

**PROPOSED MINUTES OF THE
VIRTUAL REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL**

JUNE 7, 2021

Council convened at 7:05 p.m. with Council President Clyburn presiding.

Present: Council Pro Tem Patrick remotely from Highland Park, MI; Councilmember Jackson remotely from Highland Park, MI; Councilmember Bates remotely from Highland Park, MI; Councilmember Armstrong remotely from Highland Park, MI and Council President Clyburn remotely from Highland Park, MI (5).

Absent: (0).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To approve the agenda with the removal of the item VIa from Administration, amend item XIIc from Water and correct address in item IXd from 1717 to 171. Yeas (5), Nays (0), Absent (0).

APPROVAL OF MINUTES

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To approve the minutes of the Virtual Workshop meeting held May 17, 2021. Yeas (5), Nays (0), Absent (0).

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Moved by Councilmember Armstrong
Supported by Councilmember Jackson

To approve the minutes of the Virtual Regular meeting held May 17, 2021. Yeas (5), Nays (0), Absent (0).

VETO
06-07-21 V

The following communication was received from Mayor Yopp.

At the Meeting of the City Council held on May 17, 2021, the Council took the unfathomable: action of passing a Resolution to remove monies in the Fiscal Year 2021 Budget to a level that would grossly impair the functions of the Law Department and Mayoral Office. This would negatively impact the City and disallow its transaction of business, and also injure the residents by preventing prosecution of ordinance violations. This action is so arbitrary and capricious it evidences a total failure of this City Council to exercise discretion, and is therefore illegal. *Cahalan v. Wayne County Board of Commissioners*, 98 Mich App. 114 (1979). As such, it is my duty to exercise this Mayoral Veto to protect the City and its residents.

First, by grossly underfunding the department, it will affect, negatively, fulfilling every duty of the Law Department as set forth in the City Charter. The Mayor's Budget, as submitted, satisfies what I am obliged to do. It is the Mayor's Budget, which was submitted only after considered review. Indeed, a request to increase the Law Department budget to cover additional costs attendant to new rules, practices, and policies of the courts, administrative boards and commissions was received, but denied.

Second, the action of Council is curiously sequenced. Some members of Council approved retaining outside counsel, when the legality of the cannabis ordinance was challenged by a citizen, who never sued any Council member. This was an unnecessary expenditure in excess of \$30,000.00. Council, now, simultaneous to reducing the Law Department budget, hired that same lawyer to represent the City for matters of bona fide disputes which, as of now, are not identified, do not exist or for which he may not be experienced or qualified.

Finally, City Council's action deletes the budgeted amount from the Law Department, subjecting the City to substantial harm by forcing decisions that arise from underfunding mandated and essential legal services. Because City Council members have limited interaction with the day to day operations of the City departments, the impact of changes in the Mayor's budget submissions are not fully appreciated.

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To override the veto and adopt the proposed 21/22 budget as amended. Yeas (4), Nays (1) Councilmember Jackson, Absent (0).

ADMINISTRATION
06-07-21 VI

The following resolution was submitted for approval.

**RESOLUTION TO PRESENT POTENTIAL PROJECTS TO SENATOR
STABENOW FOR 2022 FY BUDGET ALLOCATION EARMARKS**

Moved by Councilmember Armstrong
Supported by Councilmember Bates

WHEREAS, on 5/19/21 the City participated in a call with Senator Stabenow's Office to discuss potential projects for 2022 FY budget allocation earmarks; and

WHEREAS, on this call, Senator Stabenow's District Manager discussed details of potential funding opportunities; and

WHEREAS, the City was invited to submit preliminary projects by May 24th, complete written applications by June 4th, and

WHEREAS, projects were presented for: 1) a water leakage project, 2) police training and equipment, and 3) improvements to the Recreation Center (physical improvements, computers, walking track).

NOW, THEREFORE, BE IT RESOLVED, that the City approves the application that was submitted to Senator Stabenow's Office enabling Highland Park to meet the June 4th deadline.

Councilmember Bates had questions regarding the submission date and how the projects were chosen. No one was available to address his concerns. Councilmember Bates withdrew his support. Councilmember Armstrong amended his motion.

Moved by Councilmember Armstrong
Supported by Council Pro Tem Patrick

To table the above item. Yeas (5), Nays (0), Absent (0).

CITY ADMINISTRATOR

06-07-21 VII a

The following resolution was submitted for approval.

**RESOLUTION AUTHORIZING NOTICE OF INTENT REGARDING ACT 94
REQUIREMENTS AND DECLARATION OF INTENT TO REIMBURSE
(WATER SUPPLY SYSTEM IMPROVEMENTS)**

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

WHEREAS, the City Council of the City of Highland Park, County of Wayne, State of Michigan (the "City"), intends to issue and sell revenue bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), in an amount not to exceed Fifty-Five Million

Dollars (\$55,000,000) in one or more series for the purpose of paying all or part of the cost of acquiring, constructing, installing, repairing and improving certain improvements to the City's water supply system, including water mains and service lines, meter hookup, flushing and testing, together with all necessary interests in land, and all related sites, structures, equipment, appurtenances and attachments thereto (the "Project"); and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), provides a means for financing the purchase, acquisition, construction, improvement, enlargement, extension, and repair of public improvements such as the Project through the issuance of revenue bonds; and

WHEREAS, the issuance of bonds, in one or more series, payable from revenues of the water supply system under Act 94, and other available revenues of the City, in a total amount not to exceed Fifty-Five Million Dollars (\$55,000,000) and in one or more series (the "Bonds) for the purpose of financing all or part of the Project represents the most practical means to that end; and

WHEREAS, the City has been advised by the Michigan Department of Environment, Great Lakes and Energy that financial assistance to accomplish the acquisition and construction of the Project is available through the Drinking Water Revolving Fund ("DWRF") loan program administered by the Michigan Finance Authority; and

WHEREAS, the City has made application for participation in the DWRF loan program; and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid Bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended; and

WHEREAS, the City intends at this time to state its intention to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in the *Michigan Chronicle*, a newspaper of general circulation in the City.
2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the form set forth in Exhibit A hereto and by this reference made a part hereof.
3. The City Council of the City does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the water supply system's users and the electors residing in the boundaries of the City of this City's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the Bonds from the general fund or sanitary sewer fund of the City.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$55,000,000.

5. The Mayor, City Administrator, City Clerk and Finance Director are authorized and directed to take other steps as necessary or convenient to carry out the purposes of this resolution.

6. The City Council hereby confirms the retention of Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel in connection with the issuance of the Bonds. The fees of bond counsel shall be paid from the proceeds of the sale of the Bonds, or other money legally available therefor. The City has been advised that Miller Canfield has represented the Michigan Finance Authority in the past and may be representing the Michigan Finance Authority presently in connection with various unrelated matters and the City consents to the representation of the Michigan Finance Authority by Miller Canfield in connection with these unrelated matters.

7. The City hereby confirms the appointment of Robert W. Baird & Co., Incorporated, to act as its Municipal Advisor with respect to the Bonds. The fees of the Municipal Advisor shall be paid from the proceeds of the sale of the Bonds, or other money legally available therefor.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded. Yeas (5), Nays (0), Absent (0).

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06-07-21 VII b

The following resolution was submitted for approval.

**NOTICE OF INTENT AND REIMBURSEMENT RESOLUTION
2021 CAPITAL IMPROVEMENT BONDS
(LIMITED TAX GENERAL OBLIGATION)**

Moved by Council Pro Tem Patrick
Supported by Councilmember Jackson

WHEREAS, the City of Highland Park, County of Wayne, State of Michigan (the “City”), intends to issue and sell bonds in one or more series pursuant to Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”), in an aggregate amount not to exceed Six Million Dollars (\$6,000,000) and in one or more series (the “Bonds”), for the purpose of paying all or a part of the costs of acquiring, constructing, installing, repairing and improving certain capital improvements in the City, including sinkholes, sanitary sewer conduits, CCTV, sewer lining, and conducting a flow metering study, together with all necessary interests in land, rights-of way, appurtenances and attachments thereto (the “Project”); and

WHEREAS, the City has been advised by the Michigan Department of Environment, Great Lakes and Energy that financial assistance to accomplish the acquisition and construction of the Project is available through the Clean Water Revolving Fund (“CWRF”) loan program administered by the Michigan Finance Authority; and

WHEREAS, the City has made application for participation in the CWRF loan program; and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, in order to be reimbursed from proceeds of the Bonds, the City must state its intention to do so in advance.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *Michigan Chronicle*, a newspaper of general circulation in the City.
2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.
3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City’s electors and taxpayers residing in the boundaries of the City of the City’s intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.
4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:
 - (a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

- (b) The expenditures described in this paragraph (b) are for the paying of the costs of the Project which were paid or will be paid subsequent to **sixty (60)** days prior to the date hereof from revenues of the sewage disposal supply system or the general funds of the City.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$6,000,000.

5. The Mayor, City Administrator, City Clerk and Finance Director are authorized and directed to take other steps as necessary or convenient to carry out the purposes of this resolution.

6. The City Council hereby confirms the retention of Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield") as bond counsel in connection with the issuance of the Bonds. The fees of Miller Canfield shall be paid from the proceeds of the sale of the Bonds, or other money legally available therefor. The City has been advised that Miller Canfield has represented the Michigan Finance Authority in the past and may be representing the Michigan Finance Authority presently in connection with various unrelated matters and the City consents to the representation of the Michigan Finance Authority by Miller Canfield in connection with these unrelated matters.

7. The City hereby confirms the appointment of Robert W. Baird & Co., Incorporated, to act as its Municipal Advisor with respect to the Bonds. The fees of the Municipal Advisor shall be paid from the proceeds of the sale of the Bonds, or other money legally available therefor.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded. Yeas (5), Nays (0), Absent (0).

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06-07-21 VII c

The following resolution was submitted for approval.

**RESOLUTION AUTHORIZING NOTICE OF INTENT REGARDING ACT 94
REQUIREMENTS AND DECLARATION OF INTENT TO REIMBURSE
(SEWAGE DISPOSAL SYSTEM IMPROVEMENTS)**

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

WHEREAS, the City Council of the City of Highland Park, County of Wayne, State of Michigan (the "City"), intends to issue and sell revenue bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), in an amount not to exceed Six Million Dollars (\$6,000,000) and in one or more series for the purpose of paying all or a part of the costs of

acquiring, constructing, installing, repairing and improving certain improvements to the City's sewage disposal system, including sinkholes, sanitary sewer conduits, CCTV, sewer lining, and conducting a flow metering study, together with all necessary interests in land, rights-of way, appurtenances and attachments thereto (the "Project"); and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended("Act 94"), provides a means for financing the purchase, acquisition, construction, improvement, enlargement, extension, and repair of public improvements such as the Project through the issuance of revenue bonds; and

WHEREAS, the issuance of bonds, in one or more series, payable from revenues of the sewage disposal supply system under Act 94, and other available revenues of the City, in a total amount not to exceed Six Million Dollars (\$6,000,000) and in one or more series (the "Bonds") for the purpose of financing all or part of the Project represents the most practical means to that end; and

WHEREAS, the City has been advised by the Michigan Department of Environment, Great Lakes and Energy that financial assistance to accomplish the acquisition and construction of the Project is available through the Clean Water Revolving Fund ("CWRF") loan program administered by the Michigan Finance Authority; and

WHEREAS, the City has made application for participation in the CWRF loan program; and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended; and

WHEREAS, the City intends at this time to state its intention to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the Project prior to issuance of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in the *Michigan Chronicle*, a newspaper of general circulation in the City.

2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the form set forth in Exhibit A hereto and by this reference made apart hereof.

3. The City Council of the City does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the sewage disposal system's users and the electors residing in the boundaries of the City of this City's intent to issue the bonds, the purpose of the bonds, the security for the bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom

the notice is directed.

4. The City makes the following declarations for the purpose of complying with thereimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the bonds from the general fund or sanitary sewer fund of the City.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$6,000,000.

5. The Mayor, City Administrator, City Clerk and Finance Director are authorized and directed to take other steps as necessary or convenient to carry out the purposes of this resolution.

6. The City Council hereby confirms the retention of Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield") as bond counsel in connection with the issuance of the Bonds. The fees of Miller Canfield shall be paid from the proceeds of the sale of the Bonds, or other money legally available therefor. The City has been advised that Miller Canfield has represented the Michigan Finance Authority in the past and may be representing the Michigan Finance Authority presently in connection with various unrelated matters and the City consents to the representation of the Michigan Finance Authority by Miller Canfield in connection with these unrelated matters.

7. The City hereby confirms the appointment of Robert W. Baird & Co., Incorporated, to act as its Municipal Advisor with respect to the Bonds. The fees of the Municipal Advisor shall be paid from the proceeds of the sale of the Bonds, or other money legally available therefor.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded. Yeas (5), Nays (0), Absent (0).

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06-07-21 VII d

The following resolution was submitted for approval.

**NOTICE OF INTENT AND REIMBURSEMENT RESOLUTION
2021 WATERWORKS SYSTEM LIMITED TAX GENERAL OBLIGATION BONDS**

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

WHEREAS, pursuant to the provisions of Part 43 of Act 451, Public Acts of Michigan, 1994, as amended ("Act 451"), when the State of Michigan Department of Environmental Quality ("MDEQ") has ordered, or has issued a permit for, the installation, construction, alteration, improvement or operation of a sewage system, solid waste facility or waterworks system in a municipality, and the plans therefor have been prepared and approved by the state department or commission having the authority by law to grant the approval, the legislative body of the municipality may issue and sell the necessary bonds for the construction, installation, alteration, operation or improvement thereof, including the treatment works and such other facilities as may be so ordered or set forth in the permit as being necessary to provide for the effective operation of the system; and

WHEREAS, the City of Highland Park (the "City"), pursuant to MDEQ Administrative Consent Order #ACO-399-06-2017, dated July 28, 2017, as now in force or hereafter amended or extended (the "Order"), is required to make certain modifications to its waterworks system, which improvements are necessary in order for the City to meet its obligations under relevant federal and state law; and

WHEREAS, the City desires to comply with the Order and make the improvements required thereby, including the improvements set forth the Final Project Plan - Drinking Water Revolving Fund prepared by Metro Consulting Associates, LLC, dated April 26, 2019, as the same is supplemented and amended from time to time, and any permits issued authorizing such work (the "Project"); and

WHEREAS, the City Council, pursuant to Part 43 of Act 451, intends to authorize the issuance and sale of one or more series of general obligation limited tax bonds for the purpose of defraying all or part of the cost of the current phases of the Project necessary to comply with the Order; and

WHEREAS, a notice of intent to issue bonds must be published at least forty-five (45) days before issuance of the bonds in order to comply with the requirements of Section 4307(2) of Act 451 and of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended; and

WHEREAS, the City has been advised by the Michigan Department of Environment, Great Lakes and Energy that financial assistance to accomplish the acquisition and construction of the Project is available through the Drinking Water Revolving Fund ("DWRF") loan program administered by the Michigan Finance Authority; and

WHEREAS, the City has made application for participation in the DWRF loan program; and

WHEREAS, it is necessary to authorize the publication of a notice of intent to issue general obligation limited tax bonds for the Project, in one or more series, in the principal amount of not to exceed Fifty-Five Million Dollars (\$55,000,000) (the "Bonds"); and

WHEREAS, in order for the City to be reimbursed from Bond proceeds for Project expenditures made prior to the receipt of the proceeds of the Bonds, the City must declare its

intention to reimburse such expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the *Michigan Chronicle*, a newspaper of general circulation in the City, as a display advertisement at least one-quarter (1/4) page in size.

2. Said notice of intent shall be in substantially the form attached to this resolution as Appendix A.

3. The City Council does hereby determine that the foregoing form of notice of intent to issue bonds and the manner of publication directed is the method best calculated to give notice to the taxpayers and electors of the City of the City's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum relating thereto, and that the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
- (b) The expenditures described in this paragraph (b) are for the paying of the costs of the Project which were paid or will be paid subsequent to sixty (60) days prior to the date hereof from revenues of the water supply system or the general funds of the City.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$55,000,000.

5. The Mayor, City Administrator, City Clerk and Finance Director are authorized and directed to take other steps as necessary or convenient to carry out the purposes of this resolution.

6. The City Council hereby confirms the retention of Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield") as bond counsel in connection with the issuance of the Bonds. The fees of Miller Canfield shall be paid from the proceeds of the sale of the Bonds, or other money legally available therefor. The City has been advised that Miller Canfield has represented the Michigan Finance Authority in the past and may be representing the Michigan Finance Authority presently in connection with various unrelated matters and the City consents to the representation of the Michigan Finance Authority by Miller Canfield in connection with these unrelated matters.

7. The City hereby confirms the appointment of Robert W. Baird & Co., Incorporated, to act as its Municipal Advisor with respect to the Bonds. The fees of the Municipal Advisor shall be paid from the proceeds of the sale of the Bonds, or other money legally available therefor.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded. Yeas (5), Nays (0), Absent (0).

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06-07-21 VII e

An engagement letter from Miller Canfield was submitted for approval.

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To approve the engagement letter from Miller Canfield to serve as bond counsel in connection with the proposed issuance of bonds to finance part of the cost of certain capital improvements to the City's water supply system, including water main repairs and lead service line replacements, to be sold to the Michigan Finance Authority pursuant to the State's Drinking Revolving Fund. Yeas (5), Nays (0), Absent (0).

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06-07-21 VII f

An engagement letter from Miller Canfield was submitted for approval.

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To approve the engagement letter from Miller Canfield to serve as bond counsel in connection with the proposed issuance of bonds to finance part of the cost of certain capital improvements to the City's sewage disposal supply system, including the rehabilitation and installation of sewer lining and the conducting of a flow metering and CCTV study to be sold to the Michigan Finance Authority pursuant to the State's Clean Water Revolving Fund. Yeas (5), Nays (0), Absent (0).

CITY CLERK
06-07-21 VIII

The following resolution was submitted for approval.

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, on October 5, 2020 the Highland Park City Council adopted Ordinance 2020-3 an Ordinance to authorize and regulate the establishment of Medical Marijuana Facilities and Adult Use Marijuana Facilities; and

WHEREAS, Ordinance 2020-3 has designated the City Clerk to facilitate and perform a variety of duties and responsibilities in this ordinance; and

WHEREAS, on October 19, 2020 council authorized the Clerk to engage in an assistance to help with the application process, receiving, reviewing and assisting on office procedures as they relate to the ordinance;

NOW THEREFORE BE IT RESOLVED, that the Service Agreement of Adin Consultation Group be approved for 6 months not to exceed \$49,500. Yeas (4), Nays (1) Councilmember Jackson, Absent (0).

**COMMUNITY DEVELOPMENT
06-07-21 IX a**

The following resolution was submitted for approval.

**RESOLUTION TO SELL THE VACANT RESIDENTIAL SIDE LOT AT 87 TYLER
TO THE ADJACENT PROPERTY OWNER AT 83 TYLER**

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

WHEREAS, The City of Highland Park holds in its inventory a surplus of City- owned parcels that are not producing a taxable, habitable and general benefit to the City and its residents; and

WHEREAS, it is the goal of the City to decrease the number of city-owned parcels and return them to productive use; and

WHEREAS, the City of Highland Park is the owner of the vacant side lot at 87 Tyler, (vacant lot adjacent to resident's home); and

WHEREAS, if all fees have been previously paid, and required clearances obtained from(Water, Treasury, Engineers and CED) are signed off and ready to purchase; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council approve the sale of the vacant lot located in Highland Park, MI at the cost of \$500. Yeas (5), Nays (0), Absent (0).

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06-07-21 IX b

The following resolution was submitted for approval.

RESOLUTION TO SELL THE VACANT RESIDENTIAL SIDE LOT AT 194 TENNYSON TO THE ADJACENT PROPERTY OWNER AT 190 TENNYSON

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To table the above item. Yeas (5), Nays (0), Absent (0).

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06-07-21 IX c

The following resolution was submitted for approval.

RESOLUTION TO SELL THE VACANT RESIDENTIAL SIDE LOT AT 167 MONTEREY TO THE ADJACENT PROPERTY OWNER AT 169 MONTEREY

Moved by Councilmember Bates Supported by Councilmember Jackson

WHEREAS, The City of Highland Park holds in its inventory a surplus of City- owned parcels that are not producing a taxable, habitable and general benefit to the City and its residents; and

WHEREAS, it is the goal of the City to decrease the number of city-owned parcels and return them to productive use; and

WHEREAS, the City of Highland Park is the owner of the vacant side lot at 167 Monterey (vacant lot adjacent to resident's home); and

WHEREAS, if all fees have been previously paid, and required clearances obtained from(Water, Treasury, Engineers and CED) are signed off and ready to purchase; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council approve the sale of the vacant lot located in Highland Park, MI at the cost of \$500. Yeas (5), Nays (0), Absent (0).

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06-07-21 IX d

The following resolution was submitted for approval.

RESOLUTION TO SELL THE VACANT RESIDENTIAL SIDE LOT AT 167 MIDLAND TO THE ADJACENT PROPERTY OWNER AT 171 MIDLAND

Moved by Council Pro Tem Patrick
Supported by Councilmember Jackson

WHEREAS, The City of Highland Park holds in its inventory a surplus of City- owned parcels that are not producing a taxable, habitable and general benefit to the City and its residents; and

WHEREAS, it is the goal of the City to decrease the number of city-owned parcels and return them to productive use; and

WHEREAS, the City of Highland Park is the owner of the vacant side lot at 167 Midland (vacant lot adjacent to resident's home); and

WHEREAS, if all fees have been previously paid, and required clearances obtained from(Water, Treasury, Engineers and CED) are signed off and ready to purchase; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council approve the sale of the vacant lot located in Highland Park, MI at the cost of \$500. Yeas (5), Nays (0), Absent (0).

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06-07-21 IX e

The following resolution was submitted for approval.

RESOLUTION TO SELL THE VACANT RESIDENTIAL SIDE LOT AT 121 KENDALL TO THE ADJACENT PROPERTY OWNER AT 123 KENDALL

Moved by Council Pro Tem Patrick
Supported by Councilmember Jackson

WHEREAS, The City of Highland Park holds in its inventory a surplus of City- owned parcels that are not producing a taxable, habitable and general benefit to the City and its residents; and

WHEREAS, it is the goal of the City to decrease the number of city-owned parcels and return them to productive use; and

WHEREAS, the City of Highland Park is the owner of the vacant side lot at 121 Kendall (vacant lot adjacent to resident's home); and

WHEREAS, if all fees have been previously paid, and required clearances obtained from(Water, Treasury, Engineers and CED) are signed off and ready to purchase; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council approve the sale of the vacant lot located in Highland Park, MI at the cost of \$500. Yeas (5), Nays (0), Absent (0).

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06-07-21 IX e

The following resolution was submitted for approval.

**RESOLUTION TO SELL THE VACANT RESIDENTIAL SIDE LOT AT 241 FORD
TO THE ADJACENT PROPERTY OWNER AT 237 FORD**

Moved by Council Pro Tem Patrick
Supported by Councilmember Jackson

To table the above item. Yeas (5), Nays (0), Absent (0).

**FINANCE
06-07-21 X a**

The following resolution was submitted for approval.

**RESOLUTION TO AMEND CONTRACT WITH YEO & YEO FOR FINANCIAL
AUDIT SERVICES**

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

WHEREAS, on April 20, 2020, Highland Park approved a contract with Yeo & Yeo for the audit of the financial accounts and records covering fiscal years 2019/2020 and 2020/2021; and

WHEREAS, the primary purpose of the auditing and reporting requirements of PA 2 of 1968 is to maintain the confidence of all interested parties in the integrity of the record keeping and financial reporting of local units of government; and

WHEREAS, on July 20, 2020, Highland Park approved an amendment for \$12,000 to audit the beginning balances for the 2019/2020 fiscal year; and

WHEREAS, Yeo & Yeo, must perform a single audit for the 2020/2021 FY for a cost of \$6,000, which is outside the scope of their original contract and necessitates an addendum; and

NOW, THEREFORE, BE IT RESOLVED that the City of Highland Park approves an addendum to year-two of the Yeo & Yeo contract to perform a single audit for the 2020/2021 fiscal year at a cost of \$6,000. Yeas (5), Nays (0), Absent (0).

06-07-21 X b

The following resolution was submitted for approval.

RESOLUTION TO AUTHORIZE THE CITY TO UPDATE THE USEFUL LIFE OF CAPITAL ASSETS POLICY

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

WHEREAS, the City of Highland Park, has a Useful Life of Capital Assets Policy, and

WHEREAS, the Useful Life of Capital Assets Policy is incorporated in the Annual Financial Statements, and

WHEREAS, the Useful Life of Capital Assets Policy used in the Financial Statements is based on an outdated estimate of the useful life of the assets purchased by the City, and

WHEREAS, Appendix II of the Fiscal Year 2020 Audit Findings recommends "the City evaluate the current capital assets policy and amend the range of useful lives to be in line with realistic expectations of the type of assets the City purchases", and

WHEREAS, the Government Finance Officers Association recommends that "the best source of relevant information on the estimated useful lives of a government's capital assets normally is its own past experience with similar assets", and

WHEREAS, the Finance Department has obtained a best practice schedule as well as reviewed other municipal depreciation schedules for estimating the useful life of capital assets, and

WHEREAS, the Finance Department has determined the best practice schedule is consistent with the past experience of the City of Highland Park and other municipal schedules, and

WHEREAS, the Finance Department recommends amending Useful Life of Capital Assets Policy for the range of estimated for lives of assets purchased by the City of Highland Park,

BE IT FINALLY RESOLVED, that the Highland Park City Council hereby adopts the following schedule for determining the estimated useful lives of capital assets:

Property, plant and equipment are depreciated using the straight-line method over the following useful lives:

- | | | | |
|-----------------------------|--------------|-----------------------------------|---------------|
| • Building and improvements | 7 - 50 years | Street lights and traffic signals | 10 - 20 years |
| • Infrastructure | 40 years | Machinery and equipment | 3 - 20 years |
| • Land improvements | 20 years | Water and Sewer Lines | 50 years |

Yeas (5), Nays (0), Absent (0).

06-07-21 c

The following resolution was submitted for approval.

**RESOLUTION TO ADOPT A GRANT ACCOUNTING AND ADMINISTRATION
POLICY**

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, the City of Highland Park is desirous of obtaining federal, state, and other local public and private grants, and

WHEREAS, receipt of grants requires adherence to specific internal controls and audit requirements for both the annual city audit and the grantor requirements, and

WHEREAS, in 2013 the Federal Government did require that recipients of grants adhere to the 'Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards', and now therefore,

WHEREAS, the city's 2020 audit stated the need for an updated grants policy to be in compliance with the Federal Uniform Guidance, and

BE IT FINALLY RESOLVED, that the Highland Park City Council hereby approves the attached grants policy in order to comply with the necessary audit and grantor requirements. Yeas (5), A Nays (0), Absent (0).

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06-07-21 d

The monthly financial statement for January 31, 2021 was received and filed.

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06-07-21 e

The monthly financial statement for February 28, 2021 was received and filed.

*

06-07-21 f

The monthly financial statement for March 31, 2021 was received and filed.

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06-07-21 g

The monthly financial statement for April 30, 2021 was received and filed.

TREASURER

06-07-21 XI

The following resolution was submitted for approval.

RESOLUTION TO AUTHORIZE THE CITY TO USE ELECTRONIC TRANSACTIONS FOR PUBLIC FUNDS, ADOPT AN ACH POLICY AND DESIGNATE THE TREASURER AS THE ELECTRONIC TRANSACTIONS OFFICER

Moved by Councilmember Bates

Supported by Councilmember Jackson

WHEREAS, the City of Highland Park, to reduce transaction costs, is desirous of utilizing electronic transactions to receipt and disburse funds, and

WHEREAS, Public Act 738 of 2002 does authorize local units to take advantage of electronic transactions capabilities through their banking institution, and

WHEREAS, "Automated clearing house" or "ACH" means a national and governmental organization that has authority to process electronic payments, including, but not limited to, the national automated clearing house association and the federal reserve system, and

WHEREAS, "ACH transaction" means an electronic payment, debit, or credit transfer processed through an automated clearing house, and

WHEREAS "Electronic transactions officer" or "ETO" means the person designated under this act by charter or by the governing body in a local unit other than a township or county, and

WHEREAS, the City Treasurer and the city's banking institutions are able to process and monitor electronic transactions, and

WHEREAS, the City's 2020 audit stated the need for an updated electronic policy to be in compliance with Public Act 738 of 2002.

NOW, THEREFORE, BE IT RESOLVED, that the Highland Park City Council hereby:

1. Authorizes the City to utilize electronic transactions for receipt and disbursement of funds
2. Adopts the attached ACH policy in order to comply with the necessary audit requirements, and

3. Designates the City Treasurer as the Electronic Transactions Officer for the City of HighlandPark. Yeas (5), Nays (0), Absent (0).

**WATER
06-07-21 XII a**

The following resolution was submitted for approval.

A RESOLUTION FOR THE ACCEPTANCE OF THE 2021 AFFORDABILITY AND PLANNING (AP) GRANTAWARD BY THE STATE OF MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE) TO THE CITY OF HIGHLAND PARK WATER DEPARTMENT

Moved by Council Pro Tem Patrick
Supported by councilmember Jackson

WHEREAS, the City of Highland Park previously received a Significant Deficiency Violation Notice from EGLE regarding April 11, 2016 regarding the existing water infrastructure; and

WHEREAS, the City of Highland Park is under an Administrative Consent Order (ACO) by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) formerly the MDEQ, effective July 28, 2017 regarding the existing water infrastructure; and

WHEREAS, as a result of exceeding the lead Action Level (AL) in 2019, the City of Highland Park is required under the administrative rules promulgated under the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399) to meet additional requirements including water quality parameter monitoring, source water monitoring, corrosion control treatment, and public education, as well as being mandated to replace a higher percentage of lead service lines; and

WHEREAS, the Affordability and Planning (AP) Grant is the first available grant program developed by EGLE under Michigan's new Clean Water Plan that invests in asset management plans and watershed plans supporting long-term infrastructure needs to address public health and environmental risks; and

WHEREAS, the grant will assist the City of Highland Park Water Department with the annual Asset Management Plan (AMP) development and implementation of long-term infrastructure plans as required by EGLE; and

WHEREAS, the City of Highland Park Water Department was awarded \$120,000 to utilize grant funds to establish an inventory of assets and sustainable rate structures that assist with rehabilitation and replacement of aged water main infrastructure, lead water service lines throughout the city, and the establishment of a regular leak detection program; and

BE IT RESOLVED, the City of Highland Park City Council approves the acceptance of the

Affordability and Planning Grant Award for a total of \$120,000 to the City of Highland Park from the State of Michigan Department of Environment, Great Lakes, and Energy (EGLE). Yeas (5), Nays (0), Absent (0).

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06-07-21 XII b

The following resolution was submitted for approval.

A RESOLUTION AUTHORIZING THE CONTRACT AWARD TO BRICCO EXCAVATING COMPANY, LLC FOR THE PHASES 1,2,4,5 AND 6 OF THE 2021 WATER MAIN AND SERVICE LINE REPLACEMENT PROGRAM

Moved by Council Pro Tem Patrick
Supported by Councilmember Jackson

WHEREAS, the Water Department intends to conduct a water main and service line replacement program to begin rehabilitating the city's aging water distribution system infrastructure as required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Administrative Consent Order; and

WHEREAS, the EGLE has completed review of the program and approved the bidding documents as part of the Drinking Water State Revolving Fund (DWSRF); and

WHEREAS, on May 17, 2021, the City of Highland Park opened bids for the 2021 Water Main and Service Line Replacement Program; and

WHEREAS, the Water Main and Service Line Replacement Program consists of six different phases and five phases are planned to be executed at this time; and

WHEREAS, the Water Department has conducted an interview with the contractor for the purpose of clarifying bids opened on May 17, 2021 and

WHEREAS, the Water Department reviewed the proposal for compliance with references, project experience, project requirements, schedule, and the ability to provide the requested services for the City of Highland Park; and

WHEREAS, the Water Department determined Bricco Excavating Company LLC was the most responsive bidder for the 2021 Water Main and Service Line Replacement Program; and

BE IT RESOLVED, that the Highland Park City Council APPROVES the contract award to Bricco Excavating Company, LLC for Phase 1 in an amount not to exceed \$2,352,325.00, Phase 2 in an amount not to exceed \$4,772,596.00, Phase 4 in an amount not to exceed \$704,130.00, Phase 5 in an amount not to exceed \$2,703,449.00 and Phase 6 in an amount not to exceed \$291,268.00, pending funding procurement with the State of Michigan and final contractual discussions. Yeas (5), Nays (0), Absent (0).

06-07-21 XII c

A RESOLUTION AUTHORIZING CONTRACT AWARD TO INLAND WATERS POLLUTION CONTROL, INC. FOR PART A AND PHASES 1,2,3,4 AND 5 OF PART B FOR THE 2021 SEWERREHABILITATION & SEWER CLEANING PROJECT

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

WHEREAS, the Water Department intends to rehabilitate approximately 5,200 linear feet of combinedsewer line; and

WHEREAS, the Water Department intends to televise and clean designated sewer as necessary; and

WHEREAS, the Department of Environment, Great Lakes, and Energy (EGLE) has completed reviewof the program and approved the bidding documents as part of the Clean Water State Revolving Fund (CWSRF); and

WHEREAS, on May 17, 2021, the City of Highland Park opened bids for the 2021 Sewer Rehabilitation & Sewer Cleaning Project; and received bids from two contractors, Inland Waters Pollution Control, Inc. and Corby Energy Services, Inc.; and

WHEREAS, the proposed project consisted of two parts, Part A, Sewer Rehabilitation, and Part B,Sewer CCTV and Cleaning; and

WHEREAS, the Water Department has conducted interviews with each contractor for the purpose ofclarifying bids opened on May 17, 2021; and

WHEREAS, the Water Department reviewed the proposals for compliance with references, projectexperience, project requirements, schedule, and the ability to provide the requested services for theCity of Highland Park; and

WHEREAS, the Water Department determined Corby Energy Services, Inc. for Part A and 3 phases of Part B and Inland Waters Pollution Control, Inc. for the remaining 2 phases of Part B were the mostresponsive bidder for the 2021 Sewer Rehabilitation & Sewer Cleaning Project; however, after further discussion with the City and due to conflict of interest, the Water Department revised the recommendation and

BE IT RESOLVED, that the Highland Park City Council APPROVES the contract award to Inland Waters Pollution, Inc. for Part A for an amount not to exceed \$629,010.00, Phase 1 of Part B for an amount not to exceed \$113,666.52, Phase 2 of Part B for an amount not to exceed \$122,970.60, Phase 3 of Part B for an amount not to exceed \$158,348.40, Phase 4 of Part B for an amount not to exceed \$136,488.84 and Phase 5 of Part B for an amount not to exceed \$137,758.44 (combined amount for the Part B of the project, for an amount not to exceed \$669,232,80), and total for the project including Part A and B of the 2021 Sewer Rehabilitation

& Sewer Cleaning Project, for an amount not to exceed \$1,298,242.80, pending funding procurement with the State of Michigan and final contractual discussions. Yeas (5), Nays (0), Absent (0).

COUNCIL AFFAIRS

The following resolution was submitted for approval.

RESOLUTION DECLARING A VOTE OF 'NO CONFIDENCE' FOR THE HIGHLAND PARK CITY ATTORNEY TERRY FORD

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, the Highland Park City Council by the authority of the Highland Park City Charter is the Legislative governing body of the City and depends on a knowledgeable, objective City Attorney,

WHEREAS, Mayor Hubert Yopp has consistently violated the laws of the City Charter of the City of Highland Park without being cited by his friend, the City Attorney Terry Ford,

WHEREAS, the City Attorney Terry Ford has continued to take action to undermine the Highland Park City Council and its Charter provided authority,

WHEREAS, these said actions include, but may not be limited to, orchestrating a lawsuit against the Highland Park City Council, wrongly advising a City Councilmember's candidacy to intentionally have him removed from the ballot and not providing the City Council legal updates and the status of current/pending litigation against the City of Highland Park and requiring that the City Council actions be approved by him prior to any City Council vote and allowing the execution of a contract between the City of Highland Park and Ajax Paving, Inc. that has not been approved by the Highland Park City Council and continuously defending illegal actions by his friend Mayor Hubert Yopp, ,

WHEREAS, the Highland Park City Attorney Terry Ford verbally threaten the Highland Park City Council at the Monday, May 17, 2021 City Council meeting (the City Council has in its possession an audio recording) by instructing his assistant to prepare 'arrest warrants' for the Highland Park City Council as revenge against the Highland Park City Council for executing budget amendments, **NOW**,

THEREFORE, IT BE RESOLVED, that due to the inappropriate, unprofessional and compromised behavior by City Attorney Terry Ford, the Highland Park City Council is stating a Vote of 'No Confidence' in his legal representation of the City of Highland Park and requests that Mayor Hubert Yopp 'remove and replace' him immediately. Yeas (4), Nays (1) Councilmember Jackson, Nays (0).

ADJOURNMENT

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To adjourn the meeting, motion carried, meeting adjourned at 9:00 p.m.

CERTIFICATE

I hereby certify that the attached is a copy of the proposed minutes of the Virtual Regular Meeting held the 7th day of June 2021 and that said minutes are available for public inspection at the address designated on the posted public notice.



Cidia Wicker-Brown, Deputy City Clerk