



AGENDA

REGULAR SESSION

MONDAY, NOVEMBER 23, 2015 7: 00 PM

PRESIDING: THE HONORABLE MAYOR JOSEPH R. PETERSON

CHAIRPERSON OF THE EVENING: THE HONORABLE DONALD SCHULTZ

ROLL CALL

COMMUNICATIONS MISCELLANEOUS

None

PERSONS IN THE AUDIENCE

NEW BUSINESS (ELECTED OFFICIALS)

COMMUNICATION FROM CITY AND OTHE OFFICIALS

1. Use of City Property – December Special Events
2. Demolition of 2032 3rd Street
3. Cancellation of November 30, 2015 City Council Meeting (Thanksgiving Holiday)

CITIZENS PARTICIPATION

REPORTS & MINUTES

City Council

November 16, 2015

Daily Cash Receipts

November 17, 2015

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: November 23rd 2015

AGENDA ITEM # **1**

ITEM: Holiday Events - Downtown in December

PRESENTER: Heather A. Thiede, Special Events Coordinator

INDIVIDUALS IN ATTENDANCE: Heather A. Thiede, Special Events Coordinator

BACKGROUND: Below please find the requested dates for streets/property for various holiday events and activities including carolers, holiday artist/crafter market, children's crafts, and other activities to be planned, to take place in December in Downtown Wyandotte. My office is asking permission for the following items:

December 1st - 31st 2015

- Permission to utilize city property/sidewalks/streets
- Permission to use property near the Clock Tower/along Biddle Avenue and the Theatre Lot
- Permission to place balloons and signage along Downtown Wyandotte

STRATEGIC PLAN/GOALS: The City of Wyandotte hosts several quality of life events throughout the year. These events serve to purpose the goals of the City of Wyandotte by bringing our community together with citizen participation and supporting the local businesses and non-profit organizations.

ACTION REQUESTED: It is requested the City Council concur with the support of the Special Event Coordinator and support the use of city streets, sidewalks and property for the events held: December 1st - 31st 2015

BUDGET IMPLICATIONS & ACCOUNT NUMBER:

Various DDA Expense Accounts

IMPLEMENTATION PLAN: The resolutions and all necessary documents will be

forwarded to the Chief of Police, Department of Public Service, Recreation, Fire Department and Special Events Coordinator.

COMMISSION RECOMMENDATION: _____ N/A

CITY ADMINISTRATOR'S RECOMMENDATION:

LEGAL COUNSEL'S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION:

LIST OF ATTACHMENTS

None

MODEL RESOLUTION:

RESOLUTION by Councilman_____

WHEREAS the Special Events Coordinator is requesting permission to hold special holiday events in Downtown Wyandotte from December 1 through December 31, 2015, with events and activities to include carolers, holiday artist/crafter market, children's crafts, and other activities yet to be planned.

BE IT RESOLVED that Council concurs with the recommendation of the Special Events Coordinator and grants permission for the:

- Use of city property/sidewalks/streets
- Use of property near the Clock Tower/along Biddle Avenue and the Theatre Lot
- Placement of balloons and signage along Downtown Wyandotte

I move the adoption of the foregoing resolution.

MOTION by Councilmen_____

Supported by Councilman_____

YEAS

COUNCIL

NAYS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: November 23, 2015

AGENDA ITEM # **2**

ITEM: Demolition of 2032 3rd Street, Wyandotte

PRESENTER: Mark A. Kowalewski, City Engineer

INDIVIDUALS IN ATTENDANCE: Mark A. Kowalewski, City Engineer

BACKGROUND: At the October 4, 2015, Council meeting, Council determined that the home at 2032 3rd Street should be demolished due to the property being vacant and not maintained. This property was sold at the Wayne County Tax Foreclosure Sale to Derek V. Sanders, DVS Michigan Properties, LLC., see attached Quit Claim Deed. This communication is to request the Council postpone demolition for additional 60 days until February 5, 2016, to allow Mr. Sanders to schedule the required inspection and prepare a rehabilitation plan.

STRATEGIC PLAN/GOALS: The City is committed to maintaining and developing excellent Neighborhoods.

ACTION REQUESTED: Postpone the demolition order.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: n/a

IMPLEMENTATION PLAN: Continue to monitor the property at 2032 3rd Street to insure compliance with all City Codes and Ordinances.

COMMISSION RECOMMENDATION: n/a

CITY ADMINISTRATOR'S RECOMMENDATION:

LEGAL COUNSEL'S RECOMMENDATION:

MAYOR'S RECOMMENDATION:

LIST OF ATTACHMENTS: Wayne County Treasurer Quit Claim Deed, Certified Resolution dated October 5, 2015

WAYNE COUNTY TREASURER

QUIT CLAIM DEED

(Issued under Act 206 Public Act of 1893, as Amended by Act 123 of Public Acts of 1999)

Raymond J. Wojtowicz, Treasurer of the Charter County of Wayne, Michigan, hereinafter called the Grantor/Treasurer whose address is 400 Monroe, Suite 520, Detroit, Michigan 48226, by authority of Act 206 of Public Acts of 1893, as amended by Act 123 of Public Acts of 1999, as amended, conveys and quit claims to:

DEREK V SANDERS , DVS MICHIGAN PROPERTIES LLC

hereinafter called the Grantee, whose address is:

22805 GODDARD TAYLOR , MI 48180

the following

described premises located in the **CITY OF WYANDOTTE, WAYNE COUNTY, MI**

Tax Parcel I.D. #: **57012040011000**

Legal Description:

00877 LOT 11 NORTHSIDE SUB, BLOCK 94 T3S R11E L22 P45 WCR

Commonly known as: 2032 3RD WYANDOTTE, MI 48192

For the full consideration of **\$47,101.00** Dollars.

Date: **October 16, 2015**

Pursuant to the provisions of Section 78k(5)(c) and 78k(5)(e) parcels are subject to visible or recorded easements and rights of way; private deed restrictions; building restrictions of record; all future installments of special assessments and liens recorded by the State or the foreclosing governmental unit or restrictions or other governmental interests imposed pursuant to the Natural Resources and Environmental Protection Act being Public Act 451 of 1994. This conveyance is exempt from taxes pursuant to MCL 207.505(h)(1) and MCL 207.526(h)(1).

Declaration of Conditions Subsequent. This Declaration is made to give record notice of the conditions subsequent to the sale of the Property by imposition of the following restrictions on the sale to the Property:

- A. That Grantee or any subsequent Purchaser/Assignee shall pay all tax obligations due on the date the Deed is issued and shall keep current payment on all tax obligations for the two years following the date the deed was issued.
- B. That Grantee or subsequent Purchaser/Assignee shall either demolish the property within six months following the date of the deed or maintain and secure the Property for two years following the date of the deed from Grantor/Treasurer in accordance with local building, health and public safety ordinances.
- C. That failure of the Grantee or subsequent Purchaser/Assignee to comply with above clauses A and/or B or to cure the default within 30 days of written notice may result in a reversion of the title of the Property to the Grantor/Treasurer or assigned to the State of Michigan, County of Wayne, City, or Township where the property is located, at the discretion of the Grantor/Treasurer. The right of reversion of title shall reinstate fee simple absolute title to the Grantor/Treasurer or to Treasurer's assignee within 30 days of failure to cure default, unless extended at the Treasurer's sole discretion. Written notice of default and failure to cure default addressed to the Grantee and mailed to the Grantee's address as written on the deed shall be notice to any subsequent Purchaser/Assignee, unless a copy of the Property Transfer Affidavit (PTA) that was filed with the local Assessor and which includes any change of mailing address is hand delivered to and signed as received by said Grantor/Treasurer, or designated representative. DURING THE TAX YEARS THAT THE CONDITIONS SUBSEQUENT APPLY, THIS PROPERTY SHALL NOT BE SOLD, CONVEYED OR TRANSFERRED UNLESS ALL TAXES ARE PAID IN FULL. VIOLATORS SHALL BE PERSONALLY LIABLE TO PURCHASER AND/OR GRANTOR/TREASURER FOR DAMAGES AND AGREE TO SUBMIT TO THE JURISDICTION OF THE COURTS IN THE STATE OF MICHIGAN.

In Witness Whereof the Grantor, has signed and affixed the seal of the Wayne County Treasurer the day and year first above written.



STATE OF MICHIGAN)

)ss

COUNTY OF WAYNE)

Raymond J. Wojtowicz
Raymond J. Wojtowicz
Wayne County Treasurer

The foregoing instrument was acknowledged before me on this 16 day of October, 2015 by
Raymond J. Wojtowicz, Wayne County Treasurer.

FELECIA ANN TYLER

W.A. A. C.A.

**CITY OF WYANDOTTE, MICHIGAN
CERTIFIED RESOLUTION**

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN, HELD IN THE COUNCIL CHAMBERS, OF THE MUNICIPAL BUILDING.

UNDER THE DATE OF: October 5, 2015

MOVED BY: Councilperson Schultz

SUPPORTED BY: Councilperson VanBoxell

RESOLVED that a hearing was held on the 5th of October, 2015, where all parties were given an opportunity to show cause, if any they had, why the structure at 2032 3rd Street, Wyandotte, should not be demolished or otherwise made safe, AND

BE IT RESOLVED that the Council considered the communications dated June 22, 2015, January 6, 2015, September 5, 2014, May 27, 2014, May 23, 2014, Show Cause Hearing Minutes from June 27, 2015, and inspection report dated May 23, 2014, and the recommendation of the Hearing Officer and the City Engineer's Office and all other facts and considerations were brought to their attention at said hearing; AND

BE IT RESOLVED that the City Council hereby directs that said property located at 2032 3rd Street, Wyandotte, should be demolished, and that all costs to remove this structure be assessed against the property in question as a lien.

BE IT RESOLVED that the parties of interest shall be forwarded a copy of this resolution forthwith so that they may appeal this decision to the Circuit Court within TWENTY-ONE (21) days of the date of this resolution if they so desire; AND

BE IT FURTHER RESOLVED if the structure is not demolished within 60 days, then the City will proceed with demolition of said structure and assess the cost of same against said property.

Motion unanimously carried.

ABSENT: Councilperson Miciura, Mayor Peterson

I, LAWRENCE S. STEC, duly authorized City Clerk of Wyandotte, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council on October 5, 2015, said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976.



Lawrence S. Stec
City Clerk

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: November 23, 2015

RESOLUTION by Councilperson_____

BE IT RESOLVED that Council approves the additional 60 days to allow Derek V. Sanders, DVS Michigan Properties, LLC., to complete the inspection process for the property at 2032 3rd Street, Wyandotte, Michigan; AND

BE IT FURTHER RESOLVED that the City Engineer will continue to monitor the property for compliance with City codes and ordinances.

I move the adoption of the foregoing resolution.

MOTION by Councilperson_____

Supported by Councilperson_____

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
_____	Fricke	_____
_____	Galeski	_____
_____	Miciura	_____
_____	Sabuda	_____
_____	Schultz	_____
_____	VanBoxell	_____

RESOLUTION

3

DATE: November 23, 2015

RESOLUTION by Councilperson _____

BE IT RESOLVED that the City Council Meeting of November 30, 2015 is hereby
CANCELLED due to the Thanksgiving Holiday.

I Move the adoption of the foregoing resolution.

MOTION by Councilperson _____

SUPPORTED by Councilperson _____

YEAS

COUNCIL

NAYS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

CITY OF WYANDOTTE
REGULAR CITY COUNCIL MEETING

A Regular Session of the Wyandotte City Council was held in Council Chambers, on Monday, November 16, 2015, and was called to order at 7:00pm, Honorable Mayor Joseph R. Peterson presiding.

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

Present: Councilpersons Fricke, Galeski, Miciura, Sabuda, Schultz, and VanBoxell

Absent: NONE

Also Present: Thomas Woodruff, City Assessor; Todd Browning, City Treasurer; William Look, City Attorney; Mark Kowalewski, City Engineer; and Lawrence Stec, City Clerk

COMMUNICATIONS MISCELLANEOUS

AGENDA ITEM #1

Communication from Robert Stempien acknowledging the life-saving efforts of the Wyandotte Shores Golf Course staff and volunteers, the Wyandotte fire department, and the staff on duty on October 21, 2015 at Henry Ford Wyandotte Hospital.

AGENDA ITEM #2

Communication from Andrew Kilburn of St. Patrick's Youth Group requesting permission to use the city parking lot at First and Chestnut Streets for a fundraising event on November 21, 2015.

PERSONS IN THE AUDIENCE

Jim Candela, 1245 Poplar, regarding the City of Wyandotte's Strategic Plan and the late hours of restaurants and bars.

NEW BUSINESS (ELECTED OFFICIALS)

None

COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

AGENDA ITEM #3

Communication from Todd Drysdale, City Administrator, regarding approval of DPS service charges to be placed as a special assessment against involved properties.

AGENDA ITEM #4

Communication from Fire Chief, Jeffery Carley, requesting permission to hold the annual firehouse chili charity fundraiser at 266 Maple St. on November 21, 2015.

AGENDA ITEM #5

Communication from Special Events Coordinator, Heather A. Thiede, requesting permission for the DDA and Media Group to use city property on November 28, 2015 in conjunction with the Small Business Saturday event.

AGENDA ITEM #6

Communication from the Design Review Committee regarding the installation of an awning at 2939 1st Street.

AGENDA ITEM #7

Communication from City Engineer, Mark Kowalewski, requesting approval of the Purchase Agreement for the City to acquire property at the former 227 Bondie.

AGENDA ITEM #8

Communication from City Engineer, Mark Kowalewski, regarding the sale of the former 1828 8th Street to adjacent property owners.

REPORTS AND MINUTES

City Council Meeting	November 9, 2015
Beautification Commission	October 14, 2015
Daily Cash Receipts	November 11, 2015 & November 12, 2015
Plumbing Board of Appeals	November 11, 2015
Zoning Board of Appeals & Adjustments	November 4, 2015

CITIZENS PARTICIPATION

Jim Candela, 1245 Poplar, regarding the City Charter.

Chris Calvin, 466 Sycamore, regarding the conduct of council at meetings.

RECESS**RECONVENE**

Present: Councilpersons Fricke, Galeski, Miciura, Sabuda, Schultz, VanBoxell, and Mayor Peterson

Absent: NONE

Also Present: Thomas Woodruff, City Assessor; Todd Browning, City Treasurer; William Look, City Attorney; Mark Kowalewski, City Engineer; and Lawrence Stec, City Clerk;

RESOLUTIONS

By Councilperson Sabuda, supported by Councilperson Fricke
RESOLVED that the minutes of the meeting held under the date of November 9, 2015, be approved as recorded, without objection.
Motion unanimously carried.

By Councilperson Sabuda, supported by Councilperson Fricke
WHEREAS the Mayor and City Council recognize the life-saving efforts of the Wyandotte Shores Golf Course employees and volunteers, Wyandotte Fire Department, and Henry Ford Wyandotte Hospital staff in relation to the treatment of Robert Stempien.
THEREFORE BE IT RESOLVED that the communication from Robert Stempien, manager of Wyandotte Shores Golf Course, is also hereby received and placed on file.
Motion unanimously carried.

By Councilperson Sabuda, supported by Councilperson Fricke
RESOLVED that Council hereby GRANTS permission to the St. Patrick's Youth Group to utilize the city-owned parking lot at First Street and Chestnut for their fundraising events consisting of parking cars for spectators of the Christmas Parade on November 21, 2015, provided that a Hold Harmless Agreement is executed as prepared by the Department of Legal Affairs, AND

BE IT FURTHER RESOLVED that said communication will be forwarded to the Police, Fire, and Department of Public Service for coordination.

Motion unanimously carried.

By Councilperson Sabuda, supported by Councilperson Fricke

RESOLVED that Council hereby concurs in the recommendation of the City Administrator in his communication regarding the list of various services performed by the Department of Public Service; AND

BE IT FURTHER RESOLVED that Council directs the City Assessor to spread said charges on the 2015 Winter Tax Roll.

Motion unanimously carried.

By Councilperson Sabuda, supported by Councilperson Fricke

BE IT RESOLVED by the City Council that the Wyandotte Fire Fighters are granted permission to hold their annual firehouse chili event following the City of Wyandotte Parade on November 21, 2015, at the central fire station located at 266 Maple St.

BE IT FURTHER RESOLVED that proceeds from this event help to support the Wyandotte Fire Fighters charities.

Motion unanimously carried.

By Councilperson Sabuda, supported by Councilperson Fricke

RESOLVED that the Mayor and City Council concur with the recommendation of the Special Events Coordinator to grant permission for the Downtown Development Authority/Media Grump to hold the Small Business Saturday event on November 28th, 2015, AND

BE IT FURTHER RESOLVED that the DDA/Media Grump be granted permission to:

- Utilize city property/sidewalks
- Use property near the Clock Tower
- Place balloons and signage along Downtown Wyandotte

AND,

BE IT FURTHER RESOLVED that Media Grump must sign a hold harmless agreement.

Motion unanimously carried.

By Councilperson Sabuda, supported by Councilperson Fricke

RESOLVED BY THE CITY COUNCIL that the communication regarding the awning encroachment into the First Street Right-of-Way adjacent to 2939 1st Street is hereby received and placed on file; AND

BE IT RESOLVED that Council approves the Grant of License for the placement of their awning 2939 1st Street provided that the Grant of License and Hold Harmless Agreement is executed by all parties; AND

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to sign said Grant of License and Hold Harmless Agreement; AND

RESOLVED FURTHER that the requestor to pay the administrative fee of \$200 and the Department of Legal Affairs record the Grant of License.

Motion unanimously carried.

By Councilperson Sabuda, supported by Councilperson Fricke

RESOLVED BY THE CITY COUNCIL that Council concurs with the recommendation of the City Engineer to acquire the property at known as former 227 Bondie in the amount of \$1.00 to be appropriated from TIFA Area Funds; AND

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

BE IT RESOLVED that William R. Look, City Attorney is authorized to execute closing documents for the purchase of said property on behalf of the Mayor and City Clerk.

Motion unanimously carried.

By Councilperson Sabuda, supported by Councilperson Fricke

BE IT RESOLVED BY THE CITY COUNCIL that Council approves the Purchase Agreement to sell the former 1828 8th Street to the adjacent property owners at 1834 8th Street for the amount of \$3,300.00; 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.

Motion unanimously carried.

By Councilperson Sabuda, supported by Councilperson Fricke

RESOLVED that the total bills and accounts of \$696,169.28 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

Motion unanimously carried.

By Councilperson Sabuda, supported by Councilperson Fricke

RESOLVED, that this regular meeting of the Wyandotte City Council be adjourned at 8:05 p.m.

Motion unanimously carried.



Lawrence S. Stec, City Clerk

11/17/2015 06:01 PM

User: ktrudell

DB: Wyandotte

RECEIPT REGISTER FOR CITY OF WYANDOTTE

Page: 1/2

Post Date from 11/17/2015 - 11/17/2015 Open Receipts

Receipt #	Date	Cashier	Wkstn	Received Of Distribution	Amount
O XT	348075 11/17/2015	ktrudell 101-000-001-000	F2	MIDWESTERN AUDIT` 101-000-041-021	38.27 CITY CHECK 19204
SEPTEMBER 2015 RESCUE COLLECTIONS REC# 557950					
O XV	348076 11/17/2015	ktrudell 101-000-001-000	F2	ANN ARBOR CREDIT BUREAU 101-000-041-024	23.00 CITY CHECK 016681
OCTOBER 2015 RESCUE COLLECTIONS REC# 557951					
O M1 M3 M2 M6 M7 M9 AS AW	348077 11/17/2015	ktrudell 101-000-001-000 101-000-001-000 101-000-001-000 101-000-001-000 101-000-001-000 101-000-001-000 101-000-001-000 101-000-001-000	F2	27TH DIST COURT 101-000-650-010 101-000-650-012 101-000-650-011 101-000-650-017 101-000-650-018 101-000-650-020 101-000-650-021 101-000-650-024	FINES DIST COURT WYAN DIST CT RIVERVIEW CASES WORK FORCE-WYANDOTTE WORK FORCE-RIVERVIEW COURT TECHNOLOGY WYANDOTT COURT DRUG TESTING FEES COURT SCREENING ASSESSMEN CHEMICAL AWARENESS
					58,483.13 29,463.55 7,994.17 2,759.00 2,490.00 1,540.00 4,523.20 1,765.00
					109,018.05 CITY CHECK 8328
OCTOBER 2015 REC# 557952					
O MZ	348078 11/17/2015	ktrudell 530-000-001-000	F2	DALY MERRITT PROPERTIES 530-000-655-021	10,962.92 CITY CHECK 3734
CHASE BANK RENT NOVEMBER 2015 REC# 557953					
Total of 4 Receipts					120,042.24

User: ktrudell

Post Date from 11/17/2015 - 11/17/2015 Open Receipts

DB: Wyandotte

Receipt #	Date	Cashier	Wkstn	Received Of	Amount
Description				Distribution	

*** TOTAL OF CREDIT ACCOUNTS ***

101-000-041-021	A/R MW AUDIT-RESCUE				38.27
101-000-041-024	A/R ANN ARBOR COL-RESCUE				23.00
101-000-650-010	FINES DIST COURT WYAN				58,483.13
101-000-650-011	WORK FORCE-WYANDOTTE				7,994.17
101-000-650-012	DIST CT RIVERVIEW CASES				29,463.55
101-000-650-017	WORK FORCE-RIVERVIEW				2,759.00
101-000-650-018	COURT TECHNOLOGY WYANDOTT				2,490.00
101-000-650-020	COURT DRUG TESTING FEES				1,540.00
101-000-650-021	COURT SCREENING ASSESSMEN				4,523.20
101-000-650-024	CHEMICAL AWARENESS				1,765.00
530-000-655-021	Rental Income-Bank Bldg				10,962.92

TOTAL - ALL CREDIT ACCOUNT 120,042.24

*** TOTAL OF DEBIT ACCOUNTS ***

101-000-001-000	Cash				109,079.32
530-000-001-000	Cash				10,962.92

TOTAL - ALL DEBIT ACCOUNTS 120,042.24

*** TOTAL BY FUND ***

101	General Fund				109,079.32
530	Building Rental Fund				10,962.92

TOTAL - ALL FUNDS: 120,042.24

*** TOTAL BY BANK ***

GEN	GENERAL OPERATING FUND				
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Tender Code/Desc.	
(CCK) CITY CHECK	109,079.32

TOTAL: 109,079.32

SPEC SPECIAL REVENUE FUNDS

(CCK) CITY CHECK	10,962.92
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TOTAL: 10,962.92

TOTAL - ALL BANKS: 120,042.24

*** TOTAL OF ITEMS TENDERED ***

Tender Code/Desc.	
(CCK) CITY CHECK	120,042.24

TOTAL: 120,042.24

*** TOTAL BY RECEIPT ITEMS ***

(1)	AS: COURT SCREENING ASSESSMEN				4,523.20
(1)	AW: CHEMICAL AWARENESS				1,765.00
(1)	M1: FINES DIST COURT WYAN				58,483.13
(1)	M2: WORK FORCE-WYANDOTTE				7,994.17
(1)	M3: DIST CT RIVERVIEW CASES				29,463.55
(1)	M6: WORK FORCE-RIVERVIEW				2,759.00
(1)	M7: COURT TECHNOLOGY WYANDOTT				2,490.00
(1)	M9: COURT DRUG TESTING FEES				1,540.00
(1)	MZ: MISC CASH/VARIOUS				10,962.92
(1)	XT: A/R MW AUDIT-RESCUE				38.27
(1)	XV: A/R ANN ARBOR COL-RESCUE				23.00

TOTAL - ALL RECEIPT ITEMS: 120,042.24

Late Item

CITY OF WYANDOTTE REQUEST FOR COUNCIL ACTION

MEETING DATE:

AGENDA ITEM # _____

ITEM: Department of Legal Affairs – Class Action Lawsuit Engagement Letter

PRESENTER: Bill Look, City Attorney

INDIVIDUALS IN ATTENDANCE: Bill Look

BACKGROUND: Engagement letter from Monaghan P.C. Law Firm to handle the defense of the class action brought by Wayne County seeking to prevent capture of tax increment revenue from County judgment levy.

STRATEGIC PLAN/GOALS:

ACTION REQUESTED: Authorize retention of Monaghan P.C. to handle defense of class action lawsuit

BUDGET IMPLICATIONS & ACCOUNT NUMBER:

IMPLEMENTATION PLAN:

COMMISSION RECOMMENDATION:

CITY ADMINISTRATOR'S RECOMMENDATION:

LEGAL COUNSEL'S RECOMMENDATION:

MAYOR'S RECOMMENDATION:

LIST OF ATTACHMENTS:

Monaghan P.C. Engagement Letter (3 pages)

MODEL RESOLUTION:

DATE: November 23, 2015

RESOLUTION by Councilperson _____

BE IT RESOLVED that the City agrees to retain Monaghan P.C. pursuant to the terms of the engagement letter dated November 23, 2015, in the County of Wayne vs. City of Wyandotte lawsuit which involves the class action lawsuit addressing the issue of capturing tax increment revenue.

I Move the adoption of the foregoing resolution.

MOTION by Councilperson _____

SUPPORTED by Councilperson _____

YEAS

COUNCIL

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

NAYS

BORIS K. YAKIMA
JOHN E. GREENCE
THOMAS J. MCCARTHY
CHARLES C. LILLIE
RONALD J. ZADORA
THOMAS E. CALLOW
JOHN M. KIRK, JR.

MONAGHAN, P.C.
ATTORNEYS AND COUNSELORS
GOVERNOR'S PLACE
33 BLOOMFIELD HILLS PKWY., STE. 260
BLOOMFIELD HILLS, MI 48304-2946

TELEPHONE (248) 642-5770
FACSIMILE (248) 642-9460
www.monaghanpc.com

PETER J. MONAGHAN
(1881 - 1942)
GEORGE F. MONAGHAN
(1876 - 1920)
JOSEPH W. MONAGHAN
(1911 - 1979)
PETER J. MONAGHAN, JR.
(1909 - 1982)

November 23, 2015

Via e-mail: lkmakowski@sbcglobal.net

William R. Look
Look, Makowski & Look, PC
2241 Oak St.
Wyandotte, Michigan 48192

*Re: The County of Wayne v. City of Wyandotte, et al
Wayne County Circuit Court Case No. 15-014023-CZ
Attorney Fee Agreement*

Dear Mr. Look:

You have contacted me in regard to the above-referenced Class Action Complaint (the "Complaint") filed by the County of Wayne against the City of Wyandotte, the Tax Increment Finance Authority of the City of Wyandotte; the Downtown Development Authority for the City of Wyandotte; and the Brownfield Redevelopment Authority for the City of Wyandotte (collectively, "Wyandotte"). More particularly, you have asked if we would assume the defense of the Wyandotte entities in the litigation. We would be pleased to do so. This letter will set forth the background of the matter and the terms of our engagement.

The Complaint arises out of a judgment entered against Wayne County on May 29, 2015, in the amount of \$49,965 plus \$10,595 in interest per day in favor of the Wayne County Retirement Board. The County made a payment of \$10,000,000 toward the judgment. On June 12, 2015 the County submitted a judgment levy of 0.09761 mills (the "Judgment Levy") to all taxing authorities in Wayne County as a supplement to the 2015 Tax Rate Request. The Judgment Levy authorized the taxing authority to levy and collect from each property owner within the County a portion of the judgment. Thereafter, an issue arose between Wayne County and the Wayne County communities and their respective tax increment finance authority's ("TIFs") as to whether or not the Judgment Levy constituted "tax increment revenue" subject to capture by the TIF authorities. Wyandotte and other communities in Wayne County have taken the position that the Judgment Levy is subject to capture as tax increment revenue.

On October 30, 2015, the County filed the above-referenced Complaint against Wyandotte seeking, *inter alia*, recovery of all revenue raised under the Judgment Levy and

William R. Look
Look, Makowski & Look, PC
November 23, 2015
Page 2

MONAGHAN, P.C.

enjoining Wyandotte and the class from capturing any portion of the revenue on behalf of its TIF authorities. The Complaint alleges that Wyandotte is a representative defendant of all other Wayne County municipalities and TIF authorities similarly situated. The Complaint further alleges that the representative defendants (Wyandotte) have competent counsel experienced in the intricacies of tax increment financings and are adequate representatives and will fairly and adequately protect the interests of the class. Wyandotte has not sought this designation and at this time we do not know the basis for the allegation.

Our office has expertise in regard to the legal basis for the capture of tax increment revenues. In 2013, we filed a complaint for declaratory judgment on behalf of the Wayne County communities in Wayne County Circuit Court. At that time, we represented approximately 19 Wayne County communities and their respective TIF entities (including Wyandotte) seeking a declaratory judgment that the millages levied by the Wayne County Zoological Authority and the Wayne County Art Institute Authority were subject to capture as tax increment revenues. On June 12, 2013, Wayne County Circuit Court Judge Daniel P. Ryan issued an Opinion and Order, which affirmed the right of the Wayne County communities and their TIF authorities to capture the zoo millage and the art millage. The Circuit Court also dismissed the counterclaims it sought recovery of the tax increment revenues against the Wayne County communities and their TIF authorities. A subsequently Claim of Appeal ultimately withdrawn by the taxing authorities.

We have examined the legal issues relating to the capture of the Judgment Levy as tax increment revenue. It is our opinion that the Judgment Levy millage is subject to capture by existing TIF entities in accordance with their specific authorizing statutes on the same basis as other ad valorem property tax levies. Of course, our judgment is a matter of opinion and should not be construed as a warranty or guarantee as to the outcome of this action.

We are prepared to defend Wyandotte and its TIF entities in regard to the above-referenced Complaint. Our legal services will include preparation of pleadings, papers and briefs to be filed in Wayne County Circuit Court seeking a declaratory judgment with regard to the rights and obligation in regard to capture of the Judgment Levy. We also intend to contest the allegation that Wyandotte should bear the burden and expense of being the representative defendant among the entire class of Wayne County municipalities, local treasurers, and TIF authorities. To the extent that other Wayne County municipalities and their TIF authorities are interested, and upon consultation and approval of Wyandotte, we will seek a joint defense of this matter among other municipalities and TIF authorities and a common sharing of expenses.

The terms of our engagement will be that we will provide legal services on an hourly basis and invoice Wyandotte monthly. All invoices are due and payable upon receipt. I will offer a discounted government hourly rate in this matter of \$275 per hour. We will utilize other associates at a lower rate, when appropriate. In addition to the hourly fee, we charge clients for such disbursements as print charges (copies), filing fees, mileage, deposition transcript charges,

William R. Look
Look, Makowski & Look, PC
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postage, courier fees, and such other incidental charges that arise in litigation. At this time we would suggest a contract amount not to exceed \$25,000.

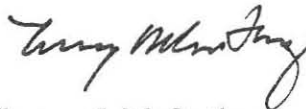
For purposes of administrative convenience, we will send our invoices to the Wyandotte City Treasurer for payment with a courtesy copy to your office. Thereafter, to the extent that the City and its TIFs may desire to internally allocate expenses among the TIFs that can be done administratively by the City and its TIF entities. It is our practice to keep our clients fully advised of all developments and we will of course do so in this action.

If the terms of this engagement meet with your approval, please have the appropriate individual sign the acknowledgement below and return an original signed agreement to my attention and a copy via e-mail. We will prepare and file our responsive pleading upon receipt of the signed engagement letter. We look forward to working with your office on this matter.

Should you have any questions, please feel free to contact me.

Very truly yours,

MONAGHAN, P.C.



Thomas J. McCarthy

TJM/jls
Enclosure

Acknowledged and agreed to by:

**City of Wyandotte, individually and
on behalf of Tax Increment Finance Authority
of the City of Wyandotte; Downtown
Development Authority for City of Wyandotte;
Brownfield Redevelopment Authority for
City of Wyandotte**

By: _____
Its: Authorized Official _____
Dated: _____

LATE ITEM

RESOLUTION

DATE: November 23, 2015

RESOLUTION by Councilperson _____

BE IT RESOLVED that the City agrees to retain Monaghan P.C. pursuant to the terms of the engagement letter dated November 23, 2015, in the County of Wayne vs. City of Wyandotte lawsuit which involves the class action lawsuit addressing the issue of capturing tax increment revenue.

I Move the adoption of the foregoing resolution.

MOTION by Councilperson _____

SUPPORTED by Councilperson _____

YEAS

COUNCIL

NAYS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

