



Legislation Details (With Text)

File #: 07-0455 **Version:** 1 **Name:** 2006-06-19 City Council Minutes
Type: Minutes **Status:** Filed
File created: 6/19/2006 **In control:** City Council
On agenda: 6/19/2006 **Final action:** 6/19/2006
Enactment date: **Enactment #:**
Title: ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - JUNE 19, 2006
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
6/19/2006	1	City Council	Approved	Pass

ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - JUNE 19, 2006

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:07 p.m. in the City Hall Council Chamber, 100 N. Fifth Avenue, Ann Arbor, Michigan.

Council stood for a moment of silence.

Mayor Hieftje led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

PRESENT : Councilmembers John Roberts, Robert M. Johnson, Joan Lowenstein, Stephen Rapundalo, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

LAUREL FEDERBUSH - HUMAN RIGHTS COMMISSION RESOLUTION REGARDING ISRAEL

Laurel Federbush, 200 Anderson Court, urged Council to pass the Human Rights Commission resolution regarding divestment from Israel.

CHRIS HILDEBRAND - CRONYISM

Chris Hildebrand, 2115 Hillshire, addressed Council regarding cronyism.

PUBLIC HEARINGS

DEAN ZONING (ORDINANCE NO. 25-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.17 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Dean property, located at 531 Burwood Avenue. Notice of public hearing was published June 4, 2006.

There being no one present for comment, the Mayor declared the hearing closed.

1620 CAMBRIDGE ZONING (ORDINANCE NO. 26-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.66 acre from TWP (Township District) to R1C (Single-Family Dwelling District), 1620 Cambridge property. Notice of public hearing was published June 5, 2006.

There being no one present for comment, the Mayor declared the hearing closed.

WETLANDS PRESERVATION (ORDINANCE NO. 27-06)

A public hearing was conducted on the proposed ordinance to amend Sections 5:206 and 5:213 of Chapter 60 - Wetlands Preservation, of Title II of the Code of the City of Ann Arbor. Notice of public hearing was published June 18, 2006.

There being no one present for comment, the Mayor declared the hearing closed.

WATER AND SEWER RATES (ORDINANCE NO. 30-06)

A public hearing was conducted on the proposed ordinance to amend Sections 2:63 and 2:64 of Chapter 29 - Water and Sewer Rates of Title II of the Code of the City of Ann Arbor. Notice of public hearing was published June 18, 2006.

There being no one present for comment, the Mayor declared the hearing closed.

INCREASE STORMWATER RATES (ORDINANCE NO. 31-06)

A public hearing was conducted on the proposed ordinance to amend Sections 2:203, 2:204 and 2:205 of Chapter 33 - Increase Stormwater Rates. Notice of public hearing was published June 18, 2006.

There being no one present for comment, the Mayor declared the hearing closed.

BICYCLISTS (ORDINANCE NO. 32-06)

A public hearing was conducted on the proposed ordinance to amend Section 10:162 of Chapter 27 - Bicyclists (Registration Procedure) of Title X of the Code of the City of Ann Arbor. Notice of public hearing was published June 18, 2006.

There being no one present for comment, the Mayor declared the hearing closed.

MILK DEPOT SITE PLAN

A public hearing was conducted on the proposed resolution to approve the milk Depot Site Plan, 0.22 acre,

located at 2505 Dexter Road. Notice of public hearing was published June 11, 2006.

There being no one present for comment, the Mayor declared the hearing closed.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Teall moved, seconded by Councilmember Higgins, that the agenda be approved with the following changes:

CONSENT AGENDA

Revise: Resolution to Approve Temporary Outdoor Sales, Service and Consumption of Alcoholic Beverages During the 2006 Ann Arbor Art Fair (City Clerk Services - Jayne Miller, Community Services Area Administrator) (Revised 6/14/06)

MOTIONS AND RESOLUTIONS

Added After Newspaper Deadline:

Revise: Resolution to Approve FY 06-07 Allocations to Non-Profit Entities for Housing and Human Services (\$1,774,905.00/1,788,905.00) (General, CDBG and HOME Funds) (Community Development - Jayne Miller, Area Administrator) Postponed from the 6/5/06 Regular Session (Revised 6/19/06)

Revise: Resolution to Establish July 12, 2006 as the Caucus Date for the Ann Arbor Green Party (Election Commission) (Revised 6/19/06)

Revise Resolution to Purchase the Columbus Home Company Site Located in Scio Township for Parkland in Cooperation with Scio Township and Appropriation of Funds in the Amount of \$1,802,500.00 1,702,500.00 (8 Votes Required) (The Conservation Fund - Jayne Miller, Community Services Area Administrator) (Revised 6/19/06)

Add: Resolution to Nominate a Member of the City of Ann Arbor Environmental Commission (Councilmember Woods and Teall) (Added 6/19/06)

Add: Resolution to Re-Appoint Councilmember Jean Carlberg to Planning Commission (Added 6/19/06)

Add Resolution to Approve the William Street Station Brownfield Plan (4th and William - Old YMCA - Property) (Environmental Services - Jayne Miller
Move: Community Services Area Administrator) (Postponed from the 5/15/06 Regular Session) Postponed from the 6/5/06 regular session (Added 6/19/06) (Move to beginning of Motions and Resolutions)

Add: Resolution for Community Events Fund Disbursement from the 2005/2006 Budget (Councilmembers Higgins and Teall) (Added 6/19/06)

On a voice vote, the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF JUNE 5, 2006 APPROVED

Councilmember Greden moved, seconded by Councilmember Carlberg, that the regular session minutes of June 5, 2006 be approved as presented.

On a voice vote, the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

Councilmember Teall moved, seconded by Councilmember Roberts, that the following Consent Agenda items be approved as presented:

R-272-6-06 APPROVED

RESOLUTION to Approve a Contract with G&B Electrical Co. to Design and Build Sewage Lift Station Emergency Generators for Wastewater Treatment Services, RFP No. 631

Whereas, The City has eight sewage lift stations located at seven separate sites that pump sewage to the City's Wastewater Treatment Plant (WWTP);

Whereas, The loss of pumping capabilities at a lift station due to power outages could cause sewage to discharge into private property or the environment;

Whereas, WWTP staff determined the need to install emergency generators at the City's Sequoia and Franklin sewage lift station sites to increase lift station reliability, minimize the possibility of surcharging sewer lines and flooding basements and reduce staff expense;

Whereas, Through RFP No. 631, the WWTP solicited proposals from eight companies to provide design and build services for the installation of emergency generators at the Sequoia and Franklin lift station sites and received proposals from A.F. Smith Electric Co., G&B Electrical Co., and JG SQUARED Inc.;

Whereas, Based on the selection criteria listed in RFP No. 631, G&B Electrical Co. was determined to be the most qualified company to provide the requested services;

Whereas, G&B Electrical Co. received Human Rights approval on May 11, 2006, and complies with the City's living wage requirements; and

Whereas, Funds to finance this work are included in the approved FY 06 WWTP Operations and Maintenance budget for the Sewage Disposal System;

RESOLVED, That Council approve the contract with G&B Electrical Co. in the amount of \$130,130.00 to perform the work specified in RFP No. 631;

RESOLVED, That the Mayor and City Clerk be authorized to execute the contract after approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That Council approve the contingency in the amount of \$13,000.00 to finance change orders to be approved by the City Administrator; and

RESOLVED, That the funds be available for the life of the project, without regard to fiscal year.

R-273-6-06 APPROVED

RESOLUTION to Rescind R-432-9-05 Resolution to Grant Water and Sewer Services Outside City Limits to 2054 Newport Road and Approve Water and Sewer Services Outside City Limits to 2054 Newport Road and Contiguous Property and Payment of Improvement Charge in Installments

Whereas, Irving Griffel the owner of the property at 2054 Newport Road and contiguous property on March 29, 2005, has requested that the City extend public water and sewer service to the properties in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 and the Amendment of October 22, 2004 between the City of Ann Arbor and Ann Arbor Township;

Whereas, The owner desires to enter into an agreement with the City to provide an equitable method of obtaining City services outside of its corporate boundaries;

Whereas, The owner has paid applicable connection charges for the occupied property and it is being furnished City water and sewer service as of March 4, 2005;

Whereas, The owner has paid the historic water improvement charge for both the property at 2054 Newport and the property contiguous to 2054 Newport and requests to pay the historic sewer improvement charge of \$16,536.00 for each of these two properties for a total sewer improvement charge of \$33,072.00 in payments and Section 1:278 of the City Code authorizes the City Council to approve installment payments of improvement charges;

Whereas, As part of this agreement, the owner shall diligently pursue all actions necessary to bring about the annexation no later than December 31, 2007; and

Whereas, Mayor and Council approved Resolution R-432-9-05 on September 6, 2005, that did not include payment terms;

RESOLVED, That Resolution R-432-9-05, dated September 6, 2005, be rescinded;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the lands during the time it is still outside of the Corporate City Limits;

RESOLVED, That the Mayor and Council approve payment of the sanitary sewer improvement charge of \$33,072.00 in installments over a 15 year period, to be billed and paid quarterly on the property owner's sewer bill, at a 5% interest rate per annum, and to be billed on a lot assessment subsequent to annexation;

RESOLVED, That the City Administrator be authorized to take any other necessary administrative actions to implement this resolution; and

RESOLVED, That the Public Services Area promptly record the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an approved copy of the resolution and an executed copy of the agreements to the owner.

R-274-6-06 APPROVED

RESOLUTION to Approve Payment of Improvement Charges in Installments for 200 Orchard Hills Drive

Whereas, Thomas Porter and Kathleen J. Crispell, the owners of the property at 200 Orchard Hills Drive, have requested that the City extend public water and sewer service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 and the Amendment of October 22, 2004 between the City of Ann Arbor and Ann Arbor Township;

Whereas, The owners have entered into an agreement with the City to provide an equitable method of obtaining City water and sewer services outside of its corporate boundaries;

Whereas, The owners have paid applicable connection charges and are being furnished City water and sewer service as of July 22, 2005;

Whereas, The owners request to pay the historic sewer improvement charge of \$16,034.68 and the historic water improvement charge of \$8,578.22 for a total improvement charge of \$24,612.90 in payments and Section 1:278 of the City Code authorizes the City Council to approve installment payments of improvement charges;

Whereas, As part of this agreement, the owner shall diligently pursue all actions necessary to bring about the annexation no later than December 31, 2007; and

Whereas, Mayor and Council approved Resolutions R-409-10-03 on October 7, 2003, and R-440-9-05 on September 6, 2005, to grant utility service to this property and the resolutions did not include payment terms;

RESOLVED, That the Mayor and Council approve payment of the sanitary sewer and water improvement charges totaling \$24,612.90 over a 15 year period, to be billed and paid quarterly on the property owner's water bill, at a 5% interest rate per annum, and to be billed on a lot assessment subsequent to annexation;

RESOLVED, That the City Administrator be authorized to take any other necessary administrative actions to implement this resolution; and

RESOLVED, That the Public Services Area promptly record the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an approved copy of the resolution and an executed copy of the agreements to the owner.

R-275-6-06 APPROVED

RESOLUTION to Approve a Purchase Order with Alert Emergency Equipment for the Purchase of Personal Protection Equipment

Whereas, The Ann Arbor Fire Department has determined it is necessary to replace certain personal protective equipment ("turnout gear") for fire personnel as well as acquire initial issue for new hires;

Whereas, Federal and State regulations have been adopted to ensure uniform safety standards for the personal protective equipment used by fire fighters in performance of their duties;

Whereas, The safety of City fire personnel is enhanced by acquisition of easily identifiable, uniform turnout gear in multi-jurisdictional events;

Whereas, Alert Emergency Equipment, the City's current provider is the State-authorized vendor of Morning Pride, a leading manufacturer in the industry of personal protection equipment;

Whereas, Acquisition of equipment from Alert Emergency Equipment, as a sole source provider, will ensure the City with a uniform personal protective equipment inventory, which meets or exceeds all federal and state regulations concerning fire fighter personal protection equipment;

Whereas, Alert Emergency Equipment received Human Rights approval on February 9, 2006; and

Whereas, Funding for the purchase is available in the FY05-06 approved budget for the Fire Department;

RESOLVED, That City Council approve a purchase order with Alert Emergency Equipment in the amount of \$43,337.06 for the purchase of personal protection equipment for Ann Arbor Fire Fighters with funding to be available from the FY05-06 approved Fire Department budget without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this Resolution.

R-276-6-06 APPROVED

RESOLUTION to Approve a Construction Contract with Margolis Companies, Inc. for \$30,070.00 for Improvements at Frisinger Park per Bid #3781 and Establish a Total Construction Project Budget of \$33,070.00

Whereas, Frisinger Park was identified in the Park and Recreation Open Space Plan, 2000-2005 to receive upgrades and improvements;

Whereas, Residents neighboring Frisinger Park were invited to provide comment on the plan for improvements at the park;

Whereas, Competitive bids were sought by the Procurement Office with bids received on April 18, 2006 and Margolis Companies, Inc. was identified as the lowest responsible bidder;

Whereas, Funds for the project are included in the approved FY 2005-2006 Parks Rehabilitation and Development Millage budget; and

Whereas, Margolis Companies, Inc. received Human Rights approval on April 20, 2006 and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council approve a construction contract, per bid #3781, with Margolis Companies, Inc. in the amount of \$30,070.00 for improvements at Frisinger Park;

RESOLVED, That City Council approve a construction contingency in the amount of \$3,000.00 (10%) to cover potential contract change orders for a total construction project budget of \$33,070.00 for the life of the project without regard to fiscal year;

RESOLVED, That the City Administrator be authorized to take all necessary administrative actions to implement this resolution including the authority to approve change orders within the approved contingency; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract after approval as to substance by the City Administrator and approval as to form by the City Attorney.

R-277-6-06 APPROVED

RESOLUTION to Approve Contracts for Professional Land Surveyor Services per Request for Qualifications #636 with Atwell Hicks, Washtenaw Engineering, Arbor Land Consultants and Midwestern Consulting

Whereas, The City of Ann Arbor released a Professional Land Surveyor Services Request for Qualifications #636 to identify qualified Professional Land Surveyors who have experience in the Ann Arbor area and in legal property description, boundary line survey of property showing all typography, easements, and encumbrances for the purchase, in whole or in part, of real property;

Whereas, Atwell Hicks, Washtenaw Engineering, Arbor Land Consultants, and Midwestern Consulting submitted Statements of Qualifications and are qualified;

Whereas, It is recommended that each of the four qualified Professional Land Surveyors firms be awarded a contract for services for one year with specific services in connection with applicant property to be solicited by competitive quotations as required during the contract period from the qualified survey firms;

Whereas, Award of contracts for services in this manner will allow for the City to expedite the survey process to meet grant funding submission deadlines for eligible properties;

Whereas, There is sufficient funding in the approved FY 05-06 and FY 06-07 Open Space and Parkland Preservation Millage budgets to cover the cost of these services; and

Whereas, The four firms have agreed to comply with the living wage ordinance as part of the qualification process and contract award is subject to receipt of Human Rights approval;

RESOLVED, That City Council approve one-year contracts for Professional Land Surveying services with Atwell Hicks, Washtenaw Engineering, Arbor Land Consultants, and Midwestern Consulting;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said contracts after approval as to substance by the City Administrator and approve as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution, including the approval of survey work statements for individual properties based on competitive bids by the qualified land survey firms after approval as to form of the work statement by the City Attorney without regard to fiscal year.

R-278-6-06 APPROVED

**Resolution to Approve the Transfer of Ownership of
a 2005 Class C Licensed Business Located at 120 E. Liberty,
Suite 118-120-122 - D/B/A Champion House**

RESOLVED, That the request of Champion House II, L.L.C. to transfer the ownership of a 2005 Class C licensed business, located at 120 E. Liberty, Suite 118-120-122, from YLW Restaurant, L.L.C., be approved.

R-279-6-06 APPROVED

**RESOLUTION to Approve Temporary Outdoor Sales,
Service and Consumption of Alcoholic Beverages
During the 2006 Ann Arbor Art Fair**

RESOLVED, That the request of the following liquor licensed establishments for temporary authorization for outdoor sales, service and consumption of alcoholic beverages during the 2006 Ann Arbor Art Fair to be held July 19-22, 2006, be approved within the defined areas filed with the Ann Arbor Police Services:

BUSINESS NAME	ADDRESS
Michigan Theater	603 E. Liberty Street
Red Hawk Bar and Grill	316 S. State Street
Pizza House Restaurant	618 Church Street
Ashley's Restaurants Ltd.	338 S. State Street

R-280-6-06 APPROVED

Resolution to Approve Housing Rehabilitation Agreement with Mary Cruse

Whereas, An application was received from Mary Cruse for rehabilitation assistance for her home located at 22 Revere;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program;

Whereas, Six bids were received on May 11, 2006, and Ms. Cruse will be executing an agreement with A. H. Construction, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation work; and

Whereas, On May 16, 2006, the Community Development Waiver and Review Board approved a request to waive the maximum program assistance amount up to \$45,196.00 to complete the housing rehabilitation work at 22 Revere;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Mary Cruse in the amount of \$45,196.00 in CDBG funds as a 0% interest, deferred payment loan, to be repaid in full after 30 years or at the time the property changes ownership either by sale, gift, mortgage, land contract, conversion to rental property, inheritance, or change of the use of the property from a single-family residence;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute a Housing Rehabilitation Agreement with Mary Cruse consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available without regard to fiscal year;

RESOLVED, That as a condition of loan disbursement, Mary Cruse will execute a mortgage and promissory note, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator, or his designee, be authorized to take necessary administrative actions and to execute any documents necessary to complete this transaction and to implement this resolution.

R-281-6-06 APPROVED

**RESOLUTION to Approve a Purchase Order to CGI-AMS
formerly AMS (American Management Systems) for
the Renewal of the Advantage Financial, Advantage HR
(Human Resources), Advantage Brass Budget and InfoAdvantage Software License Agreement for Fiscal
Year 2006-2007**

Whereas, The City's current license grants the City license to use, modify and update the applications; employee support for problem resolution and general use issues for the applications; and access to all updates and changes to the applications by CGI-AMS without additional charges;

Whereas, Maintaining a licensing agreement with CGI-AMS for these applications is necessary to receive applications updates, maintain a customer support agreement, and retain the proper licenses for the software;

Whereas, There have been no material changes to the terms and conditions of the software licensing agreement;

Whereas, CGI-AMS received Human Rights and Living Wage compliance approval on August 17, 2005; and

Whereas, Sufficient funding for the license fee for these applications is budgeted for and available in the Information Technology Fund;

RESOLVED, That City Council approve a purchase order with CGI-AMS for the renewal of the AMS Advantage Financial, AMS Advantage HR (Human Resource), AMS Advantage Brass Budget and, AMS InfoAdvantage software license agreement for Fiscal Year 2006-2007 in the amount of \$203,828.00 to be expended without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this Resolution.

R-282-6-06 APPROVED

**Resolution to Accept Board of Insurance Administration
Meeting Minutes of May 26, 2006**

RESOLVED, That the attached Board of Insurance Administration Minutes of May 26, 2006 be accepted and that the recommended course of action therein, including payments, be approved and authorized.

MINUTES CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION MAY 26, 2006

PRESENT: Joan Lowenstein, Councilmember
Matthew Horning, Treasurer
Abigail Elias, Chief Assistant City Attorney
Robert West, Assistant city Attorney
Jack Tallerico, Arthur J. Gallagher & Company
Sarah Singleton, Management Assistant

NEW BUSINESS

Worker's Compensation Renewal Evaluation - Discussed by Jack Tallerico

Jack Tallerico presented the quotations for Excess Worker's Compensation and Employers Liability and noted that the proposal included outside legal council. The Board agreed with staff recommendation to return to self-insured coverage using AFOM, Option #1 with a \$350,000.00 Self-Insured Retention.

Subrogation Claims - Discussed by Sarah Singleton and Bob West

The Board asked staff to follow-up on how subrogation claims are handled through out the City and to outline a uniform procedure.

CLAIMS APPROVED BY INSURANCE BOARD

CC031-06 **James Hohmann**
Property Damage
Discussed by Sarah Singleton, Management Assistant

CC038-06 **Sweet-Scott, Susan**
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CC043-06 **Ahnen, Jeffrey**
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CC039-06 **Hainstock, Charles**
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CLAIMS DENIED BY INSURANCE BOARD

CC033-06 **Kulik, Anthony**
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CC0015-06 **Parker, George and Judy**
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CC0023-06 **Medical Physics Consultants, Inc.**
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CC0024-06 **Martin, Joann**
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CC026-06 **Macione, Michael**
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CC028-06 **Grimes, Peter**
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CLAIMS DENIED BY CHIEF FINANCIAL OFFICER

CC035-06 **Evans, Rebecca**
Vehicle Damage
Discussed By Sarah Singleton, Management Assistant

CLAIMS CLOSED

CC077-05 **Kreger, Diane**
 Vehicle Damage
 Discussed By Sarah Singleton, Management Assistant

CC004-06 **Schmidt, Darren**
 Vehicle Damage
 Discussed By Sarah Singleton, Management Assistant

CC040-06 **Patel, Sanjay**
 Property Damage
 Discussed By Sarah Singleton, Management Assistant

Prepared by: Sarah Singleton, Management Assistant
Date: May 26, 2006

The question being the foregoing Consent Agenda items as presented, on a voice vote, the Mayor declared the motion carried.

ORDINANCES - SECOND READING

5-06 POSTPONED

METRO 202 ZONING

**An Ordinance to Amend the Zoning Map Being a Part of
Chapter 55 of Title V of the Code of the City of Ann Arbor**

This ordinance would change the zoning of 0.20 acre, located at 202 South Division Street, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 5-06 is on file in the City Clerk's Office.)

POSTPONED

RESOLUTION TO Approve Metro 202 Planned Project Site Plan and Development Agreement, 0.20 Acre, 202 South Division Street

Whereas, Division Street Parking, LLC, has requested site plan approval in order to construct a nine-story, 53,454-square foot building for retail/commercial uses on the first floor and 44 residential units on the remaining floors;

Whereas, Division Street Parking, LLC, has also requested planned project modifications from the front setback requirements of Chapter 55 (Zoning);

Whereas, A development agreement has been prepared to address public and private utilities, on-site storm water management, a park contribution, footing drain disconnections, the provision of 27 off-site parking spaces, periodic settlement surveys of adjacent historic buildings, and performance of video or other form of documentation of the foundation or other visible structural elements;

Whereas, The Ann Arbor City Planning Commission, on January 19, 2006, recommended approval of said request;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated March 8, 2006;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That City Council approve the Metro 202 Site Plan and planned project modifications from the front setback requirements of Chapter 55, upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, and (3) a study of the impacts to the downstream sanitary sewer system as a result of this development is completed.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed resolution to Approve Metro 202 Planned Project Site Plan and Development Agreement, 0.20 Acre, located at 202 South Division Street.

Councilmember Carlberg moved, seconded by Councilmember Roberts, that the ordinance be adopted at second reading and the resolution be approved.

Councilmember Greden recused himself from discussion and voting on the ordinance and resolution.

Councilmember Carlberg moved, seconded by Councilmember Easthope, to postpone the ordinance and resolution until August 21, 2006.

On a voice vote, the Mayor declared the motion carried.

25-06 APPROVED

DEAN ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 0.17 acre, located at 531 Burwood Avenue, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 25-06 is on file in the City Clerk's Office.)

Councilmember Roberts moved, seconded by Councilmember Carlberg, that the ordinance be adopted at second reading.

On a voice vote, the Mayor declared the motion carried.

26-06 APPROVED

1620 CAMBRIDGE ZONING

**An Ordinance to Amend the Zoning Map Being a Part of
Chapter 55 of Title V of the Code of the City of Ann Arbor**

This ordinance would change the zoning of 0.66 acre, located at 1620 Cambridge Road, from R2B (Two-Family Dwelling and Student Housing District) to R2A (Two-Family Dwelling District). (The complete text of Ordinance 26-06 is on file in the City Clerk's Office.)

Councilmember Greden moved, seconded by Councilmember Carlberg, that the ordinance be adopted at second reading.

On a voice vote, the Mayor declared the motion carried.

27-06 APPROVED

WETLANDS PRESERVATION

**An Ordinance to Amend Sections 5:206 and 5:213 of Chapter 60 (Wetlands Preservation) of Title V of the
Code of the City of Ann Arbor**

(The complete text of Ordinance 27-06 is on file in the City Clerk's Office.)

Councilmember Woods moved, seconded by Councilmember Johnson, that the ordinance be adopted at second reading.

On a voice vote, the Mayor declared the motion carried.

30-06 APPROVED

WATER AND SEWER RATES

**An Ordinance to Amend Sections 2:63 and 2:64 of Chapter 29 of Title II
of the Code of the City of Ann Arbor**

(The complete text of Ordinance 30-06 is on file in the City Clerk's Office.)

Councilmember Carlberg moved, seconded by Councilmember Roberts, that the ordinance be adopted at second reading.

On a voice vote, the Mayor declared the motion carried.

31-06 APPROVED

INCREASE STORMWATER RATES

**An Ordinance to Amend Sections 2:203, 2:204 and 2:205 of Chapter 33
of Title II of the Code of the City of Ann Arbor**

(The complete text of Ordinance 31-06 is on file in the City Clerk's Office.)

Councilmember Rapundalo moved, seconded by Councilmember Johnson, that the ordinance be adopted at second reading.

On a voice vote, the Mayor declared the motion carried.

32-06 APPROVED

BICYCLISTS - REGISTRATION PROCEDURE

**An Ordinance to Amend Section 10:162 of Chapter 127 (Bicycles)
of Title X of the Code of the City of Ann Arbor**

(The complete text of Ordinance 32-06 is on file in the City Clerk's Office.)

Councilmember Johnson moved, seconded by Councilmember Carlberg, that the ordinance be adopted at second reading.

On a voice vote, the Mayor declared the motion carried.

ORDINANCES - FIRST READING

33-06 APPROVED

ANN ARBOR DISTRICT LIBRARY NORTHEAST BRANCH ZONING

**An Ordinance to Amend the Zoning Map Being a Part of
Chapter 55 of Title V of the Code of the City of Ann Arbor**

This ordinance would change the zoning of 4.43 acres, located on the southwest corner of Huron Parkway and Traverwood Drive, from ORL (Office/Residential/Limited Industrial District) to O (Office District). (The complete text of Ordinance 33-06 is on file in the City Clerk's Office.)

Councilmember Woods moved, seconded by Councilmember Easthope, that the ordinance be approved at first reading.

Ann Arbor District Library Director Josie Parker described the Library's plans for the new branch.

On a voice vote, the Mayor declared the motion carried.

34-06 APPROVED

SIGNS AND OUTDOOR ADVERTISING

**An Ordinance to Amend Sections 5:506 and 508 of Chapter 61, Signs and Outdoor Advertising, of Title V of
the Code of the City of Ann Arbor**

(The complete text of Ordinance 34-06 is on file in the City Clerk's Office.)

Councilmember Higgins moved, seconded by Councilmember Woods, that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-283-6-06 APPROVED

RESOLUTION TO APPROVE THE WILLIAM STREET STATION BROWNFIELD PLAN - 4TH AND WILLIAM OLD YMCA PROPERTY

Whereas, The Washtenaw County Board of Commissioners established the Washtenaw County Brownfield Redevelopment Authority (the “WCBRA”) and adopted the Brownfield Redevelopment Plan for Washtenaw County (the “Plan”), which facilitates the implementation of plans relating to the identification and treatment of environmentally-distressed areas within the County of Washtenaw, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Authority Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the “Act”);

Whereas, The Act requires the explicit consent of each local governmental unit to be included in the Authority Zone, and that the County resolution included a provision that the Proposed Brownfield Redevelopment Zone will include all local governmental units within the County that pass a resolution approving the inclusion of the Brownfield Redevelopment Zone;

Whereas, The City of Ann Arbor Environmental Commission passed a resolution supporting the City’s inclusion in the Washtenaw County Brownfield Redevelopment Authority Zone;

Whereas, The Ann Arbor City Council passed Resolution R-35-1-02 to include the City of Ann Arbor in the Washtenaw County Brownfield Redevelopment Authority; and developed the Brownfield Implementation Plan to describe the Brownfield process in the City;

Whereas, The Brownfield Implementation Plan allows for public participation and comment and allows the City of Ann Arbor to use a more restrictive clean up standard for each project based on the Current Part 201 Residential clean up standard and a 10-6 risk level for carcinogens;

Whereas, The 4th and William (Old YMCA) property was identified as potentially eligible for Brownfield Financial Incentives after a finding that the property contained hazardous materials (asbestos, lead-based paints, and PCB) which would require removal and was determined by the City Assessor to be functionally obsolete because of its size, configuration, and layout of the interior spaces were not conducive to future uses involving reasonably foreseeable commercial or residential uses without renovation that would likely be prohibitive economically;

Whereas, The Ann Arbor City Council created the Brownfield Plan Review Committee (“Committee”) (R-557 -10-05) for the 4th and William (Old YMCA) Site to accept and review applications for the property and negotiate with Washtenaw County and the applicant a Brownfield Project Agreement, Reimbursement Agreement and Project Bond (collectively “Brownfield Plan”);

Whereas, The WCBRA Application for the William Street Station Brownfield Plan and Project Application for the former 4th and William (Old YMCA) property was presented to Committee by XY, LLC (“Developer”);

Whereas, A public presentation of the Plan was conducted by City staff and the Developer on March 15, 2006, which described the environmental contamination, compared the proposed remediation under current Brownfield regulation and Part 201 Residential standards, the proposed Area Plan for the development and assumptions used to generate proposed eligible costs and estimated taxes to be

generated;

Whereas, The Environmental Commission has not recommended any contaminants for which clean up standards should be set above current state standards;

Whereas, The Developer has paid the Application Fee for City review of the application;

Whereas, The Committee recommended to and the City Administrator on April 17, 2006, as authorized and directed to by the City Brownfield Implementation Plan, forwarded a letter to the WCBRA to initiate its review process and advising WCBRA that the City, through the Committee, was engaged in formal negotiations with the Developer concerning the Brownfield Plan;

Whereas, It is understood that neither the initiation of the review process by the WCBRA for development of the Brownfield Plan nor the recommendation of the Brownfield Plan to WCBRA by the City is a guarantee that it will be approved by the Washtenaw County Board of Commissions, the MDEQ or that TIF or other financial incentives will be obtained;

Whereas, The City Council held a public hearing on May 15, 2006 to receive public comment on the Brownfield Plan; and

Whereas, The Committee has completed its negotiations with the Developer concerning the Brownfield Plan (attached to this Resolution) and recommends it for action to City Council;

RESOLVED, That City Council approve the William Street Station Brownfield Plan for the former 4th and William (Old YMCA) property developed by the Washtenaw County Brownfield Redevelopment Authority;

RESOLVED, That the City Clerk be directed to submit a copy of this Resolution to the Washtenaw County Board of Commissioners as documentation of the City's consideration and approval of the Brownfield Plan; and

RESOLVED, That any changes to the Brownfield Plan after the date of this Resolution will require review by the Committee and approval by City Council.

Councilmember Carlberg moved, seconded by Councilmember Johnson, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-284-6-06 APPROVED

Resolution to Approve FY 06-07 Allocations to Non-Profit Entities for Housing and Human Services

Whereas, The Community Development Executive Committee (CDEC) has recommended the allocation of \$1,331,401.00 in General Fund grants to local non-profit housing and human services agencies as part of the annual Community Development Request for Proposal process;

Whereas, The Consolidated Strategy and Plan FY 2006 One-Year Action Plan, approved by City Council on May 15, 2006 as Resolution (R-212-5-06), recommends allocation of \$396,000 in Community Development Block Grant (CDBG) funds and \$47,504.00 in HOME Investment Partnership grant funds to local non-profit housing and human services organizations;

Whereas, \$14,000.00 from the City's General Fund, fund balance is being recommended to provide additional human services funding; and

Whereas, Human Resources will review and approve these contractors for human rights and living wage

compliance prior to the execution of contracts;

RESOLVED, That \$14,000.00 be appropriated for human service allocations for fy06-07 from the City's General Fund, fund balance;

RESOLVED, That the Mayor and City Council approve allocations from the General Fund to the non-profit entities listed below and authorize the Office of Community Development to negotiate contractual agreements in accordance with the City's purchasing procedures, subject to approval as to substance by the City Administrator, and approval as to form by the City Attorney:

Ann Arbor Area Community Foundation	\$20,000.00	
Ann Arbor Center for Independent Living, Inc.	30,000.00	
Ann Arbor Community Center, Inc.	20,000.00	
Ann Arbor Housing Commission	28,000.00	
Ann Arbor Teen Center, Inc.	10,000.00	
Ann Arbor YMCA, The	9,500.00	
Arrowwood Hills Community Center (Ann Arbor Homes, Inc.)	20,000.00	
Catholic Social Services of Washtenaw County	66,100	
Center for Occupational and Personalized Education, Inc.	22,700	
Child Care Network	2,500	
Community Action Network	7,000	
Community Housing Alternatives Nonprofit Housing Corp	10,000.00	
Corner Health Center (Young Adult's Health Center, Inc.)	20,000.00	
Domestic Violence Project, Inc.	45,000.00	
Family Learning Institute, The	30,678.00	
Food Gatherers	112,000.00	
HelpSource	30,000.00	
HIV/Aids Resource Center (Wellness Huron Valley)	12,000.00	
Home of New Vision, The	25,365.00	
Hope Medical Clinic, Inc.	10,000.00	
Interfaith Hospitality Network of Washtenaw County, Inc.	35,000.00	
Legal Services of South Central Michigan	3,500.00	
Michigan Ability Partners, Inc.	34,000.00	
Neighborhood Senior Services	50,000.00	
Packard Community Clinic	30,000.00	
Peace Neighborhood Center	25,000.00	
Planned Parenthood Mid-Michigan Alliance	12,500.00	
Regents of The University of Michigan		
Community Dental Center	47,058.00	
Community Family Health Center	25,000.00	
Housing Bureau for Seniors	24,000.00	
Motor Meals	16,000.00	
St. Andrew's Episcopal Church	8,000.00	
Shelter Association of Washtenaw County	240,000.00	
SOS Community Services	59,500.00	
Student Advocacy Center of Michigan, Inc.	30,000.00	
The Women's Center of America	23,000.00	
Washtenaw Affordable Housing Corporation	20,000.00	
Washtenaw County Community Support and Treatment Services	107,000.00	
Washtenaw Literacy	25,000.00	

;

RESOLVED, That the Mayor and City Council approve allocations from the City's CDBG and HOME entitlement funds to the non-profit entities listed below and authorize the Office of Community Development to negotiate contractual agreements in accordance with the City's purchasing procedures,

subject to approval as to substance by the City Administrator, and approval as to form by the City Attorney:

Avalon Housing, Inc.	75,000.00 (CDBG)
Avalon Housing, Inc.	11,463.00 (HOME)
Community Action Network	55,000.00 (CDBG)
Community Housing Alternatives Nonprofit Housing Corp	9,624.00 (HOME)
Child Care Network/Washtenaw Regional 4C	167,500.00 (CDBG)
Homeplace Community Land Trust Housing Corporation	3,680.00 (HOME)
Legal Services of South Central Michigan	51,500.00 (CDBG)
Michigan Ability Partners, Inc.	12,737.00 (HOME)
Ozone House	47,000.00 (CDBG)
Washtenaw Affordable Housing Corporation	10,000.00 (HOME);

RESOLVED, That all projects funded by these grant funds shall give priority to extremely low-, very low- and low-income Ann Arbor residents and that performance by the non-profit entities will be monitored by the Office of Community Development; and

RESOLVED, That the City Administrator, or his designee, is authorized to take necessary administrative actions and to execute any documents necessary to complete this transaction and to implement this resolution.

Councilmember Rapundalo moved, seconded by Councilmember Teall, that the resolution be adopted.

Councilmember Woods moved, seconded by Councilmember Easthope, to amend the resolution as follows:

Add 4th Resolved clause:

RESOLVED THAT THE Youth Empowerment Project be funded IN THE AMOUNT OF \$10,000.00 FROM the CITY'S GENERAL fund, FUND balance.

Amendment withdrawn.

Councilmember Woods moved, seconded by Councilmember Easthope, that the resolution be amended as follows:

Add 4th Resolved clause:

RESOLVED THAT CITY COUNCIL Fund each of the 8 ORGANIZATIONS not receiving funds AT ½ THE LEVEL OF THEIR PREVIOUS YEAR FUNDING LEVELS FROM THE GENERAL FUND, FUND BALANCE AT APPROXIMATELY \$27,500.00.

On roll call, the vote was as follows:

Yeas, Councilmember Teall, Woods, 2;

Nays, Councilmembers Carlberg, Greden, Higgins, Easthope, Roberts, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 9.

The Mayor declared the motion failed.

The question being the resolution as originally presented, on a voice vote, the Mayor declared the motion carried unanimously.

POSTPONED

Resolution to Approve Barton Green Annexation

Whereas, The territory hereinafter described is located in the Township of Ann Arbor and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, MW Land, LLC, is the owner of said property; and

Whereas, It is the desire of MW Land, LLC, to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Beginning at the W $\frac{1}{4}$ corner of Section 16, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence N 00o24'44" E 267.00 feet along the West line of said Section 16; thence N 89o42'29" W 340.00 feet parallel with the E-W $\frac{1}{4}$ line of Section 17, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence S 00o24'44" W 267.00 feet parallel to the West line of said Section 16; thence N 89o42'29" W 75.20 feet along the E-W $\frac{1}{4}$ line of said Section 17; thence N 01o01'18" E 25.02 feet along the Easterly right-of-way line of M-14 Hwy; thence continuing along said right-of-way line 717.32 feet in the arc of a circular curve to the right, radius 1660.08 feet, central angle 24o45'27", and chord N 13o24'01" E 711.76 feet; thence continuing along said ROW line N 25o46'45" E 595.13 feet; thence S 00o24'44" W 587.84 feet along the West line of said Section 16; thence N 87o57'55" E 1846.70 feet along the South line of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 16; thence S 04o47'06" W 454.25 feet along the centerline of Pontiac Trail (66.00 feet wide), as monumented; thence S 87o50'56" W 290.74 feet; thence S 02o09'04" E 212.25 feet; thence S 87o50'56" W 1530.95 feet along the E-W $\frac{1}{4}$ line of said Section 16 to the POINT OF BEGINNING, being a part of Sections 16 and 17, T2S, R6E, Washtenaw County, Michigan, and containing 31.93 acres of land, more or less, subject to easements and restrictions of record, if any.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Barton Green Annexation, 31.93 Acres, located on the west Side of Pontiac Trail, located north of Skydale Drive.

Councilmember Johnson moved, seconded by Councilmember Roberts, that the resolution be adopted.

Councilmember Carlberg moved, seconded by Councilmember Johnson, to postpone the resolution until July 17, 2006.

On a voice vote, the Mayor declared the motion carried.

R-285-6-06 APPROVED

**Resolution Re-Scheduling the Regular City Council Meeting
from August 7, 2006 to August 10, 2006**

Whereas, The City Council is scheduled to hold a regular session on Monday, August 7, 2006;

Whereas, A citywide election is scheduled for Tuesday, August 8, 2006;

Whereas, The City Council has historically re-scheduled to the following Thursday regular meetings that are scheduled to occur the evening before an election;

RESOLVED, That the regular meeting of the City Council is re-scheduled from Monday, August 7, 2006, to Thursday, August 10, 2006.

Councilmember Rapundalo moved, seconded by Councilmember Greden, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried with one dissenting vote from Councilmember Higgins.

R-286-6-06 APPROVED

**Resolution to Establish July 12, 2006 as the Caucus Date
for the Ann Arbor Green Party**

Whereas, The attached letter from the Huron Valley Greens indicates the Party's desire to hold their caucus for the November 7, 2006 General Election on Wednesday, July 12, 2006 at Pittsfield Township Hall;

Whereas, Michigan Election law (MCL 168.646a) states that the local legislative body must set the date for nominating minor party candidates by caucus at least 20 days prior to the caucus date; and

Whereas, The date set for minor party caucuses must be no later than the date of the Primary Election, Tuesday, August 8, 2006;

RESOLVED, That City Council establish Wednesday, July 12, 2006 at 7:00 p.m. at the Pittsfield Township Hall as the official time, date and place of the Caucus of the Ann Arbor Green Party for the purpose of nominating candidates to be placed on the ballot for the November 7, 2006 General Election.

Councilmember Johnson moved, seconded by Councilmember Rapundalo, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-287-6-06 APPROVED

**(Resolution to Re-Appoint Members of the
Greenbelt Advisory Commission)**

Councilmember Johnson moved, seconded by Councilmember Teall, that the resolution be adopted.

Councilmember Johnson moved, seconded by Councilmember Teall, to make a friendly amendment to the resolution as follows:

Amend 1st Resolved clause:

... FOR 3-YEAR TERMS FROM JULY 1, 2006 THROUGH JUNE 30, 2009.

Councilmember Johnson asked that the nominations be approved in a one step process.

On a voice vote, the Mayor declared the motion carried.

The resolution as amended reads as follows:

Whereas Section 3:64 of Chapter 42 of the Ann Arbor City Code states that members of the Greenbelt

Advisory Commission shall be nominated and approved by the City Council;

Whereas The initial terms of three members of the Commission will end on June 30, 2006;

Whereas, The work of these members on the Commission has been exemplary, and the City would be well-served by continuing their roles on the Commission;

Whereas, These members have indicated their interest in continuing on the Commission;

Resolved, That the following members of the commission are appointed to a second term on the Greenbelt Advisory Commission, for 3-year terms from July 1, 2006 Through June 30, 2009:

Albert Berriz (real estate development professional), Sylvia Taylor (biologist), and Michael Garfield (environmental representative).

R-288-6-06 APPROVED

Resolution to Approve Milk Depot Site Plan

Whereas, Mohammad Issa has requested site plan approval in order to construct a one-story, 570-square foot addition onto the existing building at 2505 Dexter Road

Whereas, The Ann Arbor City Planning Commission, on April 18, 2006, recommended approval of said request;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare;

RESOLVED, That City Council approve the Milk Depot Site Plan, subject to the issuance of required building permits for existing environmental equipment located on the site.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Milk Depot Site Plan, 0.22 Acre, located at 2505 Dexter Road.

Councilmember Carlberg moved, seconded by Councilmember Easthope, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried unanimously.

R-289-6-06 APPROVED

Resolution to Purchase the Columbus Home Company Site Located in Scio Township for Parkland in Cooperation with Scio Township and Appropriation of Funds in the Amount of \$1,702,500.00

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase properties within the district;

Whereas, Purchase of parkland may be funded through the Open Space and Park Land Preservation Millage;

Whereas, The property contains high quality natural area determined by Park Advisory Commission and Park staff;

Whereas, The property contains space suitable for active and passive recreational amenity development;

Whereas, The property has been appraised as required by Section 1:320 of the Ann Arbor City Code with a fair market value \$1,750,000.00;

Whereas, The property owners are contributing \$100,000.00 toward the purchase of the property;

Whereas, The Scio Township Land Preservation Committee and Board of Trustees have passed a resolution to contribute \$250,000.00 toward reimbursement of acquisition costs for the property subject to execution of an acceptable funding agreement between the government entities defining each party's interest in the acquisition and their respective rights and responsibilities after acquisition of the property; and

Whereas, There are sufficient funds in the Open Space and Parkland Preservation Millage (Fund 0024) to match the total purchase price, plus estimated closing costs, including the environmental study and a boundary survey;

RESOLVED, That City Council approve the real estate and sales agreement for the purchase of the property owned by Columbus Home Company and described as:

PART OF THE SOUTHWEST 1/4 OF SECTION 23, TOWN 2 SOUTH, RANGE 5 EAST, WASHTENAW COUNTY, MICHIGAN DESCRIBED AS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION; THENCE ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION, N81°55'12"E 669.66 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE CONTINUING ALONG SAID EAST-WEST 1/4 LINE, N81°55'12"E 1345.79 FEET TO A POINT ON THE SOUTH LINE OF DEXTER ANN ARBOR ROAD; THENCE ALONG SAID SOUTH LINE THE FOLLOWING TWO (2) COURSES, 1) 286.54 FEET ALONG THE ARC OF A 912.72 FEET RADIUS CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 11°59'13" AND A CHORD WHICH BEARS S81°07'03"E 285.36 FEET; AND 2) N89°53'21 "E 382.60 FEET TO A POINT ON THE NORTH-SOUTH 1 /4 LINE OF SAID SECTION, SAID POINT LYING S01°31'20"E 67.42 FEET FROM THE CENTER OF SAID SECTION 23; THENCE ALONG SAID NORTH-SOUTH 1/4 LINE, S01°31'20"E 926.67 FEET TO THE NORTH LINE OF M-14 LIMITED ACCESS HIGHWAY; THENCE ALONG SAID NORTH LINE THE FOLLOWING TWO (2) COURSES, 1) S86°05'24"W 495.78 FEET AND 2) S81°07'17"W 845.46 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 23; THENCE ALONG SAID EAST LINE S01°26'51"E 37.01 FEET TO THE NORTH LINE OF 1-94 LIMITED ACCESS FREEWAY; THENCE ALONG SAID NORTH LINE OF 1-94, S81°07'17"W 670.52 FEET TO THE EAST LINE OF THE WEST 1 /2 OF THE WEST 1 /2 OF THE SOUTHWEST 1 /4 OF SAID SECTION 23, THENCE ALONG SAID EAST LINE, N01°24'36"W 1068.08 FEET TO THE POINT OF BEGINNING, CONTAINING 46.69 ACRES OF LAND, MORE OR LESS;

RESOLVED, That the Mayor and City Clerk are authorized and directed to execute the purchase and sale agreement after approval as to form by the City Attorney;

RESOLVED, That City Council establish a project budget for the acquisition of the property in the amount of \$1,702,500.00 to cover the costs of acquisition, closing, and incidental costs to be available for expenditure without regard to fiscal year; and

RESOLVED, That the City Council authorize City Administrator or his designee to negotiate with Scio Township the terms of a joint funding agreement for the acquisition of the property to be presented to each governing body for approval.

Councilmember Johnson moved, seconded by Councilmember Woods that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

R-290-6-06 APPROVED

Resolution to Authorize and Appropriate Funds for the Purchase of Development Rights (PDR) on the Cares Farm Located in Webster Township with Matching Funds through the Federal Farm and Ranch Land Protection Program (FRPP) and Approve a Farmland Development Rights Grant of Easement Agreement - \$2,463,706.67

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Park Land Preservation Millage;

Whereas, FRPP has matching grant funds available for Purchase of Development Rights on eligible agricultural land;

Whereas, The Cares farm has been evaluated and rated highly by Greenbelt program, FRPP staff and the Greenbelt Advisory Commission;

Whereas, The Fair Market Value of the development rights as determined by the City as required by Section 1:320 of the Ann Arbor City Code and approved by the FRPP is \$2,392,000.00; and

Whereas, There are sufficient funds in the Open Space and Parkland Preservation Millage bond proceeds (Fund 0024) to match the total purchase price, plus estimated closing costs, including the environmental study and a boundary survey, and the monitoring endowment;

RESOLVED, That the Mayor and Council approve the real estate purchase and sales agreement for the Purchase of Development Rights Program including FRPP matching grant funds and the Farmland Development Rights Grant of Easement for the John A. Cares and Jean M Cares Farm described as:

Legal Description:

Commencing at the east 1/4 corner of Section 27, T1S R5E, Webster Township, Washtenaw County, Michigan; thence westerly deflecting from the east line of the section, a southwesterly angle of 92o51' along the center line of Farrell Road 1659.95 feet to the point where the range of an existing fence interests said center line for a place of beginning; thence southerly deflecting 92o56' to the left along existing fence line 2732.64 feet to an iron pipe in the south line of Section 27; thence along the south line of said section and a fence line marking said south line deflecting 89o33' to the right 1068.09 feet to the south 1/4 corner of said section; thence continuing along the south line of said Section deflecting 0o02' to the left 1669.37 feet to the point where an existing fence line intersects the section line; thence along said fence line northerly deflecting 90o08'30" to the right 2847.29 feet to the intersection of the range of said fence line with the center line of Farrell Road; thence along the center line of said road deflecting 92o15'30" to the right 686.12 feet; thence southerly deflecting 88o36'30" to the right 308.60 feet; thence easterly deflecting 90o00' to the

left 115.5 feet; thence northerly deflecting 90o00' to the left 142.5 feet; thence easterly deflecting 90o00' to the right 33.0 feet; thence northerly deflecting 90o00' to the left 165.0 feet to the center line of Farrell Road; thence along the center line of said road easterly deflecting 90o00' to the right 757.56 feet to an iron pipe; thence continuing easterly along said center line deflecting 2o24'30" to the right 1164.82 feet to the point of beginning, being a part of section 27; minus an exclusion, as noted on the attached map;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute all necessary documents to complete the requirements for the Purchase of Development Rights Program (FRPP) and the Farmland Development Rights Grant of Easement for this property after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That \$2,463,706.67 be appropriated for the purchase of development rights for this property from the Open Space and Parkland Preservation Millage bond proceeds for the life of the project without regard to fiscal year, including closing, incidental and endowment costs with \$466,300 to be reimbursed to the Open Space and Parkland Preservation Millage by the Federal Farm And Ranch Land Protection Program upon completion of the acquisition.

Councilmember Johnson moved, seconded by Councilmember Easthope, that the resolution be adopted.

Councilmember Higgins was absent at time of voting.

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

The Mayor declared a recess at 8:58 p.m. and reconvened the meeting at 9:13 p.m.

R-291-6-06 APPROVED

**Resolution Authorizing Summary Publication of
Ordinance No. 27-06 - An Ordinance to Amend
Sections 5:206 and 5:213 of Chapter 60
(Wetlands Preservation) of Title V of the
Code of the City of Ann Arbor**

Whereas, Section 7.4 of the City Charter authorizes the publication by summary of ordinances over 500 words in length;

RESOLVED, That the publication of Ordinance 27-06 shall be by the following summary:

Ordinance 27-06 amends Sections 5:206 and 5:213 of Chapter 60 of Title V of the Code of the City of Ann Arbor to change the length of time wetland mitigation monitoring must occur from three years to five years and clarify the meaning of providing wetland mitigation within the same watershed established by linear measurement. This revision brings Chapter 60 in line with Michigan Department of Environmental Quality (MDEQ) implementation of the State Wetland Act.

Councilmember Johnson moved, seconded by Councilmember Easthope, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-292-6-06 APPROVED

Resolution to Approve Street Closings for the 2006 Ann Arbor Turkey Trot Running Event - Thursday,

November 23, 2006

Whereas, The City has received a request from Red Rock Company/Jeff Suffolk to hold the 2006 Ann Arbor Turkey Trot Running Event on Thursday, November 23, 2006 starting at 8:00 A.M. with the race concluding by 9:30 A.M.;

Whereas, The Sponsor is requesting the City provide the following services:

1) Closing the following streets intermittently between 7:30 - 9:30 A.M. as the race progresses:

- *Hill Street between Greene Street and S. Fifth Avenue
- *S. Fifth Avenue between Hill Street and E. Madison Street
- *E. Madison Street between S. Fifth Avenue and S. Division Street
- *S. Division Street between E. Madison Street and Benjamin Street
- *Benjamin Street between S. Division Street and Sybil Street
- *Sybil Street between Benjamin Street and E. Hoover Street
- *E. Hoover Street between Sybil Street and Greene Street
- *Greene Street between Hill Street and Kipke Drive
- *Kipke Drive between E. Stadium Blvd and S. Main Street

2) Close the following sidewalks intermittently as the race progresses:

- *E. Stadium Blvd between Kipke Drive and S. Main Street
- *S. Main Street between E. Stadium Blvd and Kipke Drive

3) Provide directional cones and barricades

4) Clean the streets prior to the race;

Whereas, The Sponsor has agreed to pay the cost of City services associated with the staging of this event;

Whereas, The sponsor agrees to defend and indemnify and save the City harmless against any claim arising from their sponsorship of this event;

Whereas, The sponsor will obtain the necessary permits and provide evidence of proper liability insurance; and

Whereas, The sponsor will provide written notification to all affected religious institutions not less than 14 days prior to the event;

RESOLVED, That City Council approve the following street and sidewalk closings for the 2006 Ann Arbor Turkey Trot Running Event on Thursday, November 23, 2006:

1) Closing the following streets intermittently between 7:30 - 9:30 A.M. as the race progresses:

- *Hill Street between Greene Street and S. Fifth Avenue
- *S. Fifth Avenue between Hill Street and E. Madison Street
- *E. Madison Street between S. Fifth Avenue and S. Division Street
- *S. Division Street between E. Madison Street and Benjamin Street
- *Benjamin Street between S. Division Street and Sybil Street
- *Sybil Street between Benjamin Street and E. Hoover Street
- *E. Hoover Street between Sybil Street and Greene Street
- *Greene Street between Hill Street and Kipke Drive
- *Kipke Drive between E. Stadium Blvd and S. Main Street

2) Close the following sidewalks intermittently as the race progresses:

- *E. Stadium Blvd between Kipke Drive and S. Main Street
- *S. Main Street between E. Stadium Blvd and Kipke Drive.

Councilmember Johnson moved, seconded by Councilmember Roberts, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-293-6-06 APPROVED

Resolution to Approve Street and Sidewalk Closings for the 2006 Michigan Big 10 Running Event - Sunday, October 1, 2006

Whereas, The City has received a request from Two Dogs Running/Kathleen Gina to hold the 2006 Michigan Big 10 Running Event on Sunday, October 1, 2006 starting at 8:30 A.M. with the race concluding by 10:00 A.M.;

Whereas, The Sponsor is requesting the City provide the following services:

1) From 8:15 - 8:45 A.M. to provide a staging area for the participants with the closure of streets:

*S. University Avenue between S. State Street and Church Street

*E. University Avenue between Willard Street and S. University Avenue

*Tappan Avenue between Monroe Street and S. University Avenue;

2) Intermittently as the race progresses the closure of streets:

*N. University Avenue between Fletcher Street and Church Street

*Observatory Street between E. Ann Street and Geddes Avenue;

3) Intermittently as the race progresses the closure of sidewalks:

*E. Medical Center Drive between Observatory Street and the Arboretum

*N. University Avenue between S. Thayer Street and Church Street;

4) Provide directional cones and barricades;

5) Clean the streets prior to the race;

Whereas, The Sponsor has agreed to pay the cost of City services associated with the staging of this event;

Whereas, The Sponsor agrees to defend and indemnify and save the City harmless against any claim arising from their sponsorship of this event;

Whereas, The Sponsor will obtain the necessary permits and provide evidence of proper liability insurance; and

Whereas, The Sponsor will provide written notification to all affected religious institutions not less than 14 days prior to the event;

RESOLVED, That City Council approve the following street and sidewalk closings:

1) From 8:15 - 8:45 A.M. the closure of streets to provide a staging area for the participants:

*S. University Avenue between S. State Street and Church Street

*E. University Avenue between Willard Street and S. University Avenue

*Tappan Avenue between Monroe Street and S. University Avenue

2) Intermittently as the race progresses the closure of streets:

*N. University Avenue between Fletcher Street and Church Street

*Observatory Street between E. Ann Street and Geddes Avenue

- 3) Intermittently as the race progresses the closure of sidewalks:
*E. Medical Center Drive between Observatory Street and the Arboretum
*N. University Avenue between S. Thayer Street and Church Street.

Councilmember Woods moved, seconded by Councilmember Roberts, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-294-6-06 APPROVED

**Resolution to Approve the Closing of South Main Street
and Liberty Street for the 2006 "Wheels of Hope Run"
Special Event - Sunday, September 10, 2006**

Whereas, The Forbidden Wheels M.C. of Lenawee County will be sponsoring the "Wheel of Hope Run" on Sunday, September 10, 2006;

Whereas, It is necessary to close certain City streets to facilitate a successful event;

Whereas, The street closures will be signed and barricaded by the sponsor and properly supervised by both the sponsor and the Ann Arbor Police;

Whereas, The sponsor will obtain all necessary permits and be responsible to comply with all procedures, rules and regulations and to pay all costs and fees required by the City to stage such an event;

Whereas, The Forbidden Wheels of Lenawee County agrees to defend and indemnify and save the City harmless against any claim arising from their sponsorship of this event; and

Whereas, The sponsor will provide written notice to all affected religious institutions not less than 15 days prior to the event;

RESOLVED, That City Council authorize the closing of S. Main Street from William Street to the south side of Washington Street, and Liberty Street from S. Ashley Street to S. Fourth Avenue between the hours of 8:00 A.M. and 12:00 P.M. on Sunday, September 10, 2006 for the "Wheels of Hope Run" special event.

Councilmember Woods moved, seconded by Councilmember Johnson, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-295-6-06 APPROVED

Resolution to Approve the Renewal Contracts with Blue Cross Blue Shield to Provide Health Care Coverage to City Employees and their Dependents and Retirees and Authorize the City Administrator to Execute the Necessary Documentation

Whereas, The City provides Health Care coverage to City employees, their eligible dependents, and retirees and their eligible dependents, in accordance with the employee benefits program and various labor contracts at an estimated annual cost of approximately \$15,821,942.00;

Whereas, The City's contract with Blue Cross Blue Shield of Michigan is due for renewal on July 1, 2006;

Whereas, The renewal rate increase for Administrative Fees for Blue Cross Blue Shield of Michigan is flat

and for Stop Loss Fees increases 14.7%;

Whereas, Human Resources Services recommends renewal of this contract;

Whereas, Funds have been appropriated in the Fiscal Year 2006 - 2007 budget to cover projected costs associated with the provision of health care; and

Whereas, Blue Cross Blue Shield of Michigan received Human Rights approval on March 29, 2006;

RESOLVED: That City Council approve renewal of the contract for the period July 1, 2006 to June 30, 2007, with Blue Cross Blue Shield of Michigan to provide health care coverage to City employees, their eligible dependents, retirees, and their eligible dependents, and

RESOLVED: That the City Administrator be authorized and directed to execute the necessary contract documentation after approval as to form by the City Attorney and take any further necessary administrative actions to implement this resolution.

Councilmember Roberts moved, seconded by Councilmember Johnson, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-296-6-06 APPROVED

Resolution to Approve the Renewal Contracts with Delta Dental of Michigan, Inc. to Provide Dental Coverage to City Employees and their Dependents and Authorize the City Administrator to Execute the Necessary Documentation

Whereas, The City provides dental care coverage to City employees and their eligible dependents in accordance with the employee benefits program and various labor contracts at an estimated annual cost of approximately \$850,000.00;

Whereas, The City's contract with Delta Dental of Michigan is due for renewal on July 1, 2006;

Whereas, The renewal rate decrease for Delta Dental of Michigan is 1.95%;

Whereas, The Human Resources Services recommends renewal of this contract;

Whereas, Funds have been appropriated in the Fiscal Year 2006 - 2007 budget to cover projected costs associated with the provision of dental care coverage;

Whereas, Delta Dental of Michigan received Human Rights approval on March 29, 2006; and

Whereas, The Southeast Michigan Council of Governments (SEMCOG), through the Greater Detroit Area Health Council (GDAC), has established a Health Care purchasing alliance that allows the City to purchase dental insurance through Delta Dental at lower rates;

RESOLVED, That City Council approve renewal contract for the period July 1, 2006 to June 30, 2007, with Delta Dental of Michigan to provide dental care coverage to City employees and their eligible dependents; and

RESOLVED, That the City Administrator be authorized and directed to execute the necessary contract documentation after approval as to form by the City Attorney and take any further necessary administrative

actions to implement this resolution.

Councilmember Rapundalo moved, seconded by Councilmember Carlberg, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-297-6-06 APPROVED

Resolution to Approve the Renewal Contracts with UnumProvident Life Insurance Company of America, Inc.

to Provide Group Term Life, Accidental Death and Dismemberment, Short-Term Disability and Long-Term Disability Insurance Coverage to City Employees and/or their Dependents and Authorize the City Administrator to Execute the Necessary Documentation

Whereas, The City provides group term life insurance coverage to City employees and their eligible dependents, optional life insurance coverage, long-term disability coverage and short-term disability coverage in accordance with the employee benefits program and various labor contracts at an estimated annual cost of approximately \$408,000.00;

Whereas, The City's contract with UnumProvident Life Insurance Company of America is due for renewal on July 1, 2006;

Whereas, There is no increase of premium in the renewal rates for existing group term life insurance, optional life insurance, or optional long term disability insurance coverage with UnumProvident;

Whereas, Human Resources Services recommends renewal of this contract at the monthly rates stated above;

Whereas, Funds have been appropriated in the Fiscal Year 2006 - 2007 budget to cover projected costs associated with the provision of group term life insurance, optional life insurance, accidental death and dismemberment coverage, short term disability coverage, and optional long term disability coverage; and

Whereas, UnumProvident received Human Rights approval on May 18, 2006;

RESOLVED, That City Council approve renewal contract for the period July 1, 2006 to June 30, 2008, (June 30, 2007 / short-term disability coverage) with Unum/Provident to provide group term life, accidental death and dismemberment and disability insurance coverage to City employees and their eligible dependents; and

RESOLVED, That the City Administrator be authorized and directed to execute the necessary contract documentation after approval as to form by the City Attorney and take any further necessary administrative actions to implement this resolution.

Councilmember Woods moved, seconded by Councilmember Easthope, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-298-6-06 APPROVED

Resolution to Approve Excess Workers' Compensation Coverage and Third Party Administration Services Through the Accident fund Insurance Company of America in the Amount of \$76,081.00

Whereas, The City must secure adequate insurance for potential workers' compensation claims;

Whereas, Self-insurance with a policy for excess claims should generate cost savings near \$272,000.00 annually over our current guaranteed cost plan;

Whereas, City Council approved Arthur J. Gallagher Risk Management Services, Inc. to provide risk related advice and service and they have as our agent solicited competitive bids; and

Whereas, Accident Fund Insurance Company of America provided an acceptable proposal for services at a reasonable cost;

RESOLVED, That City Council approve an excess workers' compensation policy and related third party administrator services with the Accident Fund Insurance Company of America in the amount of \$76,081.00 and an additional 10% as a contingency;

RESOLVED, That the City Administrator, or his designee, be authorized to bind such coverage for Fiscal Year 2006/2007 and provide appropriate notice to the MML guaranteed cost workers' compensation program of the City's change in provider; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney.

Councilmember Lowenstein moved, seconded by Councilmember Rapundalo, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-299-6-06 APPROVED

Resolution to Approve the Purchase of Two Labrie Split Load Recycle Trucks from Bell Equipment Company

Whereas, The Fleet & Facilities Unit needs to purchase replacement recycle trucks for the City's fleet, under the terms of our agreement with Recycle Ann Arbor;

Whereas, It is in the City's best interest to continue to standardize recycle and refuse trucks;

Whereas, Bell Equipment Company is the sole regional Labrie dealer;

Whereas, The purchase price is competitive within the truck manufacturing industry, which has experienced an 8% increase in the cost of steel;

Whereas, Funds were budgeted and are available in the approved FY 06-07 Solid Waste Operating Budget; and

Whereas, Bell Equipment Company received Human Rights approval on June 24, 2005;

RESOLVED, That City Council approve the issuance of a purchase order to Bell Equipment Company for the purchase of two 2006 Labrie Expert 2000 Split Load Recycle trucks in the amount of \$430,700.00 from the approved FY 06/07 Solid Waste Operating Budget;

RESOLVED, That the vehicles being replaced, number 8688 and 8698 be sold at the next City vehicle auction; and

RESOLVED, That the City Administrator be authorized to take the necessary actions to implement this resolution.

Councilmember Easthope moved, seconded by Councilmember Higgins, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-300-6-06 APPROVED

Resolution to Issue a Service Purchase Order with ACCU Read Services For Temporary Water Meter Installation and Reading Services For FY2007

Whereas, It is necessary to read water meters to generate water utility billing;

Whereas, The Public Services Area Customer Service Unit is in the process of installing automatic meter reading technology which eliminates the need for a meter reader classification;

Whereas, Due to attrition and re-assignments, temporary assistance is needed to complete automatic meter reading installations and maintain the meter read schedule to accommodate timely customer billing through the implementation of the Automatic Meter Reading Project;

Whereas, ACCU Read Services has agreed to extend their 2005 pricing structure until June 30, 2007 and are familiar with the City's current reading technology and customer locations; and

Whereas, ACCU Read Services received Human Rights and Living Wage Approvals on November 3, 2005;

Whereas, Funds are available in the FY2007 Water Supply System Operating Budget;

RESOLVED, That Council authorize the issuance of a service purchase order in the amount of \$138,000.00 for meter installation and reading services performed by ACCU Read Services in FY 2007.

Councilmember Rapundalo moved, seconded by Councilmember Carlberg, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-301-6-06 APPROVED

Resolution to Authorize Summary Publication of Ordinance No. 30-06 - Stormwater Rates

Whereas, Section 7.4 of the City Charter authorizes the publication by summary of ordinances over 500 words in length;

RESOLVED, That Ordinance No. 30-06 be published by the following summary:

Ordinance No. 30-06 amends the City Code by amending the existing Chapter 33 (Stormwater System), which governs City stormwater rates. The Ordinance amends Section 2:203 to increase the flat rates for stormwater services. The Ordinance also amends Section 2:204 to increase stormwater rates based on land area. The Ordinance also amends Section 2:205 to increase general charges for permitted users.

The complete text of this ordinance is available for inspection at the City Clerk's office on the 2nd floor of the Guy C. Larcom Municipal Building, 100 N. Fifth Avenue.

Councilmember Carlberg moved, seconded by Councilmember Teall, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-302-6-06 APPROVED

Resolution to Authorize Summary Publication of Ordinance No. 31-06 Water and Sewer Rates

Whereas, Section 7.4 of the City Charter authorizes the publication by summary of ordinances over 500 words in length;

RESOLVED, That Ordinance No. 31-06 be published by the following summary:

Ordinance No. 31-06 amends the City Code by amending the existing Chapter 29 (Water and Sewer Rates), which governs City water and sewer rates. The Ordinance amends Section 2:63 to increase water rates, customer charges and fire

service charges. The Ordinance also amends Section 2:64 to increase sewer rates and customer charges.

The complete text of this ordinance is available for inspection at the City Clerk's office on the 2nd floor of the Guy C. Larcom Municipal Building, 100 N. Fifth Avenue.

Councilmember Carlberg moved, seconded by Councilmember Teall, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-303-6-06 APPROVED

Resolution No. 3 Set a Public hearing on July 17, 2006 to Receive Public Comment on the Proposed Easy Street Sidewalk Special Assessment

Whereas, The City Council deems it necessary to acquire and construct the following improvement and the City Assessor has prepared a Special Assessment Roll for the purpose of defraying that part of the cost of the following sidewalk to be defrayed by Special Assessment: Construction of sidewalk improvements on both sides of Easy Street between Packard Road and Towner Boulevard, District No. 36, File No. 2005-061;

Whereas, The City Assessor has prepared said Special Assessment Roll and has the same on file in the Assessor's office with his certificate attached thereto; and

Whereas, The Michigan Tax Tribunal requires appearance and protest at the public hearing in order to appeal the amount of the special assessment, if an appeal should be desired;

RESOLVED, That said Special Assessment Roll be on file in the office of the City Assessor and shall be made available for public examination;

RESOLVED, That the City Council of the City of Ann Arbor hereby sets a public hearing for July 17, 2006 at

7:00 p.m. or as soon thereafter as it may be convened in the City Council Chambers, 2nd floor, Guy Larcom Municipal Building, 100 N. Fifth Avenue to receive public comment on the proposed Easy Street Sidewalk Special Assessment as described in the attachment to this Resolution;

RESOLVED, That the City Clerk be directed to publish notice of public hearing in a newspaper of general circulation in the City and mail notice to the owner of each lot and parcel of land subject to the assessment as indicated by the records of the City Assessor; and

RESOLVED, That said notice so published and mailed be in substantially the following form:

**NOTICE OF REVIEW OF
SPECIAL ASSESSMENT ROLL**

PLEASE TAKE NOTICE That the City Council has caused to be prepared a Special Assessment Roll for the purpose of defraying the private property's share of the cost of sidewalk described as follows:

Construction of sidewalk improvements on both sides of Easy Street between Packard Road and Towner Boulevard, District No. 36, File No. 2005-061; and

TAKE FURTHER NOTICE That the property to be included in said Special Assessment District is as follows (Attachment);

TAKE FURTHER NOTICE That said Special Assessment Roll is on file in the Office of the City Assessor and is available for public examination;

TAKE FURTHER NOTICE That the City Council will meet on July 17, 2006, at the Council Chambers in the City Hall at 7:00 o'clock p.m., for the purpose of reviewing said Special Assessment Roll. Any person aggrieved by the Special Assessment Roll or the Necessity of the improvement may file his/her objections thereto in writing prior to the close of the hearing.

TAKE FURTHER NOTICE That appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the clerk prior to the close of said hearing and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

City Clerk

**ATTACHMENT
LAND INSIDE THE CITY**

ASSESSOR'S CODE	LEGAL DESCRIPTION	PROPERTY OWNER	ESTIMATED COST
09-12-03-400-001 Arbor, MI 48104	Lot 20 Green Lea Subdivision \$3,523.51	Terry & Nancy Stewart	2990 Easy Street Ann
09-12-03-400-002 Belleville, MI 48111	Lot 21 Green Lea Subdivision \$3,523.51	Peter W. Davey	48641 S 1-94 Service Dr, Apt 209
09-12-03-400-003 48104	Lot 22 Green Lea Subdivision \$3,523.51	Paul G. Davis	2950 Easy Street Ann Arbor, MI
09-12-03-400-004 Street Ann Arbor, MI 48104	Lot 23 Green Lea Subdivision \$3,523.51	Christopher & Resnick S. Pacheco	2930 Easy

09-12-03-400-005 48104 \$3,523.51	Lot 24 Green Lea Subdivision	Marilyn Purdy 2910 Easy Street Ann Arbor, MI
09-12-03-400-006 Arbor, MI 48104	Lot 25 Green Lea Subdivision \$3,523.51	Thomas & Carol Hart 2890 Easy Street Ann
09-12-03-400-007 Ann Arbor, MI 48104	Lot 26 Green Lea Subdivision \$3,523.51	Dwight & Victoria Cendrowski 2870 Easy Street
09-12-03-400-008 MI 48104	Lot 27 Green Lea Subdivision \$3,523.51	Martin & M. Gittins 2850 Easy Street Ann Arbor,
09-12-03-400-009 Arbor, MI 48104	Lot 28 Green Lea Subdivision \$3,523.51	Steven & Pamela Silva 2830 Easy Street Ann
09-12-03-400-010 Street Ann Arbor, MI 48104	Lot 29 Green Lea Subdivision \$3,523.51	Amy Yamashiro & John McLaughlin 2810 Easy
09-12-03-400-011 Ann Arbor, MI 48104	Lot 30 Green Lea No 1 Subdivision \$3,523.51	Theodore G. & Suzanne L. Huff 2688 Easy Street
09-12-03-400-012 48104 \$3,523.51	Lot 31 Green Lea No 1 Subdivision	William Kelsay 2672 Easy Street Ann Arbor, MI
09-12-03-400-013 Ann Arbor, MI 48104	Lot 32 Green Lea No 1 Subdivision \$3,523.51	Jeannine Palms & Dale Petty 2656 Easy Street
09-12-03-400-014 Street Ann Arbor, MI 48104	Lot 33 Green Lea No 1 Subdivision \$3,523.51	Isaac Tapley & Susanna Coll-RaMlrez 2640 Easy
09-12-03-400-015 MI 48104	Lot 34 Green Lea No 1 Subdivision \$3,523.51	Perry H. Engstrom 2618 Easy Street Ann Arbor,
09-12-03-400-016 \$3,523.51	Lot 35 Green Lea No 1 Subdivision	Ian M. Scott 2600 Easy Street Ann Arbor, MI 48104
09-12-03-400-017 MI 48104	Lot 36 Green Lea No 1 Subdivision \$3,523.51	Carrie L. Robertson 2588 Easy Street Ann Arbor,
09-12-03-400-018 48104 \$3,523.51	Lot 37 Green Lea No 1 Subdivision	David J. Rowe 2578 Easy Street Ann Arbor, MI
09-12-03-400-019 48104 \$3,523.51	Lot 38 Green Lea No 1 Subdivision	David N. Bicknell 2564 Easy Street Ann Arbor, MI
09-12-03-400-020 48104 \$3,523.51	Lot 39 Green Lea No 1 Subdivision	Barry C. Fritts 2552 Easy Street Ann Arbor, MI
09-12-03-400-021 MI 48104	Lot 40 Green Lea No 1 Subdivision \$3,523.51	Sonya Deitos Haynes 2538 Easy Street Ann Arbor,
09-12-03-400-022 Arbor, MI 48104	Lot 41 Green Lea No 1 Subdivision \$3,523.51	Heidi B. & Michael Harris 2524 Easy Street Ann
09-12-03-400-023 48104 \$3,523.51	Lot 42 Green Lea No 1 Subdivision	Christine L. Tiller 2532 Towner Blvd Ann Arbor, MI
09-12-03-404-044 Arbor, MI 48104	Lot 10 Green Lea Subdivision \$3,523.51	Wendy Jean Henshaw 2809 Easy Street Ann
09-12-03-404-045 Circle Northville, MI 48167	Lot 9 Green Lea Subdivision Dimanin Investment Group, L.L.C. \$3,523.51	39856 Rockcrest
09-12-03-404-046 MI 48104	Lot 8 Green Lea Subdivision John W. & Sharon A. Bosio	2849 Easy Street Ann Arbor,
09-12-03-404-047 48104 \$3,523.51	Lot 7 Green Lea Subdivision Jean Balakovich Trust	2869 Easy Street Ann Arbor, MI
09-12-03-404-048 \$3,523.51	Lot 6 Green Lea Subdivision Eileen M. Kreiner	2889 Easy Street Ann Arbor, MI 48104
09-12-03-404-049 \$3,523.51	Lot 5 Green Lea Subdivision Ryan Lindsay	2909 Easy Street Ann Arbor, MI 48104
09-12-03-404-050 \$3,523.51	Lot 4 Green Lea Subdivision William Tehoy	2929 Easy Street Ann Arbor, MI 48104
09-12-03-404-051 \$3,523.51	Lot 3 Green Lea Subdivision Terry A. Somers	2949 Easy Street Ann Arbor, MI 48104
09-12-03-404-052 Street Ann Arbor, MI 48104	Lot 2 Green Lea Subdivision Chapman Andrews Ross & Metadryden LLC	2969 Easy

09-12-03-404-053 \$3,523.51	Lot 1 Green Lea Subdivision Frank & Ilar Burris 2989 Easy Street Ann Arbor, MI 48104
09-12-03-405-001 MI 48104 \$3,523.51	Lot 19 Green Lea Subdivision Carol B. Sakstrup 2790 Carmel Street Ann Arbor,
09-12-03-405-014 48104 \$3,523.51	Lot 64 Green Lea No 1 Subdivision Paul & L. Hueter 2604 Towner Blvd Ann Arbor, MI
09-12-03-405-015 Ann Arbor, MI 48104 \$3,523.51	Lot 65 Green Lea No 1 Subdivision Michael & Amy H. Olszewski 2543 Easy Street
09-12-03-405-016 Road Saline, MI 48176 \$3,523.51	Lot 66 Green Lea No 1 Subdivision Donald J. & Sharon Gingras 6119 Waterworks
09-12-03-405-017 Arbor, MI 48104 \$3,523.51	Lot 67 Green Lea No 1 Subdivision Paul And Pamela Klinger 2569 Easy Street Ann
09-12-03-405-018 48104 \$3,523.51	Lot 68 Green Lea No 1 Subdivision Roger & P. Vance 2581 Easy Street Ann Arbor, MI
09-12-03-405-019 Arbor, MI 48104 \$3,523.51	Lot 69 Green Lea No 1 Subdivision Maurice & Jane Gould Trust 2595 Easy Street Ann
09-12-03-405-020 Arbor, MI 48104 \$3,523.51	Lot 70 Green Lea No 1 Subdivision John & Jeanne Meszaros 2601 Easy Street Ann
09-12-03-405-021 Ann Arbor, MI 48104 \$3,523.51	Lot 71 Green Lea No 1 Subdivision Leonard & Karen L. Richardson 2619 Easy Street
09-12-03-405-022 48104 \$3,523.51	Lot 72 Green Lea No 1 Subdivision Kathleen Nolan 2645 Easy Street Ann Arbor, MI
09-12-03-405-023 48104 \$3,523.51	Lot 73 Green Lea No 1 Subdivision Lynn Saliba 2655 Easy Street Ann Arbor, MI

Councilmember Carlberg moved, seconded by Councilmember Greden, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

R-304-6-06 APPROVED

Resolution to Approve a Service Contract for
the Replacement of Ice Rink Compressor Units at
Buhr Park and Veterans Memorial Ice Arenas with Delta Temp Inc. per RFP #635 in the amount of \$124,000,
Establish a Total Project Budget of \$136,400, and Appropriate \$136,400 from
the Park Rehabilitation and
Development Millage Fund Balance

Whereas, The operation of Ice Arenas at Buhr and Veterans Memorial Parks are vital amenities for the recreation facilities and the existing chilling compressors have been in service for more than twenty years;

Whereas, The cost and frequency of maintenance repairs and the energy costs to operate the compressors have increased resulting in operational unreliability;

Whereas, The Procurement Office sought Requests for Proposals on May 19, 2006 and the proposal received from Delta Temp, Inc. was identified as the most qualified contractor for the project on the basis of past performance with the City of Ann Arbor and favorable reference from ice arena managers in the greater Ann Arbor area;

Whereas, Funds in the amount of \$136,400.00 for the project are available in the Park Rehabilitation and Development Millage fund balance;

Whereas, The Park Advisory Commission supports use of these funds for replacement of these compressor units; and

Whereas, Delta Temp, Inc. received Human Rights approval on December 28, 2005 and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council approve a Service Contract, per RFP #635, with Delta Temp, Inc. in the amount of \$124,000.00 for removal of the existing compressors and supplying and installing four ice rink compressor units at Buhr Park and Veterans Memorial Ice Arenas;

RESOLVED, That City Council approve a contract contingency in the amount of \$12,400.00 (10%) to cover potential contract change orders and a total project budget of \$136,400.00 for the life of the project without regard to fiscal year;

RESOLVED, That City Council appropriate \$136,400.00 from the Park Rehabilitation and Development Millage fund balance for this project;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take all necessary administrative actions to implement this resolution including the authority to approve change orders within the approved contingency.

Councilmember Carlberg moved, seconded by Councilmember Teall, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

R-305-6-06 APPROVED

(Resolution to Nominate a Member of the City of Ann Arbor Environmental Commission)

Councilmember Woods moved, seconded by Councilmember Teall, that the resolution be adopted.

Councilmember Higgins requested that the resolution to appoint a member to the City Environmental Commission on July 3, 2006 include the term dates of the appointment.

On a voice vote, the Mayor declared the motion carried.

The revised resolution reads as follows:

Resolution to Nominate a Member of the City of Ann Arbor Environmental Commission

Whereas, The appointment of members of the Environmental Commission is a prerogative of the City Council;

Whereas, John M. German has worked on vehicle fuel economy and environmental issues for almost 30 years and is eminently qualified to serve on the Environmental Commission;

Whereas, John M. German has worked with the Environmental Protection Agency as a senior technical advisor on greenhouse gas and fuel economy issues; and

Whereas, John German has expressed an interest in serving on the Environmental Commission and would accept appointment;

RESOLVED, That John German be nominated to serve as a member of the Environmental Commission for a term of three years beginning July 3, 2006 and ending on July 3, 2009.

R-306-6-06 APPROVED

**Resolution to Re-Appoint Councilmember Jean Carlberg
to Planning Commission**

Whereas, One position on the City of Ann Arbor Planning Commission ("Planning Commission") is reserved for a member of the Ann Arbor City Council ("Council representative");

Whereas, The City Council is vested with the power to appoint the Council representative to the Planning Commission;

Whereas, Councilmember Jean Carlberg currently serves as the Council representative to the Planning Commission; and

Whereas, Councilmember Carlberg's one-year term as the Council representative to the Planning Commission expires on June 30, 2006;

RESOLVED, That Councilmember Jean Carlberg is re-appointed as the City Council representative to the Planning Commission until Thursday, November 9, 2006.

Councilmember Easthope moved, seconded by Councilmember Higgins, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried unanimously.

R-307-6-06 APPROVED

**Resolution for Community Events Fund Disbursement
from the 2005/2006 Budget**

Whereas, The Ann Arbor City Council wishes to support activities that promote or bring the community together in its richness;

Whereas, The Ann Arbor Community Events Committee met and reviewed funding requests from community groups; and

Whereas, The Committee recommends the following allocations:

1. Ann Arbor Summer Festival - \$9,900.00 for the 2006 Summer Festival to support TOP OF THE PARK and to keep this a free community event.

RESOLVED, That the Ann Arbor City Council approve the recommended allocations from the 2005/2006 Community Events Fund.

Councilmember Higgins moved, seconded by Councilmember Teall, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

ALLEN CREEK GREENWAY COMMITTEE

Councilmember Carlberg announced that the Allen Creek Greenway Task Force will be meeting June 21, 2006 and is scheduling a public meeting on August 2, 2006 to go over final ideas about the Allen Creek Greenway proposal, with a final location for the meeting to be determined at a later date.

COUNCIL PROPOSED BUSINESS

Councilmember woods

Councilmember Woods asked if Ann Arbor Police Chief Jones could speak to Council regarding the crime statistics that were recently reported in the Ann Arbor News.

City Administrator Roger Fraser responded that he would invite Chief Jones to provide a brief presentation to Council at an upcoming meeting.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the June 5, 2006 regular session of Council:

Commission on Disability Issues

Helen Elisa Meador (Re-Appointment)
P.O. Box 7488
Ann Arbor, MI 48107
Term: June 19, 2006 -June 19, 2009

Carol Jane Schauer (Re-Appointment)
2152 Hemlock Dr.
Ann Arbor, MI 48108
Term: June 19, 2006-June 19, 2009

Els Nieuwenhuijsen Eldersveld (Replacing Jeanine A. DeLay)
3653 Larchmont Dr.
Ann Arbor, MI 48105
Term: June 19, 2006- June 19, 2009

Parks Advisory Commission

David Barrett (Replacing- Janae Renaud)
1810 Alhambra Drive
Ann Arbor, MI 48103
(Nominated March 20, 2006)
Term: July 3, 2006- July 3, 2009

Councilmember Higgins moved, seconded by Councilmember Teall, that Council concur with the recommendations of the Mayor.

On a voice vote, the Mayor declared the motion carried.

NOMINATIONS PLACED ON TABLE

Mayor Hieftje placed the following nominations on the table for approval at a later date:

Airport Advisory Committee

Christopher Ballard (Filling Vacancy- General member)
3199 Bluett Rd.
Ann Arbor, MI 48105
Term: July 3, 2006- July 3, 2009

Ann Arbor Energy Commission

Charles Hookham (Replacing Yoshiko Hill)
2902 Eisenhower Parkway
Ann Arbor, MI 48108
Term: July 3, 2006- July 3, 2009

Downtown Area Citizens Advisory Council

Ray Fullerton (Filling Vacancy)
505 E. Huron St. Unit 606
Ann Arbor, MI 48104
Term: July 3, 2006-July 3, 2009

Joan French (Filling Vacancy)
505 E. Huron St. Unit 606
Ann Arbor, MI 48104
Term: July 3, 2006- July 3, 2009

Planning Commission

Craig Borum (Replacing -Jennifer Hall)
918 N. Main St.
Ann Arbor, MI 48104
Term: July 1, 2006- June 30, 2009

Ann Arbor Senior Center Advisory Board

Cecile T. Frogh (Re-Appointment)
2423 Nottingham Rd.
Ann Arbor, MI 48104
Term: July 3, 2006-July 3, 2009

Taxicab Board

Barbara T. Krick (Re-Appointment)
2345 Delaware Dr.
Ann Arbor, MI 48103
Term: July 3, 2006-April 7, 2009

REQUEST FROM THE MAYOR

Mayor Hieftje asked the City Administrator when the non-motorized plan would be coming back to Council. He also stated that he would like to start discussing development of an education plan or program as part of the implementation.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

None.

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER HIGGINS

Councilmember Higgins announced that Tim Nagae, a staff member at CTN (Community Television Network) was awarded an Emmy from the National Academy of Television, Arts and Scientists, for his production of Hailey and Madonna.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from S.E.M.C.O.G. regarding the "Our Water. Our future. Ours to Protect. - Seven Simple Steps to Clean Water" Public Education Campaign
2. Communication from Department of Environmental Quality (DEQ) Director Steven E. Chester, regarding Clean Corporate Citizen (C3) renewal request from Kaiser Optical systems, Inc.
3. Communication from Comcast regarding upcoming changes to channel line up, effective June 27, 2006 - CTN
4. Communication from Comcast regarding its 2005 Annual Report
5. Communication from S.E.M.C.O.G. regarding their Regional Update of S.E.M.C.O.G. June 5, 2006 edition, Vol. 11, No. 12
6. Communication from Charter Township of Ypsilanti Clerk Brenda L. Stumbo regarding a resolution requesting restoration of statutory revenue sharing

(Reports on file in the City Clerk's Office.)

The following minutes were received for the file:

1. Planning Commission - April 4 and 18, 2006
2. Building Board of Appeals - February 8, 2006
3. Ann Arbor Transportation Authority Board - April 19, and May 17, 2006
4. Ann Arbor Energy Commission - May 9, 2006

Councilmember Woods moved, seconded by Councilmember Lowenstein, to accept the Clerk's Report.

On a voice vote, the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

David Boyle - Divestment from Sudan

David Boyle, member of the audience, addressed Council regarding divestment from Sudan.

RECESS FOR CLOSED SESSION

Councilmember Easthope moved, seconded by Councilmember Johnson, that the regular session of Council be recessed for a closed session to discuss pending litigation and attorney client privileged communication.

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Higgins, Easthope, Woods, Roberts, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 9:36 p.m.

Councilmember Rapundalo moved, seconded by Councilmember Johnson, that the regular session of Council be reconvened.

On a voice vote the Mayor declared the motion carried and the meeting reconvened at 10:10 p.m.

ADJOURNMENT

There being no further business to come before Council, it was moved by Councilmember Roberts that the meeting be adjourned.

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:10 p.m.

Jacqueline Beaudry
Clerk of the Council
Anissa R. King
Recording Secretary