY OF WYANDOTTE ORDAINS:**

Section 1. Subparagraph (a) of Section 38.1-18 Entitled “Sewage Disposal Charges” is hereby amended as

follows:

(a) Generally. Effective as of July 1, 2020 the department of municipal service of the city is directed to



increase the billing for sewage disposal charges to Three Thousand Six Hundred Eighty-Seven (\$3,687.00) per one million (1,000,000) gallons of water consumed. This will provide the city with funds for the following purposes: To pay charges for the city's share of the operation and maintenance of the sewage disposal system (including debt service and replacement); to pay for meter loss; to pay for maintaining and operating the city sewers, which are a part of the sewage disposal system; to pay for collection costs. The monies collected, except for collection costs of fifty dollars and fifty cents (\$50.50) per million gallons of water consumed, which shall be retained by the municipal service commission, shall be placed in an appropriate fund to be used for the above-stated purposes and any balance that may accrue shall be retained therein to provide for emergencies and contingencies.

#### Section 2. Severability.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

#### Section 3. Effective Date.

This ordinance shall take July 1, 2020. This ordinance is deemed necessary for the immediate preservation of the public peace, property, health, safety and for providing for the usual daily operation of the City Engineers Office and Department of Municipal Services. This Ordinance or a summary shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. Any summary shall designate the location in the City where a true copy of the ordinance can be inspected or obtained.

Motion unanimously carried.

#### **2020-169 FIRST READING #1489: REZONE 136, 141 GODDELL & 1203 2<sup>ND</sup> ST.**

By Councilperson Alderman, supported by Councilperson Sabuda

BE IT RESOLVED that a first reading of Ordinance #1489 to rezone the property known as 141 Goodell, 136 Goodell, and Vacant 1203 2nd Street, Wyandotte be held on June 29, 2020.

Motion unanimously carried.

#### **2020-170 FIRST & FINAL READING #1490: 38.1.3 ILLICIT DISCHARGE ELIM PROGRAM**

By Councilperson Alderman, supported by Councilperson Sabuda

AN ORDINANCE ENTITLED  
AN ORDINANCE TO CREATE

CHAPTER 38.1.3 ILLICIT DISCHARGE ELIMINATION PROGRAM  
OF THE WYANDOTTE CODE OF ORDINANCE

THE CITY OF WYANDOTTE ORDAINS:

Section 1. Add Chapter 38.1.3 to read as follows:

Chapter 38.1.3 ILLICIT DISCHARGE ELIMINATION PROGRAM

Sec. 38.1.3.A Purpose.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Wyandotte through the regulation of non-storm water discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges from any user;
2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system; and
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

Sec. 38.1.3.B Definitions.

For the purposes of this ordinance, the following shall mean:

*Authorized Enforcement Agency.* Employees or designees of the City of Wyandotte designated to enforce this ordinance.

*Construction Activity.* Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Hazardous Materials.* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Illicit Discharge.* Any discharge to, or seepage into, an MS4 that is not composed entirely of stormwater or uncontaminated groundwater except discharges pursuant to an NPDES permit.

*Illicit Connection.* A physical connection to an MS4 that primarily conveys non-stormwater discharges other than uncontaminated groundwater; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections.

*Industrial Activity.* Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

*Municipal Separate Storm Sewer System (MS4).* Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

*National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.* Is a permit issued by Michigan Department of Environmental Quality (MDEQ) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Outfall or Discharge Point.* Any location on the MS4 owned or operated by the permittee that discharges directly to a surface water of the state, or any location on the MS4 owned or operated by the permittee that discharges to any other separate storm sewer system before discharging to a surface water of the state.

*Person.* Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

*Pollutant.* Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

*Premises.* Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Storm Water.* Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

*Wastewater.* Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

*Surface Waters of the State.* Waters defined consistent with the Part 4 Rules (Rules 323.1041 through 323.1117 of the Michigan Administrative Code) to mean all of the following, but not including drainage ways and ponds used solely for wastewater conveyance, treatment, or control:

The Great Lakes and their connecting waters

All inland lakes

Rivers

Streams

Impoundments

Open drain

Other surface bodies of water within the confines of the state

Sec. 38.1.3.C Applicability.

This Ordinance shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Sec. 38.1.3.D Responsibility for Administration.

The City of Wyandotte shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the City Engineer to persons or entities acting in the beneficial interest of or in the employ of the agency.

Sec. 38.1.3.E Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

Sec. 38.1.3.F Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 38.1.3.G Discharge Prohibitions.

Prohibition of Illicit Discharges.

1. No person shall discharge or cause to be discharged into the Municipal Separate Storm Sewer System (MS4) or surface waters of the state any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards.
2. The following discharges are excluded from this Ordinance as long as they have not been identified as a significant source of pollutants to the MS4 or watercourse;

Discharges or flows from:

- a. Firefighting activities;
- b. Water line flushing and potable water sources;
- c. Landscape irrigation runoff, lawn watering runoff, and irrigation waters;
- d. Diverted stream flows and flows from riparian habitats and wetlands;
- e. Rising groundwaters and springs;
- f. Uncontaminated groundwater infiltration and seepage;
- g. Uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits;
- h. Foundation drains, water from crawl space pumps, footing drains, and basement sump pumps;
- i. Air conditioning condensation;
- j. Waters from noncommercial car washing;
- k. Street wash water;
- l. Dechlorinated swimming pool water from single, two, or three family residences.

Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Prohibition of Direct Dumping or Disposal of Materials into the MS4.

1. The direct dumping of materials or discharges into the MS4 is prohibited except for those discharges excluded under Prohibition of Illicit Discharges.

Sec. 38.1.3.H Suspension of MS4 Access.

Suspension due to Illicit Discharges in Emergency Situations.

The City of Wyandotte may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present

imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City Engineer will notify a violator of the proposed termination of its MS4 access. The violator may petition the City Engineer for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City Engineer.

Sec. 38.1.3.I Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City, prior to the allowing of discharges to the MS4.

Sec. 38.1.3.J Monitoring of Discharges.

A. Applicability.

This section applies to all facilities, industrial, construction or residential, within the City of Wyandotte:

B. Access to Facilities.

1. The City of Wyandotte shall be permitted to enter and inspect facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
2. Facility operators shall allow the City of Wyandotte ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. The City of Wyandotte shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.
5. Unreasonable delays in allowing the City access to a permitted facility is a violation of a storm water discharge permit and of this Ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.
6. If the City of Wyandotte has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 38.1.3.K Enforcement.

Whenever the City of Wyandotte finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;

4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
5. Payment of a fine to cover administrative and remediation costs bore by the City;
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline for up to ninety (90) days from discovery of the violation within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.

#### Sec. 38.1.3.L Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within thirty (30) days from the date of the Notice of Violation. Hearing on the appeal before the City Engineer, or his/her designee, shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the City Engineer, or their designee, shall be final.

#### Sec. 38.1.3.M Enforcement Measures After Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within ninety (90) days of the decision of the City Engineer upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the authorized enforcement agency, or designated contractor, to enter upon the premises for the purposes set forth above.

#### Sec. 38.1.3.N Cost of Abatement of the Violation.

Within ninety (90) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days. If the amount due is not paid within a timely manner as determined by the decision of the City of Wyandotte or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City of Wyandotte by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of seven percent (7%) per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

#### Sec. 38.1.3.O Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this Ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

#### Sec. 38.1.3.P Appeal of Notice of Violation.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

#### Sec. 38.1.3.Q Violations Deemed A Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

#### Sec. 38.1.3.R Municipal Civil Infraction.

Any person or entity which violates any provision of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of \$500.00 per day for each infraction, plus costs and expenses and any other relief allowed by law.

The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.

**Sec. 38.1.3.S Remedies Not Exclusive.**

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**Section 2. Severability.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**Section 3. Effective Date.**

This Ordinance shall take effect fifteen (15) days from the date of its passage by the Wyandotte City Council and the Ordinance or its summary shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. A copy of this Ordinance may be inspected or obtained at the City of Wyandotte Clerk's Office, 3200 Biddle Avenue, Wyandotte, Michigan.

Motion unanimously carried.

**2020-171 LATE ITEM – ALLEY PAVING PETITION**

By Councilperson Alderman, supported by Councilperson Sabuda

BE IT RESOLVED that the petition received to replace the existing concrete alley running from 2nd St. and leading into Municipal Parking Lot #11 is hereby referred to the City Engineer to prepare plans and a detailed estimate.

BE IT FURTHER RESOLVED that the City Engineer shall report back to Council at the July 27, 2020 meeting of the City Council.

Motion unanimously carried.

**2020-172 BILLS & ACCOUNTS**

By Councilperson Alderman, supported by Councilperson Sabuda

RESOLVED that the total bills and accounts of \$2,409,602.75 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

Motion unanimously carried.

**REPORTS & MINUTES**

Beautification Commission	06/11/2020
Cultural & Historical Commission	05/14/2020
Fire Commission	04/28/2020 & 06/09/2020
Planning Commission	02/13/2020
Police Commission	06/09/2020
Retirement Commission	06/19/2020
WMS Commission	06/17/2020
Zoning Board of Appeals & Adjustment	06/03/2020

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

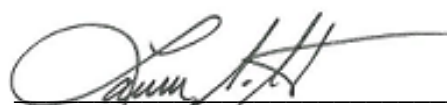
**ADJOURNMENT**

**2020-173 ADJOURNMENT**

By Councilperson Alderman, supported by Councilperson Sabuda

RESOLVED, that this regular meeting of the Wyandotte City Council be adjourned at 8:15 p.m.

Motion unanimously carried.




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**Lawrence S. Stec, City Clerk**