



Minutes - October 6th, 2008

Wyandotte, Michigan October 6, 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

October 2, 2008

Mister Mayor and Members of Council:

My name is Anita Allen; I reside at 651 Goddard, on the corner of Goddard and Lindberg. I am seeking your help to rectify a situation that could have been avoided regarding a tree removal.

Since 2006, my fiancé, Glenn Thomas, and I have notified the department of engineering and DPW, placing the city on notice that a tree, located at Lindberg on the easement between the curb and sidewalk to ant infested, cracking the curb, and uplifting the sidewalk. All requests for tree removal were denied.

The curb was replaced and the construction crew cut the roots on Lindberg side, then the sidewalk was replaced and the roots were cut on the other side making the stability of the tree unsafe.

On Sunday, September 14, 2008, the tree fell onto my car during a storm, and by the grace of God, I am here today without injury, because I had just exited the vehicle when this happened.

I reported the incident to the finance department, who then turned it over to the insurance company. The insurance claim representative contacted me, and I explained the events that took place, and even sent her pictures for clarification.

As a result, the city's insurer has denied my claim due to governmental immunity, stating that a tree branch falling on a vehicle does not fall into this category. I offer to you that it is not a tree branch, but the entire tree.

This is a tree that had been reported some time ago to be unsafe, and whose condition was further deteriorated by root cutting due to the curb and sidewalk replacement. This all could have been avoided had the complaints been addressed in a timely fashion.

I have suffered loss through no fault of my own, and I ask you to act in good faith to redress my grievance in an equitable fashion.

Respectfully,

Anita Allen

September 29, 2008

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

Dear Honorable Mayor DeSana and the Wyandotte City Council:

My name is Richard Evans and I am writing to you in regard to a previous request for permission to metal detect city easements in Wyandotte.

Mayor DeSana was very gracious to grant me permission to detect Superior Boulevard and I thank you for the opportunity.

My wife, Pandy, and I have been working with the various city departments this year to metal detect in the City of Wyandotte.

The parks department was very generous with giving us permission to hunt all of Wyandotte's beautiful parks. We found a few interesting items but were also happy to do our part to remove trash we dug from the ground.

We also were very grateful to receive permission from Dr. Campbell, Director of Schools, to metal detect Wyandotte's schools during the summer months. I told him that if I found anything of historical value, we would be more than happy to donate the items to the school so that the children can learn from it for years to come.

I was lucky enough to find a WW1 Army signal corps medal which I encased in a display that I have donated to Dr. Campbell and Garfield Elementary.

I believe in my heart that history and historical items should be retrieved and enjoyed by everyone for generations to come. Wyandotte's beautiful downtown area and city street easements can hide such historical items lost over the years. Unfortunately, much of this history is covered by cement and parking lots. In my experience, city easements hold much of this lost history.

With permission to metal detect the city easements, I will donate any item I find of historical importance pertaining to the City of Wyandotte. As always, our recovery techniques are done in a safe, clean, and professional manner.

Thank you for your time and I hope to hear from you soon.

Sincerely,

Richard Evans

PERSONS IN THE AUDIENCE

Irene Baker, 115 Spruce, regarding haunted house. Why was this building not demolished this year? This is a residential area and against zoning ordinance. Request this be the last year as a haunted house for this building and it be demolished as soon as possible.

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COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

October 2, 2008

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

Gentlemen and Madam:

I am writing to request your concurrence in the appointment of Louis R. Parker, 518 Mulberry Street, Wyandotte MI 48192, to serve on the Building Code Board of Appeals. Mr. Parker will fill the vacancy that currently exists on the Board. His term will expire April 2011.

Thanking you in advance for your support, I remain

Sincerely,

James R. DeSana, Mayor

October 1, 2008

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

RE: Former 165 Cedar Wyandotte, MI Lot Size: 50' x 78'

Dear Mayor DeSana and City Council Members:

Enclosed please find a Purchase Agreement for the sale of the above captioned property to William Branson, Yolonda Hernandez-Branson and William G. Branson, the adjacent property owners, at 2221-2223 2nd Street, Wyandotte, in the amount of \$3,850.00. The combination of the two (2) parcels will result in one (1) parcel measuring 50' x 140'.

Also, enclosed is a Grant of Easement between the City and Donald St. Pierre for the driveway at 155 Cedar, Wyandotte. The Mr. St. Pierre's driveway encroached 2.5 feet into the Fonner 165 Cedar. The Branson's are purchasing the Former 165 Cedar with this Easement. See enclosed map.

The attached resolution will authorize the Mayor and City Clerk to execute the necessary documents.

Very truly yours,

Mark A. Kowalewski, City Engineer

Colleen A. Keehn, City Assessor

October 6, 2008

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

Gentlemen and Madam:

Enclosed is a copy of a letter I received today from Dr. Noel Jackson, President Downriver Youth Performing Arts Center (DYPAC), requesting the use of the Masonic Temple building for rehearsal space for their upcoming

CITY OF WYANDOTTE ORDAINS:

Section 1.

Chapter 7 – Buildings and Building Regulations, Article II. Building Code, Section 7-22 Amendments, Section 112.3.1 Fee Schedule is hereby deleted and amended to read as follows:

Section 112.3.1 Fee schedule. A fee for each plan examination, building permit and inspection shall be paid in accordance with the following:

Board Fees:

Zoning Board of Appeals and Adjustment (Residential)	130.00
Zoning Board of Appeals and Adjustment (Commercial)	250.00
Building Board of Appeals and Adjustment (Residential)	130.00
Building Board of Appeals and Adjustment (Commercial)	250.00

Section 2.

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 3.

Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4.

Conflicting Ordinances. All prior existing ordinances adopted by the City of Wyandotte inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5.

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

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 6th day of October, 2008.

CERTIFICATION

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 City Council of the City of Wyandotte, at a regular session on Monday, 6th day of October, 2008.

William R. Griggs, City Clerk

James R. DeSana, Mayor

RESOLUTIONS

Wyandotte, Michigan October 6th, 2008

RESOLUTIONS 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 October 6th, 2008

RESOLUTIONS by Councilperson Joseph Peterson

RESOLVED by the City Council that the communication from Anita Allen, 651 Goddard dated October 2, 2008 relative to the denial of her damage claim to her car by the City of Wyandotte's insurance company is hereby referred to the City Engineer, Finance Department and Department of Legal Affairs for a review and report back in one (1) week.

I move the adoption of the foregoing resolution.

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

Wyandotte, Michigan October 6th, 2008

RESOLUTIONS by Councilperson Joseph Peterson

RESOLVED by the City Council that the communication from Richard Evans, 15251 Bailey Street, Taylor, Michigan 48180 relative to a request to metal detect on city-owned easements is hereby received and placed on file. AND BE IT FURTHER RESOLVED that permission is GRANTED provided a Hold Harmless Agreement is executed as prepared by the Department of Legal Affairs and further that Mr. Evans refrain from metal detecting on any private property within the City of Wyandotte.

I move the adoption of the foregoing resolution.

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

Wyandotte, Michigan October 6th, 2008

RESOLUTIONS by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of Mayor James R. DeSana as set forth in his communication dated October 2, 2008 to appoint Louis R. Parker, 518 Mulberry Street, Wyandotte to serve on the Building Code Board of Appeals, term to expire April 2011.

I move the adoption of the foregoing resolution.

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

Wyandotte, Michigan October 6th, 2008

RESOLUTIONS by Councilperson Joseph Peterson

RESOLVED by the City Council that Council CONCURS with the communication from the City Engineer and City Assessor dated October 1, 2008, regarding the former 165 Cedar, Wyandotte; AND BE IT FURTHER RESOLVED that Council accepts the offer from William Branson, Yolonda Hernandez-Branson and William G. Branson to acquire the former 165 Cedar in the amount of \$3,850.00; AND BE IT FURTHER RESOLVED that closing must be completed by November 7, 2008 or the price to acquire this property will increase to \$7,700.00; AND FURTHER that the Department of Legal Affairs is hereby directed to prepare the necessary documents and the Mayor and City Clerk are hereby authorized to sign said documents.

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 October 6th, 2008

RESOLUTIONS by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby acknowledges receipt of the communications from Mayor James R. DeSana and Dr. Noel Jackson, President, Downriver Youth Performing Arts Center, requesting the use of the Masonic Temple Building for rehearsal space between October 15th and November 5, 2008; AND FURTHER, that City Council hereby grants permission for said use, provided a Hold Harmless Agreement, signed by an authorized representative of DYPAC, and appropriate liability insurance naming the City of Wyandotte additionally insured be submitted. AND BE IT FURTHER RESOLVED that the City Engineer and Fire Chief are to set an occupancy limit for this use which must be complied with.

I move the adoption of the foregoing resolution.

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

Wyandotte, Michigan October 6th, 2008

RESOLUTIONS by Councilperson Joseph Peterson

RESOLVED by the City Engineer has expressed a desire to meet in closed session to discuss pending litigation. 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 Joseph Peterson
Supported by Councilperson Todd Browning
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

RESOLUTION APPROVING THE APPLICATION OF BASF CORPORATION FOR AN INDUSTRIAL FACILITIES
EXEMPTION CERTIFICATE FOR A NEW FACILITY WITHIN WYANDOTTE INDUSTRIAL DEVELOPMENT
DISTRICT NO. 10 AND PLANT REHABILITATION DISTRICT NO. 5

Wyandotte, Michigan Dated October 6, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED BY CITY COUNCIL that:

WHEREAS, pursuant to Michigan Public Act 198 of 1974, as amended, and after a duly noticed public hearing held on the 12th day of April 1982, this Council by Resolution established Wyandotte Industrial Development District No. 10 and Plant Rehabilitation District No. 5 covering the property commonly known as 1609 Biddle Avenue, BASF Wyandotte Corporation's North Works on approximately 232.86 acres; and

WHEREAS, on August 19, 2008, the City Clerk received an application for an Industrial Facilities Exemption Certificate from the BASF Corporation, 1609 Biddle Avenue, for a new facility consisting of real property improvements within Wyandotte Industrial Development District No. 10 and Plant Rehabilitation District No. 5 covering the property commonly known as 1609 Biddle Avenue; and

WHEREAS, by Resolution adopted September 15, 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. 10 and Plant Rehabilitation District No. 5 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 October 6, 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 October 6, 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; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Wyandotte, after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the City, plus the SEV of personal and real property thus exempted.

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. 10 and Plant Rehabilitation District No. 5.
 - c. That the completion of the facility is calculated to and will at the time of issuance of the Certificate have the reasonable likelihood of retaining and/or adding employment within the City of Wyandotte.
 - d. That the application received by the City Clerk on August 19, 2008, applies to real property improvements at a total estimated project cost of \$11 million.
 - e. That the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Wyandotte, or impairing 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 BASF Corporation and the City of Wyandotte which was signed by BASF Corporation on September 25, 2008, 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 BASF Corporation for an Industrial Facilities Exemption Certificate situated within Wyandotte Industrial Development District No. 10 and Plant Rehabilitation District No. 5, 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 after completion.

I move the adoption of the foregoing preamble and resolution.

MOTION BY COUNCILPERSON Joseph Peterson
SUPPORTED BY COUNCILPERSON Todd Browning
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan Dated October 6, 2008

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the total bills and accounts in the amount of \$1,419,234.94 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 7:45 p.m.
October 6, 2008

William Griggs, City Clerk
