



## Minutes - April 21, 2008

---

Wyandotte, Michigan April 21, 2008

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

April 17, 2008

Dear Mayor & Councilmembers

I do request to perform beautification work on a City easement located at Biddle and North Drive (Gas Station Area). I would be willing to sign a hold harmless.

Jonathan A. Hocking  
8620 Stout Ave  
Grosse Ile, MI 48138

April 11, 2008

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

Dear Mayor DeSana and Council Members:

On behalf of The Guidance Center, I thank the City of Wyandotte for your support of our valued programs and services with a gift of \$3,000.00. In the wake of protracted economic downturn and the scarcity of external funding available to The Guidance Center, funds from the City of Wyandotte and other local communities will have an immediate impact on the low income clients we help from your municipality.

As you know, The Guidance Center has built a strong reputation around providing quality care to those in our County suffering from mental illness. The Guidance Center is true to its core mission: to enhance the development and mental well-being of children, adults, families and communities through the delivery of creative, innovative and quality programs. Services are delivered with excellence and professionalism in an atmosphere of caring, hope and respect. These guiding principles ensure that children and families have the best possible opportunity to lead healthy, successful lives. Last year our professional staff serviced approximately 17,000 individuals.

Again, thank you for helping us as we continue to make a difference in the lives of the City of Wyandotte residents. If you have further questions, please feel free to contact Fran Waszkiewicz, Development Officer, at (734) 785-7705 ext. 7153.

Sincerely,

Michael Lott  
Chief Executive Officer  
The Guidance Center is a 501 ©3 private, non-profit organization

PERSONS IN THE AUDIENCE

Jonathan Hocking, 8620 Stout, Grosse Ile, Michigan, regarding beautification of the City's north end.

Len Milewski, 1891 – 16th, regarding encroachment on City property.

Tiffany & Patrick VandeHay, 16 Kreger, regarding "Wyandotte" being ranked #9 for fishing destinations in the country.

#### COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

April 15, 2008

Mayor James R. DeSana and City Council Members  
City of Wyandotte  
3131 Biddle Ave.  
Wyandotte, MI 48192

RE: LAW DAY PROCLAMATION  
LAW DAY ON MAY, 1 2008

Dear Mayor DeSana and City Council Members,

In 1958 President Eisenhower proclaimed the first Law Day a "day of national dedication to the principle of government under law." It is only fitting that we celebrate the milestone 50th anniversary of Law Day with the American Bar Association (ABA) Law Day 2008 fundamental theme, The Rule of Law: Foundation for communities of Opportunity and Equity.

Throughout the years, Law Day has engaged the public in discussion on relevant issues that focused on enhancing knowledge of our governmental structure and legal process.

The rule of law refers to a system in which the government is accountable under the law. This system is based on fair, clear, publicized, and stable laws that protect fundamental rights. These laws are enacted, administered, and enforced by a process that is accessible, fair, and efficient. The laws are upheld by diverse, competent, independent, and ethical law enforcement officials, advocates, and judges. This foundation is essential to foster sustainable communities of opportunity and equity.

The Law Day 2008 theme explores the meaning of the rule of law, while fostering public understanding of the rule of law by discussing its role in society and explaining how it is essential in sustaining a free society.

The rule of law is not just a matter of concern to lawyers and judges; it affects people from all walks of life and in all fields of endeavor: clergy, teachers, workers, physicians, journalists, engineers, architects, public safety officials, military leaders, human rights advocates, environmentalists, and others. It is essential that all of us care about the rule of law and strive to be active participants in the civic life of our community. By initiating dialogue on the rule of law during this Law Day 2008 celebration, together we will learn about the principles and values that characterize the rule of law and how it matters in the everyday lives of Americans and others throughout the world.

I am requesting that you adopt the enclosed Proclamation that proclaims Thursday, May 1, 2008, as Law Day in the City of Wyandotte. This proclamation urges the citizens, schools, businesses, legal professionals, and media of the City of Wyandotte to use this occasion to preserve and strengthen the rule of law.

Randy L. Kalmbach  
27th Chief District Court Judge

April 16, 2008

The Honorable 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 an Employment Agreement between the City of Wyandotte and Frederick E. Pischke for the position of Recreation Superintendent. The undersigned was directed to negotiate an employment agreement with Mr. Pischke per the April 14, 2008, resolution from the Recreation Commission which is also attached. Mr. Pischke's application for employment and resume are also included for your review.

The attached employment agreement will be for a three (3) year term and is to commence on May 5, 2008.

The undersigned recommends that the attached resolution be adopted which authorizes the Mayor and City Clerk to enter into this agreement.

Sincerely,

Todd A. Drysdale, Director of Financial and Administrative Services

April 21, 2008

Mayor James DeSana and City Council, City of Wyandotte  
Michigan

Dear Mayor DeSana and City Council Members:

At a special meeting of the Wyandotte Recreation Commission held on Monday, April 21, 2008, the Commission voted unanimously to recommend to your honorable body that Frederick E. Pischke be appointed as Recreation Superintendent.

Chapter VII, Section 40 of the City Charter states, "The public recreation commission shall have the power to appoint or designate someone to act as superintendent who is trained and properly qualified for the work".

Your concurrence of this recommendation would be greatly appreciated.

Sincerely yours,

Margaret Loya, President, Recreation Commission

April 16, 2008

The Honorable Mayor & Council City of Wyandotte  
3131 Biddle Avenue  
Wyandotte, Michigan 48192

Honorable Mayor and City Council,

Enclosed herewith is a copy of a resolution passed by the Municipal Service Commission at its regular meeting of April 8, 2008. Resolution is as follows: 1. Authorization for Wyandotte Municipal Services to join the Michigan Public Power Agency.

Very truly yours,

City of Wyandotte  
WYANDOTTE MUNICIPAL SERVICES  
Melanie L. McCoy General Manager  
April 15, 2008

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

Dear Honorable Mayor and City Council Members:

SUBJECT: TRAFFIC CONTROL ORDER 2008-004

The Traffic Bureau forwarded a recommendation for the following:

"Handicap Parking" sign installation at 1882-6th Street, Wyandotte

Concluding review and in concurrence with Sergeant Pouliot, this letter serves as a recommendation for Council support of Traffic Control Order 2008-004 as specified on said order.

If there are any additional questions, please feel free to contact my office at extension 4424.

Sincerely,

Daniel J. Grant Chief of Police

April 16, 2008

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

Dear Mayor and City Council Members:

Please consider the following request for a budget amendment by the DDA, proposed and acted upon by the DDA for City Council approval at their meeting of March 10, 2008. The amount requested will come from the fund balance. Minutes are not yet approved but are attached here. Staff uses the overtime to man special events and to take minutes at DDA meetings after hours.

Overtime- Staffing for Special Events: It was moved by Mayor DeSana and supported by Gilbert Rose and carried that the Downtown Development Authority forward the request to City Council to take \$3,000 for H Thiede Overtime expenses from the DDA fund balance.

It was moved by Rose supported by Walker to recommend approval of a budget amendment to the City Council for \$379 for accompanying FICA expenses. This amount would be taken from the DDA fund balance.

Please consider the amendments for approval. The DDA fund balance has sufficient funds to cover these expenditures in the appropriate line items at this time.

Sincerely,

Lisa Hooper, AICP CMSM  
Executive Director  
Downtown Development Authority

To: Honorable Mayor and City Council

From: Department of Legal Affairs

Date: April 15, 2008

Dear Mayor and City Council:

The massage establishment ordinance which is up for a second reading tonight requires the City Council to adopt the license fees for this ordinance. Attached is a resolution to the set the annual fees for a massage establishment and for a massagist.

Respectfully submitted,  
Department of Legal Affairs  
Look, Makowski and Look, Professional Corporation  
William R. Look

April 17, 2008

Honorable Mayor James R. DeSana and Members of the City Council  
3131 Biddle Avenue  
Wyandotte, MI 48192

Dear Mayor DeSana and City Council Members:

On April 8, 2008, Governor Granholm signed House Bill 4215, enacting Public Act 96 of 2008. In short, the amendment allows a homeowner a second Principal Residence Exemption for up to three years as long as their home is for sale. An owner may receive the Principal Residence Exemption if the former homestead is not occupied, is for sale, is not leased, and is not used for any business or commercial purpose.

The opportunity to apply and qualify for a conditional rescission begins for the 2008 tax year and is not retroactive to previous tax years. To qualify for the conditional rescission in 2008, a form must be filed with the City Assessor's office before May 1, 2008.

If you have any questions regarding conditional rescissions, please feel free to contact the Assessor's Office at (734) 324-4510.

Sincerely,

Colleen A. Keehn, City Assessor

April 17, 2008

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

Dear Mayor DeSana and City Council Members:

Enclosed is an Amendment to the Antenna Site License Agreement for Cingular Wireless, PCS, LLC and the City of Wyandotte at 365 Hudson. Cingular will be adding six (6) tower mounted amplifiers with an increase of \$300.00/per month rent.

The City Attorney has reviewed the Agreement and I recommend that Mayor and City Clerk be authorized to sign said Amendment.

Very truly yours,

Mark A. Kowalewski, City Engineer

April 17, 2008

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

Dear Mayor and Council Members:

Attached please find Purchase Agreement for the City to acquire the following property:

3149 Biddle \$350,000.00 DDA Area Funds — Commercial Building

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 directed to explore the possibility of leasing said building until a decision is made on the City Hall/Municipal Services possible future relocations

Very truly yours,

Mark A. Kowalewski City Engineer

April 17, 2008

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

Dear Mayor DeSana and City Council Members:

Enclosed is an Amendment to the City's Contract with Riverview for Landfilling Solid Waste. The Amendment lowers and adjusts the city's categories. This also freezes the rate through November 1, 2010 and extends the Contract.

Enclosed is the look back charge for the municipal customers including a fee of \$7,842.04 which will not be charged to Wyandotte based on adoption of the Amendment. This contract has been reviewed by the City Attorney.

Very truly yours,

Mark A. Kowalewski City Engineer

April 15, 2008

The Honorable Mayor  
and City Council  
City Hall  
Wyandotte, Michigan 48192

Dear Mayor and Council Members:

Please find attached list of services performed by the City of Wyandotte that have not yet been paid. The services were adjusted to include a minimum charge of thirty dollars (\$30.00). In accordance with Section 222 of the City Charter, said charges should be placed as a special assessment against property.

Very truly yours,

Mark A. Kowalewski City Engineer

April 16, 2008

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

Dear Mayor DeSana and Council Members:

Please find attached the Snow Removal for the Central Business District, which was performed by the City of Wyandotte. In accordance with Section 32-53 through Section 32-55 of the City Charter, it is the undersigned's recommendation that said service be levied on the property in the same manner as other City taxes.

Very truly yours,

Mark A. Kowalewski City Engineer

April 17, 2008

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

Dear Mayor DeSana and Council Members:

The Department of Engineering has met with G. V. Cement Contracting Co. in regards to extending their contract for concrete street replacement work at various locations in the City of Wyandotte. Mr. Gaspare Vitale, Owner of G.V. Cement, has indicated that they can perform the 2008 Concrete Street Replacement Program at the unit rates set forth in the contract with the City

for the 2005 Concrete Street Replacement Program, File #4349. This contract also includes unit rates for water main installation. Mr. Vitale has indicated that they can perform the 2008 Water Main Installation Program at the unit rates set forth in the contract with the City, plus 15%. The Wyandotte Municipal Services has agreed to this extension as set forth in the attached letter from Melanie McCoy, General Manager. The conditions of the contract extension would be as set forth in the attached Amendment to Contract.

The street reconstruction work will be funded from TWA Street Fund Account 492-200.825.460 (\$338,200). The water main replacement work will be funded by Municipal Services Capital Budget Account 592-000-100-020-001 Project #08WMM7 (\$123,500).

The undersigned recommends that this contract extension be approved.

Mark A. Kowalewski City Engineer

April 17, 2008

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

Dear Mayor DeSana and Council Members:

The Department of Engineering has met with G. V. Cement Contracting Co. in regards to extending their contract for concrete street repair work at various locations in the City of Wyandotte. Mr. Gaspare Vitale, Owner of G.V. Cement has indicated that they can perform the 2008 Concrete Street Repair Program at the unit rates set forth in the contract with the City for the 2005 Concrete Street Repair Program, File #1366. The conditions of the contract extension would be as set forth in the attached Amendment to Contract.

The work will be funded from Act 51 Major Street Fund Account 202-440-825.460 (\$50,500), Act 51 Local Street Fund Account 203-440-825.460 (\$5,000), and TWA Street Fund Account 492-200.825.460 (\$20,500).

The undersigned recommends that this contract extension be approved.

Very truly yours,  
Mark A. Kowalewski City Engineer

April 17, 2008

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

Dear Mayor DeSana and City Council Members:

Attached is the Neighborhood Enterprise Zone Application for the following properties:

190 St. Johns 760 2nd Street

The attached resolution will authorize the City Clerk to execute said applications.

Very truly yours,  
Mark A. Kowalewski City Engineer

April 17, 2008

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

Dear Mayor and Council Members:

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

848 Lincoln \$1.00 TIFA Area Funds — Single Family Dwelling  
632 Garfield \$1.00 TIFA Area Funds — Single Family Dwelling  
2324 Biddle \$165,000.00 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 the property at 2324 Biddle and 632 Garfield and investigate the possibility of resale of the home at 848 Lincoln.

Very truly yours,

Mark A. Kowalewski City Engineer  
LATE ITEM

April 4, 2008

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

Dear Honorable Mayor and City Council Members:

SUBJECT: TRAFFIC CONTROL ORDER 2008-003

The Traffic Bureau forwarded a recommendation for the following:

“No Parking” on the west side of 7th Street south of Eureka to the driveway located at 705 Eureka

30 minute parking on the west side of 7th Street from the driveway to the alley way

30 minute parking on east side of 7th Street south of Eureka to the alley

Concluding review and in concurrence with Sergeant Pouliot, this letter serves as a recommendation for Council support of Traffic Control Order 2008-003 as specified on said order.

If there are any additional questions, please feel free to contact my office at extension 4424.

Sincerely,

Daniel J. Grant, Chief of Police

AUTOMATIC REFERRALS:

1. Communication from the Wayne County Department of Environment's Land Resource Management Division announcing their countywide Household Hazardous Waste collection scheduled for Saturday, June 7, 2008 from 8:00 a.m. to 2:00 p.m. at Romulus Civic Center 11111 Wayne Road at Goddard just south of I-94 Wayne road exit. All HHW items will be accepted at no cost from Wayne County residents only.

REPORTS AND MINUTES AND CASH RECEIPTS

Financial Services Daily Cash Receipts \$166,980.50  
Electrical Board of Appeals April 7, 2008  
Police Commission Meeting March 25, 2008

Wyandotte DDA Design Committee April 8, 2008  
Tax Increment Finance Authority April 15, 2008  
Brownfield Redevelopment Authority February 19, 2008  
Retirement Commission April 16, 2008

#### CITIZEN PARTICIPATION

Elaine Sammons, 224 Walnut, and Elaine Kramer, 2623 -1st, were present regarding final reading of ordinance on massage establishments and their objections to certain portions.

#### RECESS

#### RECONVENING

#### ROLL CALL

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

Absent: None

#### HEARING

HEARING RELATIVE TO AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
FOR MERCURY MANUFACTURING COMPANY  
1212 GROVE STREET, WYANDOTTE

No objections.

April 17, 2008

The Honorable Mayor James R. DeSana And City Council  
City Hall

Re: Industrial Facilities Exemption Certificate – Mercury Manufacturing Company, 1212 Grove Street

Dear Mayor and Council,

The enclosed resolution approves the application filed by the Mercury Manufacturing Company, 1212 Grove Street, for a 12-year Industrial Facilities Exemption Certificate in Industrial Development District No. 21 (Enclosure 1). The application applies to the addition of approximately \$65,300 of real property and \$297,100 of personal property, for a total estimated investment of approximately \$362,400. Final approval is still required by the State Tax Commission.

Also included is a proposed Letter of Agreement (Enclosure 2) between the applicant and the City in accordance with the City's "Review Policy for Agreement Paybacks and Transfer Penalties Associated with Industrial Facilities Exemption Certificates" adopted by the Council on October 9, 2006.

The undersigned recommends that the Council adopt the following resolution (Enclosure 3).

Very truly yours,

Todd A. Drysdale, Director of Financial and Administrative Services

April 16, 2008

Honorable Mayor James R. DeSana and City Council Members  
3131 Biddle Ave.  
Wyandotte MI 48192

RE: Industrial Facilities Exemption filed by Mercury Manufacturing 1212 Grove St, Wyandotte, with an estimated cost of \$362,400.

Dear Honorable Mayor and Council,

Attached please find a brief analysis of values from the 2008 Assessment Roll. Please note that the granting of this certificate will exceed five (5) percent of an amount equal to the sum of the SEV of the City plus the SEV of the personal and real property thus exempted. The estimated percent is 6.54%.

As the City Assessor for the City of Wyandotte it is my professional opinion that the granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of previously granted exemptions and those currently in force, shall not have the effect of substantially impeding the operation of the local government unit or impairing the financial soundness of a taxing unit which levies an Ad Valorem property tax in the City of Wyandotte.

Should you have any questions please don't hesitate to contact me. Sincerely,

Colleen A. Keehn, City Assessor

FINAL READING OF ORDINANCE

AN ORDINANCE ENTITLED  
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF  
WYANDOTTE BY REPEALING THE CURRENT CHAPTER 22 ENTITLED "MASSAGE  
PARLORS" IN ITS ENTIRETY AND TO ADOPT A NEW CHAPTER 22 ENTITLED  
"MASSAGE ESTABLISHMENT AND OUTCALL MESSAGE SERVICE"

THE CITY OF WYANDOTTE ORDAINS:

Section 1. Repeal of the current Chapter 22, entitled "Massage Parlors" and adoption of a new Chapter 22, entitled "Massage Establishment and Outcall Massage Service".

The current Chapter 22 of the Code of Ordinances of the City of Wyandotte (Article I through Article III) is hereby repealed in its entirety and replaced by the following Ordinance.

Sec. 22-1. Definitions.

For the purpose of the provisions of this chapter, the following words and phrases shall be construed to have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended:

Employee means any person other than a massagist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

Licensee means the person to whom a license has been issued to own or operate a massage establishment as defined herein.

Massage means the treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided with pay money therefor.

Massage establishment/massage parlor means any establishment which engages in the practice of massage as defined herein, and which has a fixed place of business where any person, firm, association or corporation carries on any of the activities as defined herein. Massage establishment includes a health club, health spa, or any physical fitness club or business that offers massages on occasion or incidental to its principal operation.

Massagist/masseur/masseuse means any person who, for any consideration whatsoever, engages in the practice of massage as defined herein.

Outcall massage service means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment as defined herein, only as permitted by the terms of this ordinance(see Sec. 22-21(e)).

Patron means any person 18 years of age or over who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or be given any other consideration therefor.

Permittee means the person to whom a permit has been issued to act in the capacity of a massagist (masseur or masseuse) as herein defined.

Person means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

Prostitution means engaging in sexual activity as a business including:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts;
- (2) Acts of human masturbation, sexual intercourse or sodomy, or
- (3) Homosexual and other deviate sexual relations.

Recognized school/massage school means any school or educational institution licensed to do business as a school or educational institution in the state in which it is located, or any school recognized by or approved by or affiliated with the American Massage and Therapy Association, Inc. and which has for its purpose the teaching of the theory, method, profession, or work of massage.

Sexual or genital area means genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

Student means any person who, under the guidance of an instructor in a massage school, is being trained or instructed in the theory, method or practice of massage.

Sec. 22-2. License and Permit Required.

- (a) No person shall operate a massage establishment without first obtaining a license from the city.
- (b) Massagist's permit required. No person shall practice massage as a massagist, whether at a massage establishment or as an outcall service within the City of Wyandotte, unless he has a valid and subsisting massagist's permit issued to him by the city pursuant to the provisions of this Ordinance.
- (c) It shall be the responsibility of an owner, operator, manager or licensee hereunder to insure that

each person employed or engaged by him in said business as a massagist shall have a valid massagist permit pursuant to this Ordinance.

Sec. 22-3. Exemptions.

This Ordinance shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

- (1) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are fully licensed to practice their respective professions in the State of Michigan.
- (2) Nurses who are registered under the laws of the State of Michigan.
- (3) Barbers and cosmetologists who are duly licensed under the laws of the State of Michigan except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes.
- (4) In any prosecution for violation of this ordinance, the foregoing exemptions shall constitute affirmative defenses and it shall be incumbent upon the defendant to show that he/she or the place involved are not subject to the provisions of this ordinance. Nothing herein contained shall be deemed to shift the burden of proof of the violation to the defendant.

Sec. 22-4. Application for massage establishment license.

Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application under oath with the city clerk's office upon a form provided by the city and pay a nonrefundable application investigation fee. Such fee shall be set by city council resolution. The application shall contain the following information:

- (1) A definition of service to be provided.
- (2) The location, mailing address and all telephone numbers where the business is to be conducted.
- (3) The name and residence address of each applicant.
  - (a) If applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than ten percent of the stock of the corporation, the address of the corporation itself, if different from the address of the massage establishment, and the name and address of a resident agent in Wayne County, Michigan.
  - (b) If applicant is a partnership or LLC, the names and residence addresses of the partners and the partnership itself, and address of the members and of the LLC itself if different from the address of the massage establishment, and the name and address of a resident agent in Wayne County, Michigan.
- (4) The two previous addresses immediately prior to the present address of the applicant.
- (5) Proof that the applicant is at least 18 years of age.
- (6) Provide the name, height, weight, color of eyes and hair, and sex of each employee (individual massagist, masseur, masseuse).
- (7) Copy of identification such as driver's license and social security card of each individual listed in paragraph six(6).
- (8) Business, occupation, or employment of the applicant for the three years immediately preceding the date of application.
- (9) The massage or similar business history of the applicant; whether such person, in previously operating in this or another city or state has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- (10) All criminal convictions of all employees other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted.

(11) The name, address and a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught, provided for each massagist who is or will be employed in said establishment.

(12) Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught, provided, however that if the applicant will not himself engage in the practice of massage as defined herein, he need not possess such diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught.

(13) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in subsection 3(a)(b) wherein the business or profession of massage is carried on.

(14) A description of any other business to be operated on the same premises or on adjoining premises owned, leased, or controlled by the applicant.

(15) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(16) Such other identification and information necessary to discover the truth of the matters herein before specified as required to be set forth in the application.

(17) The names, current addresses and written statements of at least three bona fide permanent residents of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the city, then the county, then the State of Michigan and lastly from the rest of the United States. These references must be persons other than relatives and business associates.

(18) All information required by this section shall be provided at the applicant's expense.

Upon the completion of the above provided form and the furnishing of all foregoing information the city shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the city of each change in any of the data required to be furnished by this section within ten days after such change occurs.

#### Sec. 22-5. Application for Massagist's Permit.

Every applicant for a permit as a massagist, masseur or masseuse shall file an application under oath with the city clerk's office upon a form provided by the city and pay a nonrefundable application investigation fee to be set by city council resolution.

The application shall contain the following information:

(1) The business address and all telephone numbers where the massage is to be practiced.

(2) Name and residence address, and all names, nicknames and aliases by which the applicant has been known, including the two previous addresses immediately prior to the present address of the applicant.

(3) Social security number, driver's license number, if any, and date of birth.

(4) Applicant's weight, height, color of hair and eyes, and sex.

(5) Written evidence that the applicant is at least 18 years of age.

(6) A complete statement of all convictions of the applicant for any felony or misdemeanor or violation of a local ordinance, except misdemeanor traffic violations.

(7) The name and address of the recognized school attended, the dates attended and a copy of the diploma or certificate of graduation awarded the applicant. For persons presently employed as a masseur or masseuse in the city, this section shall not apply until 60 days after adoption of this ordinance; present employment shall be established by sworn affidavit from the employer, after which time such person must be actively engaged, enrolled, or participating in a course of study designed to fulfill the requirements of this section and which is certified by an official of the

approved school. The burden of establishing such active engagement, enrollment or participation shall be upon the person seeking a permit herein. For persons not so employed, this section shall be effective upon passage of the ordinance and permits for any persons shall be revoked 60 days after adoption of this section unless those persons presently employed are pursuing the study set forth by that date.

(8) The massage or similar business history and experience ten years prior to the date of application, including but not limited to whether or not such person was previously operating in this or another city or state under license or permit, has had such license or permit denied, revoked, or suspended and the reasons therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.

(9) A medical certificate signed by a physician, licensed to practice in the State of Michigan, within ten days of the date of the application. The certificate shall state that the applicant is free of communicable disease.

(10) Such other information, identification and physical examination of the person deemed necessary by the police chief in order to discover the truth of the matters hereinbefore required to be set forth in the application.

(11) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(12) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the city.

(13) All information required by this section shall be provided at the applicant's expense.

#### Sec. 22-6. License or Permit Procedures.

(a) Any applicant for a license or permit pursuant to this Ordinance shall present to the city clerk's office the application containing the aforementioned and described information. The application shall be referred to the chief of police who shall have 30 days in which to investigate the application and the background of the applicant. Based on such investigation, the chief of police, or his representative shall render a recommendation as to the approval or denial of the permit to the city clerk.

(b) The chief of police shall recommend denial or approval of an application for license or permit. In making his determination hereunder, the chief of police shall consider:

(1) Penal history. All applicant's convictions, the reasons therefor, and the demeanor of the applicant subsequent to his release.

(2) License and permit history. The license and permit history of the applicant; whether such person was previously operating in this city or state, or in another state under a license or permit, and had such license or permit revoked or suspended; the reasons therefor; and the demeanor of the applicant subsequent to such action.

(c) The divisions of inspection, including but not limited to, the building inspector, electrical inspector, plumbing inspector, the police department, and the fire department shall inspect the premises proposed to be devoted to the massage parlor or similar business, and shall make within 30 days of the inspection recommendations to the city clerk concerning compliance with the requirements of this ordinance, and all other applicable city ordinances and regulations. If the applicant has already obtained a valid Certificate of Occupancy and Certificate of Compliance prior to the passage of this ordinance, then an inspection by the building, electrical and plumbing inspectors is not required as set forth above.

#### Sec. 22-7. Issuance of License or Permit for a Massage Establishment.

The city clerk shall issue a license for a massage establishment or a permit for a massagist, masseur or masseuse if all requirements for a massage establishment or massagist permit described in this Ordinance are met, unless it finds:

(1) The correct permit or license fee has not been tendered to the city and in the case of a check, or bank draft, honored with payment upon presentation.

(2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building, zoning and health regulations.

(3) The applicant, if an individual, or any of the stockholders holding more than ten percent of the stock (or membership interest if a LLC) of the corporation; or any of the officers or directors if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business; or the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses within or without of the State of Michigan:

- a. An offense involving the use of force and violence upon the person of another that amounts to a felony.
- b. An offense involving sexual misconduct.
- c. An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.

The city clerk may issue a license or permit to any person convicted of any crimes described in subsections (a), (b) or (c) of this section if it finds that such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this section.

(4) The applicant has knowingly made any false or fraudulent statement of fact in the permit application or in any document required by the city in conjunction therewith or have failed to provide the requested information.

(5) The applicant has had a massage business, massagist, or other similar permit or license denied, revoked, or suspended by the city or any other similar permit or license denied, revoked, or suspended by the city or any other state or local agency within five years prior to the date of the application.

(6) The applicant, if an individual, or any of the officers and directors, (or members if a LLC) if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person principally in charge of the operation of the business, is not age 18 years or older.

(7) The applicant does owe any taxes, fees or costs to the City of Wyandotte.

#### Sec. 22-8. Approval or Denial of Application.

The city clerk shall act to approve or deny an application for a license or permit under this Ordinance within a reasonable period of time and in no event shall he act to approve or deny said license or permit later than 90 days from the date that said application was accepted by the city clerk's office.

Every license or permit issued pursuant to this Ordinance shall be valid for one year and must be renewed as required by this Ordinance.

An applicant denied a license, pursuant to these provisions, may appeal to the city council in writing, stating reasons why the license should be granted. The city council may grant, deny or suspend a license or permit after an appeal hearing.

#### Sec. 22-9. Posting of License.

- (a) Every massagist shall post the permit required by this Ordinance in his/her work area.
- (b) Every individual, corporation, partnership, or association licensed under this Ordinance shall display such license in a prominent place.

#### Sec. 22-10. Records of Employees and Patrons.

(a) The licensee or the person designated by the licensee of a massage establishment shall maintain a register of all persons employed or engaged as massagists. Included in the register will be a copy

of each massagist permit. Such register shall be available at the massage establishment to representatives of the city during regular business hours.

(b) Every patron shall furnish proof of identity by showing a valid driver's license, voter registration certificate or similar identification.

#### Sec. 22-11. Revocation or Suspension of License.

Any license issued for a massage establishment by the city may be revoked or suspended after notice and a hearing, for good cause, or in any case where any of the provisions of this Ordinance are violated or where any employee of the licensee, including a massagist is engaged in any conduct which violates any of the state or local laws or ordinances at licensee's place of business. Such permit may also be revoked or suspended, after notice and hearing, upon the recommendations of the health inspector that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene.

#### Sec. 22-12. Revocation of Massagist Permit.

A massagist, masseur or masseuse permit issued by the city may be revoked or suspended, after notice and hearing, where it appears that the massagist, masseur or masseuse has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this Ordinance.

#### Sec. 22.13. Renewal of License.

Application to renew a license to operate a massage establishment or similar business or a massagist's permit shall be filed at least 15 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee.

(1) The applicant shall present the following information to the city clerk's office.

a. A sworn affidavit by the applicant stating that the matters contained in the original application have not changed, or if they have changed, specifically stating the changes which have occurred.

b. A signed statement from a medical or osteopathic doctor stating that the applicant for a massagist's license has been examined within the prior 90 days and found to be free from any contagious or communicable disease which is likely to be communicated during the administration of a massage.

(2) The application shall be referred to the chief of police who shall investigate the criminal history of the applicant and any employees holding permits as massagist since the grant of the original license and the results of any inspection of the premises during the preceding year.

#### Sec. 22-14. Facilities Necessary.

No license to conduct a massage establishment shall be issued unless inspectors of the city reveal that the establishment complies with each of the following minimum requirements:

(1) All provisions of the city building, plumbing, fire, electrical and health codes have been fulfilled. If the applicant has already obtained a valid Certificate of Occupancy and Certificate of Compliance prior to the passage of this ordinance, then an inspection by the building, electrical, and plumbing inspectors is not required with the filing of the application.

(2) A representative and readable sign shall be posted at the main entrance identifying the establishment as a massage establishment, and all signs shall comply with the sign requirements of the city.

(3) There shall be no entrance or exit way which provides direct access to another type of business residence or living quarters.

(4) During business hours the premises shall remain open and no exits, entrances or secondary doorways shall be locked or obstructed in any way to prevent the immediate free ingress or egress of persons.

(5) Minimum ventilation shall be provided in accordance with the state construction code.

(6) Minimum lighting shall be provided in accordance with the state construction code, and in addition at least one artificial light of not less than 60 watts shall be provided in each enclosed room or booth where massage services are performed.

(7) Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room and, if clothing and personal property is not kept with the patron, a separate locker for each patron to be served, which shall be capable of being locked, as well as a minimum of one toilet and one wash basin shall be provided. However, if male and female patrons are to be served simultaneously at the establishment, separate massage rooms and separate dressing, bathing, and toilet facilities shall be provided for male and female patrons.

(8) Construction of rooms used for toilets, steam baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the city building code. Plumbing fixtures shall be installed in accordance with the city plumbing code.

a. Steam rooms and shower compartments shall have waterproof floors, walls and ceilings.

b. Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer.

c. A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

(9) The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.

(10) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept separate from the clean storage areas. No common use of towels or linens shall be permitted.

(11) A minimum of one separate washbasin shall be provided in each massage parlor for the use of employees of any such establishment, and the basin shall provide soap or detergent and hot and cold water at all times, and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.

#### Sec. 22-15. Operating Requirements.

(a) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(b) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(c) The premises shall not be made available for accommodating any person as sleeping quarters. No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises.

(d) No massage shall be performed in a private room which is completely closed off to the view of other persons nor fitted with a door capable of being locked or barred. Reasonable measures may be used to offer privacy to patrons such as partitions, walls, curtains and the like.

(e) All employees, including massagists and other employees attending patrons, shall be clean and wear clean uniforms covering the torso. Such uniforms shall be nontransparent and of washable material and shall be kept in a clean condition. Such clothing shall cover the person's pubic area, perineum, buttocks, natal cleft and the entire chest to four inches below the collarbone, and legs not exposed more than two inches above the knees.

(f) All massage establishments shall be provided with clean laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(g) No massage establishment granted a license under the provisions of this ordinance shall place, publish, or distribute or cause to be placed, published, or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

Sec. 22-16. Persons Under Age 18 Prohibited on Premises.

No person shall permit any person under the age of 18 years to come or remain on the premises of any massage business establishment, as massagist, employee, or patron, unless such person is on the premises on lawful business.

Sec. 22-17. Alcoholic Beverages Prohibited.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage business.

Sec. 22-18. Hours.

No massage business shall be kept open for any purposes between the hours of 2:00 a.m. and 8:00 a.m.

Sec. 22-19. Employment of Massagist.

No person shall employ as a massagist any person unless said employee has obtained and has in effect a permit issued pursuant to this Ordinance.

Sec. 22-20. Inspections.

The Chief of Police or police officer or other authorized inspectors from the city shall from time to time make inspection of each massage business establishment for the purposes of determining that the provisions of this Ordinance are fully complied with. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or hinder such officer in any manner.

Sec. 22-21. Unlawful Acts.

(a) It shall be unlawful for any person, in a massage establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(b) It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person, in a massage establishment, to expose the sexual or genital parts, or any portions thereof, of any other person.

(c) It shall be unlawful for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.

(d) It shall be unlawful for any person owning, operating or managing a massage establishment, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in subsections (a) or (b) of this section.

(e) It shall be further unlawful for any permittee under this Ordinance to administer a massage on an outcall basis as defined. Such person shall administer a massage solely within an establishment licensed to carry on such business under this Ordinance. Any violation of these provisions shall be deemed grounds for revocation of the permit granted hereunder. The restriction on outcall massage shall not apply to a permittee who performs outcall massage as defined herein upon a customer or client who because of reasons of physical defects or incapacities or due to illness is physically unable to travel to the massage establishment. If any outcall massage is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the employee administering such treatment and the type of treatment administered, as well as the nature of the physical defect, incapacity or illness of said client or customer shall be kept by the licensee or person or employee designated by the licensee. Such records shall be open to inspection by officials charged with the enforcement of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or use of such information by an employee of the business or the city

shall be unlawful.

(f) It shall be unlawful for any massage service to be performed within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked.

Sec. 22-22. Sale, Transfer or Change of Location.

Upon sale, transfer or relocation of a massage establishment, the license therefore shall be null and void unless approved as provided by this Ordinance. It shall be the duty of all owners or licensees having knowledge of the sale, transfer or relocation of a massage establishment, to immediately report such sale, transfer or relocation to the city clerk's office. The failure to do so shall result in an immediate suspension of all business.

Sec. 22-23. Name and Place.

No person granted a license pursuant to this Ordinance shall operate the massage establishment under a name not specified in their license, nor shall they conduct business under any designation or location not specified in their license.

Sec. 22-24. Transfer of License.

No license or permit shall be transferable except with the consent of the city clerk and ratified by the city council of the city. An application for such transfer shall be in writing and shall be accompanied by fees provided by city council resolution. The written application for such transfer shall contain the same information as requested herein for initial application for the license or permit.

Sec. 22-25. Violation and Penalty.

Any person, except those who are specifically exempted by this Ordinance, whether acting as an individual, owner, employees of the owner, operator or employee of the operator, or whether acting as a mere agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who gives massages or operates a massage establishment or any service defined in this Ordinance without first obtaining a license or permit and paying a fee to do so from the city or shall violate any provisions of this Ordinance shall be responsible for a municipal civil infraction and upon a determination of responsibility is subject to a fine not less than Twenty-Five (\$25.00) Dollars and not more than Five Hundred (\$500.00) Dollars for each violation and is subject to all other remedies allowed by law including the provision of Sec. 23.5-7 of the Code of Ordinances for the City of Wyandotte. If any person commits a second offense, or a subsequent violation of this Ordinance, such a violation constitutes a misdemeanor punishable by a fine not exceeding Five Hundred (\$500.00) Dollars and/or imprisonment not exceeding ninety (90) days provided the authorized city official issues an appearance ticket (and not a municipal civil infraction citation or notice) and marks it as a misdemeanor. However, nothing herein requires the authorized city official to charge a repeat offense of this Ordinance by the same person as a misdemeanor.

Sec. 22-26. Applicability of Regulations to Existing Businesses.

The provisions of this Ordinance shall be applicable to all persons and businesses described herein, whether the herein described activities were established before or after the effective date of this Ordinance, and including person or persons whose application is presently under consideration or investigation by the city.

Section 2. Severability.

(a) If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(b) All ordinances in conflict herewith are hereby repealed.

(c) This Ordinance shall be in full force and effect from and after its passage, provided, however, any person, partnership, corporation, or association engaged in the business or profession of massage, at the time of the enactment of this Ordinance shall have 60 days in which to comply with the licensing provisions of this Ordinance.

Section 3. Effective Date.

This Ordinance shall take effect fifteen (15) days from the date of its passage by the Wyandotte City Council, and the ordinance or a summary of said Ordinance shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. The 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:

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

NAYS: None

ABSENT: None

I hereby approve the adoption of the foregoing ordinance this 21st day of April, 2008.

CERTIFICATE

We, the undersigned, JAMES R. DESANA and WILLIAM R. GRIGGS, respectively the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the Council of the City of Wyandotte, at a regular session thereof on Monday, the 21st day of April, 2008.

Dated April 21, 2008

JAMES R. DESANA, Mayor

WILLIAM R. GRIGGS, City Clerk

RESOLUTIONS

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

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 Joseph Peterson

Supported by Councilperson Todd Browning

ROLL ATTACHED

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the request from Jonathan A. Hocking dated April 17, 2008 relative to undertaking a beautification project at the North end of Wyandotte on Biddle Avenue is hereby referred to the Beautification Commission for a review and report back.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

ROLL ATTACHED

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by City Council that the communication from Michael Lott, Chief Executive Officer, Guidance Center dated April 11, 2008 thanking the City of Wyandotte for their support of their valued programs and services in the amount of \$3,000 is hereby received and placed on file.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
ROLL ATTACHED

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that WHEREAS, this country was founded on the principle that voluntary adherence to the rule of law expands, rather than limits, the opportunities for freedom; and Whereas a viable democracy requires understanding of the nature and basis of our freedoms and recognition of the individual responsibilities which those freedoms impose; and WHEREAS the Law Day 2008, fiftieth anniversary theme of The Rule of Law: Foundation for Communities of Opportunity and Equity encourages us all to examine the rule of law, our role in its sustainability, and its role in protecting our communities, our democracy, opportunity, equity, and all that is most precious to us. NOW THEREFORE, I, James R. DeSana, Mayor of the City of Wyandotte, do hereby proclaim, Thursday, May 1, 2008, as Law Day. I urge the citizens, schools, businesses, local professionals, and media of the City of Wyandotte to use this occasion to preserve and strengthen the rule of law. IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of April in the year of our Lord two thousand and eight, and of the Independence of the United States of American, the two hundred and thirty-second.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
ROLL ATTACHED

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council acknowledges the communication from the Director of Financial and Administrative Services dated April 16, 2008 relative to the Employment Agreement with Frederick E. Pischke for the position of Recreation Superintendent and hereby CONCURS with the agreement as set forth for the term of three (3) years. AND BE IT FURTHER RESOLVED that the Mayor and City Clerk are directed to sign said agreement with a commencement date of May 5, 2008 and be it further resolved that the execution of this agreement shall be contingent upon successful completion of a physical, drug screen, and background examination.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka  
NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby APPROVES the recommendation from the Wyandotte Recreation Commission as set forth in their communication dated April 21, 2008 to appoint Frederick E. Pischke as Recreation Superintendent.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka  
NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the Municipal Service Commission as set forth in their resolution dated April 8th, 2008 to accept the invitation for membership in the Michigan Public Power Agency.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
ROLL ATTACHED

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in Traffic Control Order 2008-004 for the placement of handicap Parking Signs at 1882-6th Street Wyandotte as set forth by the Chief of Police in his communication dated April 15, 2008. AND BE IT FURTHER RESOLVED that the Department of Public Service be directed to install same.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
ROLL ATTACHED

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that WHEREAS, Downtown Development Authority staff member Heather Thiede requires the use of overtime hours to staff special events and to take minutes at DDA meetings after regular office hours. THEREFORE BE IT RESOLVED that the City Council CONCURS with and approves the Downtown Development Authority recommendation to approve a budget amendment to take \$3,000 for Heather Theide's overtime expenses from the DDA fund balance. AND FURTHER that the City Council CONCUR with and approve the Downtown Development Authority recommendation to amend the budget and to take \$379.00 from the DDA fund balance for associated overtime FICA expenses.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilmembers Browning, Fricke Kolakowski Peterson Ptak Sutka  
NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the annual license fee for a massage establishment shall be the sum of \$500.00. AND BE IT FURTHER RESOLVED that the annual fee for a massagist as permittee shall be the sum of \$100.00.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka  
NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the communication from the City Assessor dated April 17, 2008 relative to House Bill 4215, enacting Public Act 96 of 2008 regarding the amendment to allow a homeowner a second principal residence exemption for up to three years is hereby received and placed on file. AND BE IT FURTHER RESOLVED that the City Assessor inform the citizens of said amendment through the cable system.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
ROLL ATTACHED

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby APPROVES the amendment to the Antenna Site License Agreement with Cingular Wireless, PCS, LLC for the 365 Hudson Street location as presented by the City Engineer on April 21, 2008; AND BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute said Amendment on behalf of the City.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka  
NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to acquire the property at 3149 Biddle Avenue in the amount of \$350,000.00 to be appropriated from DDA Area Funds; AND BE IT 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 Director of Financial and Administrative Services be directed to prepare the necessary budget amendment from DDA fund balance to acquire this property; AND BE IT FURTHER RESOLVED that the City Engineer be directed to explore the possibility of leasing said building until a decision is made on the City Hall/Municipal Services possible future relocation.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka  
NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the Amendment to the contract for the Riverview Landfill as presented by the City Engineer at the April 21, 2008, City council Meeting is hereby APPROVED and the Mayor and City Council are authorized to sign said Contract Amendment; AND BE IT

FURTHER RESOLVED that it is understood that the first sentence of Paragraph 9 Contract Re-Opener is understood to mean, "after October 31, 2014".

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

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

NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council CONCURS in the recommendation as set forth in the City Engineer's communication and hereby refers said communication to the City Assessor and directs the City Assessor to levy various charges performed by the City in accordance with Section 222 of the City Charter as a special assessment against the property.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

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

NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council CONCURS in the recommendation of the City Engineer in his communication dated April 16, 2008, regarding the Snow Removal for the Central Business District, and hereby directs the City Assessor to spread said charges on the tax rolls against said properties.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

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

NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the City Engineer to amend the 2005 Concrete Street Replacement Program File # 4349 contract with G.V. Cement Contracting Company, to include the 2008 Concrete Street Replacement Program amendment to Contract for this work, and further, authorizes the Mayor and City Clerk to sign said amendment; FURTHER that the street replacement work will be funded from TIFA Street Fund Account # 492-200.825.460 (\$338,200). The request to amend the water main replacement program is referred to the City Engineer to provide quantitative information on the amendment.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

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

NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the City Engineer to amend the 2005 Concrete Street Repair Program File # 4366 contract with G.V. Cement Contracting Company to include the 2008 Concrete Street Repair Program as set forth in the Amendment To Contract for this work, and further, authorizes the Mayor and City Clerk to sign said amendment; FURTHER the work will be funded from Act 51 Major Street Fund Account 202-440-825.460 (\$50,500), Act 51 Local Street Fund Account 203-440-825.460 (\$5,000) and TIFA Street Fund Account 492-200.825.460 (\$20,500).

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka  
NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer dated April 10, 2008, regarding the Application for Neighborhood Enterprise Zone for the property at 190 St. Johns, and 760-2nd Street; AND BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to execute said applications for 12 year Neighborhood Enterprise Zone Certificates.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka  
NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to acquire the property at 848 Lincoln in the amount of \$1.00 to be appropriated from TIFA Area Funds; AND BE IT 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 BE IT FURTHER RESOLVED that the City Engineer is directed to investigate the possibility of rehabilitation of home for resale with a report back to City Council.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka  
NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to acquire the property at 632 Garfield in the amount of \$1.00 to be appropriated from TIFA Area Funds; AND BE IT RESOLVED that the Department of Legal Affairs is hereby directed to prepare the necessary documents and that 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 Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka  
NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council CONCUR with the recommendation of the City Engineer to acquire the property at 2324 Biddle avenue in the amount of \$165,000.00 to be appropriated from TIFA Area Funds; AND BE IT 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 FUTURE 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 Joseph Peterson

Supported by Councilperson Todd Browning

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

NAYS: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in Traffic Control Order 2008-003 for the placement of "No Parking" signs on the west side of 7th Street south of Eureka to the driveway located at 705 Eureka. AND FURTHER 30 minute parking on the west side of 7th Street from the driveway to the alley way; AND FURTHER 30 minute parking on east side of 7th Street south of Eureka to the alley. AND BE IT FURTHER RESOLVED that the Department of Public Service be directed to install same.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

ROLL ATTACHED

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the request from Barb and Leonard Milewski of 1891-16th Street to occupy 1'8" of the easement directly east of their property with a garage is hereby approved subject to review and approval by the City Engineer and City Attorney. The Milewskis are responsible for any recording fee for the revised easement.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

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

NAYS: None

RESOLUTION APPROVING THE APPLICATION OF MERCURY MANUFACTURING COMPANY FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR A NEW FACILITY WITHIN WYANDOTTE INDUSTRIAL DEVELOPMENT DISTRICT NO. 21

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that:

WHEREAS, pursuant to Michigan Public Act 198 of 1974, as amended, and after a duly noticed public hearing held on the 24th day of May 2004, this Council by Resolution established Wyandotte Industrial Development District No. 21 covering the property commonly known as 1212 Grove Street, 3817-13'1' Street, 3855-13th Street, and 3841-13th Street; and

WHEREAS, on March 12, 2008, the City Clerk received an application for an Industrial Facilities Exemption Certificate from the Mercury Manufacturing Company, 1212 Grove Street, for a new facility consisting of real and personal property improvements within Wyandotte Industrial Development District No. 21; and

WHEREAS, by Resolution adopted March 31, 2008, the City Council directed the City Clerk to notify the Assessor, applicant, and the legislative body of each taxing unit which levies ad valorem taxes on the property located within Wyandotte Industrial Development District No. 21 and to publish notice in the Wyandotte News Herald that the application for an Industrial Facilities Exemption Certificate would be considered at a meeting of the City Council on April 21, 2008, at 7:00 P.M. local time in the Council Chambers at Wyandotte City Hall, and that an opportunity to be heard would be provided to the Assessor, the applicant and to the representative of each of the bodies so notified along with any other taxpayer or resident of the City of Wyandotte; and

WHEREAS, during a regular meeting of the City Council held on April 21, 2008, the applicant, the Assessor, a representative of the affected taxing units and any taxpayer or resident of the City of Wyandotte were afforded an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That this City Council finds:

- a. That commencement of the restoration, replacement, or construction of the facility occurred not earlier than six months before the filing of the application for the Industrial Facilities Exemption Certificate.
- b. That the application relates to a construction program, which when completed will constitute a new facility within the meaning of Michigan Public Act 198 of 1974, as amended, and will be situated in Wyandotte Industrial Development District No. 21.
- c. That the completion of the facility is calculated to and will at the time of issuance of the Certificate have the reasonable likelihood to retain, create or prevent loss of employment within the City of Wyandotte.
- d. That the application received by the City Clerk on March 12, 2008, applies to real property improvements estimated at \$65,300 and personal property improvements estimated at \$297,100.
- e. That the aggregate State Equalized Valuation of real and personal property exempt from ad valorem taxes within the City of Wyandotte, after granting of this Certificate, will exceed five (5) percent of an amount equal to the sum of the State Equalized Valuation of the City plus the State Equalized Valuation of the personal and real property thus exempted. The City Council specifically finds that the granting of the exemption applied for will not substantially impede the operation of the City of Wyandotte, or impair the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Wyandotte.

2. That the Mayor and City Clerk are hereby authorized to execute the Industrial Facilities Tax Exemption Certificate Letter of Agreement between the Mercury Manufacturing Company and the City of Wyandotte, a copy of which is attached to the application.

3. If the owner or lessee of a facility for which an industrial facilities exemption certificate is in effect relocates that facility outside of the industrial development district or plant rehabilitation district during the period in which the industrial facilities exemption certificate is in effect, the owner or lessee is liable to the local governmental unit from which it is leaving, upon relocating, for an amount equal to the difference between the industrial facilities tax to be paid by the owner or lessee of that facility for that facility for the tax years remaining under the industrial facilities exemption certificate that is in effect and the general ad valorem property tax that the owner or lessee would have paid if the owner or lessee of that facility did not have an industrial facilities exemption certificate in effect for those years. If the local governmental unit determines that it is in its best interest, the local governmental unit may forgive the liability of the owner or lessee under

this subsection. The payment provided in this subsection shall be distributed in the same manner as the industrial facilities tax is distributed.

4. The application of the Mercury Manufacturing Company for an Industrial Facilities Exemption Certificate situated within Wyandotte Industrial Development District No. 21, City of Wyandotte, County of Wayne, and State of Michigan, be and the same is hereby approved subject to the condition set forth in item number 3 above.

5. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of twelve (12) years.

I move the adoption of the foregoing preamble and resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilpersons Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka  
NAYS: None  
ABSENT: None

Wyandotte, Michigan April 21, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the total bills and accounts in the amount of \$1,588,703.29 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka  
NAYS: None

ADJOURNMENT

MOTION by Councilperson Joseph Peterson  
Supported by Councilperson Todd Browning  
That we adjourn.  
Carried unanimously.  
Adjourned at 9:00 p.m.  
April 21, 2008

---

Maria Johnson, Deputy City Clerk

---