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8/4/2003	1	City Council	Approved	Pass

ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - AUGUST 4, 2003

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:33 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Council Members Kim Groome, Robert M. Johnson, Joan Lowenstein, Michael R. Reid, Jean Carlberg, Heidi Cowing Herrell, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

ADAM DEANGELI - RESOLUTION TO CUT OFF MILITARY AID TO ISRAEL

Adam DeAngeli, 827 W. Huron, asked that Council bring forth a resolution to divest from Israel.

PUBLIC HEARINGS

320 EAST LIBERTY SITE PLAN

A public hearing was conducted on the proposed 320 E. Liberty Site plan, 0.2 acre. Notice of public hearing was published August 4, 2003.

The following people expressed concern with the proposed Site Plan located at 320 E. Liberty:

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Jim Mogensen, 3780 Greenbrier Blvd., #354C

Thomas Partridge, 100 S. 4th Avenue, #1010

There being no further comment, the Mayor declared the hearing closed.

CITATIONS FOR VIOLATIONS OF VARIOUS PUBLIC HEALTH, SAFETY AND WELFARE PROVISIONS (ORDINANCE NO. 32-03)

A public hearing was conducted on the proposed Ordinance to Amend Section 1:17 of Title I of the Ann Arbor City Code to Authorize the Issuance of Citations for Violations of Various Public Health, Safety and Welfare Provisions of the Ann Arbor City Code by the Community Standards Unit of the Police Department when created. Notice of public hearing was published August 3, 2003.

Thomas Partridge, 100 S. 4th Avenue, #1010, expressed concern with the proposed ordinance authorizing the issuance of citations for violations of public health, safety and welfare provisions.

There being no further comment, the Mayor declared the hearing closed.

ESTABLISH A PROCESSING FEE FOR PRELIMINARY BREATH TESTS (PBT)

A public hearing was conducted on the proposed resolution requesting the establishment of a Processing Preliminary Breath Test (PBT) Fee in the amount of \$5.00. Notice of public hearing was published August 3, 2003.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Council Member Woods moved, seconded by Council Member Teall that the agenda be approved with the following changes:

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CONSENT AGENDA

Delete: Resolution to Approve the Installation of a Reinforcement Roof Structure in the Amount of \$29,800.00 by Construction Solutions, Inc., at Veterans memorial Park Ice Arena (Parks and Recreation - Jayne Miller, Manager) (Deleted 7/31/03)

Revise: Resolution to Approve a Professional Services Agreement with Washtenaw Engineering Company (\$414,525.00) and Establish a Project Design Budget for the West Stadium Boulevard Reconstruction Project (Pauline to Abbott) (\$588,525.00) (Public Services - William R. Wheeler, Director) (Revised 8/4/03)

Add: Resolution to Accept Board of Insurance Administration Minutes and to Authorize Payments (Ronald Olson, Associate City Administrator) (Added 7/30/03)

MOTIONS AND RESOLUTIONS

Added After Newspaper Deadline:

Add: Resolution Appointing a Member of the Parks Advisory Commission to the Environmental Commission (Council Members Johnson and Woods) (Added 7/29/03)

Add & Resolution in Support of "Washtenaw in Motion" (Council Member Carlberg)

Delete: (Added 7/29/03) (Deleted 7/31/03)

Add: Resolution Recognizing Airedale Terrier Rescue and Adoption (ATRA) as a Civic Nonprofit Organization Operating in the Ann Arbor Community for the Purpose of Obtaining a Charitable Gaming License (Council Members Woods and Easthope) (Added 8/1/03)

Add: Resolution to Amend the Executive and Profession Pay Plans of the City Consistent with Reorganization of the City Attorney's Office (Council Members Carlberg, Easthope, Higgins and Lowenstein) (Added 8/4/03)

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COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Bandemer Park Bicycle Path - Planning - Karen Popek Hart, Director (Added 8/1/03)

Move & RECESS FOR CLOSED SESSION TO DISCUSS ATTORNEY-

Revise: CLIENT PRIVILEGED COMMUNICATIONS AND PENDING LITIGATION (Closed session placed before Consent Agenda)

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF JULY 21, 2003 APPROVED

Council Member Carlberg moved, seconded by Council Member Higgins that the regular session minutes of July 21, 2003 be approved with minor changes.

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

RECESS FOR CLOSED SESSION

Council Member Easthope moved, seconded by Council Member Lowenstein that the

regular session of Council be recessed to discuss attorney-client privileged communications and pending litigation.

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Teall, Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:00 p.m.

The Mayor reconvened the regular session of Council at 9:26 p.m.

Council Member Easthope moved, seconded by Council Member Groome that the City Attorney be authorized to proceed with settlement discussions in the Pall Life Sciences NPDES permit contested case as directed by the City Council.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the end of Motions and Resolutions:

Resolution to Approve a Professional Services Agreement with Washtenaw Engineering Company (\$414,525.00) and Establish a Project Design Budget for the West Stadium Boulevard Reconstruction Project - Pauline to Abbott (\$588,525.00) (Public Services - William R. Wheeler, Director)

Resolution Requesting the Establishment of a Processing Preliminary Breath Test (PBT) Fee in the Amount of \$5.00 (Police - Daniel J. Oates, Chief)

CONSENT AGENDA ITEMS APPROVED

Council Member Johnson moved, seconded by Council Member Herrell that the following Consent Agenda items be approved as presented:

R-321-8-03 APPROVED

RESOLUTION TO APPROVE A NEW DANCE PERMIT IN

CONJUNCTION WITH A CLASS "C" LIQUOR LICENSE FROM

PARTHENON GYROS RESTAURANT, INC., LOCATED AT 226 S. MAIN

RESOLVED, That the request from Parthenon Gyros Restaurant, Inc. for a new Dance Permit, in conjunction with a 2002 Class "C" licensed business located at 226 S. Main, Ann Arbor, Michigan, Washtenaw County be approved.

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R-322-8-03 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH SINCLAIR RECREATION, L.L.C.

FOR THE PURCHASE AND INSTALLATION OF A NEW PICNIC PAVILION,

SHADE STRUCTURES (\$66,645.00) FOR NORTHEAST AREA PARK AND TO

ESTABLISH A CONSTRUCTION BUDGET OF \$70,105.00

Whereas, Improvements at Northeast Area Park are identified in the Park and Recreation Open Space Plan 2000-2005;

Whereas, A neighborhood survey and several public meetings were conducted to obtain citizen input into improvements proposed at the park and this amenity is a component of the approved development plans;

Whereas, Competitive quotations were sought by the Department of Parks and Recreation to supply and install the specified picnic pavilion and shade structures with bids received on or before July 16, 2003 and Sinclair Recreation, LLC was identified as the lowest responsible bidder;

Whereas, Funds for this project come from previously collected developer park contributions, a grant by the Michigan Department of Natural Resources, and the FY2003/2004 budget of the Park Rehabilitation and Development Millage; and

Whereas, The Human Rights approval and compliance with the Living Wage Ordinance was received on April 28, 2002 for Sinclair Recreation, LLC;

RESOLVED, That City Council approve a service purchase agreement with Sinclair Recreation, LLC to supply, ship, and install a picnic pavilion and shade structures per their

quotation in the amount of \$66,645.00 for Northeast Area Park;
RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$3,460.00 (10%) to cover potential contract change orders to be approved by the City Administrator and a total construction budget of \$70,105.00 for the life of the project without regard to fiscal year; 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.

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R-323-8-03 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH
MARGOLIS NURSERY, INC., (\$42,487.00) FOR IMPROVEMENTS AT
WINDEMERE PARK (BID NO. 3613) AND TO ESTABLISH A
CONSTRUCTION BUDGET FOR \$46,735.70

Whereas, Renovations at Windemere Park are identified in the Park and Recreation Open Space Plan, 2000-2005;

Whereas, A neighborhood survey and public meeting were conducted to obtain input into improvements at the parks;

Whereas, Competitive bids were sought by the Purchasing Division with bids received on July 15, 2003 and Margolis Nursery, Inc. was identified as the lowest responsible bidder;

Whereas, Funds for the project are from the Parks Rehabilitation and Development Millage and previously collected developer park contributions; and

Whereas, The Human Rights approval and compliance with the living wage ordinance was received on May 30, 2003 for Margolis Nursery, Inc.;

RESOLVED, That City Council approve a construction contract, per bid #3613, with Margolis Nursery, Inc. in the amount of \$42,487.00 for Improvements at Windemere Park;

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

RESOLVED, That City Council approve a construction contingency in the amount of \$4,248.70 (10%) to cover potential contract change orders to be approved by the City Administrator and a total project budget of \$46,735.70 for the life of the project without regard to fiscal year.

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R-324-8-03 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL LEGAL SERVICES
AGREEMENT WITH MODEL CITIES LEGAL SERVICES TO PROVIDE
LEGAL REPRESENTATION AS COURT-APPOINTED COUNSEL
TO INDIGENT DEFENDANTS

Whereas, Persons charged with misdemeanor violations for which incarceration may be imposed are entitled to legal representation;

Whereas, Persons who are determined by the 15th District Court to be indigent have the right to have counsel appointed by the Court to represent them at public expense;

Whereas, The City of Ann Arbor is obligated by law to fund 15th District Court operations;

Whereas, Funds for Court-appointed counsel for indigent persons have been approved in the 15th District Court's FY 2003 - 2004 Budget in the amount of \$150,000.00;

Whereas, Pursuant to Michigan Court Rule 8.110(C), the Chief Judge is the chief administrative official in the District Court and is responsible for oversight of the appointment of counsel for indigent defendants;

Whereas, The 15th District Court frequently appoints Model Cities Legal Services attorneys to represent indigent defendants based on their proven abilities, demonstrated knowledge and sensitivity in performing this work;

Whereas, The cost for Court-appointed legal representation by Model Cities Legal Services is less than the prevailing rate for private legal representation in such matters; and

Whereas, On July 17, 2003, Living Wage and Human Rights approval was granted by the City Human Resources Department;

RESOLVED, That City Council approve a professional legal services agreement with Model Cities Legal Services to provide Court-appointed counsel for indigent defendants appearing in the 15th District Court, in an amount not to exceed \$150,000.00 for FY 2003 - 2004; 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.

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R-325-8-03 APPROVED

RESOLUTION AUTHORIZING THE PURCHASE OF OPERATING MATERIALS, BID NO. 3531, C & T TRANSPORT, INC.

Whereas, The City uses operating materials on major and local streets during the daily work activities;

Whereas, Competitive bids were sought for the supply of operating materials, C & T Transport, Inc. submitted the lowest responsible bid; and

Whereas, C & T Transport Inc., received Human Rights approval on May 15 2003;

RESOLVED, That City Council approve the purchase of operating materials from C & T Transport, Inc., in the amount of \$60,000.00; and

RESOLVED, That purchases be funded from the approved FY 2003/04 budgets of Water Supply Fund (\$40,000.00) and Sanitary Sewer Fund (\$20,000.00).

R-326-8-03 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION

MINUTES OF JULY 24, 2003 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of July 24, 2003 be accepted and that the recommended courses of action therein, including payments and insurance premium renewals, be approved and authorized.

MINUTES

July 24, 2003

CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

Present: Jim Armstrong - Risk Manager

Joan Lowenstein - City Council Member

Mary Siefert - Treasurer

Abigail Elias - Chief Assistant City Attorney

Ronald Olson - Associate City Administrator

Marilyn Mack - Claims Specialist

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Constance Hayes - Administrative Assistant

David Swan - Assistant City Attorney

Claims Recommended for Approval:

CC048-03 Rhonda Gilpin

Property Damage

Discussed by Jim Armstrong, Risk Manager

CC040-03 Christopher Graham

Vehicle Damage

Discussed by Jim Armstrong, Risk Manager

Claims Recommended for Denial:

CC068-03 Linda Ulrickson

Vehicle Damage

Discussed by Marilyn Mack, Claims Specialist

CC031-03 Thomas/Elizabeth Allmand

Sewer Back Up

Discussed by Marilyn Mack, Claims Specialist

CC035-03 Downtown Development Authority

Property Damage

Discussed by Jim Armstrong, Risk Manager and David Swan,
Assistant City Attorney

Old Business:

New Business:

Property Insurance Proposal discussed by Jim Armstrong, premium amount
recommended for approval by Board.

Insurance renewals discussed by Jim Armstrong, Risk Manager. (Fiduciary Liability,
Fidelity Bond, Airport Liability, Underground Storage Tanks, Excess Workers'
Compensation, Excess Liability)

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Other Business:

Jim Armstrong updated the Insurance Board on seventeen pending claims, departmental
subrogation recoveries and Insurance Fund subrogation recoveries.

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

R-327-8-03 APPROVED AS AMENDED

(RESOLVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT

WITH WASHTENAW ENGINEERING COMPANY (\$414,525.00)

AND ESTABLISH A PROJECT DESIGN BUDGET FOR THE WEST

STADIUM BOULEVARD RECONSTRUCTION PROJECT)

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

Council Member Groome moved, seconded by Council Member Herrell that the resolution
be amended as follows:

Add Whereas Clause:

... Whereas, There will be extensive public involvement in the design phase for this
project; and...

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

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

The resolution as amended reads as follows:

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT

WITH WASHTENAW ENGINEERING COMPANY (\$414,525.00)

AND ESTABLISH A PROJECT DESIGN BUDGET FOR THE WEST

STADIUM BOULEVARD RECONSTRUCTION PROJECT

Whereas, The West Stadium Boulevard Reconstruction is planned for construction
contract letting by the Michigan Department of Transportation (MDOT) in 2004;

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Whereas, It is now necessary to begin the planning and the engineering design for the
West Stadium Boulevard Reconstruction project, to meet the required deadlines;

Whereas, It is necessary to retain the services of a professional engineering firm to
perform the project design;

Whereas, Washtenaw Engineering Company has demonstrated the required experience,
qualified professionals, and competitive fee schedule for planning and design of the
project;

Whereas, Washtenaw Engineering Company received Human Rights approval on August
4, 2003, and complies with the living wage ordinance; and

Whereas, There will be extensive public involvement in the design phase for this project;

RESOLVED, That City Council approve a professional services agreement with

**Washtenaw Engineering Company in the amount of \$414,525.00 for the planning and
design of the West Stadium Boulevard Reconstruction Project;**

**RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said
professional services agreement, after approval as to form by the City Attorney, and**

approval as to substance by the City Administrator;
RESOLVED, That the following project budget be adopted for the life of the project, to be available without regard to fiscal year:

Section I - Revenue

\$ 588,525.00 Street Resurfacing Millage (Fund 0062)

\$ 588,525.00 TOTAL

Section II - Expenses

\$414,525.00 Consulting engineering services

127,000.00 Other charges including project management, City owned vehicles, printing, materials and supplies, etc.

47,000.00 Contingencies to be approved by the City Administrator

\$588,525.00 TOTAL; and

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

R-328-8-03 APPROVED

RESOLUTION REQUESTING THE ESTABLISHMENT OF A PROCESSING

PRELIMINARY BREATH TEST (PBT) FEE IN THE AMOUNT OF \$5.00

Whereas, The Police Department front desk administers over 200 court-ordered preliminary breath tests per year;

Whereas, The Ann Arbor Police Department fee analysis shows that the associated costs for processing this test is equal to \$5.00; and

Whereas, The Police Department desires to collect a \$5.00 fee per test to defray the costs associated with processing a court-ordered preliminary breath test;

RESOLVED, That Council authorize the Police Department to collect a \$5.00 fee for courtordered preliminary breath tests.

Council Member Carlberg moved, seconded by Council Member Groome that the resolution be adopted.

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

ORDINANCES - SECOND READING

32-03 APPROVED

CITATIONS FOR VIOLATIONS OF VARIOUS PUBLIC HEALTH,

SAFETY AND WELFARE PROVISIONS

An Ordinance to Amend Section 1:17 of Title I of the Ann Arbor City Code

to Authorize the Issuance of Citations for Violations of Various Public Health, Safety and Welfare Provisions of the Ann Arbor City Code by the Community Standards Unit of the Ann Arbor Police Department when Created

(The complete text of Ordinance 32-03 is on file in the City Clerk's Office).

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Council Member Easthope moved, seconded by Council Member Teall that the ordinance be adopted at second reading.

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

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-329-8-03 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF DESKTOP AND NOTEBOOK

COMPUTERS AND MISCELLANEOUS HARDWARE FROM ELECTRONIC

DATA SYSTEMS CORPORATION FOR FISCAL YEAR 2003-04

Whereas, The City of Ann Arbor requires that desktop computers, printers and other hardware be replaced to keep up with the changes necessary to efficiently and effectively increase the level of city services delivery;

Whereas, The City of Ann Arbor requires computer purchases over \$2,000.00 be bid out and awarded to the lowest bidder;

Whereas, The Administrative Services Department, Purchasing Division has been

permitted (by Council resolution dated March 31, 1975) to procure products and/or services from the State of Michigan through its Extended Purchasing Program due to lower costs for volume purchases;

Whereas, The State of Michigan's extended purchasing contract with Electronic Data Systems Corporation is a cost effective means of obtaining hardware, software and services that improves the City of Ann Arbor's overall acquisition process by minimizing duplicate efforts;

Whereas, Electronic Data Systems Corporation has received Human Rights approval on July 31, 2002; and

Whereas, Funding for these purchases is available through the Information Technology Special Projects Fund;

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RESOLVED, That the City Administrator be authorized to issue a purchase order to Electronic Data Systems Corporation for the sum of \$200,000.00 for desktop and notebook computers and associated miscellaneous hardware.

Council Member Woods moved, seconded by Council Member Herrell that the resolution be adopted.

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

R-330-8-03 APPROVED

RESOLUTION TO APPROVE 320 EAST LIBERTY STREET SITE PLAN

Whereas, ECD Associates, LLC has requested site plan approval in order to construct a four-story, 38,782-square foot, 14-unit residential building at 320 East Liberty Street;

Whereas, The Ann Arbor City Planning Commission, on May 20, 2003, recommended approval of the site plan;

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 this Chapter; 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 320 East Liberty Street Site Plan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed 320 East Liberty Site Plan, 0.2 acre.

Council Member Woods moved, seconded by Council Member Carlberg that the resolution be adopted.

Council Member Groome moved, seconded by Council Member Herrell to postpone the resolution until August 18, 2003 for further review.

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On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Groome, Lowenstein, Mayor Hieftje, 5;

Nays, Council Member Reid, Teall, Higgins, Easthope, Woods, Johnson, 6.

The Mayor declared the motion failed.

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

Yeas, Council Members Carlberg, Teall, Higgins, Easthope, Woods, Johnson, Lowenstein, Reid, Mayor Hieftje, 9;

Nays, Herrell, Groome, 2.

The Mayor declared the motion carried.

R-331-8-03 APPROVED

RESOLUTION TO APPROVE DiCECCO 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, Ronald and Martha DiCecco are the owners of said property; and

Whereas, It is the desire of Ronald and Martha DiCecco 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:

Lot 57 Hillwood Sub #5 Also, Beg at NW cor Lot 57, th S 02-41-40 E 138.46 ft, th 137.23 ft along arc-curve-lft, rad = 133.57 ft, CH = N 30-24-00 W 131.21 ft, th N 01-26-30 E 16.41 ft, th 30.13 ft along arc-curve-lft, rad = 473.75 ft, ch = N 09-53-32 W 30.13 ft, ths 72-02-55 E 67.96 ft to POBPT of Rock Creek Court, Hillwood Sub No 5. 0.09 ac.

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A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed DiCecco Annexation, 0.74 acre, located at 336 Rock Creek Court.

Council Member Carlberg moved, seconded by Council Member Lowenstein that the resolution be adopted.

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

R-332-8-03 APPROVED

RESOLUTION TO APPROVE HIDEAWAY LANE 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, ABC Ann Arbor Corporation is the owner of said property; and

Whereas, It is the desire of ABC Ann Arbor Corporation 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:

Commencing at the N $\frac{1}{4}$ corner of Section 21, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, thence N 89°29'00" E 1544.67 feet along the North Line of said Section 21 to the POINT OF BEGINNING, said point being N 89°29'00" E 219.58 feet from the Northwest Corner of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 21; thence continuing along the North Line of said Section 21 N 89°29'00" E 66.00 feet; thence S 02°38'28" W 165.25 feet; thence S 89°29'00" W 66.00 feet; thence N 02°38'28" E 165.25 feet to the POINT OF BEGINNING. Being a part of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 21, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, containing 0.25 acres of land, more or less, subject to easements and restrictions of record, if any.

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A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Hideaway Lane annexation, 0.25 acre, located at 2000 Traver Road.

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

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

R-333-8-03 APPROVED

RESOLUTION TO APPROVE SMITH ANNEXATION

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, Dianna Smith is the owner of said property; and

Whereas, It is the desire of Dianna Smith 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:

Lot 26, Walden Woods Subdivision, Pittsfield Charter Township, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Smith annexation, 0.13 acre, located at 2975 Shady Lane.

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

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

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R-334-8-03 APPROVED

RESOLUTION TO APPROVE A PURCHASE AGREEMENT FOR 8.1 ACRES OF LAND OWNED BY THE FIRST MARTIN CORPORATION ON HURON PARKWAY WEST OF TRAVERWOOD DRIVE FOR PARK USE

Whereas, The 8.1 acres of vacant land on Huron Parkway owned by the First Martin Corporation is for sale and the Department of Parks and Recreation and Park Advisory Commission recommend that the site be acquired for public park use;

Whereas, The 2000-2005 Park, Recreation and Open Space Plan recommend that the parcel be acquired for park use;

Whereas, The 2003 Draft Northeast Area Plan (February 28, 2003) recommend the preservation of high quality natural systems;

Whereas, This 8.1 acres of woodlands is classified by the City as a "Native Forest Fragment" and as such receives the "highest concern" protection priority under Chapter 57 Section 5:128 of the Ann Arbor City Code;

Whereas, The required Environmental Assessment of the property was completed with no findings;

Whereas, The 8.1 acres of land was appraised by John A. Rasmussen, MAI, Certified General Appraiser as required by Section 1:320 of the Ann Arbor City Code;

Whereas, The owners have agreed to sell the property to the City for use as park land for \$650,000.00, at a cost less than the appraisal; and

Whereas, There are sufficient funds in the Park Acquisition Millage (Fund 0024) to match the total purchase price of \$650,000.00 plus \$1,500.00 estimated incidental closing costs totaling \$651,500.00;

RESOLVED, That City Council approve a sales agreement for the purchase of the 8.1 acres of park land owned by the First Martin Corporation, described as:

Commencing at the Southwest Corner of Section 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan thence N 880 23' 50" E 1313.45 feet along the South line of said Section 15; thence N 000 54' 42" W 1774.61 feet along the West line of the East ½ of the Southwest ¼ of said Section 15 for a PLACE OF BEGINNING; thence N 000 54' 42" W 750.00 feet, thence the following two courses along the South line of Huron Parkway: N 880 09' 15" E 206.18 feet, and 303.48 feet along 20 Council - August 4, 2003

the arc of a circular curve to the right, radius 625.48 feet, chord bearing S 710 50' 06" E 428.08 feet, thence S 000 54' 42" E 442.50 feet, thence S 250 44' 10" W 265.44 feet, thence S 880 09' 15" W 380.00 feet, to the Place of Beginning, being a part of the East ½ of the Southwest ¼ of said Section 15, containing 8.1 acres of land, more or less, and being subject to easements and restrictions of record, if any. for park use;

RESOLVED, That City Council authorize the expenditure of \$650,000.00 from the Park Acquisition Millage (Fund 0024) for the purchase and associated closing costs and fees to be available for expenditure without regard to fiscal year;

RESOLVED, That the Mayor and Clerk be directed to execute the sales agreement after approval as to form by the City Attorney; and

RESOLVED, That the City Administrator, or designee, be authorized to act as the closing agent for the City with the authority to execute any closing documents necessary to complete the transaction.

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

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

R-335-8-03 APPROVED

RESOLUTION TO APPROVE A PROJECT AGREEMENT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ENHANCEMENT GRANT TO FUND A MULTI-USE PATH THROUGH BANDEMERE PARK

Whereas, A grant for \$98,000.00 was approved by the Michigan Department of Transportation (MDOT) toward a \$190,489.50 project to be funded by the Park Rehabilitation and Development Millage for the construction of a multi-use path through Bandemer Park;

Whereas, MDOT requires that the City enter into a grant project agreement to receive the \$98,000.00 in matching funds; and

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Whereas, There are sufficient funds in the Park Rehabilitation and Development Millage to cover the estimated City match of \$92,489.50, the 10% contingency of \$19,049.00 plus the reimbursable \$98,000.00 in grant funds for the project for a total project budget of \$209,538.50;

RESOLVED, That City Council approve the agreement for the Transportation Enhancement Program grant funds with the MDOT to construct a multi-use path through Bandemer Park with \$98,000.00 to be reimbursed to the Park Rehabilitation and Development Millage from the Michigan DOT upon completion of the project; and

RESOLVED, That the Mayor and City Clerk be authorized to execute all documents necessary to complete the requirements of the project grant agreement with the Michigan Department of Transportation after approval as to substance by the City Administrator and approval as to form by the City Attorney.

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

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

R-336-8-03 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH FONSON, INC., PER BID NO. 3598 IN THE AMOUNT OF \$190,489.50 TO CONSTRUCT A MULTI-USE PATH THROUGH BANDEMERE PARK AND ESTABLISH A PROJECT BUDGET OF \$209,538.50

Whereas, The Huron River Greenway is one of the highest priorities for capital improvement projects for the Parks and Recreation Department;

Whereas, The multi-use path through Bandemer Park is an important section of the Huron River Greenway;

Whereas, A grant for \$98,000.00 was approved by the Michigan Department of Transportation (MDOT) to be used toward the \$190,489.50 project to be funded by the Park Rehabilitation and Development Millage for the construction of a multi-use path through Bandemer Park;

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Whereas, There are sufficient funds in the Park Rehabilitation and Development Millage to cover the estimated total City match of \$92,489.50, the 10% contingency of \$19,049.00 plus the reimbursable \$98,000.00 in grant funds for the project for a total project budget of \$209,538.50;

Whereas, Fonson, Inc. was the lowest responsible bidder for this project; and

Whereas, Federal Wage Rates and Human Rights policies will be followed for this project according to the requirements of the grant;

RESOLVED, That the Mayor and City Council approve a construction contract, per bid #3598, with Fonson Inc. in the amount of \$190,489.50 for the construction of the Bandemer Park Multi-Use Path;

RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$19,049.00 (10%) to cover potential contract change orders to be approved by the City Administrator and to approve a total project budget of \$209,538.50 for the life of the project without regard to fiscal year; 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.

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

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Teall, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 10;

Nays, Council Member Higgins, 1.

The Mayor declared the motion carried.

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R-337-8-03 APPROVED

RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE LEASE AGREEMENT WITH DAHLMANN APARTMENTS, LTD., FOR OFFICE SPACE IN THE CITY CENTER BUILDING FOR 3 YEARS, \$41,400.00 FIRST YEAR

Whereas, The City of Ann Arbor has leased office and storage space in the City Center building at 220 E. Huron since 1995;

Whereas, Dahlmann Apartments Ltd., (landlord) is offering to lease to the City, 2300 square feet of additional space on the first floor of the City Center building for \$18.00 per sq. foot, to total \$41,400.00 for the first year, that is immediately available to current needs of the Police Department and the Office of Emergency Management;

Whereas, It is necessary to relocate the Safety Services section and Emergency Management functions currently occupying the second floor of Fire Station One so that construction of the new Safety Services dispatch center can begin;

Whereas, The 2300 square foot space on the first floor will accommodate the Safety Services and Emergency Operations sections with necessary modifications to be made by the landlord; and

Whereas, Dahlmann Apartments Ltd., has Human Rights Approval as of July 10, 2003;

RESOLVED, That City Council approve the amended lease with Dahlmann Apartments Ltd. Effective August 15, 2003, to accommodate the three Safety Services units on the first floor of the City Center building; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the necessary lease amendment with Dahlmann Apartments, Ltd., after approval as to substance by the City Administrator and approval as to form by the City Attorney.

Council Member Herrell moved, seconded by Council Member Woods that the resolution be adopted.

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

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R-338-8-03 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FOR WATER MAIN AND VACATING UTILITY EASEMENT FOR SANITARY SEWER FROM THE RUDOLPH STEINER SCHOOL ASSOCIATION OF ANN ARBOR

Whereas, The City of Ann Arbor acquired a utility easement from The Rudolf Steiner School Association of Ann Arbor, a Michigan non-profit corporation, for the construction and maintenance of a sanitary sewer, recorded on October 22, 1992 in Liber 2697, Pages 49-52 and re-recorded on May 26, 1993 in Liber 2794, Pages 182-185, Washtenaw County Records, Michigan;

Whereas, The City of Ann Arbor and the Rudolf Steiner School Association of Ann Arbor now desire to abandon the above-described sanitary sewer easement; and
Whereas, The Rudolf Steiner School Association of Ann Arbor has granted to the City of Ann Arbor a 40-foot wide utility easement for water main to replace the above-described sanitary sewer easement;

RESOLVED, That the City of Ann Arbor hereby relinquish all rights conveyed to it in the utility easement recorded in Liber 2697, Pages 49-52, re-recorded in Liber 2794, Pages 182-185, Washtenaw County Records described below and that an appropriate instrument approved by the City Attorney be recorded at the Washtenaw County Register of Deed's Office as soon as practicable following approval of this resolution:

A 40-foot wide easement for water main, the centerline of which is described as follows:

Commencing at the N $\frac{1}{4}$ Corner of Section 18, T2S, R6E, Washtenaw County, Michigan; thence S89° 32' W 472.75 feet along the N line of said Section 18 and the centerline of Newport Road; thence S0° 30' W 33.0 feet for a PLACE OF BEGINNING; thence S0°30' W 346.57 feet; thence N80° 47' 15" E 94.94 feet; thence S80° 47' 15" W 94.94 feet; thence S0° 30' W 6.25 feet; thence S25° 58' 59" W 130.89 feet; thence S22° 15' 02" E 140.97 feet; thence N67° 41' 25" E 40.24 feet; thence S67° 41' 25" E 40.24 feet; thence N22° 15' 02" W 17.11 feet; thence S67° 39' 13" W 177.48 feet; thence S0° 30' W 89.08 feet; thence S41° 19' 44" E 17.00 feet; thence S48° 40' 16" W 37.54 feet; thence N89° 30' 00" W 23.36 feet to a point on the East line of Barton Plateau No. 2, a subdivision as recorded in Liber 19, Pages 33 and 34, Washtenaw County Records, Washtenaw County, Michigan; thence S89° 30' 00" E 23.36 feet; thence N48° 40' 16" E 37.54 feet; thence S41° 19' 44" E 75.90 feet; thence S18° 49' 44" E 97.55 feet; thence S36° 18' 25" E 30.02 feet more or less to the South line of the Rudolf Steiner School site for a Council - August 4, 2003 25

PLACE OF ENDING of said centerline of a 40-foot wide water main easement, being a part of the NW $\frac{1}{4}$ of Section 18, T2S, R6E, Washtenaw County, Michigan.

RESOLVED, That the City Clerk be authorized to execute the documents necessary to vacate the existing utility easement described in Liber 2697, Page 49-52, re-recorded in Liber 2794, Pages 182-185, Washtenaw County Records; and

RESOLVED, That the City of Ann Arbor accept an easement for public utilities for water main from the Rudolf Steiner School Association of Ann Arbor, a Michigan non-profit corporation, in, on and over property located in the City of Ann Arbor, Washtenaw County, Michigan and described as follows:

A 40-foot wide easement for water main, the centerline of which is described as follows:

Commencing at the N $\frac{1}{4}$ Corner of Section 18, T2S, R6E, Washtenaw County, Michigan; thence S89° 32' W 472.75 feet along the N line of said Section 18 and the centerline of Newport Road; thence S0° 30' W 33.0 feet for a PLACE OF BEGINNING; thence S0°30' W 346.57 feet; thence N80° 47' 15" E 94.94 feet; thence S80° 47' 15" W 94.94 feet; thence S0° 30' W 6.25 feet; thence S25° 58' 59" W 130.89 feet; thence S22° 15' 02" E 140.97 feet; thence N67° 41' 25" E 40.24 feet; thence S67° 41' 25" E 40.24 feet; thence N22° 15' 02" W 17.11 feet; thence S67° 39' 13" W 177.48 feet; thence S0° 30' W 89.08 feet; thence S41° 19' 44" E 17.00 feet; thence S48° 40' 16" W 37.54 feet; thence N89° 30' 00" W 23.36 feet to a point on the East line of Barton Plateau No. 2, a subdivision as recorded in Liber 19, Pages 33 and 34, Washtenaw County Records, Washtenaw County, Michigan; thence S89° 30' 00" E 23.36 feet; thence N48° 40' 16" E 37.54 feet; thence S41° 19' 44" E 75.90 feet; thence S18° 49' 44" E 97.55 feet; thence S36° 18' 25" E 30.02 feet more or less to the South line of the Rudolf Steiner School site for a PLACE OF ENDING of said centerline of a 40-foot wide water main easement, being a part of the NW $\frac{1}{4}$ of Section 18, T2S, R6E, Washtenaw County, Michigan.

Council Member Carlberg moved, seconded by Council Member Herrell that the resolution be adopted.

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

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R-339-8-03 APPROVED

**RESOLUTION ACCEPTING UTILITY EASEMENT FOR WATER MAIN
AND VACATING UTILITY EASEMENT FOR WATER MAIN FROM
FORESTCOVE, L.L.C - FORESTCOVE M-14 OFFICE PARK**

Whereas, Forestcove, L.L.C., a Michigan limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 3861, Page 817, dated April 6, 1999;

Whereas, The City of Ann Arbor acquired a utility easement for water main from Forestcove, L.L.C., a Michigan limited liability company, for the construction and maintenance of public utilities, recorded on August 3, 1999 in Liber 3889, Page 582, Washtenaw County Records, Michigan;

Whereas, The City of Ann Arbor and Forestcove, L.L.C., a Michigan limited liability company, now desire to abandon the above-referenced utility easement; and

Whereas, Forestcove, L.L.C., a Michigan limited liability company, has granted a 40-foot wide utility easement to the City of Ann Arbor to replace the above-described utility easement;

RESOLVED, That the City of Ann Arbor hereby relinquishes all rights conveyed to it in the utility easement recorded in Liber 3889, Page 582, Washtenaw County Records, Michigan described below and that an appropriate instrument approved by the City Attorney be recorded at the Washtenaw County Register of Deed's Office as soon as practicable following approval of this resolution:

40.0 FT. WIDE WATER MAIN IN THE N ¼ of SECTION 24, T2S, R5E

CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

Commencing at the N ¼ corner of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan; thence along the North line of said Section, N88° 37' W 27.95 feet for a PLACE OF BEGINNING; thence N51° 22' 30" W 16.52; thence N88° 37' 00" W 172.28 feet; thence S00° 21' 44" W 36.08 feet; thence S89° 36' 05" E 214.27 feet; thence N51° 22' 30" W. 36.99 feet to THE PLACE OF BEGINNING, being a part of the N ½ of said Section.

40.0 FT. WIDE WATER MAIN IN THE N ¼ of SECTION 24, T2S, R5E

CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

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Commencing at the N ¼ corner of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan; thence along the North line of said Section, N88° 37' W 27.95 feet; thence S51° 22' 30" E 167.90 feet for a PLACE OF BEGINNING; thence S38° 25' 35" W feet; thence S20° 38' 43" W 412.25 feet; thence S69° 21' 17" E 40.00 feet; thence N20° 38' 43" E 405.99 feet; thence N38° 25' 35" E 21.61 feet; thence N51° 22' 30" W 40.00 feet to the PLACE OF BEGINNING, being a part of the N ½ of said Section.

RESOLVED, That the City Clerk be authorized to execute the documents necessary to vacate the existing utility easement described in Liber 3889, Page 582, Washtenaw County Records, Michigan; and

RESOLVED, That the City of Ann Arbor accept an easement for public utilities from Forestcove, L.L.C., a Michigan limited liability company, over property located in the City of Ann Arbor, Washtenaw County, Michigan and described as follows:

Commencing at the N ¼ corner of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan; thence N88° 37' 00" W 27.95 feet along the N line of said Section 24 for a PLACE OF BEGINNING; thence N51° 22' 30" W 16.52; thence N00° 23' 55" E 6.88 feet; thence S89° 36' 05" E 39.10 feet; thence N00° 23' 55" E 4.32 feet; thence S51° 22' 30" E 50.92 feet along the Southerly right of way of Miller Road (variable width); thence S00° 23' 55" W.

9.01 feet; thence S26° 34' 25" E 20.70 feet; thence S51° 34' 25" E 39.55 feet; thence along said Southerly right of way the following two courses: S38° 37' 30" W 17.38 feet and S51° 22' 30" E 85.81 feet; thence S38° 25' 35" W 21.61 feet; thence along S20° 38' 43" W 405.99 feet; thence N69° 21' 17" W 40.00 feet; thence N20° 38' 43" E 412.25 feet; thence N38° 25' 35" E 5.54 feet; thence N51° 34' 25" W 83.51 feet; thence S63° 25' 35" W 4.57 feet; thence S00° 10' 26" W 172.21 feet; thence N89° 49' 34" W 40.00 feet; thence N00° 10' 26" E 187.63 feet; thence N40° 55' 35" E 21.51 feet; thence N63° 25' 35" E 8.98 feet; thence N26° 34' 25" W 8.82 feet; thence N00° 23' 55" E 5.78 feet; thence N89° 36' 05" W 211.33 feet; thence N00° 21' 44" E 36.08 feet; thence S88° 37' 00" E 172.28 feet to the PLACE OF BEGINNING.

Council Member Herrell moved, seconded by Council Member Groome that the resolution be adopted.

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

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R-340-8-03 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FOR WATER MAIN
FROM SOUTH STATE COMMONS, L.L.C - PHASE II -
S. STATE STREET AND OAKBROOK DRIVE

Whereas, South State Commons, L.L.C., a Michigan limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 4032, Page 780, recorded July 12, 2001;

Whereas, A Resolution of the Sole Member, dated March 3, 2003, authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, South State Commons, L.L.C., a Michigan limited liability company, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

WATER MAIN

IN THE SW 1/4 OF SECTION 4, T3S, R6E, CITY OF ANN ARBOR,
WASHTENAW COUNTY, MICHIGAN

Commencing at the SW corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01°53'00" W 250.00 feet along the West line of said Section 4; thence N 87°09'00" E 51.25 feet; thence N 02°03'20" W 1261.81 feet along the Easterly right-of-way line of State Street; thence N 87°01'00" E 321.68 feet; thence Easterly 111.91 feet along the arc of a curve to the right, radius 499.00 feet, central angle 12° 51' 00" and chord S86° 33' 30" E 111.68 feet to the POINT OF BEGINNING;

Thence N12° 09' 49" E 187.87 feet;

Thence S 77° 50' 11" E 40.00 feet;

Thence S12° 09' 49" W 187.87 feet;

Thence Westerly 40.01 feet in the arc of a curve to the left, radius 499.00 feet, central angle 04° 35' 39", and chord N77° 50' 12" W 40.00 feet to the POINT OF BEGINNING, being a part of the SW ¼ of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, subject to easements and restrictions of record, if any.

RESOLVED, That the City hereby accept said easement.

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Council Member Easthope moved, seconded by Council Member Herrell that the resolution be adopted.

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

R-341-8-03 APPROVED

**RESOLUTION ACCEPTING UTILITY EASEMENT FROM CAMBRIDGE
CONDOMINIUM ASSOCIATES, L.L.C - EISENHOWER BOULEVARD**

Whereas, Cambridge Condominium Associates, L.L.C., a Michigan limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 4117, Page 434, recorded April 18, 2002;

Whereas, The Cambridge Condominium Associates, L.L.C. Operating Agreement, dated April 17, 2002, authorizes the delivery of a perpetual easement to the City for public utilities; and

Whereas, Cambridge Condominium Associates, L.L.C., a Michigan limited liability company, has delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually, being more particularly described as follows:

PARCEL DESCRIPTION

Commencing at the N ¼ Corner of Section 8, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S86° 38' 10" W 1355.77 feet along the N line of said Section 8 for a PLACE OF BEGINNING; thence 233.41 feet along the arc of a 1793.86 foot radius non-tangential circular curve to the left, chord bearing S75° 34' 33" E 233.25 feet along the southerly right-of-way line of Eisenhower Parkway; thence the following 4 courses along the westerly right-of-way line of Signature Boulevard; S09° 20' 21" W 21.13 feet, 145.80 feet along the arc of a 292.50 foot radius circular curve to the left, chord S04° 56' 28" E 144.30 feet, 69.62 feet along the arc of a 217.00 foot radius reverse circular curve to the right, chord S10° 01' 49" E 69.32 feet, and S00° 50' 20" E 301.86 feet; thence S86° 38' 10" W 247.61 feet; thence N00° 44' 00" W 607.17 feet; thence N86° 38' 10" E 3.57 feet along the north line of said Section 8 to the PLACE OF BEGINNING.

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DESCRIPTION OF A 40.00 FOOT WIDE

WATER MAIN EASEMENT

Commencing at the North ¼ corner of Section 8, T3S, R6E, City of Ann Arbor, Pittsfield Township, Washtenaw County, Michigan, thence S86°38'10"W 1355.77 feet along the North Line of said Section 8; thence 233.41 feet along the arc of a 1793.86 foot radius circular curve to the left, chord bearing S75°34'33"E 233.25 feet along the Southerly line of Eisenhower Boulevard (150.00 feet wide); thence along the Westerly line of Signature Boulevard (66.00 feet wide) the following two courses: S09°20'21"W 21.13 feet, and 117.42 feet along the arc of a 292.50 foot radius circular curve to the left, chord bearing S02°09'41"E 116.63 feet for a PLACE OF BEGINNING; thence continuing along the Westerly line of Signature Boulevard (66.00 feet wide) the following two courses: 28.37 feet along the arc of a 292.50 foot radius circular curve to the left, chord bearing S16°26'30"E 28.37 feet, and 11.64 feet along the arc of a 217.00 foot radius reverse curve to the right, chord bearing S17°44'42"E 11.64 feet; thence S72°12'33"W 34.29 feet; thence S89°09'40"W 160.40 feet; thence S00°50'20"E 104.88 feet; thence N89°09'40"E 13.91 feet; thence S00°50'20"E 40.00 feet; thence S89°09'40"W 13.91 feet; thence S00°50'20"E 52.78 feet; thence S12°05'20"E 20.33 feet; thence S57°05'20"E 0.35 feet; thence S88°59'32"E 196.73 feet; thence S00°50'20"E 40.02 feet along the Westerly line of Signature Boulevard (66.00 feet wide); thence N88°59'32"W 177.72 feet; thence S00°00'00"E 30.47 feet; thence S90°00'00"W 40.00 feet; thence N00°00'00"W 36.38 feet; thence N57°05'20"W 18.50 feet; thence N12°05'20"W 40.84 feet; thence N00°50'20"W 268.46 feet; thence N89°09'40"E 58.22 feet; thence

S00°50'20"E 26.85 feet; N89°09'40"E 136.22 feet; thence N72°12'33"E 29.00 feet to the PLACE OF BEGINNING. Subject to easements and restrictions of record, if any.

**DESCRIPTION OF A VARIABLE WIDTH
SANITARY SEWER EASEMENT**

Commencing at the North ¼ corner of Section 8, T3S, R6E, City of Ann Arbor, Pittsfield Township, Washtenaw County, Michigan, thence S86°38'10"W 1355.77 feet along the North Line of said Section 8; thence 233.41 feet along the arc of a 1793.86 foot radius circular curve to the left, chord bearing S75°34'33"E 233.25 feet along the Southerly line of Eisenhower Boulevard (150.00 feet wide); thence along the Westerly line of Signature Boulevard (66.00 feet wide) the following four courses:

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S09°20'21"W 21.13 feet, 145.80 feet along the arc of a 292.50 foot radius circular curve to the left, chord bearing S04°56'28"E 144.30 feet, 69.62 feet along the arc of a 217.00 foot radius reverse curve to the right, chord bearing S10°01'49"E 69.32 feet, and S00°50'20"E 116.87 feet for a PLACE OF BEGINNING; thence continuing S00°50'20"E 59.20 feet along the Westerly line of Signature Boulevard (66.00 feet wide); thence N40°46'16"W 43.75 feet; thence N00°50'20"W 9.59 feet; thence N49°13'44"E 31.84 feet; thence S40°46'16"E 5.71 feet to the Place of Beginning.;

RESOLVED, That the City hereby accept said grant of easement.

Council Member Johnson moved, seconded by Council Member Groome that the resolution be adopted.

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

R-342-8-03 APPROVED AS AMENDED

**(RESOLUTION APPOINTING A MEMBER OF THE PARKS ADVISORY
COMMISSION TO THE ENVIRONMENTAL COMMISSION)**

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

Council Member Johnson moved, seconded by Council Member Woods that the resolution be amended as follows:

Change Title:

**RESOLUTION APPOINTING NOMINATING A MEMBER OF THE PARKS ADVISORY
COMMISSION TO THE ENVIRONMENTAL COMMISSION**

Change Whereas Clause:

... Whereas, The Parks Advisory Commission has appointed nominated Catherine Riseng to this position;

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Change **RESOLVED** Clause:

RESOLVED, That City Council appoints nominates Catherine Riseng to be the Parks Advisory Commission member for the Environmental Commission.

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

The resolution as amended reads as follows:

**RESOLUTION NOMINATING A MEMBER OF THE PARKS ADVISORY
COMMISSION TO THE ENVIRONMENTAL COMMISSION**

Whereas, The bylaws of the City Environmental Commission stipulate that a member of the Parks Advisory Commission shall be nominated as a member of the City Environmental Commission;

Whereas, This position has become vacant; and

Whereas, The Parks Advisory Commission has nominated Catherine Riseng to this position;

RESOLVED, That City Council nominates Catherine Riseng to be the Parks Advisory Commission member for the Environmental Commission.

R-343-8-03 APPROVED

RESOLUTION RECOGNIZING AIREDALE TERRIER RESCUE AND ADOPTION (ATRA) AS A CIVIC NONPROFIT ORGANIZATION OPERATING IN THE ANN ARBOR COMMUNITY FOR THE PURPOSE OF OBTAINING A CHARITABLE GAMING LICENSE

Whereas, P.A. 382 of 1972, as amended, requires that local civic nonprofit organizations be recognized by resolution adopted by the local governmental subdivision in which the organization conducts its principal activities and that a copy of said resolution be filed with any application for a license to conduct a bingo, raffle or charity game(s);

Whereas, Airedale Terrier Rescue and Adoption (ATRA) has requested that it be recognized as a civic nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license;

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Whereas, The mission of Airedale Terrier Rescue and Adoption (ATRA) is to provide temporary food, shelter and necessary medical care for unwanted, homeless Airedale Terriers with the goal of preparing the dogs for and assisting in the placement of the dogs with a permanent home; and

Whereas, Airedale Terrier Rescue and Adoption (ATRA) is a local civic nonprofit organization as defined by P.A. 382 of 1972, as amended, which should be recognized for its continuing efforts to improve the welfare of the Ann Arbor canine community and their owners;

RESOLVED, That City Council hereby approve recognition of Airedale Terrier Rescue and Adoption (ATRA) as a local civic nonprofit organization operating in the Ann Arbor community for the purposes of its charitable gaming license application and required by P.A. 382 of 1972, as amended; and

RESOLVED, That the City Clerk be directed to provide a certified copy of this Resolution to Airedale Terrier Rescue and Adoption (ATRA) and to take all necessary administrative actions to provide notice of this Resolution to the Charitable Gaming Division and the Michigan Department of Treasury.

Council Member Woods moved, seconded by Council Member Easthope to adopt the resolution.

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

R-344-8-03 APPROVED

RESOLUTION TO AMEND THE EXECUTIVE AND PROFESSIONAL PAY PLANS OF THE CITY CONSISTENT WITH REORGANIZATION OF THE CITY ATTORNEY'S OFFICE

Whereas, The City Attorney was directed by City Council to evaluate the current structure of the Office of the City Attorney and make recommendations to Council related to its organization;

Whereas, The City Attorney has completed his initial evaluation and identified a need for immediate changes to the professional classifications of the positions of Assistant City Attorney and Legal Assistant for the following reasons:

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___ Proper classification of the positions in the City's pay structure will allow the City to retain experienced attorneys and improve the City Attorney's ability to recruit new talented attorneys in a competitive job market.

o Adjusting the pay range for the Chief Assistant City Attorney is consistent with the executive functions of the job description;

o Creation of the Senior Assistant City Attorney position is consistent with the level of training, expertise and legal advice provided to positions in the Executive Pay Plan by individuals who would qualify for this position;

o Retention of the Assistant City Attorney position provides the City Attorney with the ability to differentiate based on training, expertise and years of practice in establishing pay rates for attorneys;

__ Although classified as part of the Professional Pay Plan, all current Assistant City Attorneys perform executive functions and provide legal advice to all the positions identified in the Executive Pay Plan;

__ Legal Assistants provide specialized services recognized as such by the State Bar and interact with the public and those in the Professional Pay Plan on levels consistent with positions included in the Professional Pay Plan;

__ These classification changes are clearly warranted by the relevant market analyses; and

Whereas, The City Attorney has recommended the Professional Pay Plan and Executive Pay Plan currently adopted by the City be amended as follows:

Position Existing Classification New Classification

Chief Assistant City

Attorney

EPP, Range 4

\$62,005.00 - \$100,006.00

EPP, Range 3

\$65,000.00 - \$105,019.00

Senior Assistant City

Attorney

EPP, Range 5

\$60,008.00 - \$95,014.00

First Assistant City

Attorney

PPP, Range A

\$57,373.00 - \$82,590.00

Eliminate position

Assistant City Attorney PPP, Range A

\$57,373.00 - \$82,590.00

PPP, Range B

\$49,768.00 - \$77,491.00

Legal Assistant PPP, Range F

\$32,136.00 - \$51,251.00;

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RESOLVED, That City Council adopt the recommendations of the City Attorney and amends the Professional Pay Plan and Executive Pay Plan as outlined in this Resolution; and

RESOLVED, That the City Administrator be directed to take the necessary administrative actions to implement this Resolution effective immediately.

Council Member Easthope moved, seconded by Council Member Lowenstein to adopt the resolution.

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

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the July 21, 2003 regular session of Council:

Downtown Development Authority

Gary Boren (filling vacancy for DDA resident)

322 East Washington Street

Ann Arbor, MI 48103

Term: 8/4/03 - 7/31/06

Robert Aldrich (Reappoint.)

303 N. Fifth Ave.

Ann Arbor, MI 48104

Term: 8/4/03 - 7/31/07

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Fred J. Beal (Reappoint)

2008 Morton Ave.

Ann Arbor, MI 48104

Term: 8/4/03 - 7/31/07

Housing Commission

Debra Gibson (replacing Tammy Weatherspoon)

727 Miller Ave #410

Ann Arbor, MI 48103

Term: 8/4/03 - 5/5/08

Council Member Higgins moved, seconded by Council Member Easthope 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:

Park Advisory Commission

William Rodgers (Filling vacancy of Owen Janssen)

2300 Brockman Blvd.

Ann Arbor, MI 48104

Term: August 21, 2003 to August 20, 2006

Janae Reneaud (Filling vacancy of Linda Langmore)

2040 Charlton St., Apt. 8

Ann Arbor, MI 48103

Term: August 21, 2003 to August 20, 2006

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

ANNOUNCEMENT

Roger W. Fraser, City Administrator, announced that a work and special session of Council has been scheduled for August 11, 2003 to address the awarding of a contract for general liability insurance and a closed session to discuss a possible land acquisition. He said in Council - August 4, 2003 37

addition, the Huron/Jackson report would be discussed, as well as the Water Rate Study discussion.

REPORTS SUBMITTED

City Administrator Roger Fraser submitted the following reports for information of Council (Reports on file in the City Clerk's Office):

1. U.S. Department of Education Emergency Response and Crisis Management

Grant Application - Police - Daniel J. Oates, Chief

2. Donation from the First Responder Institute (FRI) to the Ann Arbor Police

Department (\$350.00) - Police - Daniel J. Oates, Chief

3. Insurance Renewal Premiums Status - Risk Management - Ronald A. Olson -

Associate City Administrator - Support Services Area

4. Dhu Varren-Omlesaad Intersection - Public Services - William R. Wheeler, P.E., Director

5. Application for FY 2003-2004 Local Law Enforcement Block Grant - Police -

Daniel J. Oates, Chief

6. Response to Council Questions Concerning PC Deployment Resolution from

7/21/03 Council Meeting Referencing Agenda Item D-1 for 8/4/03 Council Meeting

- Information Technology Services Unit - Steven C. Hampton, Director

7. Bandemer Park Bicycle Path - Planning - Karen Popek Hart, Director

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

None.

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CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated (Reports on file in the City Clerk's Office):

1. Ann Arbor Housing Commission - June 18, 2003
2. Ann Arbor Employees' Retirement System - June 19, 2003
3. Ann Arbor Retiree Health Care Benefit Plan and Trust (V.E.B.A.) - June 19, 2003
4. Ann Arbor-Ypsilanti SmartZone Local Development Finance Authority - Board of Director's - April 2, 2003

Council Member Lowenstein moved, seconded by Council Member Carlberg that the Clerk's Report be accepted.

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

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

There being no further business to come before Council, it was moved by Council Member Teall and seconded by Council Member Reid that the meeting be adjourned.

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:58 p.m.

Kathleen M. Root

Clerk of the Council

Anissa R. King

Recording Secretary