



## Legislation Text

File #: 07-0622, Version: 1

### **ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - AUGUST 20, 2001**

The regular session of the Ann Arbor City Council was called to order at 7:35 p.m. in the City Hall Council Chamber by Mayor John Hieftje.

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 Jean Robinson, Joan Lowenstein, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 9.

ABSENT : Councilmembers Robert Johnson, Joseph Upton, 2.

#### **SWEARING IN OF NEW POLICE CHIEF**

##### **SWEARING IN CEREMONY OF NEW POLICE CHIEF DAN OATES**

Interim City Clerk Yvonne Carl administered the Oath of Office to the newly appointed Chief of Police, Dan Oates. Chief Dan Oates thanked Council for having the opportunity to serve the citizens of Ann Arbor.

Chief Oates recognized police officers John Elkins, Craig Martin, Christopher Foerg, 911 Dispatcher Rebecca Harrison and Detective William Tucker for having performed to great credit on behalf of the department and the City.

#### **INTRODUCTIONS**

None.

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#### **PUBLIC COMMENTARY - RESERVED TIME**

##### **5 SPEAKERS - UNITED WAY CAMPAIGN/BOY SCOUTS**

The following speakers spoke in support of the proposed resolution to change the City's United Way Fund Drive pledge card by eliminating the United Way and Boy Scouts of America from the list of nonprofit agencies. The United Way funds Boy Scouts of America, which discriminates against homosexuals.

Helen Fox, 2266 Georgetown Blvd., Ann Arbor Human Rights Commission  
Chair

Lori Mikol and Sam Mikol, 410 Wilder Pl.

Mary Jane Schoultz, 706 Indianola

The following speakers spoke in opposition to the proposed resolution to change the City's United Way Fund Drive pledge card.

David Sponseller, 2648 Antietam

Judy Bloss, 2060 W. Michigan Ave., Ypsilanti, MI 48197

##### **JAMES D'AMOUR - BERKSHIRE CREEK PROJECT**

James D'Amour, 1523 Natalie Ln. #204, member of the northeast Area Master Plan Citizens Advisory Committee, expressed concern with the proposed Berkshire Creek Project.

##### **KERMIT SCHLANSKER - EMERGENCY PLAN**

Kermit Schlansker, 2960 Marshall St., stated that city officials should make an emergency

plan that would form a basis for action when fuel sources are limited and hardships follow.

#### JIM MOGENSEN - FAITH IN OUTCOMES MEASUREMENT

Jim Mogensen, 3780 Green Brier, spoke about the faith-based initiatives as they relate to issues within the City of Ann Arbor.

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#### **PUBLIC HEARINGS**

#### APPLICATION OF MICHIGAN BELL TELEPHONE COMPANY, A/K/A AMERITECH OR AMERITECH MICHIGAN FOR AMENDMENT NO. 4 TO PERMIT NO. 1997

A public hearing was conducted on the proposed application of Michigan Bell Telephone Company a/k/a Ameritech or Ameritech Michigan, for Amendment No. 4 to Permit No. 1997. Notice of public hearing was published August 10, 2001.

There being no one present to speak, the Mayor declared the hearing closed.

#### PROPOSED RESOLUTION TO ORDER ELECTION AND DETERMINE BALLOT QUESTION FOR CHARTER AMENDMENT FOR RENEWAL OF STREET REPAIR MILLAGE

A public hearing was conducted on the proposed resolution to order an election and determine the ballot question for a charter amendment for renewal of the street repair millage. Notice of public hearing was published August 19, 2001.

There being no one present to speak, the Mayor declared the hearing closed.

#### AMENDMENT TO CHAPTER 28, ADD NEW SECTION 2:51.1 - FOOTING DRAIN DISCONNECTION PROGRAM (ORDINANCE NO. 32-01)

A public hearing was conducted on the proposed amendment to Chapter 28, Add new Section 2:51.1 - Footing Drain Disconnection Program. Notice of public hearing was published August 12, 2001.

The following people appeared:

Anne Hungerman, citizen of Ann Arbor, 4<sup>th</sup> Ward, spoke in opposition of the footing drain disconnection program. Ms. Hungerman stated that she has a surface level water problem in the spring. She does not have a problem with back-up, but was told that if a sump pump was installed, she would have a back-up problem.

Stephen Rapundalo, 3106 Bluett, Co-Chair of the Sanitary Sewer Over-flow Task Force, spoke in support of the proposed footing drain disconnection program.

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Doug Cox, 2348 Georgetown, asked if consideration was given to help homeowners finance the program, through a no-cost loan, property tax relief, or some other measure of assistance. Mr. Cox also stressed concern with the time given to install such a system.

Wendy Carmen, 2340 Georgetown, commended City staff and consultants for establishing a new attitude towards solving this problem. Ms. Carmen supported the concept of the ordinance to implement and fund a city wide footing drain disconnection program. Ms. Carmen also asked questions of Council regarding the proposed footing drain disconnection program.

A contractor in town doing basement water proofing, stated that there are different ways to avoid flooding in basements and keep the city happy without overtaxing.

Matt Cominsky has been in the drainage business for 25 years. He stated that there are alternative solutions to the footing drain problems and that it

may be in the city's best interest to look at those alternative solutions. Martin Tittle, 706 W. Davis, stated that some storm sewers are either at capacity or have other problems. He suggested that a task force be implemented to take flow measurements and surcharging measurements on the storm sewers so that the problem is not recreated. There being no one else present to speak, the Mayor declared the hearing closed.

**APPROVAL OF AGENDA**

AGENDA APPROVED WITH CHANGES

Councilmember Hartwell moved that the agenda be approved with the following changes:

**PUBLIC HEARING**

Add: Amendment to Chapter 28, Add New Section 2:51.1 - Footing Drain Disconnection Program

**CA - CONSENT AGENDA**

Add: Resolution to Approve Authorized Expenditures for Certain Rehabilitation Contractors from July 1, 2001 Through June 30, 2002 (Community Development)

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**D - MOTIONS AND RESOLUTIONS**

Revise: [Resolution to Establish Form for United Way Pledge Drive Cards] (Councilmembers Hartwell, Easthope, Herrell and Woods) (*Postponed August 6, 2001*) **RESOLUTION TO ISSUE A REQUEST FOR PROPOSAL TO**

**ADMINISTER A PLEDGE DRIVE FOR CITY OF ANN ARBOR EMPLOYEES**

**CHARITABLE GIVING** (Councilmembers Easthope, Hartwell and **LOWENSTEIN**)

Revise: Resolution to Appoint Acting Mayor (Mayor)

Delete: [Resolution to Approve Authorized Expenditures for Certain Rehabilitation Contractors from July 1, 2001 Through June 30, 2002 (Community Development)] (***moved to consent agenda***)

Add: Resolution to Accept Board of Insurance Administration Minutes and to Authorize Payments (Human Resources)

Add: Resolution to Authorize the City Administrator to Execute the Insurance Policy Renewal for Property Including Boiler & Machinery with Fire Marshal's approval. Global (\$156,648.00) (Human Resources)

Add: Resolution to Authorize the City Administrator to Execute the Insurance Policy Renewal for Workers' Compensation and Liability with Discover RE (\$288,532.00) (Human Resources)

On a voice vote the Mayor declared the motion carried.

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**APPROVAL OF COUNCIL MINUTES**

MINUTES OF AUGUST 6, 2001 APPROVED

Councilmember Woods moved that the regular session minutes of August 6, 2001 be approved as presented.

On a voice vote the Mayor declared the motion carried.

**CONSENT AGENDA**

CONSENT AGENDA ITEMS APPROVED

Councilmember Easthope moved that the following Consent Agenda items be approved as presented:

R-339-8-01 APPROVED

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR  
TO EXECUTE THE RENEWAL OF HEALTH CARE CONTRACT:  
BLUE CARE NETWORK  
(\$408,797.90)

Whereas, The City provides Health Care Insurance through Blue Care Network to City employees in accordance with Personnel Rules and Regulations and various labor contracts at an estimated annual cost of approximately \$408,797.90, or 14.10% over current estimated costs. The contract Blue Care Network is due for renewal on September 1, 2001;

Whereas, The renewal rate for Blue Care Network increased 14.10%; and  
Whereas, Blue Care Network received Human Rights approval, and Living Wage Ordinance compliance, as of June 18, 2001;

RESOLVED, That the City Administrator or designee be authorized to execute the renewal contract with Blue Care Network for a ten-month period beginning September 1, 2001, at the monthly rates as quoted in Attachment "A", on file in the City Clerk's Office.

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R-340-8-01 APPROVED

(RESOLUTION TO APPROVE PROCEEDING WITH THE NORTHEAST  
AREA WATER PRESSURE IMPROVEMENT PROJECT)  
(INCREASE SCOPE AND COST BY \$300,000.00)

Whereas, It is necessary to modify the Northeast Area Pressure District to provide sufficient water pressure for all district residents;

Whereas, It is necessary to modify the Northeast Area Pressure District to comply with an agreement with MDEQ;

Whereas, The recommendation to raise the Plymouth Rd. elevated tank by 60 feet complies with the Utilities Department's 2000 Master Plan design criteria, and provides for future operational flexibility and improved reliability; and

Whereas, The improvements to North Campus Pump Station are necessary to enable the water distribution system in the Northeast High Service District to function properly in the long term;

RESOLVED, That the Utilities Department's recommendation to raise the Plymouth Rd. elevated tank by 60 feet be accepted, with full acknowledgment of the increase in investment required; and

RESOLVED, That the Water Utilities Department proceed with the Northeast Area Water Pressure Improvement Project.

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R-341-8-01 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF PUMP ASSEMBLIES  
FOR THE WASTEWATER TREATMENT PLANT  
(193,000.00)

Whereas, The City's Wastewater Treatment Plant (WWTP) needs to replace the assemblies for three failed screw pumps;

Whereas, The replacement of the pump assemblies will eliminate the risk of sewage overflow to the Huron River and provide adequate pumping capacity into the WWTP;

Whereas, USFilter, Zimpro products is the original pump supplier and the sole source vendor for replacement equipment; and

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Whereas, On August 10, 2001, the Human Resources Department approved USFilter, Zimpro Products, Inc. to provide equipment for the City;  
RESOLVED, That Council approve purchases by the WWTP from USFilter, Zimpro Products in the amount of \$175,095.00 for the purchase of three pump assemblies and a contingency of \$17,905.00 to finance change orders to be approved by the City Administrator; and  
RESOLVED, That the project be funded from the unobligated fund balance of the Sewage Disposal System Operating Fund with reimbursement, if necessary, from proceeds of revenue bond sales by the Water Utilities Department.

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R-342-8-01 APPROVED  
RESOLUTION TO AUTHORIZE A PURCHASE ORDER FOR  
STANDBY POWER, INC. FOR RENTING GENERATOR FOR  
BARTON PUMP STATION  
(45,140.00)

Whereas, Construction related with installation of a natural gas-driven engine to provide reliability in the event of a power interruption at the Barton Pumping Station is in progress;  
Whereas, The natural gas-driven engine provided by the contractor is incapable of operating the existing pump as it has incorrect rotation;  
Whereas, It is necessary to rent a generator to operate electrical driven pumps to maintain system reliability until the corrective solution addressing engine rotation problem is satisfactorily implemented at the Barton Pumping Station;  
Whereas, Of the two quotations received, Standby Power, Inc. submitted the lower quote of \$8,750.00 per month for renting a generator;  
Whereas, On July 17, 2001 a Purchase Order in the amount of \$18,700.00 was issued to Standby Power, Inc. for two-month rental of a generator;  
Whereas, It is now determined that the rental generator may be needed for additional three months while the construction associated with the standby pump is completed; and  
Whereas, On June 15, 2001, the Human Resources Department approved Standby Power, Inc. to provide services to the City;  
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RESOLVED, That a total amount of \$45,140.00 be approved for Standby Power, Inc. for renting the generator and incidentals;  
RESOLVED, That a contingency in the amount of \$4,500.00 be approved to finance any changes to be authorized by the City Administrator;  
RESOLVED, That the purchase order for Standby Power, Inc. be funded from an advanced from the Water Supply System Operating Fund Balance pending sale of appropriate water revenue bonds; and  
RESOLVED, That the funds be available for the life of the project without regard to fiscal year.

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R-343-8-01 APPROVED  
RESOLUTION AUTHORIZING WATER MAIN AND SANITARY SEWER  
IMPROVEMENT CHARGES TO 2934 SHADY LANE  
(19,875.00)

Whereas, The City has previously constructed a water main and sanitary sewer

improvement described as follows:

Water Main: District No. 93049, File No. 93049 = \$10,245.00

Sanitary Sewer: District No. 477, File No. 93049 = \$9,630.00

**GRAND TOTAL OF IMPROVEMENT CHARGES \$19,875.00;** and

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Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for;  
RESOLVED,

1. That Council levy an improvement charge against the following newly-annexed property which is specifically benefited by the above improvements:

Annexation Address: 2934 Shady Lane

City Assessor Code: 09-12-03-309-020

Annexation Number : A99-03

Planning File No : 12033A1.1 and .2

Lot 18 Walden Woods Subdivision. Now situated in the City of Ann Arbor

2. That the improvement charge levied be \$19,875.00 and be designated as Utilities Improvement Charge No. 718;

3. That this improvement charge be divided into 15 equal installments; the first to be due on November 1, 2001, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 6.9% per annum commencing November 1, 2001;

4. That the City Clerk be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge be invoiced to the owner, Jake C. Del Rio, of the property known as 2934 Shady Lane, and be credited in the amounts of \$10,245.00 to Fund 0042-073-7151 and \$9,630.00 to Fund 0043-073-7151.

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R-344-8-01 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND SANITARY SEWER

IMPROVEMENT CHARGES TO 2930 SHADY LANE

(\$19,875.00)

Whereas, The City has previously constructed a water main and sanitary sewers improvement described as follows:

Water Main: District No. 93049, File No. 93049 = \$10,245.00

Sanitary Sewers: District No. 477, File No. 93049 = \$9,630.00

**GRAND TOTAL OF IMPROVEMENT CHARGES \$19,875.00;** and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for;  
RESOLVED,

1. That Council levy an improvement charge against the following newly-annexed property which is specifically benefited by the above improvements:

Annexation Address: 2930 Shady Lane

City Assessor Code: 09-12-03-309-021

Annexation Number : A99-04

Planning File No : 12033B2.1 and .2

Lot 19 Walden woods Subdivision. Now situated in the City of Ann Arbor.

2. That the improvement charge levied be \$19,875.00 and is designated as Utilities Improvement Charge No. 719;

3. That this improvement charge is divided into 15 equal installments; the first to be due on November 1, 2001, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 6.9% per annum commencing November 1, 2001;

4. That the City Clerk be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and  
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5. That this levied improvement charge be invoiced to the owner, Carol L. Boyce, of the property known as 2930 Shady Lane, and be credited in the amounts of \$10,245.00 to Fund 0042-073-7151 and \$9,630.00 to Fund 0043-073-7151.

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R-345-8-01 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND SANITARY SEWER  
IMPROVEMENT CHARGES FOR 2927 SHADY LANE  
(\$19,875.00)

Whereas, The City has previously constructed a water main and sanitary sewer improvement described as follows:

Water main: Dist. No. 93049, File No. 93049 = \$10,245.00

Sanitary Sewer: Dist. No. 477, File No. 93049 = \$9,630.00

**GRAND TOTAL OF IMPROVEMENT CHARGES \$19,875.00;** and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements be levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following newly-annexed property which is specifically benefited by the above improvements:

Annexation Address: 2927 Shady Lane

City Assessor Code: 09-12-03-313-001

Annexation Number : A99-16

Planning File No : 12033B3.1 and .2

Lot 22 of Walden Woods Subdivision. Now situated in the City of Ann Arbor.

2. That the improvement charge levied be \$19,875.00 and be designated as Utilities Improvement Charge No. 696;

3. That this improvement charge be divided into 15 equal installments; the first to be due on November 1, 2001, and the 14 subsequent installments to be due on June 1 Council - August 20, 2001 13

of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 6.9% per annum commencing November 1, 2001;

4. That the City Clerk be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the

office of the Register of Deeds of Washtenaw County, Michigan; and  
5. That this levied improvement charge be invoiced to the owners, Grace Ann York,  
of the property known as 2927 Shady Lane, and be credited in the amounts of  
\$10,245.00 to Fund 0042-073-7151, \$9,630.00 to Fund 0043-073-7151.

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R-346-8-01 APPROVED  
RESOLUTION TO GRANT SEWER SERVICE OUTSIDE CITY LIMITS  
TO 1811 GLENWOOD ROAD

Whereas, Michael Kelingos and Carol Kelingos, owners of the property at 1811  
Glenwood Rd. requested on December 3, 1998 that the City extend public sewer service to  
their property in Ann Arbor Township in accordance with the Policy Statement of February  
1, 1994 between the City of Ann Arbor and Ann Arbor Township;

Whereas, The Kelingos desire to enter into an agreement with the City to provide an  
equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, As part of this agreement, the owners shall have this property annexed  
not later than five (5) years from the date of the agreement;

RESOLVED, That the Mayor and Clerk be hereby authorized and requested to sign  
the agreement to allow City sewer service to the land during the time it is still outside of the  
Corporate Limits; that the City Clerk be hereby directed to send a copy of this resolution  
and the agreement by first class mail to the above property owner; and that the Water  
Utilities Department shall promptly have this resolution and the agreement recorded in the  
office of the Register of Deeds of Washtenaw County, Michigan.

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R-347-8-01 APPROVED  
RESOLUTION AUTHORIZING WATER MAIN IMPROVEMENT CHARGES  
FOR 1710 DHU VARREN ROAD

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(\$8,043.75.00)

Whereas, The City has previously constructed a water main improvement described  
as follows:

Water Main: Dist. No. 84086, \$48.75/Front Foot\*165 Front Feet=\$8,043.75

**GRAND TOTAL OF IMPROVEMENT CHARGES \$8,043.75;** and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann  
Arbor, the fair share of the cost of said improvements be levied against certain properties  
and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following newly-annexed  
property which is specifically benefited by the above improvements:

Annexation Address: 1710 Dhu Varren Road

City Assessor Code: 09-09-16-100-047

Annexation Number : A98-05

Planning File No : 916Y7.1

COM AT N ¼ COR OF SEC 16, T2S, T6E; TH ELY 713.14 FT FOR A POB; TH  
CKONT ELY 165 FT; TH SLY DEFL 93 DEG 08' RIGHT 825.05 FT; TH WLY DEFL 86  
DEG 52' RIGHT 165 FT; TH NLY DEFL 93 DEG 08' RIGHT 825.05 FT TO THE POB;  
BEING PRT OF THE WEST ½ OF THE NE ¼ OF SAID SEC 16. Now situated in the City  
of Ann Arbor.

2. That the improvement charge levied be \$8,043.75 and be designated as Utilities



Improvement Charge No. 683;

3. That this improvement charge be divided into 15 equal installments; the first to be due on November 1, 2001, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 7.9% per annum commencing November 1, 2001;

4. That the City Clerk be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge be invoiced to the owner, Lillian Janice Summers of the property known as 1710 Dhu Varren Rd., and be credited in the Council - August 20, 2001 15 amount of \$8,043.75 to Fund 0042-073-7151.

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R-348-8-01 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO GLEASON CONSTRUCTION COMPANY AND ESTABLISH A PROJECT BUDGET FOR THE STRATFORD DRIVE WATER MAIN PROJECT BID NO. 3464 (\$171,300.00)

Whereas, It is necessary to extend the existing water main in Stratford Drive to provide a looping system to improve water quality;

Whereas, The FY 2002-2007 Capital Improvements Plan includes the Stratford Drive Water Main Project;

Whereas, Competitive bids were received by the Purchasing Division on July 16, 2001 and Gleason Construction Company, Inc. of Holland, Ohio, was the lowest responsible bidder at \$98,615.00;

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Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefore, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a Contract with said company for said construction project; and

Whereas, Gleason Construction Company, Inc. has received Human Rights approval on August 10, 2001;

RESOLVED, That a contract in the amount of \$98,615.00 be awarded to Gleason Construction Company, Inc. for the construction of the Stratford Drive Water Main Project (Bid No. 3464);

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

RESOLVED, That City Council adopt the following budget for the life of the project, to be available until expended without regard to fiscal year:

Section I, Revenue

\$171,300.00 Advanced from the Water Supply System Fund (Fund 042) balance pending the sale of appropriate water

revenue bonds

\$171,300.00 TOTAL

Section II, Expense

\$98,620.00 Construction  
35,000.00 Design Engineering and Design Consultant  
15,000.00 Construction Engineering (City Forces)  
3,000.00 Testing and Professional Services  
7,900.00 Contingencies to be approved by the City  
Administrator  
4,880.00 Miscellaneous Costs  
6,900.00 Bond Overhead Charge  
\$171,300.00 TOTAL; and  
RESOLVED, That the City Administrator be authorized to take the necessary  
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administrative actions to implement this resolution.

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R-349-8-01 APPROVED  
RESOLUTION TO AMEND A PROFESSIONAL SERVICES AGREEMENT WITH CARL  
WALKER, INC. FOR ADDITIONAL DESIGN AND CONSTRUCTION ENGINEERING  
SERVICES FOR THE FOREST AVENUE PARKING STRUCTURE  
(\$160,005.00)

Whereas, On January 18, 2000 the consulting firm of Carl Walker, Inc., was retained  
to perform essential construction engineering services for the South Forest Avenue Parking  
Structure Project;

Whereas, Additional design and construction engineering services were required  
during construction;

Whereas, Carl Walker, Inc. has received Human Rights approval on July 26, 2001;  
and

Whereas, There are sufficient unobligated funds available within the project budget  
to finance the cost of the proposed amendment to the Professional Services Agreement;

RESOLVED, That City Council authorize an amendment to the Professional  
Services Agreement with Carl Walker, Inc., in the amount of \$160,005.00 for additional  
design and construction engineering services for the Forest Avenue Parking Structure  
Project;

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

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

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R-350-8-01 APPROVED  
RESOLUTION AUTHORIZING A PURCHASE ORDER TO CARRIER AND GABLE  
INC. FOR TRAFFIC SIGNAL MATERIAL  
(\$135,00.00)

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Whereas, Carrier and Gable, Inc. of Farmington Hills, Michigan, is the supplier of  
Eagle traffic components used in maintaining City of Ann Arbor traffic signals;

Whereas, Carrier and Gable, Inc., of Farmington Hills, Michigan, has received  
Human Rights approval on April 3, 2001; and

Whereas, Sufficient funds have been budgeted in the Public Services Department,  
Transportation Division's FY 01/02 Major and Local Street funds;

RESOLVED, That a sole source purchase order to Carrier and Gable, Inc. in the amount of \$135,000.00 for materials and supplies be approved; and  
RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution.

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R-351-8-01 APPROVED  
RESOLUTION TO APPROVE TRAFFIC CONTROL ORDER  
FOR GLEN ST. AND ANN ST.

Whereas, It is desirable to change certain portions of Glen St. and Ann St. from oneway operation to two-way to enhance bus service, construction traffic, and pedestrian safety in the area;

RESOLVED, That a Traffic Control Order be authorized to change Glen St. from Huron to Ann to two-way traffic and to change Ann St. from Glen to Zina Pitcher to two-way traffic; and

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

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R-352-8-01 APPROVED  
RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY AND  
MITCHELL AND MOUAT ARCHITECTS, RFP #512, FOR DESIGN OF  
IMPROVEMENTS TO MACK POOL

(\$46,530.00)

Whereas, Mack Pool was constructed in the mid 1960's and is in need of improvements to the locker rooms, mechanical equipment, entrance, and circulation Council - August 20, 2001 19 through the building;

Whereas, An RFP (#512) was sent out to 10 firms and Mitchell and Mouat Architects was chosen as the most qualified firm out of the three firms who submitted proposals;

Whereas, Funding for the contract is included in the FY 2001/2002 Park Rehabilitation and Development Millage; and

Whereas, Mitchell and Mouat Architects received Human Rights approval on November 3, 2000;

RESOLVED, That the Mayor and Council approve an agreement between the City and Mitchell and Mouat Architects for architectural design of Mack Pool Improvements for \$42,300.00, plus a project contingency for reimbursables and material testing of \$4,230.00; and

RESOLVED, That a project budget totaling \$46,530.00 be established for the life of the project without regard to fiscal year in order to fund this project.

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R-353-8-01 APPROVED  
RESOLUTION APPROVING STREET CLOSINGS FOR  
"THE DANCIN' IN THE STREET" SPECIAL EVENT

Whereas, The City has received a request from the Ann Arbor Council for Traditional Music and Dance to sponsor a special event on Sunday, September 2, 2001 from 11:30 a.m. - 5:30 p.m.;

Whereas, The staging of this event will require the closing of Main Street between Huron and William, Liberty between Ashley and Fourth Avenue and Washington between Ashley and Fourth Avenue;

Whereas, The sponsors have requested Council waive meter bag deposit fees (est. \$800.00);

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

Whereas, The sponsors will obtain the necessary permits, provide evidence of proper liability insurance, comply with all procedures, rules and regulations for holding this event and pay the following estimated service charges associated with their sponsorship of the event:

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Transportation \$240.00 (Barricades)

RESOLVED, That the closing of streets as requested be approved; and

RESOLVED, That Council waive parking meter bag deposit fees (approximately \$800.00).

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R-354-8-01 APPROVED

RESOLUTION TO APPROVE AUTHORIZED EXPENDITURES

FOR CERTAIN REHABILITATION CONTRACTORS

FROM JULY 1, 2001 THROUGH JUNE 30, 2002

Whereas, City Code Section 1:321 allows the City Administrator to approve contracts for services without City Council approval when the total payments to the contractor in a fiscal year do not exceed \$25,000.00;

Whereas, City Code Section 1:312 allows the City Administrator to approve any purchase or contract under \$25,000.00;

Whereas, City Charter Chapter 14, Section 14.2, requires City Council approval of any contracts with or purchases from a vendor totaling \$25,000.00 or more in a single fiscal year;

Whereas, On September 18, 2000, City Council approved Resolution R-479-9-00 relating to approving authorization of certain vendors;

Whereas, Under the current Housing Program Guidelines, the City and the homeowner enter into agreements for the amount of work needing to be completed and the homeowner and the contractor also enter into agreements for the same amount; and

Whereas, the following contractors, each of which has received Living Wage and Human Rights approval, are anticipated to be awarded contracts or purchases exceeding \$25,000.00 within this fiscal year in the amounts shown:

**Spending Authorized**

**Contractor Name Limits Through 6-30-02**

A. H. Construction \$ 150,000.00

B.R. Stouffer \$ 150,000.00

C & P Painting \$ 150,000.00

Cockrane Building Company \$ 150,000.00

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Carl Waskul \$ 150,000.00

Derek Riggs Building Company \$ 150,000.00

Home Run Services, Inc. \$ 150,000.00

Kapow Construction \$ 150,000.00

Michael P. McCarthy \$ 150,000.00

Sharp Builidng Company \$ 150,000.00

The Renewal Company \$ 150,000.00

Xtreme Measures Inc. \$ 150,000.00

RESOLVED, That City Council approve the anticipated expenses to the above listed vendors/contractors up to the amounts shown for Housing Rehabilitation contracts; and RESOLVED, That any single contract or purchase to any of the above vendors that are equal to or exceeds \$25,000.00 be brought separately to City Council for approval prior to entry into the obligation to pay.

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

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**ORDINANCES - SECOND READING**

29-01 APPROVED

COHEN 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 0.52 acre, located on the north side of Heatherway, west of Chestnut, from TWP (Township District) to R1A (Single-Family Dwelling District). (The complete text of Ordinance 29-01 is on file in the City Clerk's Office).

Councilmember Carlberg moved that the ordinance be adopted at second reading.

On a voice vote the Mayor declared the motion carried.

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32-01 APPROVED

FOOTING DRAIN DISCONNECTION

An Ordinance to Add a new Section 2:51.1 to Chapter 28 of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 32-01 is on file in the City Clerk's Office.)

Councilmember Higgins moved that the ordinance be adopted at second reading.

On a voice vote the Mayor declared the motion carried.

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33-01 APPROVED

INDIRECT DISCHARGES TO THE CITY'S PUBLICLY OWNED TREATMENT WORKS

An Ordinance to Amend Section 2:42.2 of Chapter 28 of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 33-01 is on file in the City Clerk's Office.)

Councilmember Hartwell moved that the ordinance be adopted at second reading.

On a voice vote the Mayor declared the motion carried.

**ORDINANCES - FIRST READING**

34-01 APPROVED

RESTRICTION ON WATER USE DURING EMERGENCIES

An Ordinance to Amend Sections 2:31 and 2:40 of Chapter 27 of Title II and Section 2:63 of

Chapter 29 of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 34-01 is on file in the City Clerk's Office.)

Councilmember Hartwell moved that the ordinance be approved at first reading.

On a voice vote the Mayor declared the motion carried.

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37-01 APPROVED

NOTICE OF PUBLIC HEARINGS FOR AREA PLANS, SITE PLANS, PUD SITE PLANS,

SITE PLANS FOR PLANNING COMMISSION APPROVAL, LAND DIVISIONS, OR PRELIMINARY PLATS

An Ordinance to Amend Chapter 57 of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 37-01 is on file in the City Clerk=s Office.)

Councilmember Herrell moved that the ordinance be approved at first reading.

On a voice vote the Mayor declared the motion carried.

**MOTIONS AND RESOLUTIONS**

R-355-8-01 APPROVED

(RESOLUTION TO ISSUE A REQUEST FOR PROPOSAL TO ADMINISTER A PLEDGE DRIVE FOR CITY OF ANN ARBOR EMPLOYEES CHARITABLE GIVING)

Councilmember Hartwell moved that the resolution be adopted.

Councilmember Robinson moved to amend the resolution as follows:

**RESOLVED**, That the City **WILL CONTINUE ITS RELATIONSHIP WITH THE UNITED WAY FOR THE 2001-2002 CHARITABLE GIVING CAMPAIGN. BETWEEN JANUARY 1, 2002 AND JANUARY 15, 2002** the City, through its Human Rights Office, will issue a Request for Proposal (RFP) to campaign management organizations interested in developing and implementing a city employee campaign for charitable giving for 2002/2003 campaign;

**RESOLVED**, That the recommendation for a single campaign management organization will be brought to City Council for approval **AS SOON AS POSSIBLE AFTER JANUARY 15,2002 BUT NO LATER THAN MARCH 15, 2002.**

On a roll call the vote was as follows:

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Yeas, Councilmembers Higgins, Robinson, Mayor Hieftje, 3;

Nays, Councilmembers Carlberg, Herrell, Hartwell, Easthope, Woods, Lowenstein,6.

The Mayor declared the motion defeated.

The sponsors of the resolution agreed to add the following language to the first

"RESOLVED" clause of the resolution as follows:

**RESOLVED**, That the recommendation for a single campaign management organization be brought to City Council for approval as soon as possible **BUT NO LATER THAN OCTOBER 31, 2001.**

The question being the resolution as presented, on roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Herrell, Hartwell, Easthope, Woods, Lowenstein, 6;

Nays, Councilmembers Higgins, Robinson, Mayor Hieftje, 3.

The Mayor declared the motion carried.

The resolution as adopted reads as follows:

**RESOLUTION TO ISSUE A REQUEST FOR PROPOSAL TO ADMINISTER A PLEDGE DRIVE FOR CITY OF ANN ARBOR EMPLOYEES CHARITABLE GIVING**

Whereas, The City of Ann Arbor's non-discrimination ordinance (Chapter 112, Sec. 9.150, of the City Code) prohibits discrimination on the basis of actual or perceived race,

color, religion, national origin, sex, age, height, weight, condition of pregnancy, marital status, physical or mental limitation, source of income, family responsibilities, educational association, sexual orientation, gender identity or HIV status;

Whereas, The Boy Scouts of America has an organizational policy that does not allow gay men to lead scout packs and that they consider homosexuality to be inconsistent with the values represented by the terms "morally straight" and "clean;" while also declining membership to atheists and agnostics;

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Whereas, Dozens of United Way agencies throughout the country, including the United Way of Allegan County, Michigan, have ceased funding the Boy Scouts of America because of its explicit policy of excluding scouts and scout leaders based upon their sexual orientation;

Whereas, Efforts urging the Washtenaw County United Way to stop funding organizations that, as a matter of policy, discriminate against individuals based upon their sexual orientation have been unsuccessful;

Whereas, The City Council does not wish to penalize those organizations in our community that choose not to discriminate; and

Whereas, The City Council wishes to continue to provide city employees with the opportunity to contribute through payroll deductions to non-profit organizations that do not discriminate on grounds contrary to the City's non-discrimination ordinance;

RESOLVED, That the City, through its Human Rights Office, will issue a Request for Proposal (RFP) to campaign management organizations interested in developing and implementing a city employee campaign for charitable giving for the 2001/2002 campaign;

RESOLVED, That the recommendation for a single campaign management organization be brought to City Council for approval as soon as possible; but no later than October 31, 2001.

RESOLVED, That the chosen organization abide by the city's non-discrimination ordinance and promote charities that work on a broad range of activities and programs, as long as they meet minimum standards that shall include:

- a). IRS 501(c)(3) status, and conformity with all state and local charitable regulations;
- b). Demonstrated fiscal responsibility;
- c). Adherence to non-discrimination standards, which match or exceed those of the City of Ann Arbor;
- d). Demonstrate program activity that positively impacts human health and welfare in the Ann Arbor area. Activity including, but not limited to, direct service, advocacy, community organizing, social justice, lobbying (as allowed by law), litigation, research and community education will be considered as appropriate methods through which charities may positively impact human health and welfare.

RESOLVED, That the program be funded through a reasonable percentage deducted from donations; and

RESOLVED, That the campaign respect donor's wishes by allowing donors to "writein" contributions to any local 501(c)(3) charity, even if not listed in the campaign materials.

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POSTPONED

RESOLUTION TO APPROVE BERKSHIRE CREEK PLANNED PROJECT SITE PLAN, DEVELOPMENT AGREEMENT AND WETLAND USE PERMIT

A communication was received from the City Planning Commission transmitting its

recommendation of approval of the proposed Berkshire Creek Planned Project Site Plan, Development Agreement and Wetland Use Permit, 10.67 acres, west of Huron Parkway, North of Washtenaw Avenue.

Whereas, Creative Land Design, Inc. has requested planned project site plan approval in order to construct 64 residential condominium units in eight buildings on the north side of Washtenaw, west of Huron Parkway;

Whereas, A development agreement has been prepared to address the conveyance of public parkland, a park contribution, and traffic mitigation at the Washtenaw Avenue/Huron Parkway intersection;

Whereas, A wetland use permit has been requested to allow footbridge crossings of the wetland totaling 179 linear feet and a detention basin within 500 feet of Malletts Creek; and

Whereas, The Ann Arbor City Planning Commission, on July 17, 2001, recommended approval of said request;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that is on file in the City Clerk's Office, dated August 6, 2001;

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RESOLVED, That City Council approve the Berkshire Creek Site Plan and planned project modification from building height and placement requirements, upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, (3) the two separate tax parcels are combined, (4) an access easement is recorded, and (5) final approval from the Washtenaw County Drain Commissioner is received and written confirmation is received that the site mitigation for the ground water contamination is in compliance with Michigan Department of Environmental Quality standards prior to the issuance of grading permits; and

RESOLVED, That City Council approve the Wetland Use Permit to allow footbridge crossings of the wetland totaling 179 linear feet and a detention basin within 500 feet of Malletts Creek.

Councilmember Carlberg moved that the resolution be adopted.

Councilmember Easthope moved that the resolution be postponed until September 6, 2001, for further discussion.

On a voice vote the Mayor declared the motion carried.

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R-356-8-01 APPROVED

RESOLUTION TO APPOINT ACTING MAYOR

Whereas, Mayor John Hieftje and Mayor Pro tem Jean Carlberg will both be away from the City of Ann Arbor from August 26 through September 4, 2001; and

Whereas, Section 4.3 of the Ann Arbor City Charter establishes a provision for the City Council to appoint an Acting Mayor;

RESOLVED, That the Mayor and City Council appoint Councilmember Stephen Hartwell as Acting Mayor from August 26 through September 4, 2001.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-357-8-01 APPROVED

RESOLUTION TO APPROVE AMVEST ANNEXATION

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A communication was received from the City Planning Commission transmitting its



recommendation of approval of the proposed Amvest Annexation, 1.12 acres, 2058 South State Street.

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

Whereas, Amvest Property Management, Inc. is the owner of said property; and

Whereas, It is the desire of Amvest Property Management, Inc. 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 Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the City of Ann Arbor, to-wit:

Part of the NE 3 of Section 5, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan, described as follows: Commencing at the NE corner of Section 5; thence West 132.04 feet in the North line of section; thence S 20°50'30" E 25.58 feet in the center of State Street; thence S 06°56'50" E 74.42 feet in the center of State Street for a PLACE OF BEGINNING; thence S 06°56'50" E 158.70 feet in the center of State Street; thence N 89°38' W 372.42 feet; thence N 02°02' E 156.11 feet; thence S 89°47' E 347.71 feet to the PLACE OF BEGINNING. Except the following: Commencing at the NE corner of Section 5, T3S, R6E, Pittsfield Township, Washtenaw County, State of Michigan; thence S 86°39'10" W along the North line of said Section 5, a distance of 132.03 feet to the point of intersection of said North line with the existing centerline of State Street according to Certificate of Survey No. 2334 filed in Liber 1913, Pages 368 and 369, Washtenaw County Records; thence S 24°11'20" E along said centerline 25.60 feet; thence S 10°18'35" E along said centerline 74.46 feet to the POINT OF BEGINNING; thence continuing S 10°18'35" E along said centerline 158.77 feet; thence S 87°01'10" W 48.3 feet to a point in the arc of a 2824.79 foot radius curve; thence Northerly along the arc of said curve to the left, through a central angle of 02°57'42" 146.02 feet; thence N 13°08'45" W 13.22 feet; thence N 86°52'10" E 52.3 feet to the POINT OF BEGINNING.

Beginning more particularly described as: Commencing at the NE corner of Section 5, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan, 30 Council - August 20, 2001

thence N 90°00'00" W 132.04 feet along the North line of said Section 5; thence along the centerline of State Street (variable width) in the following two (2) courses: S 20°50'30" e 25.58 feet, S 06°56'50" E 74.88 feet; thence N 89°47'00" W 52.39 feet to the POINT OF BEGINNING; thence along the West right-of-way line of said State Street in the following two (2) courses: S 09°47'55" E 12.82 feet; Southerly 145.88 feet in the arc of a circular curve to the right, radius 2824.79 feet, central angle 02°57'32", chord S 08°19'06" E 145.87 feet; thence N 89°38'00" W 324.17 feet; thence N 02°02'00" E 156.11 feet; thence S 89°47'00" E 295.34 feet to the POINT OF BEGINNING, being a part of the NE ¼ of said Section 5, T3S, R6E, Pittsfield Township, Washtenaw County, and containing 1.12 acres of land, more or less, subject to easements and restrictions of record, if any.

Councilmember Carlberg moved that the resolution be adopted.  
On a voice vote the Mayor declared the motion carried.

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R-358-8-01 APPROVED

RESOLUTION TO ORDER ELECTION AND DETERMINE BALLOT QUESTION FOR  
CHARTER AMENDMENT FOR RENEWAL OF STREET REPAIR MILLAGE  
RESOLVED, That the Ann Arbor City Council proposes that the City Charter be  
amended by modifying Section 8:20 to read as follows:

Funds for Street Reconstruction

Section 8.20. In addition to any other amount which the City is authorized to raise by  
general tax upon the real and personal property by this Charter or any other provision of  
law, the City shall, in [1997] **2002** through [2001] **2006**, annually levy a tax of up to 2 mills  
on all taxable real and personal property situated within the City for the purpose of  
providing funds for the reconstruction or resurfacing of streets.

RESOLVED, That November 6, 2001 be designated as the day for holding an  
election on the proposed Charter amendment;

RESOLVED, That the Clerk transmit a copy of the proposed amendment to the  
Attorney General and the Governor of Michigan and perform all other acts required by law  
for holding the election;

RESOLVED, That the proposed Charter amendment appear on the ballot in the  
following form, together with the following statement of purpose:

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ANN ARBOR CITY CHARTER AMENDMENT  
REGARDING TAX FOR STREET RECONSTRUCTION

Shall the Charter be amended by authorizing a 2 mill tax for street reconstruction for  
5 years, which will raise the first year of the levy the estimated revenue of  
\$6,671,407?

**Yes No**

PURPOSE OF AMENDMENT

The Charter previously authorized a 2 mill tax for street reconstruction for 5 years.  
That authorization ended in 2001. This amendment would again authorize a 2 mill  
street reconstruction millage for 5 years, beginning in 2002.

RESOLVED, That the proposed Charter amendment and proposed ballot question,  
along with the statement of purpose, be published in full not fewer than two times in the  
Ann Arbor News; and

RESOLVED, That if the amendment is adopted, it shall take effect on January 1,  
2002.

Councilmember Carlberg moved that the resolution be adopted.  
On a voice vote the Mayor declared the motion carried.

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R-359-8-01 APPROVED

RESOLUTION TO APPROVE THE FISCAL YEAR 1999 STATE  
DOMESTIC PREPAREDNESS EQUIPMENT GRANT (SDPEG) AGREEMENT AND  
APPROPRIATE THE FUNDS TO THE FIRE DEPARTMENT  
(98,033.00)

Whereas, The City of Ann Arbor is one of twelve Regional Response Teams  
awarded a Grant from the Michigan Department of State Police, Emergency Management  
Division in the amount of \$98,033.00;

Whereas, In order to obtain reimbursement of funds expended for the City of Ann Arbor Fire Department, the City of Ann Arbor is required to elect to be part of a State Grant to the State of Michigan as a sub-grantee to receive State Domestic Preparedness 32 Council - August 20, 2001

Equipment Grant funds; and

Whereas, The Grant provides specialized emergency equipment that will enhance the basic capabilities of the City to respond to hazardous materials incident or an incident of domestic terrorism;

RESOLVED, That the City of Ann Arbor agree to enter into the grant contract with the State of Michigan and the Michigan Department of State Police by authorizing the City Administrator to sign the agreement on file in the City Clerk's Office;

RESOLVED, That the City Administrator be directed to accept these federal passthrough funds and appropriate the \$98,033.00 to the Fire Department Budget; and

RESOLVED, That the City Administrator be authorized to take all administrative actions necessary to implement these actions.

Councilmember Higgins moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-360-8-01 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF EQUIPMENT FROM ARGUS SUPPLY COMPANY FOR 1999 STATE OF DOMESTIC PREPAREDNESS EQUIPMENT AGREEMENT

(62,024.67)

Whereas, Bids were solicited through the Michigan Department of State Police, Emergency Management Division with Argus Supply Company being the lowest responsible bid;

Whereas, Argus Supply Company received Human Rights approval on July 12, 2001; and

Whereas, The City of Ann Arbor is not required to provide any matching funds under this grant program:

RESOLVED, The City Council accept the bid of Argus Supply Company in the amount of 62,024.67; and

RESOLVED, That the Interim City Administrator be authorized and directed to sign a purchase order to Argus Supply Company in the amount of \$62,024.67.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-361-8-01 APPROVED

RESOLUTION APPROVING A GRANT OF EASEMENT TO AMERITECH MICHIGAN FOR ELECTRONIC FIBER OPTIC CABLE CABINET (SOUTHEAST AREA PARK PROPERTY)

Whereas, The City of Ann Arbor is the owner of the following described property:

Parcel I: Commencing at the SE Corner of Section 10, T3S, R6E, City of Ann

Arbor, Washtenaw County, Michigan; thence S89 $\oplus$  56' 05" W 415.88 feet

along the S line of said section and the centerline of Ellsworth Road to the

POINT OF BEGINNING; thence continuing S89 $\oplus$  56' 05" W 386.83 feet along

said S line and said centerline; thence N 01 $\oplus$  22' 40" E 1123.27 feet; thence S55 $\oplus$  16' 00" E 638.17 feet along the southwesterly right-of-way line of the I-94 Expressway; thence S01 $\oplus$  00'00" W 417.74 feet; thence S89 $\oplus$  00' 00" E 34 Council - August 20, 2001

264.44 feet; thence S01 $\oplus$  00' 00" west 66.00 feet along the E line of said section and the centerline of Platt Road; thence N89 $\oplus$  00' 00" W 415.81 feet; thence S01 $\oplus$  00' 00" W 277.93 feet to the POINT OF BEGINNING. Being a part of the SE 1/4 of the SE 1/4 of Section 10, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan.

Parcel II: Commencing at the SE Corner of Section 10, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S89 $\oplus$  56' 05" W802.71 feet along the S line of said section and the centerline of Ellsworth Road to the POINT OF BEGINNING; thence continuing S89 $\oplus$  56' 05" W 546.84 feet along said S line of said centerline; thence N01 $\oplus$  22' 40" E 1340.11 feet along the W line of the SE 1/4 of the SE 1/4 of said Section; thence N89 $\oplus$  59'30" E 229.80 feet along the N line of the SE 1/4 of the SE 1/4 of said section; thence S55 $\oplus$  16' 00" E 379.44 feet along the southwesterly right-of-way line of the I-94 Expressway; thence S 01 $\oplus$  22' 40" W 1123.27 feet to the POINT OF BEGINNING. Being a part of the SE 1/4 of the SE 1/4 of Section 10, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan.

Whereas, The Michigan Bell Telephone Company, also known as Ameritech Michigan, a Michigan corporation, has requested a grant of easement from the City of Ann Arbor for the construction, operation and maintenance of a vented cabinet for electronic fiber optic cable for high-speed data and internet services, described as a 20 x 20 foot area located north of Ellsworth Road on Southeast Area Park property in order to provide broadband network services to its customers in southeast Ann Arbor, specifically;

Part of City property known as Southeast Area Park located in the SE 1/4 of Section 10, T3S, R6E, City of Ann Arbor Washtenaw County, Michigan. The easement being more particularly

described as commencing at the SE Corner of said Section 10; thence S89 $\oplus$  56' 05" W 1303.00 feet along the S section line and the centerline of Ellsworth Road; thence N00 $\oplus$  03' 55" W 50.00 feet to the N line of said road and the POINT OF BEGINNING; thence continuing N00 $\oplus$  03' 55" W 20.00 feet; thence N89 $\oplus$  56' 05" E 20.00 feet; thence S00 $\oplus$  03' 55" E 20.00 feet; thence S89 $\oplus$  56' 05" W 20.00 feet to the POINT OF BEGINNING.

Being a part of the SE 1/4 of the SE 1/4 of Section 10, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan.

Whereas, The City Administrator has determined, in accordance with Section 1:320(4) of the Ann Arbor City Code, based on the consideration to be paid and conditions for construction set forth in the Grant of Easement that an appraisal is not necessary and has so stated to Council;

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Whereas, The City Park Advisory Commission approved the easement at its May 11, 2001 meeting; and

Whereas, The City Parks and Recreation Department and the City Administration do

not object to the granting of the easement;  
RESOLVED, That City Council accept the recommendation of the City Administrator for the reasons specified herein that no appraisal be performed in conjunction with this Grant of Easement;

RESOLVED, That Grant of Easement be authorized by City Council subject to conditions, including indemnification of the City;

RESOLVED, That City Council hereby authorize the Grant of Easement subject to conditions, including indemnification of the City as Grantor and further approve the execution of all necessary documents as evidence of such grant; and

RESOLVED, That the Mayor and Clerk be authorized to execute the Grant of Easement in substantially the form now on file in the City Clerk=s office.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-362-8-01 APPROVED

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RESOLUTION TO APPROVE AMENDMENT NO. 4 TO  
TELECOMMUNICATIONS RIGHT-OF-WAY PERMIT AGREEMENT #1997 FOR  
MICHIGAN BELL TELEPHONE COMPANY, A/K/A AMERITECH OR AMERITECH  
MICHIGAN, TO USE CERTAIN PUBLIC RIGHTS-OF-WAY TO PROVIDE  
TELECOMMUNICATION SERVICES

Whereas, Ameritech has applied for an amendment to Telecommunications Permit Agreement #1997-3 which would allow for additional facilities to be installed in a location not covered by Permit #1997-3 as previously amended and administratively extended; and

Whereas, The application of Ameritech for this amendment to Permit #1997-3 was reviewed and recommended for approval by staff in the Public Services Department, Building Department and City Attorney=s Office;

RESOLVED, That City Council approve and authorize the Mayor and City Clerk to execute Amendment No. 4 to Telecommunications Permit Agreement #1997-3 on file in the City Clerk's Office.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-363-8-01 APPROVED

RESOLUTION TO AUTHORIZE SUMMARY PUBLICATION OF  
ORDINANCE NO. 32-01 - FOOTING DRAIN DISCONNECT FROM  
PUBLIC OWNED TREATMENT WORKS (POTW)

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

RESOLVED, That Ordinance No. 32-01 be published by the following summary:

Ordinance No. 32-01 amends the City Code by adding a new Section 2:51.1 to Chapter 28. The new section provides for improper storm water flows to be disconnected from the Public Owned Treatment Works (POTW) and allows the POTW to fund, within specified

levels, the systematic disconnection of footing drains from the POTW for eligible participants.

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The complete text of this ordinance is available for inspection at the City Clerk's Office, 2nd floor of the Guy C. Larcom, Jr. Municipal Building, 100 N. Fifth Ave., Ann Arbor. Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-364-8-01 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION

MINUTES OF AUGUST 17, 2001 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of August 17, 2001, be accepted and that the payments therein be authorized:

MINUTES

August 17, 2001

CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

Present: Joe Upton, Councilperson

Joan Lowenstein, Councilperson

Karen Sanford, City Treasurer III

Absent: None

Also Present: James Armstrong, Risk Management Office

Bob West, Assistant City Attorney

Abigail Elias, City Attorney.

CLAIMS DENIED:

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CASE NO.

CC 81-01 Vehicle Damage Claim: Ché Anthony Carter

Discussed by Jim Armstrong, Manager, Safety & Risk Management

Board denied the claim.

CC 86-01 Vehicle Damage Claim: Sarah Bethel

Discussed by Jim Armstrong, Manager, Safety & Risk Management and

the Board denied the claim and proposed that the Parks Department assume the \$1,083.61 in repairs due to their negligence in this case.

CC 89-01 Property Damage Claim: Ed Han

Discussed by Jim Armstrong, Manager, Safety & Risk Management

Board denied the claim.

CC 92-01 Vehicle Damage Claim: Mark Cozart

Discussed by Jim Armstrong, Manager, Safety & Risk Management and

the Board denied the claim and proposed that the Utilities Department assume the \$329.14 in repairs due to their negligence in this case.

CC 92-01 Vehicle Damage Claim: Lisa Becks

Discussed by Jim Armstrong, Manager, Safety & Risk Management and

the Board denied the claim and proposed that the Parks Department assume the \$500 reimbursement of insurance deductible due to driver negligence in this case.

OTHER BUSINESS:

CASE NO.

Insurance Policy Renewals

Discussed by Jim Armstrong, Safety & Risk Manager

Board authorized new insurance policies

Lawsuit of Steinman:

Discussed by David Swan, Assistant City Attorney

Lawsuit of Stacey Washington:

Discussed by Abigail Elias, City Attorney and the Board was given a status update.

Sewer Back Up Class Action Lawsuits

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Discussed by Abigail Elias, City Attorney and the Board was given a status update.

Position of Claims Specialist

Discussed by Jim Armstrong, Safety & Risk Manager

Board authorized restructuring job duties and change of title to Claims Specialist.

Lawsuit of Janis Marchyok

Discussed by David Swan, Assistant City Attorney

CC 69-01 Sewer Claim: Dawn Grabiec

Discussed by Jim Armstrong, Manager, Safety & Risk Management and the Board authorized settlement.

CC 75-01 Vehicle Damage Claim: Griffin Lindsay

Discussed by Jim Armstrong, Manager, Safety & Risk Management and the Board authorized settlement.

CC 82-01 Sewer Claim: Sam & Linda Myers

Discussed by Jim Armstrong, Manager, Safety & Risk Management and the Board authorized settlement.

CC 90-01 Vehicle Damage Claim: Michael Lovernick

Discussed by Jim Armstrong, Manager, Safety & Risk Management and the Board authorized settlement.

CC 93-01 Property Damage Claim: Barbara & Ronald Hirschl

Discussed by Jim Armstrong, Manager, Safety & Risk Management and the Board authorized settlement.

Prepared by,

Janine Bauer,

Interim Claims Specialist

Councilmember Lowenstein moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-365-8-01 APPROVED

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RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR  
TO EXECUTE THE INSURANCE POLICY INCLUDING BOILER &  
MACHINERY WITH FM GLOBAL

(\$156,648.00)

Whereas, The City's property insurance policies have expired on August 15, 2001;

Whereas, The City placed the service out to bid;

Whereas, The renewal of these services through FM Global would increase the annual cost by \$20,432.00;

Whereas, FM Global provided the best proposal rate structure of \$156,648.00 ;

Whereas, FM Global is in compliance with the Living Wage Ordinance, and obtained Human Rights approval on August 20, 2001; and

Whereas, The City will enter into a one-year contract with FM Global for property insurance including boiler and machinery;  
RESOLVED, That the City Administrator be authorized to execute the insurance renewal for property including boiler and machinery with FM Global for a one-year period beginning August 16, 2001.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-366-8-01 APPROVED

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE INSURANCE POLICY RENEWAL FOR WORKERS' COMPENSATION AND LIABILITY WITH DISCOVER RE

Whereas, The City's workers' compensation and liability insurance policies have expired on August 15, 2001;

Whereas, The City placed the service out to bid and three companies responded with complete proposals;

Whereas, The renewal for these services through Discover RE would increase the annual cost by \$104,000.00;

Whereas, Human Rights and Living Wage approvals are pending; and

Whereas, The City will enter into a one year contract with Discover RE for worker's compensation and liability insurance;

RESOLVED, That the City Administrator be authorized to execute the insurance renewal for workers' compensation and liability with Discover RE for a one-year period beginning August 16, 2001.

Councilmember Robinson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

**REPORTS FROM COUNCIL COMMITTEES**

None.

**COUNCIL PROPOSED BUSINESS**

None.

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**COMMUNICATIONS FROM THE MAYOR**

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the August 6, 2001 regular session of Council:

Community Development Block Grant Citizen Participation Executive Committee

Willie Horton (Re-appointment and Appointment to Committee Chair)

2531 Braeburn Circle

Ann Arbor, MI 48108

Term: August 20, 2001 - June 30, 2004

Maureen O'Rourke (Re-appointment)

916 Sunnyside Blvd.

Ann Arbor, MI 48103

Term: August 20, 2001 - June 30, 2004

Rebekah Warren (Fill a Vacancy)

234 Eighth Street

Ann Arbor, MI 48103



Term: August 20, 2001 - June 30, 2004

Commission on Art in Public Places

Bryan Rogers (Fill an At Large Vacancy)

3222 E. Delhi Road

Ann Arbor, MI 48103

Term: August 20, 2001 - December 31, 2004

Domestic Violence Coordinating Board

Christ Heatley (Fill vacancy left by Mike Zsenyuk)

Ann Arbor Police Department Rep.

Term: August 20, 2001 - September 4, 2003

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Downtown Development Authority

David Solo (Fill a Vacancy)

Bagel Factory, Inc.

1306 S. University

Ann Arbor, MI

Term: August 20, 2001 - July 31, 2005

Energy Commission

Robert A. Black (Re-appointment)

516 Spring Street

Ann Arbor, MI 48103

Term: August 20, 2001 - August 19, 2004

Kurt Brandle (Re-appointment)

3115 Lexington Dr.

Ann Arbor, MI 48105

Term: August 20, 2001 - August 19, 2004

Yoshiko Hill (Re-appointment)

4801 Starak Lane

Ann Arbor, MI 48105

Term: August 20, 2001 - August 19, 2004

Stephen S. Miller (Re-appointment)

2412 Georgetown Blvd.

Ann Arbor, MI 48105

Term: August 20, 2001 - August 19, 2004

Housing Commission

David A. Parent (Fill a vacancy left by resignation of Robin Stephens)

824 S. Main Street, #3

Ann Arbor, MI 48104

Term: August 20, 2001 - April 30, 2004

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Sign Board of Appeals

Gordon Barnett, Jr. (Re-appointment)

2097 Yorktown Drive

Ann Arbor, MI 48105

Term: August 20, 2001 - August 19, 2004

Steve Olsen (Re-appointment)

1007 Lincoln Avenue

Ann Arbor, MI 48104

Term: August 20,2001 - August 19, 2004

Steve Schweer (Re-appointment)

1025 Berkshire Road

Ann Arbor, MI 48104

Term: August 20, 2001 0 August 19, 2004

Zoning Board of Appeals

David Gregorka (Re-appointment)

1723 Ivywood Dr.

Ann Arbor, MI 48103

Term: August 20,2004 - August 19, 2004

Ethel K. Potts (Re-appointment)

1014 Elder Blvd.

Ann Arbor, MI 48103

Term: August 20, 2001 - August 19, 2004

Councilmember Herrell moved that Council concur with the recommendations of the Mayor.

On a voice vote the Mayor declared the motion carried.

NOMINATION PLACED ON TABLE

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

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Community Development Block Grant Citizen Participation Executive Committee

Bernard Cherkasov

555 East William Street #16-G

Ann Arbor, MI 48104

Term: September 6, 2001 - June 30, 2004

### **COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

#### **REPORTS SUBMITTED**

Interim City Administrator Ron Olson submitted the following reports for information of Council:

1. Section 8 Renewal of Expiring FFY01 Q4 Voucher Increments - Housing Commission
2. Accessible Pedestrian Signals Update - Public Services
3. "Paint The Tank" Design Competition for the Northeast Area Water Tank - Utilities
4. Resolution for the Approval of and Transfer of Insurance Fund Reserve Dollars for the Fire Service Joint Labor/Management Wellness and Fitness Initiative - Human Resources

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

### **COMMUNICATIONS FROM THE CITY ATTORNEY**

#### **REPORT ON COMPLETED ANNEXATIONS**

City Attorney Abigail Elias submitted reports on the following completed annexations:

1. Knight property, 4.16 acres, 2310, 2320 and 2324 Dexter Road, from Scio Township;
2. Kibbie property, 0.52 acre, 2055 Pontiac Trail, from Scio Township; and
3. Rudolf Steiner High School (Moehrle Inc.) property, 6.26 acres, 2230, 2244 and 2250 Pontiac Trail from Scio Township.

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

### **COMMUNICATIONS FROM COUNCIL**

#### **COUNCILMEMBER HERRELL**

Councilmember Herrell announced that everyone is invited to the Lenawee Native American Powwow which will take place in Adrian, Michigan, at the Sienna Heights University Field House on September 29<sup>th</sup> and 30<sup>th</sup>.

### **CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**

The following minutes were received for file:

1. Zoning Board of Appeals - February 28, 2001, May 23, 2001, and June 27, 2001
2. City (Farmers) Market Commission - July 19, 2001

Councilmember Lowenstein moved that the Clerk's Report be accepted.

On a voice vote the Mayor declared the motion carried.

### **PUBLIC COMMENTARY - GENERAL**

**BOB ELTON - PAINT THE TANK**

Bob Elton, Chairman of Ann Arbor Commission on Art in Public Places, talked about the "Paint The Tank" competition. He showed a sample of the entry blank that will be used for the proposed competition.

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### **RECESS FOR CLOSED SESSION**

Councilmember Easthope moved that the regular meeting of Council be recessed for a closed session to discuss the bargaining progress.

On a voice vote the Mayor declared the motion carried and the meeting recessed at 10:40 p.m.

Councilmember Carlberg moved that the regular session of Council be reconvened.

On a voice vote the Mayor declared the motion carried and the meeting reconvened at 11:15 p.m.

### **ADJOURNMENT**

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

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 11:15 p.m.

Yvonne Carl

Interim Clerk of the Council

Anissa R. King

Recording Secretary