



Minutes - July 16, 2007

Wyandotte, Michigan July 16, 2007

Regular session of the City Council of the City of Wyandotte, the Honorable Mayor James R. DeSana presiding.

ROLL CALL

Present: Councilpersons Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

Absent: None

COMMUNICATIONS MISCELLANEOUS

7/09/2007

Dear Mayor DeSana and Councilmembers,

I received a letter dated Nov. 28 2006 addressed to Kathy Miracle and upon inquiring at the council meeting discovered that this lady is suing the city for a fall on the sidewalk at 2458 21st Street, my borne address.

On Dec. 13, 2006 I received a corrected letter addressed to me with the same implication that I am responsible for the repair to the sidewalk.

Please find attached the letter from the Mayor's office indicating that the tree which caused the sidewalk trip hazard, was supposed to be cut down in 2004 but that the paperwork was lost in the shuffle and that some one would remark the tree for removal. There was a large orange X placed on the tree but then there was evidence of some one trying to remove it as only a small portion of the orange was visible on the tree.

On September 2S 2006 I took a petition around to my neighbors asking Mayor DeSana to please have this dangerous tree removed. The petition was hand delivered to Mayor DeSana and Councilman Browning and many thanks given for the prompt removal of the tree. Again, thank you so much.

As the tree should have been removed at least two years ago, but because the paperwork was lost in the shuffle and the orange mark removed (which my neighbors will testify to), it is obvious that the city should be responsible for repair to the sidewalk. The lawsuit and the fall would never have happened if the tree had been removed when indicated as the roots would not have been able to buckle the sidewalk.

As of this date the sidewalk is not repaired. Truly this fine city is one that is morally and ethically upstanding and will take the Responsibility given the information here and the enclosed letters. May this situation quickly be taken care of before another one falls. I witnessed a little one tripping and have had an orange stripe painted to warn of the up coming sidewalk height change.

I once was told an old Jewish saying; "If a twig won't bend it will break". Sometimes circumstances lend to doing which is RIGHT regardless of the regulations.

With much appreciation and thanks.

Pam Montelauro

To the Mayor and City Council:

I have been going through the work of trying to pass a petition on paving the alley ways between 3rd through 5th street.

All the people that I have talked to seem very interested

Now I find out that because my house was turned into a 3 bedroom apt. house that it is going to cost me 3 times more than everyone else.

This house has always been kept up on all inspections. You can see by the picture that it blends in with most of homes around there. Because of it being well maintained with a full dry basement, it will probably be turned back into a one family home.

Just like improving the sidewalks and streets, I am trying to improve the alley. This would help the city and everyone around.

I feel there is no way I can continue these petitions if I have to pay three times more than anyone else.

Remember, this is improving the alley, not putting in an alley that was never there before.

Terry Reechko 383 Highland St Wyandotte, Mi. 810-487-0125

July 11, 2007

Honorable Mayor and City Council Members,

As a follow up to discussions with city officials, Bob's Boathouse would like to submit to the Council your possible assistance with the demolition of the two cinder block buildings located at 1 St. John.

Our renovations of the two boat rack storage buildings will be in excess of two million dollars. In addition we are spending millions to purchase the property which has been vacant the past two years.

We would like to ask if there may be some funding perhaps TIFA available to assist us. Thank you for your time and attention.

Sincerely,

Tom LeFevre
Len Nadolski
Paula Cole
Bob's Boathouse, 1 St. John, Wyandotte, MI 48192

PERSONS IN THE AUDIENCE

Pamela Montelauro, 2458 – 21st, pictures of raised sidewalks because of the tree.

Richard Miller, 1202 – 2nd, regarding EPA, DNR, Planning Commissioner letter. Meeting – Mayor DeSana, Councilman Sutka – May 14, 2007. Port Authority and concerns relative to the development of Oak and Biddle.

Woody Clark, 19620 Park Lane, Grosse Ile, Michigan, regarding tracks at Central and Pennsylvania.

Chris Calvin, 466 Sycamore, regarding alleys.

COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

July 9, 2007

The Honorable City Council City of Wyandotte
3131 Biddle Avenue
Wyandotte MI 48192

Gentlemen and Madam:

In 2006, petitions were submitted to your Honorable Body by James Candela for my removal from office, accusing me of willfully violating state law and the City Charter. Although no action was taken by City Council, I found it necessary to commence a judicial proceeding in Wayne County Circuit to obtain a judicial determination that the statements and allegations contained in the petition and presented publicly to the City Council were not true.

There are two major components to be considered in a lawsuit alleging libel and slander. The first component is whether the statements and allegations made, whether in writing or verbal, are true. The second component in a lawsuit alleging libel or slander when it involves a "public figure" such as the mayor of a city, is whether the public can prove actual malice by clear and convincing evidence. The case law involving a public figure indicates that it is not enough to show that the Defendant acted with preconceived objectives or upon insufficient investigation to establish actual malice. Also the courts have ruled that spite, or even hatred standing alone does not amount to actual malice in a public defamation case.

The petitions that were circulated within the City of Wyandotte and presented publicly to the City Council contained four allegations concerning my conduct as mayor of the City of Wyandotte. The Circuit Court Judge Robert J. Colombo, Jr., who has been a judge for 25 years, found as a matter of law that the petitions were not true.

The first paragraph of the petition alleged that I, as mayor, committed a willful violation of the Downtown Development Act by participating in an illegal meeting on June 7, 2005, because the petitioner alleged there were not sufficient members present at the meeting. The DDA at this meeting voted unanimously to end the costly litigation between the DDA and the City of Wyandotte. Judge Colombo found as follows:

"Consequently, the action taken with respect to adoption of a resolution to end litigation between the DDA and the City of Wyandotte did not violate MCL 125.1654. To the extent that the Defendant is claiming that there was a willful violation of that statute, that is not true". (Page 29 of the transcript)

Therefore, on that issue, the Court denied the Defendant's (Candela) motion for summary disposition and granted my motion for partial summary disposition.

With regard to the second petition, it was alleged that my participation as mayor of the City of Wyandotte and as a member of the DDA at the June 7, 2005 meeting represented a clear conflict of interest when electing to offer and approve a motion to rescind the DDA lawsuit that was commenced against the City of Wyandotte because I was a member of the Wyandotte City Council when the lawsuit was initiated. Judge Colombo made the following determination:

"At the time of the June 9 (sic), 2005 resolution, the Plaintiff was no longer a member of the Wyandotte City Council. The fact that he previously was a member of the Wyandotte City Council when this litigation between the DDA and the City of Wyandotte was initiated does not give rise to a conflict of interest at the time of the vote of the resolution — on the resolution of June 9 (sic), 2005. This is because at the time of the vote, Plaintiff was no longer a member of the City Council. (Page 30 of the transcript)

The Court then made the following finding as a matter of law:

"The Court finds that Paragraph 2 of the petition is not true". (Page 30 of the transcript)

As a result, the Court denied the Defendant's (Candela) motion for summary disposition and granted my motion for partial summary disposition. The Court then reviewed the allegations contained in petitions 3 and 4 together. In petition 3, it was alleged that I was involved in willful participation in a process to suborn misfeasance and nonfeasance by the police and fire commission members in the performance of their duties. It was alleged that the misfeasance and nonfeasance resulted in the termination and forced retirements of the Police Chief and Deputy

Chief, as well as my directing the promotion of a Police Department employee to a vacant position. The Court made the following determination:

"It is clear that the allegations in Paragraphs 3 and 4 of the petition are untrue. There are no issues of fact. The Plaintiff, as Mayor, did not suborn misfeasance and nonfeasance by the Police and Fire Commission. The undisputed facts establish that Lilienthal and Greene voluntarily retired". (Page 33 of transcript)

The Court also found the following:

"The Mayor merely presented his budget recommendation and did not order Baker's promotion. Finally, the action of promoting Baker was taken by the Police Commission on September 21, 2005. There is no allegation — there is no truth to the allegation in paragraph 3 of the petition". (Page 34 of the transcript)

As a result, the Court denied the Defendant's (Candela) motion for summary disposition and approved my motion for partial summary disposition on this issue.

In the fourth paragraph of the petition, it was alleged that I as mayor suborned illegal violations of the Open Meetings Act in the Police and Fire Commission's alleged failure to provide legal and timely notice of the intent to hold a meeting for the termination, retirement of Police Chief William Lilienthal and Deputy Chief Lance Greene, as well as the promotion of Alice Baker to the position of Chief Records Clerk. On this issue Judge Colombo found as follows:

"There is likewise no truth to the claim that the mayor suborned illegal violations of the Open Meetings Act of the State of Michigan. Both Lilienthal and Greene voluntarily retired after they were offered an early buyout in a closed session before the City Council. The promotion of Baker was done by the Police and Fire Commission on September 21, 2005. According to Sexton, this was not subject to the Open Meeting Act. There is no truth to the allegations in Paragraph 4 of the petition". (Page 34 of the transcript)

Therefore, the Court dismissed the Defendant's (Candela) motion for summary disposition and granted my motion for partial summary disposition.

As you can see, the Circuit Court Judge determined that the four paragraphs of the petition presented to remove me from the office of Mayor were untrue as a matter of law. I commenced this judicial proceeding at my own personal expense to establish that my actions were lawful and that the allegations contained in the petition were untrue. This was important in maintaining the integrity of the Office of the Mayor of the City of Wyandotte and affirms the decision made by this City Council concerning the petition.

The second component of action alleging libel or slander when the statements concern a public figure such as the mayor of a city requires the proof of actual malice. This involves a tremendous burden of proof because the public figure must show actual malice by clear and convincing evidence rather than by a mere preponderance of the evidence. The Courts have ruled that evidence may be uncontroverted, and yet not be clear and convincing. As a result, the court held that as a matter of law, I was unable to prove actual malice regarding the untrue statements contained in the petition.

In conclusion, the Court has found in my favor with regard to the accusations made in the petitions that had been presented to City Council. I will, however, have to let you and the public decide whether, in your opinion, Mr. Candela acted with malice in the circulation of the petitions, by his numerous appearances at City Council meetings where he made many comments which were misleading, and by making verbal statements to newspapers, both local and those with statewide circulation, which were proven to be untrue.

I am very proud of what we have accomplished during my terms of office as mayor. The voters of this city have trusted me for many years and I felt it necessary to prove to them that I did not break that trust by breaking any laws. Mr. Candela attempted to discredit me personally and politically and his actions not only caused me personal embarrassment, but also had a negative impact on my family -- brothers, sisters, children and grandchildren, not to mention the City of Wyandotte.

Was this a case of malice? I'll leave that up to you.

Sincerely, James R. DeSana, Mayor

July 2, 2007

Mayor James R. DeSana and City Councilmembers
3131 Biddle Avenue, Wyandotte, Michigan 48192

Dear Mayor and City Councilmembers:

Enclosed for your review and consideration is a communication from Levon G. King, City Administrator, City of Southgate requesting you adopt a resolution that will give the fire fighters the assurance they need to proceed with negotiations to reach a contract with the Downriver Fire Authority.

Sincerely yours, William R. Griggs, City Clerk

July 5, 2007

Mayor James R. DeSana and City Council Members
City of Wyandotte

Dear Mayor & City Council Members:

The enclosed communication from Raymond J. Wojtowicz, Wayne County Treasurer, sets forth a list of properties within the City of Wyandotte foreclosed upon by the Wayne County Treasurer.

The State of Michigan has exercised its right of first refusal thereby paving the way for Wyandotte to purchase any of the properties listed for a public purpose. Said purchase must be completed on or before July 16, 2007.

Should you require additional information, please advise.

Sincerely,
William R. Griggs, City Clerk

July 10, 2007

The Honorable Mayor James R. DeSana And City Council
City Hall, Wyandotte, Michigan

Dear Mayor DeSana and City Council Members:

The City of Wyandotte has been informed by Wayne County that the following properties can be purchased under the Right of Refusal to Purchase Tax Foreclosed Property:

341 Kings Highway \$1,626.70
232 Stoll \$3,421.21
847 4th Street \$8,008.14
941 Hudson \$7,734.41
936 Ford \$9,934.04

If you concur with these purchases, the attached resolution will authorize the undersigned to proceed. Please note that Wayne County will inform the City if any of these properties will be removed from this list. Also the Department of Legal Affairs will have to clear title to all of these properties before they can be sold or demolished.

Very truly yours,

Mark A. Kowalewski City Engineer

June 25, 2007

TO: Honorable Mayor and City Council
FROM: Department of Legal Affairs
RE: Strategy to Address Issue of Malicious Destruction of Public Property

Dear Mayor and City Council:

At the request of Mayor James R. DeSana, the Police Chief and the undersigned were asked to make a recommendation to this Body regarding setting up a procedure to reduce incidents of malicious destruction of public property. It would be our recommendation to set up a program whereby a reward will be offered to individuals who provide information leading to the arrest and conviction or collection of restitution of those individuals who are responsible for acts of malicious destruction of property. It would be similar to the Crime Stoppers Program.

Our City Ordinance under Section 25-53 states that any person who shall willfully and maliciously destroy or injure the personal property of another is guilty of a misdemeanor and subject to a fine of not more than Five Hundred (\$500.00) Dollars or 3 times the amount of the destruction or injury, whichever is greater, and may also be imprisoned for up to 90 days.

In addition, Section 25-37 of the City Code of Ordinances permits the City of Wyandotte to recover damages and the cost of cleanup in an amount not to exceed Two Thousand Five Hundred and no/100 (\$2500.00) Dollars in a civil action against the parents of a minor, living with his parents who has maliciously or willfully destroyed or defaced (including the writing of graffiti upon City property) any real, personal, or mixed property which belongs to the City of Wyandotte.

Therefore, it is our recommendation that the City Council approve the attached Resolution and forward it to the Police Chief and Police Commission recommending that a policy and procedure be set up which would establish a program of reward (not to exceed \$1000 per case) for those individuals who provide information leading to the arrest and conviction or recovery of restitution from individuals who destroy the property of another. The procedure could establish how the information is to be provided, under what standards a determination would be made to reward any individual providing information, assign a telephone number to call with the information, procedure to receive donations to the fund, a procedure to attempt to protect the identity of any individual providing the information (ex: assign an ID Number), the method of recovery of funds paid out to informants to reimburse the general fund and any other policy the commission would deem appropriate.

Respectfully submitted,

DEPARTMENT OF LEGAL AFFAIRS
LOOK, MAKOWSKI and LOOK Professional Corporation
William R. Look

June 28, 2007

Mayor and City Council City of Wyandotte
3131 Biddle Avenue Wyandotte, MI 48192

This letter is in response to Council Resolution, dated June 26, 2007, relative to the issuance of parking permits as it relates to City Ordinance Sec. 35-45, "Parking in front of residences; or in developed business area." Upon review of said ordinance, the request for consideration for the removal of the resident's name and address from the permit, and the forgiving of the \$5.00 permit fee the following applies. Based on confidentiality and identity theft, the police department recommends removal of the name and address from the parking permit, replacing same with the date of issuance and street name. As to forgiving the \$5.00 permit fee, the department defers this decision to Council.

Below is the recommended ordinance language that incorporates the above changes:

Sec. 35-45. Parking in front of residences; or in developed business area.

(a) Parking permits shall be issued by the police department, Records Bureau, to a resident living in a residential zoned district, or a resident living in the developed business area, as defined by section 1804-15 of the zoning ordinance, for the fee of five dollars (\$5.00). This permit allows said resident permission to park his/her automobile in a restricted parking area or street, or a public parking lot located in the developed business area, provided the parking lot is not closed

or being used for any special event. Permits issued for the developed business area are limited to one (1) permit per resident, and permits issued in a residential zoned district are limited to one (1) permit per 20' of lot frontage. Residents shall make application to the police records bureau setting forth all relevant information required by the records bureau, including a valid state driver's license indicating the resident's current address. Parking permits are valid as long as the resident maintains residency at the address for which the permit was granted. Parking permits are valid only as long as the ordinance remains in effect or until amended.

(b) The records bureau shall have the authority to grant a parking permit in the form of a suitable permit indicating the date of issuance, the residential street, and signed by the chief of police. The holder shall then place the permit in the right corner of the windshield of his/her automobile, provided, however that such permit shall not grant the holder any privilege to park in any area where or when parking is prohibited; and provided further, that no permit shall be issued to anyone residing in a multiple dwelling except in the discretion of the police and fire commission with regard to the number of residential units and the available space for parking, fronting such residence.

(Code 1956, § 27-95; Ord. No. 934, § 1, 3-2-92; Ord. No. 1053, § 1, 10-19-98)

If there are any additional questions, please feel free to contact the undersigned.

Respectfully submitted,

Daniel J. Grant, Chief of Police

June 29, 2008

The Honorable Mayor James R. DeSana and City Council Members
3131 Biddle Avenue
Wyandotte, Michigan 48192

Dear Mayor DeSana and City Council Members,

Listed below is an explanation of the need to have a budget hearing regarding the property tax millage rate to be levied to support the proposed General City Operating Budget. These rates will defray the City's operating costs for the upcoming Fiscal Year ending September 30, 2008.

1. In accordance with the requirements under the Headlee Amendment, the millage rate for City operating purposes will be \$14.5704 per thousand dollars of Taxable Value (\$12.0538 for City Operating and \$2.5166 for refuse disposal).
2. The public hearing to discuss the proposed operating millage rates for the 2008 Fiscal Year will be held on July 23, 2007, in accordance with Public Act 40 of 1995.
3. The actual City Council vote on the proposed operating millage rates for the 2007 Fiscal Year operating budget will also take place on July 23, 2007, in accordance with Public Act 75 of 1991.
4. A "Truth in Taxation" hearing will not be required if the above referenced hearing is properly posted and held in accordance with Public Act 40 of 1995.
5. The tax rate for debt requirements will be set at an amount sufficient to pay for funded debts of the city and interest thereon. These debts include the debt service for the bonds sold to construct the Department of Public Service facility, debt service for the bonds sold to construct the Police/Court building, the debt service for the bonds sold to renovate the Yack Arena, debt service on the installment purchase agreement for computer technology upgrades, and the debt service for the amounts borrowed to purchase the former Masonic Temple building and a new Zamboni for Yack Arena.
6. The tax rate will be set at an amount sufficient to provide for the operation and maintenance of Drain Number Five (5).
7. The tax rate includes the amount sufficient to repay debt service incurred to improve the Downriver Sewage Disposal System to comply with the consent decree entered into with the United States Environmental Protection Agency for violations of the Clean Water Act.

Sincerely,

Todd A. Drysdale, Director of Financial and Administrative Services

July 12, 2007

The Honorable Mayor James R. DeSana, Mayor and City Council Members
3131 Biddle Avenue
Wyandotte, Michigan 48192

Dear Mayor DeSana and City Council Members,

Attached you will find for your review and approval is a resolution that identifies the need for improvements to the Southgate/Wyandotte Relief Drain and the necessity to levy special assessments, fees or charges under Section 490 of Public Act 40 of 1956 (the "Drain Code"). This resolution is being offered in order to comply with Section 489a of the Drain Code.

In summary, the City is aware of various project plans being considered by the drainage district. It will be necessary for those deriving benefit from the drainage district to pay for these improvements. Prior to filing a petition to request these improvements be made, a notice of intent to file a petition must be made to the drain commissioner. This notice of intent is attached in resolution form.

Also attached is the similar resolution from the City of Southgate as well as the pertinent sections of the Drain Code.

The undersigned recommends adoption of the attached resolution.

Sincerely,

Todd A. Drysdale, Director of Financial and Administrative Services

June 11, 2007

The Honorable Mayor DeSana and City Council
City Hall, Wyandotte, Michigan

RE: Phase V Streetscape

Dear Mayor DeSana and Council Members:

To obtain a Wayne County permit for the Phase V Streetscape Project for Eureka Avenue from Biddle Avenue to 5th Street, the following approvals are required by the City Council.

The City Council must pass a resolution whereby the City approves the project and agrees with Wayne County to:

1. Accept jurisdiction and maintenance responsibility for the proposed streetscape facility, and;
2. Indemnify and hold harmless Wayne County and its employees against all claims, suits, and judgments of every name and description arising out of the operation covered by the permit of the issuance of the permit.

An appropriate resolution is enclosed for your approval.

Very truly yours,

Mark A. Kowalewski, City Engineer

July 9, 2007

The Honorable Mayor James R. DeSana and City Council
City Hall, Wyandotte, Michigan

Dear Mayor DeSana and City Council Members:

In response to various complaints on alley maintenance the following applies. The alleys adjacent to 3508 15th Street and 1046 Mollno Street have been re-graded. This year there have been sixty-two (62) alley grading requests and forty-four (44) have been completed.

Alley grading maintenance was severely changed beginning with the 2005-2006 budget wherein only \$5,000 was budgeted for purchase of stone. For instance, \$136,000 worth of stone was purchased in 2002. Since 2005, very few alleys received new stone when they were re-graded. The Department of Public Service (DPS) simply spiked the alley with the existing stone. This looks great when the job is done, but does not last as long as adding new stone. In fact, if heavy rains occur after re-grading without new stone it may be hard to tell we even re-graded the alley.

Where there are alleys without garage entrances, the DPS has not cut out the grass areas to reduce maintenance. Therefore, the grass is maintained by the residents and a two track exists or the alley may be fully grown over. There is one unpaved street that still requires maintenance and it is Marshall from Central to 8th Street.

Along with the purchase of stone, the existing road grader (1981) needs to be replaced. This cost is approximately \$130,000. We have contacted other cities to see if a road grader could be jointly purchased, but could not find any cities interested. Most of the cities have few or no alleys.

In conclusion, to provide a higher level of service for alley maintenance approximately \$35,000 should be budgeted annually for purchase of stone. Currently, there is \$10,000 budgeted for this year's stone purchase of which \$7,376.00 has been spent. To assure the continued operation of the grader, it should be budgeted to be replaced with next year's budget.

Very truly yours,
Mark A. Kowalewski, City Engineer
July 3, 2007

The Honorable Mayor James R. DeSana And City Council
City Hall, Wyandotte, Michigan

Dear Mayor James R. DeSana and City Council Members:

Enclosed please find a request of BASF to have their contractor ENSR/AECCOM install six (6) temporary groundwater monitoring wells in areas of Second Street from Perry Place to Cedar Street. Also, enclosed is an executed Hold Harmless Agreement for said work.

I recommend this request be approved. Very truly yours,

Very truly yours,
Mark A. Kowalewski, City Engineer

July 6, 2007

The Honorable Mayor James R. DeSana And City Council
City Hall
Wyandotte, Michigan

Dear Mayor DeSana and Council Members:

When the City purchased the property at 1170 22nd Street, it was undecided what the City should do with the home. An inspection was performed by the City's Code Enforcement Inspectors and it was determined that the home should be demolished.

If you concur with this recommendation, the attached resolution will authorized the City Engineer to proceed in having the property demolished.

Very truly yours,
Mark A. Kowalewski City Engineer

July 12, 2007

The Honorable Mayor James R. DeSana and City Council
City Hall
Wyandotte, Michigan

Dear Mayor and Council Members:

Attached please find a Purchase Agreements for the City to acquire the following properties:

452 2nd Street \$40,000.00 TIFA Area Funds — Single Family Dwelling
139 North Drive \$52,500.00 TIFA Area Funds — Single Family Dwelling

If this meets with your approval, I recommend that the Department of Legal Affairs be directed to prepare the necessary sale documents and the Mayor and Clerk be authorized to execute same. I further recommend that the undersigned be authorized to demolish same.

Very truly yours,

Mark A. Kowalewski City Engineer

July 10, 2007

The Honorable Mayor James R. DeSana And City Council
City Hall
Wyandotte, Michigan

Dear Mayor DeSana and City Council Members:

On April 18, 2007, the City entered into a Purchase Agreement to acquire the property at 404 St. Johns. During the Phase I Environmental Assessment on said property two (2) recognized environmental conditions were identified and the following investigation activities are recommended; two (2) soil borings adjacent to the concrete pad, and four (4) soil borings in a visibly stained pavement areas in the storage area north of building. The Seller has agreed to equally split the cost of this additional testing. Therefore, attached please find an Amendment to the Purchase Agreement. This Amendment will amend Paragraph 12 Environmental Liability from the original Agreement and all other conditions shall remain in full force and effect.

Also, the attached Resolution will authorize the undersigned to hire Dziurman/Associations, P.C., to perform this work in an amount not to exceed \$2,400.00 as indicated in that attached proposal dated July 10, 2007.

The City Attorney has reviewed this Amendment and approves same. If this Amendment meets with your approval, I recommend that the Department of Legal Affairs be directed to prepare the necessary documents and the Mayor and Clerk be authorized to execute same.

Very truly yours,

Mark A. Kowalewski City Engineer

LATE ITEM

July 13, 2007

The Honorable Mayor James DeSana and Council Members
City Hall, Wyandotte, Michigan

Dear Mayor DeSana and Council Members:

The Department of Engineering and Building has reviewed the proposed extension of Superior Blvd to accommodate the moving of the Purple Heart Statue as proposed by the Wyandotte Beautification Commission. Attached is a sketch of the proposed extension.

The estimated cost to extend Superior Blvd is \$38,850. Superior Blvd is classified as a Local

Street, therefore Local Street Funds could be used to construct this extension.

Very truly yours,

Mark A. Kowalewski, City Engineer

REPORTS AND MINUTES AND CASH RECEIPTS

Financial Services Daily Cash Receipts \$274,912.89
Financial Services Daily Cash Receipts \$ 43,605.55
Beautification Commission June 12, 2007
Fire Commission June 7, 2007
Municipal Service Commission May 22, 2007
Police Commission June 7, 2007
Wyandotte Recreation Commission June 27, 2007
Zoning Board of Appeals & Adjustments June 20, 2007

CITIZEN PARTICIPATION

James Candela, 1245 Poplar, recapped the removal of office issues and expression of disappointment of the Charter not being upheld.

Chris Calvin, 466 Sycamore, talked about problems with alley maintenance.

Richard Patrick, 523 Cherry, talked about the closure to the removal of office issues. Should be open to citizen questions about various procedures and Charter provisions. Non-union situation where thousand of dollars were spent. We should remove the section of holding hearings for removal of office.

RECESS

RECONVENING

ROLL CALL

Present: Councilpersons Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

Absent: None

FIRST READING OF ORDINANCES:

AN ORDINANCE ENTITLED

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE ZONING ORDINANCE CONCERNING PROPERTY FORMERLY KNOWN AS 318 OAK STREET THROUGH 320 OAK STREET TO BE REZONED FROM RM-1 (MULTIPLE FAMILY RESIDENTIAL DISTRICT) TO OS (OFFICE SERVICE DISTRICT)

THE CITY OF WYANDOTTE ORDAINS:

AN ORDINANCE ENTITLED

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE ZONING ORDINANCE CONCERNING PROPERTY FORMERLY KNOWN AS 300 OAK STREET THROUGH 304 OAK STREET TO BE REZONED FROM B-1 (NEIGHBORHOOD DISTRICT) TO P-1 (VEHICULAR PARKING DISTRICT)

THE CITY OF WYANDOTTE ORDAINS:

RESOLUTIONS

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

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

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
ROLL ATTACHED

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the communication from Pam Montelauro, 2458-21st Street, Wyandotte, relative to the removal of a tree at her residence is hereby referred to the City Engineer for a review and report back in one week.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
ROLL ATTACHED

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the communication from Terry Reechko, 383 Highland Street, Wyandotte relative to the petition to pave the alley ways between 3rd through 5th Street is hereby received and placed on file.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
ROLL ATTACHED

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the communication from Tom LeFevre, Len Nadolski and Paula Cole; Bob's Boathouse Restaurant, relative to the request for assistance with the demolition of the two cinder block buildings located at 1 St. Johns is hereby received and placed on file. AND BE IT FURTHER RESOLVED that said communication be referred to the City Engineer, Director of Financial and Administrative Services for a review and report back in three weeks.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
ROLL ATTACHED

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the unused railroad crossing on Pennsylvania Road just east of Central Avenue is to be removed and replaced with pavement as the crossing is no longer used and is deteriorated and is unsafe for public travel. AND BE IT FURTHER RESOLVED that said resolution be forwarded to Wayne County as Pennsylvania is a County Road.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
ROLL ATTACHED

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the communication from Mayor James R. DeSana dated July 9, 2007 relative to the outcome and impact of the 2006 removal from office petitions as circulated by James Candela is hereby received and placed on file.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
ROLL ATTACHED

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the communication from the City Clerk relative to the communication from Levon G. King, City Administrator, City of Southgate, requesting the adoption of a resolution setting forth assurance to the fire fighters to proceed with negotiations to reach a contract with the Downriver Fire Authority is hereby referred to the Director of Financial and Administrative Services, Fire Chief and Labor Attorney for a review and report back to Council.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
ROLL ATTACHED

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the communication from the City Clerk setting forth a communication from the Wayne County Treasurer's Office as it pertains to property in foreclosure in the City of Wyandotte is hereby received and placed on file subject to the enclosed communication from the City Engineer.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
ROLL ATTACHED

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to acquire tax foreclosed properties within the City of Wyandotte from Wayne County in the amount of \$30,724.50 to be appropriated from TIFA Finds; AND BE IT FURTHER RESOLVED that Council directs the Department of Legal Affairs to clear title on all properties that are received from Wayne County and that the Mayor and City Clerk are hereby authorized to sign said documents, subject to the approval of the Department of Legal Affairs.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski

Supported by Councilperson Patrick J. Sutka
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka
NAYS: None
Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

The communication dated June 25, 2007 from the Department of Legal Affairs regarding strategy to address issues of malicious destruction of public property is hereby received and placed on file. Be it further resolved that said communication is hereby referred to the Police Chief and the Police Commission recommending that a program be created to obtain information concerning destruction of public property and to establish a reward program.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
ROLL ATTACHED

Certification

I, William R. Griggs, City Clerk of the City of Wyandotte, do hereby certify that the attached is a true and exact copy of a Resolution adopted by the City Council of the City of Wyandotte at a regular session thereof held on the 16th day of July, 2007.

Dated: July 17, 2007 William R. Griggs, City Clerk

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that Council CONCURS with the recommendation of the Chief of Police dated June 28, 2007 as it pertains to amendments to City Ordinance section 35-45 "parking in front of residences; or in developed business area" and hereby directs the City Attorney to prepare the necessary amendments to the Ordinance including omitting the \$5.00 parking permit fee for residence in the area and the publication of their names on said permit. AND BE IT FURTHER RESOLVED that Council directs the Department of Public Service to implement Traffic Control Order 2007-006 and install said "30 Minute Parking" signs on Elm Street between 5th and 6th Streets.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
ROLL ATTACHED

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that WHEREAS the Director of Financial and Administrative Services has filed a copy of the communication relative to the 2007 Fiscal Year Operating Budget and Corresponding Operating Tax Millage Rate; NOW, THEREFORE, BE IT RESOLVED that this Council shall hold a Budget Hearing in accordance with Public Act 40 of 1995, in the Council Chambers of the Wyandotte City Hall, 3131 Biddle Avenue, Wyandotte on July 23, 2007, at 7:00 p.m. AND BE IT FURTHER RESOLVED that the City Council will act on the 2007 operating millage rate pursuant to Public Act 75 of 1991, at the July 23, 2007, Council meeting after the closure of the required Budget Hearing.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
ROLL ATTACHED

CITY OF WYANDOTTE
RESOLUTION TO FILE COUNTY DRAIN PETITION

FOR THE MAINTENANCE AND IMPROVEMENT OF THE
SOUTHGATE-WYANDOTTE RELIEF DRAIN

At a regular meeting of the City Council for the City of Wyandotte, County of Wayne, State of Michigan, held in said City on the 16th day of July, 2007, at 7:00 o'clock, p m.

PRESENT: Mayor James R. DeSana, Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

ABSENT: None

The following resolution was offered by Johnny A. Kolakowski and seconded by Patrick J. Sutka

WHEREAS, the City of Wyandotte recognizes that it is necessary for the public health to maintain and improve the Southgate-Wyandotte Relief Drain pursuant to Chapter 20 of Public Act 40 of 1956, as amended; and

WHEREAS, areas to be serviced by the maintenance and improvement of the Southgate-Wyandotte Relief Drain are within the following municipalities: City of Southgate and the City of Wyandotte; and

WHEREAS, the City of Wyandotte recognizes that it will be subject to an assessment(s) to pay for a percentage of the costs of the maintenance and improvement to the Drain; and

WHEREAS, the City Council of the City of Wyandotte has determined it necessary to levy special assessments, fees or charges under Section 490 of Public Act 40 of 1956, as amended.

NOW, THEREFORE BE IT RESOLVED THAT, the City Clerk is directed to send to the Drain Commissioner, by registered mail, the notice of intent to file a petition under Section 463 of Public Act 40 of 1956, as amended, after proceedings pursuant to Sections 489a and 490, the City is authorized to file a petition to maintain and improve the Southgate-Wyandotte Relief Drain.

ADOPTED: YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

NAYS: None

The Resolution was declared and adopted.

By: James R. DeSana

Its: Mayor

William R. Griggs, City Clerk

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the City of Wyandotte shall construct and maintain beautification within the County Right of Way on Eureka Avenue between Biddle Avenue and 5th Street and that the City of Wyandotte hereby agrees to indemnify and hold harmless the County of Wayne, the County of Wayne Department of Public Services, its officials and employees against any and all claims, suits and judgments of every name and description arising out of the construction and maintenance of said project within the Wayne County easement on County property as described above and that the City of Wyandotte is hereby responsible for all cost incurred for said project on said property as described.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski

Supported by Councilperson Patrick J. Sutka

YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

NAYS: None

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the communication from the City Engineer regarding alley maintenance is received and placed on file. AND BE IT FURTHER RESOLVED that the

Director of Administrative and Financial Services is hereby directed to increase the alley maintenance line item # 101-448-750-250 to \$35,000 from the General Fund Balance; AND BE IT RESOLVED that the purchase of a Road Grader will be considered with the 2007-2008 Budget.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the request from BASF to have ENSR/AECOM install six (6) temporary groundwater monitory wells in the area of Second Street from Perry Place to Cedar Street is hereby APPROVED with the condition that final drawings with exact locations showing existing utilities be submitted to the City Engineer for approval; BE IT FURTHER RESOLVED that all conditions described in the letter from ENSR/AECOM dated June 21, 2007, are requirements of this approval.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to DEMOLISH the home at 1170-22nd Street, Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to acquire the property at 452-2nd Street in the amount of \$40,000.00 to be appropriated from TIFA finds; AND BE IT RESOLVED that the Department of Legal Affairs is hereby directed to prepare the necessary documents; AND BE IT FURTHER RESOLVED that the City Clerk and City Attorney, William R. Look, are hereby authorized to sign said documents; AND BE IT FURTHER RESOLVED that the City Engineer is directed to DEMOLISH same 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.

I move the adoption of the foregoing resolution.
MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to acquire the property at 139 North Drive in the amount of \$52,000.00 to be appropriated from TIFA Funds; AND BE IT FURTHER RESOLVED that the Department of Legal Affairs is hereby directed to prepare the necessary documents and the Mayor, City Clerk and City Attorney, William R. Look, are hereby authorized to sign said documents; AND FURTHER that the City Engineer is directed to DEMOLISH same 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.

I move the adoption of the foregoing resolution.
MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer regarding the amendment to the purchase agreement between the City of Wyandotte and Donald Thorpe regarding the property at 404 St. Johns; AND BE IT RESOLVED that Council directs the Department of Legal Affairs to prepare the necessary documents for said sale; AND BE IT RESOLVED that the Mayor and Clerk are hereby authorized to sign said documents; AND BE IT FURTHER RESOLVED that the City hire Dziurman and Associates, P.C. to perform the soil borings at 404 St. Johns as indicated in their proposal dated April 18, 2007 in an amount not to exceed \$2,400.00.

I move the adoption of the foregoing resolution.
MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the communication from the City Engineer dated July 13, 2007 regarding the extension of Superior Blvd is hereby received and placed on file. AND BE IT FURTHER RESOLVED that Council CONCURS with the extension of same as shown on the sketch with an estimated cost of \$38,850, which shall be derived from the Local Street Fund Account. AND FURTHER that the work to extend Superior Blvd and relocate the Purple Heart Statue shall be coordinated with the Wyandotte Beautification Commission.

I move the adoption of the foregoing resolution.
MOTION by Councilperson Johnny A. Kolakowski
Supported by Councilperson Patrick J. Sutka
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the City Engineer has expressed a desire to meet in closed session to discuss acquisition and/or lease of real property. Now, therefore, be it resolved that this Body will meet in closed session immediately following the regularly scheduled Council meeting for the above stated purpose only.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski

Supported by Councilperson Patrick J. Sutka

YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

NAYS: None

Wyandotte, Michigan July 16, 2007

RESOLUTION by Councilperson Johnny A. Kolakowski

RESOLVED by the City Council that the total bills and accounts in the amount of \$2,557,029.34 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny A. Kolakowski

Supported by Councilperson Patrick J. Sutka

YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

NAYS: None

ADJOURNMENT

MOTION by Councilperson Johnny Kolakowski

Supported by Councilperson Patrick Sutka

That we adjourn.

Carried unanimously.

Adjourned at 9:00 p.m.

July 16, 2007

Maria Johnson, Deputy City Clerk
