

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

A Regular Session of the Wyandotte City Council was held in Council Chambers and via Virtual Telecommunication methods, due to COVID-19 in accordance with Wayne County Local Public Health Department "Guidance for Meetings of Governmental Bodies" and PA228 of 2020, using the Zoom Audio platform, on Monday, June 2, 2023, and was called to order at 7:00pm with Honorable Mayor Robert A. Desana presiding.

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

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Present: Mayor Robert A. DeSana, Councilpersons Robert Alderman, Christopher Calvin, Todd Hanna, Kelly Stec

ABSENT: Councilpersons Crayne & Shuryan; City Treasurer, Todd Browning

Also Present: Theodore Galeski, City Assessor; William R. Look, City Attorney; Jesus Plasencia, City Engineer; and Lawrence Stec, City Clerk

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**PRESENTATIONS**

**PRESENTATION OF PETITIONS**

**PUBLIC HEARING**

**UNFINISHED BUSINESS**

**2023-180 TREE REMOVAL REQUEST – 166 CHESTNUT STREET**

By Councilperson Hanna, supported by Councilperson Stec

BE IT RESOLVED that Council refers the tree removal request of Ms. DeSana, 166 Chestnut, to the City Engineer for review following the rules outlined in the new Tree Policy.

Motion unanimously carried.

**2023-181 POOL COMPLAINT – 1728 CORA**

By Councilperson Hanna, supported by Councilperson Stec

BE IT RESOLVED that Council receives and places on file the communication from the City Engineer regarding the unpermitted swimming pool at 1728 Cora.

Motion unanimously carried.

**2023-182 REDEVELOPMENT OF MCKINLEY SCHOOL – COST SUMMARY**

By Councilperson Hanna, supported by Councilperson Stec

BE IT RESOLVED that Council receives and places on file the communication from the City Engineer regarding potential costs and plans for the redevelopment of McKinley school.

Motion unanimously carried.

**2023-183 REDEV. OF MCKINLEY SCHOOL – RAV SUMMARY OF FINDINGS**

By Councilperson Hanna, supported by Councilperson Stec

WHEREAS, the City of Wyandotte has a strong desire to sell and redevelop the former McKinley School site at 640 Plum Street, including the adjacent playground space and vacant green space, and

WHEREAS, the City Council executed a "Right of Entry and Access Agreement" for the former McKinley School site at 640 Plum Street, including the adjacent playground space and vacant green space with Rise Above Ventures ("Developer") on May 8th, 2023, and

WHEREAS, the Developer has submitted his Summary of Findings for the former McKinley School site at 640 Plum Street that provides a detailed background and an overview of the proposed redevelopment project components and process, including the various requests of the City of Wyandotte to help facilitate the redevelopment project.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby receive and place on file "640 Plum Street: Summary of Findings: Rise Above Ventures" and refer the Summary to the City Attorney and Department Heads for review, to return to City Council at the upcoming City Council meeting on

Monday, June 26th, 2023 with a final recommendation and all supporting documentation for the redevelopment of the McKinley School.

Motion unanimously carried.

## **CALL TO THE PUBLIC**

### **CONSENT AGENDA**

#### **2023-184 MINUTES**

By Councilperson Hanna, supported by Councilperson Stec

RESOLVED that the minutes of the meetings held under the dates of May 22, 2023, be approved as recorded without objection.

Motion unanimously carried.

#### **2023-185 MDOT PERFORMANCE RESOLUTION OF MUNICIPALITIES**

By Councilperson Hanna, supported by Councilperson Stec

RESOLVED WHEREAS, the City of Wyandotte

hereinafter referred to as the "MUNICIPALITY," 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 MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution 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 MUNICIPALITY is performed by a contractor, the MUNICIPALITY 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 MUNICIPALITY Failure of the MUNICIPALITY 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 MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY 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 MUNICIPALITY, 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 MUNICIPALITY.
4. The MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY:

Title and/or	Name:
City Engineer	Jesus R. Plasencia

Motion unanimously carried.

### **NEW BUSINESS**

#### **2023-186 CITIZEN COMM: WASTEWATER TREATMENT PLANT NUISANCE**

By Councilperson Hanna, supported by Councilperson Stec

BE IT RESOLVED that the communication received from McKinley Neighborhood Residents is hereby received and placed on file.

Motion unanimously carried.

#### **2023-187 APPOINTMENT: DOWNTOWN DEVELOPMENT AUTH. – A. MORSELLO**

By Councilperson Hanna, supported by Councilperson Stec

WHEREAS, John Jarjosa has completed his term on the Downtown Development Authority; and WHEREAS, Mayor DeSana is recommending that Andrew Morsello be appointed to fill the seat on the board

RESOLVED by the City Council that Council hereby thanks Mr. Jarjosa for his years of service; and BE IT FURTHER RESOLVED that City Council hereby CONCURS with the recommendation of Mayor DeSana to appoint Andrew Morsello of 3302 Biddle Ave. 4C., Wyandotte, MI to the Downtown Development Authority. Term to expire June 2027.

Motion unanimously carried.

#### **2023-188 REAPPOINTMENT: DDA – A. MAJLINGER, S. JORDAN & R. THOMAS**

By Councilperson Hanna, supported by Councilperson Stec

RESOLVED that the City Council hereby CONCURS with the recommendation of Mayor DeSana to reappoint Anne Majlinger, Scott Jordan, and Ronald Thomas to the Downtown Development Authority. Terms to expire June 2027.

Motion unanimously carried.

**2023-189 HIRING: CITY ADMINISTRATOR – R. MCMAHON**

By Councilperson Hanna, supported by Councilperson Stec  
BE IT RESOLVED that the City Council hereby CONCURS in the recommendation of Mayor Robert DeSana as set forth in his communication dated June 5, 2023, to execute an employment agreement with Robert McMahon for the position of City Administrator; and  
BE IT FURTHER RESOLVED that the Council recognizes and APPROVES the Employment Agreement commencing on June 19, 2023 through September 30, 2028 at Class Code 52A; and  
BE IT FURTHER RESOLVED, Council authorizes the Mayor and City Clerk to sign said agreement.  
Motion unanimously carried.

**2023-190 MEMORANDUM OF AGREEMENT – TODD A. DRYSDALE**

By Councilperson Hanna, supported by Councilperson Stec  
BE IT RESOLVED that Council concurs with the recommendation of the Mayor to enter into the Memorandum of Agreement with Todd A. Drysdale for work as a consultant to the City of Wyandotte on an as-needed basis; and  
Further, authorizes the Mayor and City Clerk to sign said Agreement.  
Motion unanimously carried.

**2023-191 COMPENSATION SYSTEM MODERNIZATION – NON-UNION**

By Councilperson Hanna, supported by Councilperson Stec  
Resolved by the City Council that the recommendations made by the Mayor and City Administrator for modernizing the compensation system for non-union employees are received and placed on file and City Council concurs with the recommendations which include increasing all non-union employees two (2) classification levels for employees classified at Level 36 or below and one (1) classification level for employees classified at Level 37 or above; and  
Combining the new levels of 27 through 29 to create a classification category with six (6) levels in which an employee can achieve the top level of this classification after seven (7) years of service with this change based on years of service will be implemented concurrently with the recommended class code increases; and  
Increasing the pay schedules for the position of Police Chief, Fire Chief, Deputy Police Chief, and Assistant Fire Chief by 7.5%; and  
Further, Council approves the classification changes for Jesse Rose, Museum Director to 34E, Heather Thiede-Champlain, Special Events Coordinator to 36E; and  
Further, Council approves the addition of the title of Economic Development Director to Joseph Gruber, DDA Director, with a classification change to 40E with the position serving both the DDA and General City with costs appropriately shared; and  
Further, these changes will be effective July 1, 2023; and  
The Finance Department is requested to prepare the necessary budget amendment.  
Motion unanimously carried.

**2023-192 HIRING: FULL TIME PROBATION OFFICER – M. SHINE**

By Councilperson Hanna, supported by Councilperson Stec  
RESOLVED BY THE CITY COUNCIL, that Council acknowledges receipt of the communication from the Human Resource Specialist regarding the hiring of a Full Time Probation Officer at the 27th District Court; and  
CONCURS with the recommendation therein and hereby declares said position vacant and authorizes the filing of such vacancy; and  
FURTHER, RESOLVED BY THE CITY COUNCIL that the Council approves the hiring of Marcela Shine as a Full Time Probation Officer at Class Code 32A within the 27th District Court effective June 6, 2023.  
Motion unanimously carried.

**2023-193 ACQUISITION OF 3634 4<sup>TH</sup> STREET**

By Councilperson Hanna, supported by Councilperson Stec

RESOLVED BY THE CITY COUNCIL that Council concurs with the recommendation of the City Engineer to acquire the property at 3634 4th Street in the amount of \$65,000.00 to be appropriated from TIFA Area Funds Account No. 492-200-850-519; AND

BE IT RESOLVED that the Department of Legal Affairs, William R. Look, is hereby directed to prepare and sign the necessary closing documents and the Mayor and City Clerk be authorized to execute the Purchase Agreement.

BE IT FURTHER RESOLVED that the City Engineer is directed to demolish the structure upon completion of the Wyandotte Historical Commission inspection of the home as it pertains to the preservation of historical and cultural items for the City of Wyandotte.

Motion unanimously carried.

**2023-194 ESTABLISHMENT OF SAD #952 – 2023 SIDEWALK PROGRAM**

By Councilperson Hanna, supported by Councilperson Stec

RESOLVED that Council concurs with the recommendation of the City Engineer to establish Special Assessment District #952 for the 2023 Sidewalk Program bounded by Vinewood to Eureka, 15th Street to the Railroad.

Motion unanimously carried.

**2023-195 FINAL READING #1534: ORDINANCE AMEND. – CH. 175 TREES & VEG.**

By Councilperson Hanna, supported by Councilperson Stec

**AN ORDINANCE ENTITLED**

**AN ORDINANCE TO AMEND CHAPTER 175 OF THE CODE OF ORDINANCES “TREES AND VEGETATION” BY AMENDING §175.003 “PERMIT APPLICATIONS”, §175.004 “PERMIT TO PLANT CERTAIN TREES”, §175.005 “PLANTS IN PUBLIC WAYS GENERALLY”, AND §175.006 “CUTTING, MUTILATING AND THE LIKE TREES IN PUBLIC WAYS”**

The City of Wyandotte Ordains:

Section 1. Amendment of §175.003 “PERMIT APPLICATIONS” to read:

An application for any permit required by the provisions of this chapter shall be made in accordance with the terms and provisions of this code of ordinances and the rules and regulations promulgated by the Department of Building and Engineering and as approved by the City Council.

Section 2. Amendment of §175.004 “PERMIT TO PLANT CERTAIN TREES” by adding:

No person, except authorized city employees, shall plant any poplar, box elder, basswood, cottonwood, willow, soft maple, common catalpa, horse chestnut or “ailanthus glandulosa” tree without a permit from the Department of Building and Engineering. The Department of Building and Engineering shall issue permits authorizing the species and size of trees to be planted in public rights-of-way as set forth in the rules and regulations approved by the City Council.

Section 3. Amendment of §175.005 “PLANTS IN PUBLIC WAYS GENERALLY” to read:

No person, other than authorized city employees, shall plant or destroy any ornamental shade tree or shrub located in any public way unless authorized to do so in accordance with the rules and regulations promulgated by the Department of Building and Engineering.

New residential and commercial construction shall be required to plant one (1) tree per fifty (50) foot of frontage, and if applicable, one (1) tree per fifty (50) foot of side street frontage in the lawn area between the sidewalk and curb. If front and side street frontages are inadequate for tree planting, the property owner may plant an equal number of trees on the property.

All residential and commercial properties inspected under the City Code of Ordinance §171.004

Inspection of Residential Dwellings Prior to Sale or Transfer, Chapter 181: Rental Dwellings and Units, and §170.096 Certificate of Conformity Required, Issuance, shall be required to plant, where no trees currently exist, one (1) tree per fifty (50) foot of frontage, and if applicable, one (1) tree per fifty (50) foot of side street frontage, in the lawn area between the sidewalk and curb, as a condition of receiving a

Certificate of Approval, Certificate of Compliance or Certificate of Conformance. If front and side street frontages are inadequate for tree planting, the property owner may plant the tree on the property, or, contribute to the Tree Replacement Fund as set forth in the rules and regulations promulgated by the Department of Building and Engineering.

Section 4. Amendment of §175.006 “CUTTING, MUTILATING AND THE LIKE TREES IN PUBLIC WAYS” to read:

No person other than authorized city employees shall plant or destroy any ornamental shade tree or shrub located in any public way. If a person or property owner removes a tree from the public right of way without a permit, or damages a tree by improper trimming and pruning such that the tree life expectancy is shortened or the tree is now a danger to the public and requires removal, the person or property owner responsible shall be violation of this ordinance and subject to the requirements and penalties of the rules and regulations promulgated by the Department of Building and Engineering.

Section 5. 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 6. Effective Date.

This ordinance shall take immediate effect. 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. A copy of the ordinance or a summary of this ordinance 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.

On the question, “SHALL THIS ORDINANCE NOW PASS?”, the following vote was recorded:  
Motion unanimously carried.

**2023-196 FIRST & FINAL READING #1535: ORDINANCE AMEND. – §71.006 & §71.999**

By Councilperson Hanna, supported by Councilperson Stec

**AN ORDINANCE ENTITLED**

**AN ORDINANCE TO AMEND §71.006 and §71.999 OF THE CODE OF ORDINANCES OF THE CITY OF WYANDOTTE**

THE CITY OF WYANDOTTE ORDAINS:

Section 1. Amendment to §71.006 by deleting the title “Supplements to Uniform Traffic Code” and creating a new title “Motor Vehicle Insurance”. The Amendment shall read as follows:

§71.006. Motor Vehicle Insurance.

1. The owner or registrant of a motor vehicle required to be registered in the State of Michigan shall maintain security (insurance) for payment of benefits under personal protection insurance, property protection insurance, and residual liability insurance as required by law including all provisions of Chapter 31 of the Insurance Code of 1956, as amended (MCL 500.3101 to 500.3179). Security (insurance) shall only be required to be in effect during the period the motor vehicle is driven or moved upon a highway.
2. A nonresident owner or registrant of a motor vehicle or motorcycle not registered in this state shall not operate or permit the motor vehicle or motorcycle to be operated in this state for an aggregate of more than 30 days in any calendar year unless he or she continuously maintains security (insurance) for the payment of benefits pursuant to this ordinance and state law.
3. An owner or registrant of a motor vehicle or motorcycle with respect to which security (insurance) is required, who operates the motor vehicle or motorcycle or permits it to be operated upon a public highway in this state, without having in full force and effect security (insurance) complying with this section is guilty of a misdemeanor. A person who operated a motor vehicle or motorcycle upon a public highway in this state with the knowledge that the owner or registrant does not have security (insurance) in full force and effect is guilty of a misdemeanor. A person convicted of a misdemeanor under this section shall be fined not less than \$200.00 nor more than \$500.00, imprisoned for not more than 93days.

4. The failure of a person to produce evidence that a motor vehicle or motorcycle has in full force and effect security (insurance) complying with this section on the date of the issuance of the citation, creates a rebuttal presumption in a prosecution under subsection (3) that the motor vehicle or motorcycle did not have in full force and effect security (insurance) complying with this section on the date of the issuance of the citation.

5. An owner or operator of a motor vehicle or motorcycle who fails to produce evidence of security (insurance) on request under this ordinance or the provisions of the Motor Vehicle Code or the provisions of the State of Michigan Insurance Code is responsible for a civil infraction.

Section 2. Amendment to §71.999 “Penalty” to read as follows:

§71.999. Penalty.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.999 of this code of ordinances.

(B) (1) Any provision of §71.001 through §71.002 of this chapter which describes an act or omission which constitutes a civil infraction under the terms of the Michigan Vehicle Code, being Public Act 300 of 1949, as amended, shall be processed as a civil infraction and any person found to have committed a civil infraction may be ordered to pay a civil fine of not more than \$100 and costs in accordance with §907 of the Michigan Vehicle Code, being Public Act 300 of 1949, as amended, being M.C.L.A. §257.1 through §257.923.

(2) All parking tickets issued under the provisions of the Uniform Traffic Code as adopted by the city shall require a mandatory minimum fine for any parking infraction in the sum of \$25, except for overtime parking as prohibited by § 8.10(r), in which case the mandatory minimum fine shall be \$10.

(C) Any person violating §71.006(1)-(4) is guilty of a misdemeanor.

(D) Any person violating §71.006(5) is responsible for a civil infraction.

Section 3. 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 4. Effective Date

This Ordinance shall take immediate effect. 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 Wyandotte Police Department. This Ordinance or a summary of this Ordinance 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.

On the question, “SHALL THIS ORDINANCE NOW PASS?”, the following vote was recorded:  
Motion unanimously carried.

### **2023-197 BILLS & ACCOUNTS**

By Councilperson Hanna, supported by Councilperson Stec

RESOLVED that the total bills and accounts of \$1,828,581.22 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

Motion unanimously carried.

### **REPORTS & MINUTES**


Beautification Commission	05/11/2023
Fire Commission	05/09/2023
Police Commission	05/23/2023
WMS Commission	05/17/2023

**REMARKS OF THE MAYOR, COUNCIL, & ELECTED OFFICIALS****ADJOURNMENT****2023-198 ADJOURNMENT**

By Councilperson Hanna, supported by Councilperson Stec

RESOLVED, that this regular meeting of the Wyandotte City Council be adjourned at 7:45pm.

Motion unanimously carried.

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Lawrence S. Stec, City Clerk