

## **REGULAR SESSION - MAY 18, 1992**

The regular session of the Ann Arbor City Council was called to order at 7:38 p.m. by Mayor Elizabeth S. Brater.

Council stood for a moment of silence.

Mayor Brater led the Pledge of Allegiance.

### **ROLL CALL OF COUNCIL**

Present: Councilmembers Larry Hunter, Ann Marie Coleman, Kirk Dodge, Peter Fink, Robert Grady, Nelson Meade, Kurt Zimmer, Peter Nicolas, Thais Anne Peterson, Robert Eckstein, Mayor Elizabeth S. Brater, 11

Absent: 0

### **INTRODUCTIONS**

#### **ANN ARBOR HISTORIC DISTRICT COMMISSION 1992 AWARDS**

Ann Arbor Historic District Commission Chair J. Michael Schroer and Historic District Coordinator Louisa Pieper announced the recipients of the 1992 Preservation, Rehabilitation and Special Merit Awards. Mayor Brater presented the awards.

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

#### **DAVE MARTENS - HOUSING**

Dave Martens, 2927 Marshall, said that the cost of housing is driven by mortgage rates and property taxes as well as supply and demand. U of M students contribute heavily to the demand. If City Council could work with the U of M towards providing more student housing, this would free up existing housing for low-income use.

#### **COREY DOLGON - HOUSING**

Corey Dolgon, 1033 Packard Road, questioned the priorities of the City and the County governments in spending funds on the beautification of the City's streets and downtown area, the purchase of the former "Downtown Club" for office use, while the homeless and the low-income families housing crisis still exists.

**LARRY FOX - HOUSING**

Larry Fox, 530 South State, said that the proposed number of Housing Commission building sites in the third ward is very low when compared to the total number of units in the entire ward. Yet, there is a complaint that the ward is being saturated with low-income housing. Complaints from other wards were cited in which low-income housing was proposed, opposed by the residents there, and not built.

**SEAMUS RASTAFARI - HOUSING CRISIS**

Seamus Rastafari, 1105 E. University, said that the City Council has the power to do what is right with regard to housing for the poor. What the County is doing to "Tent City" by evicting it from the park site is wrong. The most important thing is to provide shelter.

**KALEA MCKEE - NATURAL FEATURES ORDINANCE**

Kalea McKee, 3329 Cardinal Street, spoke in favor of the Natural Features ordinance and proposed that a wildlife corridor be preserved in the Scarlett-Mitchell Woods area as a natural feature in the Southeast area.

**PUBLIC HEARINGS****INCENTIVES FOR AFFORDABLE HOUSING - ORDINANCE NO. 22-92**

A public hearing was conducted on the proposed amendments to Chapter 55 to provide incentives for affordable housing. (Ordinance No. 22-92)

The following persons appeared:

Michael David Sasson, 902 Baldwin, expressed some concerns about how affordable housing could be achieved in the ordinance. One concern was that even though the cost of the housing would be reduced to some extent, people of low-income means would still not be able to afford it.

Michael Appel, 711 Wesley, said that to provide affordable housing in Ann Arbor where the cost of living is a high median, the median and the poverty level guidelines would have to be lowered. 80% of the median level of income as a rule for providing low-income housing will not work for minimum wage earners.

There being no further speakers, the Chair declared the hearing closed.

**RESIDENTIAL USES IN C2A AND C2A/R DISTRICT - ORDINANCE NO. 23-92**

A public hearing was conducted on the proposed Amendments to Chapter 55 regarding residential uses in C2A and C2A/R Districts (Ordinance No. 23-92)

There being no one to speak at this hearing, the Chair declared the hearing closed.

TALBOT PROPERTY REZONING - ORDINANCE NO. 25-92

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 0.42 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Talbot Property, 1850 Robert Street (Ordinance No. 25-92).

There being no one to speak at this public hearing, the Chair declared the hearing closed.

DHU VARREN ON THE PARK SITE PLAN

A public hearing was conducted on the proposed Dhu Varren on the Park Site Plan, 33.16 acres, south side of Dhu Varren Road, west of the Ann Arbor Railroad and east of Pontiac Trail. This public hearing was recessed May 4, 1992.

There being no one to speak at this public hearing, the Chair declared the hearing closed.

Council recessed at 8:15 p.m.

Council reconvened at 8:25 p.m.

**APPROVAL OF AGENDA**

AGENDA APPROVED AS AMENDED

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

CONSENT AGENDA

Revised: Resolution Accepting Amendment to Utility Easement for Arbor Landings Associates (WATER MAIN EASEMENT)

Revised: Resolution Accepting Amendment to Utility Easement for Arbor Landings Associates (SANITARY SEWER EASEMENT)

ORDINANCES - FIRST READING

Revised: Amendment to Chapter 27, Section 2:22 - Connections Costs, Permit Charge, and Additional Connection Charge

#### MOTIONS AND RESOLUTIONS

Delete: Resolution to Approve the Purchase of 5 Sites for new Development of 23 Public Housing Units (\$2,204,550)

Delete: Resolution to Approve Ann Arbor Housing Trust Fund Loan to Ann Arbor Housing Commission and to Appropriate Funds (\$90,000)

Add: Resolution Regarding Millage Relief (Councilmembers Dodge **AND FINK**)

Add: Resolution to Clarify Procedure on Gelman Sciences Cleanup Request (Councilmember Peterson **AND MAYOR BRATER**)

Add: Resolution Authorizing Installation of a Private Cable in Research Park Drive (Encotec, Inc.)

Add: Resolution to Approve Relocation of Permanent Outdoor Service of the Real Seafood Company of Ann Arbor, Inc. to the front of 329 South Main Street

Add: Resolution in Support of the Ann Arbor Blues and Jazz Festival (Councilmember Hunter)

#### COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Public Services Department-Engineering Division Fee Increase

Add: Solid Waste Department Progress and Planning Report

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

#### **APPROVAL OF COUNCIL MINUTES**

MINUTES APPROVED AS PRESENTED

Councilmember Eckstein moved that the working session minutes of April 27, 29 and 30 and regular session minutes of May 4, 1992 be approved as presented.

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

CONSENT AGENDA

The following Consent Agenda was considered:

R-250-5-92 APPROVED

RESOLUTION TO APPROVE BID #2259 AND CONTRACT FOR THE FURSTENBERG PARK PHASE I CONSTRUCTION (\$255,900)

Whereas, The 1989-94 Park Rehabilitation and Development Millage (fund 041) includes \$330,000 for Phase I Development of Furstenberg Park;

Whereas, Margolis Nursery submitted the lowest responsible bid for construction of Furstenberg Park, Bid No. 2259; and

Whereas, The Personnel/Human Rights Department approved said company on May 6, 1992;

RESOLVED, That Mayor and City Council approve awarding Bid no. 2259 to Margolis Nursery in the amount of \$255,900 and authorize the Mayor and City Clerk to sign the agreement between the City and Margolis Nursery, substantially in the form on file with the City Clerk.

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R-251-5-92 APPROVED

RESOLUTION TO GRANT SEWER SERVICE OUTSIDE CITY LIMITS TO LOT 16 ESKERMOOR SUBDIVISION #2 4345 SHETLAND DRIVE

Whereas, Charlene Eisenlohr and Neil Mueller, owners of the property at 4345 Shetland Drive have requested that on March 10, 1992 the City extend public sewer service for their use to the property in Ann Arbor Charter Township prior to the completion of the annexation process;

Whereas, They desire to enter into the standard agreement with the City which

provides an equitable method of obtaining City service outside of its Corporate Boundaries; and

Whereas, On March 11, 1992 petitioned the City for annexation under Planning Department file number 936388.1 and .2;

RESOLVED, That the Mayor and Clerk are authorized and directed to sign the agreement on behalf of the City allowing City sewer service to the land during the time it is still outside of the Corporate Limits; the City Clerk is directed and ordered to send a copy of this resolution and the agreement by first class mail to the property owner and the 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-252-5-92 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO BARRETT PAVING MATERIALS, INC. AND ESTABLISH A PROJECT BUDGET FOR THE SOUTH MAIN STREET AND SOUTH SEVENTH STREET RECONSTRUCTION (\$1,320,684.71) BID NO. 2256

Whereas, It has been found necessary to reconstruct 3350 feet of South Main Street from Stadium to Ann Arbor-Saline Road and 3000 feet of South Seventh Street from Stadium to Scio Church Road;

Whereas, Barrett Paving Materials, Inc. of Ypsilanti, Michigan, has submitted to the City on May 6, 1992, a bid for said work in the total amount of \$1,320,684.71 which amount is the lowest responsible bid;

Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefor, 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, The Personnel/Human Rights Department has, on April 28, 1992, approved said company for said construction project;

RESOLVED, That a contract in the amount of \$1,320,684.71 be awarded to Barrett

Paving Materials, Inc. for the construction of the South Main Street and South Seventh Street Reconstruction Project (Bid No. 2256);

RESOLVED, That the Mayor and City Clerk are hereby authorized and directed to sign said contract on forms approved as to form by the City Attorney, and approved as to substance by the City Administrator;

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

RESOLVED, That the following project budget be adopted and funds appropriated for the life of the project, to be available until expended without regard to fiscal year:

	Section I - Revenue
\$1,923,000	Fund 062, The 1991 Street Millage Fund
\$1,923,000	TOTAL; and
	Section II - Expense
\$1,340,000	Construction (includes signal work by the Transportation Department to provide for traffic maintenance during construction)
\$152,000	Design Engineering
\$160,000	Construction Engineering
\$79,000	Consulting and Testing
\$65,000	Contingencies approved by the City Administrator
\$25,000	Miscellaneous Costs
\$102,000	Bond Overhead Charge
\$1,923,000	TOTAL

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R-253-5-92 APPROVED

RESOLUTION TO AUTHORIZE AN AMENDMENT  
TO PROFESSIONAL SERVICES AGREEMENT  
WITH AYRES, LEWIS, NORRIS AND MAY,

INC. FOR THE SOUTH MAIN STREET  
AND SOUTH SEVENTH STREET  
RECONSTRUCTION (\$75,000)

Whereas, A Professional Services Agreement with Ayres, Lewis, Norris and May, Inc. was approved by Council on January 21, 1992 for the design of the South Main Street and South Seventh Street Reconstruction Project;

Whereas, it is now necessary to increase the scope of services of this agreement to provide supplemental engineering support services in the amount of \$75,000;

Whereas, On May 18, 1992 with the approval of the project's construction budget, Council appropriated sufficient funds to cover the cost of said professional services;

RESOLVED, That the Mayor and Clerk are authorized and directed to execute an amendment in the amount of \$75,000 to the Professional Services Agreement with Ayres, Lewis, Norris, and May, Inc. for the South Main Street and South Seventh Street Reconstruction Project; and

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

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R-254-5-92 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL  
SERVICES AGREEMENT WITH ENGINEERING  
AND TESTING SERVICES, INC. FOR  
TESTING FOR THE SOUTH MAIN STREET AND  
SOUTH SEVENTH STREET RECONSTRUCTION  
(\$79,000)

Whereas, It is necessary to employ a qualified testing firm to perform essential testing for the South Main Street and South Seventh Street Reconstruction project;

Whereas, Proposals for this testing were received and evaluated by the Public Services Department - Engineering Division on the basis of qualifications and fees;

Whereas, Engineering and Testing Services, Inc. has demonstrated the required experience, personnel and competitive fee schedule to perform the work;

Whereas, On April 29, 1992 the Personnel/Human Rights Department gave

approval of said company for said work; and

Whereas, On May 18, 1992, Council appropriated sufficient funds to cover the cost of this agreement;

RESOLVED, That Council authorize a professional services agreement in the standard City form in the amount of \$79,000 with Engineering and Testing Services, Inc. for construction testing and inspection services for the South Main Street and South Seventh Street Reconstruction project;

RESOLVED, That the Mayor and Clerk are authorized and directed to execute said agreement after approved as to form by the City Attorney and approved as to substance by the City Administrator; and

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

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R-255-5-92 APPROVED

RESOLUTION AUTHORIZING WATER MAIN  
AND SANITARY SEWER IMPROVEMENT  
CHARGES FOR LOTS 21, 22 AND 25  
PACKARD HILLS SUBDIVISION  
1850 ROBERT STREET (\$30,907.74)

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

Water: 8" water main in Robert and Joseph Streets, District No. 87100; \$5,117.42/connection; 3 connections = \$15,352.26

Sanitary: 8" sanitary sewer in Robert and Joseph Streets, District No. 452, File No. 87100, \$5,185.16/connection; 3 connections = \$15,555.48

GRAND TOTAL OF IMPROVEMENT CHARGES = \$30,907.74

Whereas, This Council desires, pursuant to Section 1278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

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

<u>Annexation Address:</u>	1850 Robert Street
<u>City Assessor Code:</u>	12-04-123-004, 005, 006
<u>Annexation Number:</u>	A91-27
<u>Planning File No.:</u>	12041C21.1 & .2

Lots 21, 22, 25 and the East 5 feet of the North 60 feet of Lot 20, Packard Hills Subdivision, including adjacent Robert Street and Joseph Street rights-of-way. Now situated in the City of Ann Arbor

2. That the improvement charge so levied be in the amount of \$30,907.74 and be hereby designated as Utilities Improvement Charge No. 581;

3. That said improvement charge be divided into 15 equal installments, the first to be due on July 1, 1992 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing July 1, 1992;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the office of the register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to Elsie J. Talbot, 1850 Robert Street, Ann Arbor, Michigan 48104 and be credited in the amounts of \$15,532.26 to Fund 042-073-7151, and \$15,555.48 to Fund 043-073-7151.

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R-256-5-92 APPROVED

RESOLUTION TO AUTHORIZE THE  
PURCHASE ORDER FOR THE REMOVAL  
OF UNDERGROUND STORAGE TANKS  
(USTs) AT THE CITY OF ANN ARBOR  
LANDFILL (\$23,109)

Whereas, The City of Ann Arbor Landfill has three Underground Storage Tanks (USTs);

Whereas, The closure of the landfill is scheduled for June 15, 1992 when no additional waste or daily cover may be disposed of at the landfill;

Whereas, Staff analysis determined the USTs should be removed and contaminated soil, if any, should be deposited in the Ann Arbor landfill as daily cover;

Whereas, the \$28 million in environmental bonds approved by the voters, included \$500,000 for upgrading the underground tank systems used by the Solid Waste Department;

Whereas, Four quotes were received and Inland Waters, Inc. submitted the lowest qualified quote in the amount of \$23,109; and

Whereas, Inland Waters, Inc. received Human Rights Approval on May 12, 1992;

RESOLVED, That the City Administrator is authorized to approve a purchase order in the amount of \$23,109 with Inland Waters, Inc.: and

RESOLVED, That Monies to pay for removal of the underground tanks of the municipal sanitary landfill will be paid out of the Series "A" Bond.

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## R-257-5-92 APPROVED

RESOLUTION TO AWARD A  
CONSTRUCTION CONTRACT TO CHEMICAL  
WASTE MANAGEMENT, INC. AND  
ESTABLISH A PROJECT BUDGET FOR  
THE CLOSURE OF PHASE II LANDFILL,  
CELL IV - BID NO. 2231  
(\$1,279,016.90)

Whereas, Phase II, Cell IV of the Landfill is expected to reach its final volume in June of 1992 and must be closed with an engineered final cover within 90 days from reaching its capacity;

Whereas, Chemical Waste Management of Palos Heights, Illinois has submitted to the City on April 22, 1992 a bid for said work in the total amount of \$1,279,016.90 which amount is the lowest responsible bid;

Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefor, 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, The Personnel/Human Rights Department has, on May 15, 1992, approved said company for said construction project;

RESOLVED, That a contract in the amount of \$1,279,016.90 be awarded to Chemical Waste Management, Inc. for construction of the Final Closure of the Landfill Phase II, Cell IV, (Bid No. 2231); and

RESOLVED, That the Mayor and the City Clerk are hereby authorized and directed to sign said contract on forms approved as to form by the City Attorney, and as to substance by the City Administrator;

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

RESOLVED, That the following project budget be adopted and funds appropriated for the life of the project to be available until expended without regard to fiscal year:

Closure of Phase II Landfill, Cell IV

Section I - Revenue

\$1,995,260      Advanced from the Environmental Bond, Series A, Fund 097, to be reimbursed following the sale of the Environmental Bond Series B.

\$1,995,260      TOTAL; and

Section II - Expense

\$1,279,020	Construction
153,480	Design Engineering
191,850	Construction Engineering
63,950	Consulting and Testing
153,480	Contingencies approved by the City Administrator
63,950	Miscellaneous Cost
89,530	Bond Overhead Charge

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\$1,995,260      TOTAL

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R-258-5-92 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH ENGINEERING AND TESTING SERVICES, INC. FOR TESTING OF THE CLOSURE OF PHASE II LANDFILL CELL IV, (\$20,243)

Whereas, It is necessary to employ a qualified testing firm to perform essential testing for the Closure of Phase II Landfill, Cell IV;

Whereas, Proposals for this testing were received and evaluated by the Engineering Department on the basis of qualifications and fees;

Whereas, Engineering & Testing Services, Inc. has demonstrated the required experience, personnel and competitive fee schedule to perform the work;

Whereas, On April 28, 1992 the Personnel/Human Rights Department gave approval of said company for said work; and

Whereas, The project budget for the Closure of Phase II Landfill Cell IV appropriated sufficient funds for the cost of this agreement;

RESOLVED, That Council authorize a Professional Services Agreement in the standard City form in the amount of \$20,243 with Engineering & Testing Services, Inc. for the Closure of Phase II Landfill, Cell IV;

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

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

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R-259-5-92 APPROVED

RESOLUTION AUTHORIZING WATER MAIN,  
SANITARY SEWER, STORM SEWER, SIDEWALK  
CURB AND GUTTER IMPROVEMENT CHARGES  
FOR MORNINGSIDE CONDOMINIUMS  
(MAPLE ROAD) (\$18,067.27)

Whereas, The City has previously constructed water main, sanitary sewers, storm sewers, sidewalk, curb and gutter described as follows:

Water Main: 20" water main in Maple Road and 8" Lateral,  
File No. 84083, District No. 84083 and Job No. A-292;

1.District No. 84083; 8" main lateral across Maple Road =  
\$4,309.38/connection at one (1) connection =  
\$4,309.38

2.20" water main in Maple Road, Job No. A-292; 200 L.F. at  
\$4.925/L.F. = \$985.03

Total Water Improvement Charges = **\$5,294.41**

Sanitary Sewer: 8" sanitary in Maple Road; File No. 84083;  
District Nos. 442 and 403 (Job No. 3667);

1. District No. 442; 8" sanitary lead (1) and tap (1) at  
\$1,947.50/lead + \$375/tap = \$2,322.50

2. 8" sanitary in Maple Road; Job No. 3667; District No. 403;  
\$1,434/unit at 2 units = \$2,868

Total Sanitary Sewer Charges = **\$5,190.50**

Stormsewer: 15" stormsewer in Maple Road; File No. 84083;  
District No. 69; \$2,011.28/acre at 2.16 contributing  
acres = \$4,344.36

Total Stormsewer Charges = **\$4,344.36**

Sidewalk: Concrete sidewalk along Maple Road; File No. 84083;  
District No. 15; 1000 S.F. of 4" sidewalk at \$2.13/S.F. =  
\$2,130

Total Sidewalk Charges = **\$2,130**

Curb and Gutter: Curb and gutter along Maple Road File No.  
84083; District No. 499; 200 L.F. at \$5.54/L.F. = \$1,108

Total Curb and Gutter Charges = **\$1,108**

GRAND TOTAL OF IMPROVEMENT CHARGES = **\$18,607.27**

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

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

<u>Annexation Address:</u>	Morningside Condominiums (Maple Rd.)
<u>City Assessor Code:</u>	08-36-400-029
<u>Annexation Number:</u>	A91-35
<u>Planning File No. :</u>	8364R21.1, .2 and .4

Commencing at the East 1/4 corner of Section 36, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan; thence along the east line of said section and along the centerline of Maple Road, S 00E 10' 30" W 663.25 feet for a Point of Beginning; thence continuing along said east line and along said centerline, S 00E 10' 30" W 200.00 feet; thence S 89E 41' 30" W 813.14 feet to a point on the Northeasterly right-of-way for I-94 Expressway; thence along said right-of-way line, northwesterly 223.10 feet along the arc of a circular curve to the right, having a radius of 3674.72 feet, a central angle of 03E 28' 43" and a chord which bears N 26E 05' 35" W 223.07 feet; thence along the North line of the South 1/2 of the northeast 1/4 of the Southeast 1/4 of said section (as previously monumented), N 89E 44' 46" E 911.86 feet to the Point of Beginning, being part of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 36, T2S, R5E, Scio Township, Washtenaw County, Michigan (as previously monumented), and containing 3.97 acres of land more or less, subject to the rights of the public over the westerly 33 feet of Maple Road. Also subject to other easements and restrictions of record, if any. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$18,067.27 and be hereby designated as utilities Improvement Charge No. 583;
3. That said improvement charge be divided into 15 equal installments, the first to be due on July 1, 1992 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing July 1, 1992.
4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the office of the register of Deeds of Washtenaw County, Michigan; and
5. That the improvement charge so levied to be invoiced to J.B. Grammatico, President, Master Key Northern, Inc. 2580 West Ellsworth Road, Ann Arbor, Michigan 48103 and be credited in the amounts of \$5,294.41 to Fund 042-073-7151, \$5,190.50 to Fund 043-073-7151, \$4,344.36 to Fund 031-073-7151, and \$3,238 to Fund 060-019-7151.

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R-260-5-92 APPROVED

RESOLUTION TO APPROVE A PURCHASE  
ORDER WITH THERMO ANALYTICAL, INC.  
TO PROVIDE LABORATORY SERVICES FOR  
THE LANDFILL AND COMPOSTING CENTER  
(\$11,230)

Whereas, It is necessary to employ a laboratory to perform the chemical analyses required by the Industrial User Permit No. 003792, for discharges from the landfill;

Whereas, On May 1, 1992 proposals for these laboratory services were received and evaluated by the Engineering Department on the basis of qualifications and fees;

Whereas, Thermo Analytical, Inc. of Ann Arbor, Michigan has submitted to the City on May 1, 1992 a proposal for the necessary work in the total amount of \$8,530, which amount is the lowest responsible proposal;

Whereas, it is also necessary to employ a laboratory to perform the chemical analyses required for the Composting Center;

Whereas, Thermo Analytical, Inc. has extended its unit prices for this work to include the testing for the Composting Center for an additional total amount of \$2,700;

Whereas, It is now necessary to approve a purchase order to said laboratory for said work; and

Whereas, The Personnel/Human Rights Department has on May 6, 1992 approved said company for said work;

RESOLVED, That a purchase order in the amount of \$11,230 be awarded to Thermo Analytical, Inc. to provide these laboratory services;

RESOLVED, That the City Administrator is authorized to take necessary administrative action to implement this resolution; and

RESOLVED, That the following project budget be adopted and funds appropriated for the life of the project, to be available until expended without regard to fiscal year;

SECTION I - REVENUE

\$5,630            Environmental Bond, Series A - Unreserved Balance

\$3,390	Solid Waste 91/92 Operations Budget
<u>\$2,210</u>	Solid Waste 92/93 Operations Budget

\$11,230	TOTAL
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SECTION II - EXPENSE

<u>\$11,230</u>	Laboratory Services
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<u>\$11,230</u>	TOTAL
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R-261-5-92 APPROVED

RESOLUTION AUTHORIZING WATER MAIN  
AND SANITARY SEWER IMPROVEMENT  
CHARGES FOR 2622 AND 2624  
PACKARD ROAD (\$9,869.17)

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

Water: File No. 86051; Non-District Job Nos. 042-045-3492-0383; one (1) water lead at \$4,207.85/lead = \$4,207.85

12" water main in Packard Rd.; Non-Dist. Job No. A-220W  
163.86 L.F. at \$3.15574/LF = \$517.10

Total Water Improvement Charge = **\$4,724.95**

Sanitary: File No. 86051; Non-District Job Nos. 043-045-3482-0728; one (1) sewer lead at \$4,207.85/lead = \$4,207.85

8" sanitary sewer in Packard Road; District No. 395; Job No. 3546 one (1) connection at \$936.36/connection = \$936.36

Total Sanitary Improvement Charge = **\$5,144.21**

GRAND TOTAL IMPROVEMENT CHARGES = **\$9,869.16**

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

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

<u>Annexation Address:</u>	2622 and 2624 Packard Road
<u>City Assessor Code:</u>	12-03-309-016
<u>Annexation Number:</u>	A90-10
<u>Planning File No.:</u>	12033E4.1 & .2

Lots 1 and 2 of Walden Woods Subdivision and the contiguous right-of-way of Shady Lane. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of 9,869.17 and be hereby designated as utilities improvement charge No. 584;

3. That said improvement charge be divided into 15 equal installments, the first to be due on July 1, 1992 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing July 1, 1992;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the office of the register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to Hisham and Feryal Abed, 2697 Braeburn Circle, Ann Arbor, MI. 48108 and Royal and Phyllis R. Peake, 2725 West Ellsworth, Ann Arbor, MI 48108 and be credited in the amounts of \$4,724.95 to Fund 042-073-7151, and \$5,144.21 to Fund 043-073-7151.

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R-262-5-92 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND SANITARY SEWER IMPROVEMENT CHARGES FOR LOT 47 THE EVERGREENS SUBDIVISION, 2923 DEXTER ROAD (\$764.95)

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

Water Main: 16" water main in Dexter Road; Non-Dist Job No. A-168, \$252.83/connection; one (1) connection = \$252.83

Sanitary Sewer: 8" Sanitary Sewer in Dexter Road; Non-District Job No. A-168; \$512.12/connection, one (1) connection = \$512.12

GRAND TOTAL OF IMPROVEMENT CHARGES = \$764.95

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

Whereas, Due to the 1,4 Dioxane contamination in the owner's well, the State of Michigan Department of Public Health has agreed to pay the water main improvement charges;

RESOLVED,

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

Annexation Address: 2923 Dexter Road  
City Assessor Code: 08-24-405-010  
Annexation Number: A91-19  
Planning File No.: 8244J4.1 & .2

Lot 47, of "The Evergreens", a subdivision of part of the South 1/2 of Section 24, T2S, R5E, Scio Township, Washtenaw County, Michigan; and commencing at the Southwest corner of Lot 44 of "The Evergreens", a subdivision of part of the south 1/2 of Section 24, T2S, R5E, Scio Township, Washtenaw County, Michigan, thence northeasterly 26.35 feet in the westerly line of said Lot 44 for a Place of Beginning; thence East 67.23 feet;

thence northeasterly 57.23 feet to the southeast corner of Lot 47 in said Subdivision; thence northwesterly 60 feet to the southwest corner of Lot 44; thence southwesterly 88.65 feet in the westerly line of said Lot 44 to the Place of Beginning, being a part of Lot 44, in said subdivision, according to the Plat thereof as recorded in Liber 7 of Plats, on Page 42, Washtenaw County Records, including adjacent Dexter road right-of-way. Now situated in the City of Ann Arbor.

- 2. That the improvement charge so levied be in the amount of \$764.95 and be hereby designated as utilities improvement charge No. 582;
- 3. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan;
- 4. That the sanitary sewer improvement charge so levied be invoiced to Theodore Graham, 2923 Dexter Road and Ruth Ryan, 2923 Dexter Road, Ann Arbor, MI 48103 and \$512.12 be credited to Fund 043-073-7151; and
- 5. That the water main improvement charge so levied be invoiced to Ms. Lois Graham, R.S., Michigan Department of Public Health, Division of Water Supply, P.O. Box 30195, Lansing, MI. 48919 and \$252.83 be credited to Fund 042-073-7151.

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R-263-5-92 APPROVED

RESOLUTION TO ACCEPT BOARD OF  
INSURANCE ADMINISTRATION MINUTES  
OF MAY 5, 1992 AND AUTHORIZE PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of May 5, 1992 be accepted and that the payments therein be authorized.

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R-264-5-92 APPROVED

RESOLUTION ACCEPTING QUIT CLAIM DEED FROM R.E.M. VERO, INC.

Whereas, R.E.M. Vero, Inc., a Florida Corporation, is the owner of property described below; and

Whereas, The owner has delivered a quit claim deed conveying to the City property which is located in the City of Ann Arbor, Washtenaw County, Michigan and more fully described as follows:

Commencing at the north 1/4 corner of Section 18, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence N 89° 32' 30" E 43.16 feet along the north line of said Section 18 and the centerline of Newport Road; thence S 26° 33' 30" E. 523.55 feet along said centerline; thence S65° 23' 00" W 50.03 feet; thence S26° 33' 30" E 243.03 feet for a Place of Beginning; thence continuing S 26° 33' 30" E 68.00 feet; thence S 63° 26' 30" W 74.65 feet; thence southwesterly 189.63 feet along the arc of a 292.00 foot radius tangential circular curve to the left with chord bearing S44° 50' 15" W 186.31 feet; thence S 62° 07' 30" E 2.00 feet; thence southwesterly 87.46 feet along the arc of a 290.00 foot radius nontangential circular curve to the left with chord bearing S17° 34' 55" W 87.13 feet; thence southerly 411.09 feet along the arc of a 1,545.00 foot radius tangential circular curve to the left with chord bearing S01° 19' 09" W 409.88 feet; thence S82° 59' 01" W 70.00 feet; thence northerly 228.32 feet along the arc of a 1,615.00 foot radius nontangential circular curve to the right with chord bearing N 02° 17' 03" W 228.14 feet; thence N83° 27' 28" W 208.35 feet; thence Westerly 70.36 feet along the arc of a 277.00 foot radius tangential circular curve to the left with chord bearing W89° 15' 54" W 70.17 feet; thence N 08° 00' 43" W 66.00 feet; thence Easterly 87.13 feet along the arc of a 343.00 foot radius nontangential circular curve to the right with chord bearing N89° 15' 54" E 86.89 feet; thence S 83° 27' 28" E 204.19 feet; thence Northerly 136.13 feet along the arc of a 1,615.00 foot radius nontangential circular curve to the right with chord bearing N06° 31' 38" E 136.09 feet; thence northeasterly 342.43 feet along the arc of a 360.00 foot radius tangential circular curve to the right with chord bearing N 36° 11' 30" E 329.67 feet; thence N63° 26' 30" E 74.65 feet to the Place of Beginning, being a part of the N 1/2 of said Section 18, containing 1.71 acres of land more or less, and being subject to easements and restrictions of record, if any;

RESOLVED, That said deed is accepted by the City of Ann Arbor.

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RESOLUTION ACCEPTING GRANT OF  
EASEMENT FROM ROGER J. CIAPARA AND  
GRAND ARBOR DEVELOPMENT COMPANY

Whereas, Roger J. Ciapara and Sally I. Ciapara, Husband and Wife and Grand Arbor Development Company, a Michigan partnership, are the owners of property located in the City of Ann Arbor, Washtenaw County, Michigan and more particularly described as follows:

A 40.00 foot wide easement for water main and appurtenances, the sidelines of said easement being parallel with and 20.00 feet each side of the centerline described as follows:

Commencing at the North 1/4 of Section 20, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence N 88°E 52' 30" E 1287.56 feet along the E-W 1/4 line of said Section 20; thence S 02°E 08' 45" E 567.97 feet along the centerline of Main Street; thence continuing along said centerline S 02°E 09' 00" E 348.96 feet; thence N 88°E 16' 00" E 113.00 feet for a PLACE OF BEGINNING; thence N 01°E 44' 00" W 52.00 feet; thence N 57°E 25' 00" E 69.00 feet; thence N 06°E 08' 45" W 222.30 feet to a point hereinafter referred to as Point "A"; thence N 01°E 44' 00" W 142.42 feet to the Place of Ending, and being together with a 40.00 foot wide easement being 20.00 feet each side of the centerline described as follows: BEGINNING at the above described Point "A" ; thence N 89°E 31' 43" E 140.25 feet to the Place of Ending;

Whereas, said owners have delivered to the City of Ann Arbor an easement for construction and maintenance of utilities on the above described premises;

RESOLVED, that the City of Ann Arbor accepts said easement.

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R-266-5-92 APPROVED

RESOLUTION ACCEPTING GRANT OF EASEMENT FROM LOUIS C. STANFORD AND HENRY J. STANFORD

Whereas, Louis C. Stanford and Frances J. Stanford, Husband and Wife and Henry J. Stanford and Arlene M. Stanford, Husband and Wife, are the owners of property located in the City of Ann Arbor, Washtenaw County, Michigan and more particularly described as follows:

PROPOSED PERMANENT EASEMENT FOR PUBLIC UTILITIES

A 40 foot wide permanent easement, the center line of which is described as commencing at the Southwest corner of Section 24, T2S, R5E, Scio Township, Washtenaw County, Michigan; thence N 1E 03' 41" W 63.98 feet along the West line of said Section; thence N 88E 01' 40" E 80 feet along the North line of Jackson Avenue to the East line of Wagner Road; thence continuing N 88E 01' 40" E 167.00 feet to the POINT OF BEGINNING; thence N 1E 03' 41" W 265.00 feet parallel to said East line of Wagner Road to the POINT OF TERMINATION.

Also a 40 foot wide permanent easement the center line of which is described as commencing at the aforementioned POINT OF BEGINNING, THENCE N 88E 01' 40" E 222.00 feet to the POINT OF BEGINNING; thence N 1E 03' 41" W 128.00 feet parallel to the East line of Wagner Road to the POINT OF TERMINATION.

Whereas, said owners have delivered to the City of Ann Arbor an easement for construction and maintenance of utilities on the above described premises;

RESOLVED, That the City of Ann Arbor hereby accepts said easement.

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R-267-5-92 APPROVED

RESOLUTION ACCEPTING GRANT OF EASEMENT FROM THE PUBLIC SCHOOLS OF THE CITY OF ANN ARBOR

Whereas, The Public Schools of the City of Ann Arbor, a Michigan Municipal corporation, is the owner of property located in the City of Ann Arbor, Washtenaw County, Michigan and more particularly described as follows:

Beginning at the S.W. corner of Lot 145 of Assessor's Plat No. 29, being a replat of blocks 3 and 4 North, ranges 4, 5 and 6 east on the plat of the Village of Ann Arbor (now City), as recorded in Liber 9 of Plats, Page 20, Washtenaw County Records,

thence N 04E 00' 51" E 20.00 feet along the east right-of-way line of Fifth Avenue

thence S 85E 54' 06" E 226.03 feet;

thence S 04E 05' 54" W 20.00 feet;

thence N 85E 54' 06" W 226.00 feet to the POINT OF BEGINNING, being subject to easements and restrictions of record, if any.

Whereas, said owner has delivered to the City of Ann Arbor an easement for construction and maintenance of utilities on the above described premises;

RESOLVED, That the City of Ann Arbor hereby accepts said easement.

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R-268-5-92 APPROVED

RESOLUTION ACCEPTING GRANT OF  
EASEMENT FROM AMERCO REAL ESTATE COMPANY

Whereas, Amerco Real Estate Company, a Nevada corporation, is the owner of property located in the City of Ann Arbor, Washtenaw County, Michigan and more particularly described as follows:

A forty (40) foot wide easement for watermain located in the S.W. 1/4 of Section 9, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, whose centerline is described as beginning at a point distant S 01E 06' 00" E, 798.87 feet along the west line of said Section 9 and N 87E 31' 40" E 60.00 feet to the east right of way line of State Road (120' wide) and S 01E 06' 00" E, 148.00 feet along said east right of way line from the West 1/4 corner of said Section 9, T3S, R6E:

thence N 87E 31' 40" E, 314.00 feet to the Point of Ending;

Whereas, Said owner has delivered to the City of Ann Arbor an easement for construction and maintenance of utilities on the above described premises;

RESOLVED, That the City of Ann Arbor hereby accepts said easement.

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## R-269-5-92 APPROVED

RESOLUTION ACCEPTING QUIT CLAIM  
DEEDS FROM ARBOR LANDINGS  
ASSOCIATES, ET AL

Whereas, Arbor Landings Associates, a Michigan co-partnership; A.R. Associates, a Michigan co-partnership; Herman Ross and Marsha Ross, husband and wife and Hubert S. Garner and Elsie Garner, husband and wife, are the owners of property described below; and

Whereas, the owners have delivered deeds conveying to the City property which is located in the City of Ann Arbor, Washtenaw County, Michigan and more fully described as follows:

## EXHIBIT "A"

LEGAL DESCRIPTION OF A 85 FOOT WIDE  
RIGHT OF WAY FOR WAGNER ROAD

Commencing at the SW Corner of Section 24, T2S, R5E, Scio Township, Washtenaw County, Michigan; thence N 02<sup>E</sup> 04' 30" E 1281.55 feet along the west line of said Section 24 and survey centerline of Wagner Road for a PLACE OF BEGINNING; thence continuing along said west line and said centerline N 02<sup>E</sup> 04' 30" E 257.50 feet; thence N 66<sup>E</sup> 15' 30" E 94.42 feet along the southeasterly right-of-way line of M-14 Expressway, thence S02<sup>E</sup> 04' 30" W 302.21 feet; thence N 85<sup>E</sup> 30' 30" W 85.08 feet to the Place of Beginning. Being a part of the Southwest 1/4 of Section 24, T2S, R5E, Scio Township, Washtenaw County, Michigan and containing 0.54 acres of land more or less.

LEGAL DESCRIPTION OF ADDITIONAL  
RIGHT OF WAY FOR ROSE DRIVE

Commencing at the SW Corner of Section 24, T2S, R5E, Scio Township, Washtenaw County, Michigan; thence N 02<sup>E</sup> 04' 30" E 849.63 feet along the west line of said Section 24 and survey centerline of Wagner Road; thence S 72<sup>E</sup> 38' 36" E 1549.43 feet along the northerly right-of-way line of I-94 Expressway; thence N 00<sup>E</sup> 45' 00" E 612.25 feet for a PLACE OF BEGINNING; thence continuing N00<sup>E</sup> 45' 00" E 379.02 feet; thence N 24<sup>E</sup> 57' 20" E 183.06 feet; thence S69<sup>E</sup> 01' 40" E 6.01 feet; thence along the westerly right-of-way line of Rose Drive the following (2) two courses: S 24<sup>E</sup> 57' 20" W 133.41 feet and S 00<sup>E</sup> 45' 00" W 422.22 feet; thence N 89<sup>E</sup> 15' 00" W 26.00 feet to the Place of Beginning. Being a part of the Southwest 1/4 of Section 24, T2S, R5E, Scio Township, Washtenaw County, Michigan

and containing 0.26 acres of land more or less;

RESOLVED, That said deeds are accepted by the City of Ann Arbor.

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R-270-5-92 APPROVED

RESOLUTION ACCEPTING AMENDMENT  
TO UTILITY EASEMENT FROM  
ARBOR LANDINGS ASSOCIATES

Whereas, Arbor Landings Associates, a Michigan co-partnership, is the owner of land located in the City of Ann Arbor, Washtenaw County, Michigan and more particularly described as follows: Water Main Easement

A forty (40.00) foot wide easement for water main whose centerline is being described as: Commencing at the Southwest corner of Section 24, T2S, R5E, Scio Township, Washtenaw County, Michigan; thence N 02E 04' 30" E 849.63 feet along the west line of said section and the centerline of Wagner Road; thence S 72E 30' 35" E 1576.56 feet along the northerly right-of-way line of the I-94 Expressway; thence N 00E 45' 00" E 410.34 feet along the westerly right-of-way line of Rose Drive to the Point of Beginning; thence N 09E 15' 00" W 26.00 feet; thence S 59E 37' 51" W 195.44 feet; thence N 72E 30' 35" W 195.20 feet to the Point D; thence N 17E 21' 25" E 29.25 feet; thence N 11E 00' 00" E 311.43 feet; thence N 07E 48' 46" W 100.00 feet to Point E; thence continuing N 07E 48' 46" W, 41.10 feet; thence 234.67 feet along the arc of a curve to the left, radius 365.00 feet, chord N 26E 13' 53" W 230.65 feet to Point F; thence 63.28 feet along the arc of a curve to the left, radius 365.00 feet, chord N 49E 37' 01" W 63.20 feet to Point G; thence 145.46 feet along the arc of a curve to the left, radius 365.00 feet, chord N 66E 00' 01" W 144.50 feet; thence N 77E 25' 00" W 106.70 feet; thence S 10E 44' 57" W 21.44 feet; thence S 56E 21' 45" W 155.44 feet; thence S 07E 10' 00" W 170.00 feet; thence S 66E 00' 24" W 121.12 feet; thence S 17E 21' 25" W 235.00 feet; thence S 72E 30' 35" E 135.00 feet; thence S 27E 38' 35" E 33.94 feet; thence S 72E 30' 35" E 120.00 feet to Point H; thence continuing S 72E 30' 35" E 108.33 foot; thence N 17E 21' 25" E 95.00 foot; thence S 72E 30' 35" E 192.00 feet; thence N 62E 21' 25" E 62.63 feet; thence S 79E 00' 00" E 72.03 feet to the Point of Ending.

ALSO a forty (40.00) foot wide easement for water main whose centerline is described as BEGINNING as Point D: thence S 17E 21' 25" W 170.00 feet to the Point of Ending.

ALSO, a forty (40.00) foot wide easement for water main whose centerline is described as: BEGINNING at Point E; thence S 78<sup>E</sup> 53' 39" W 52.00 feet to the Point of Ending

ALSO, a forty (40.00) foot wide easement for water main whose centerline is described as BEGINNING at Point G; thence S 35<sup>E</sup> 24' 59" W 57.00 feet to the Point of Ending.

ALSO, a forty (40.00) foot wide easement for water main whose centerline is described as: BEGINNING at Point H; thence S 17<sup>E</sup> 21' 25" W 53.00 feet to the Point of Ending.

ALSO a forty (40.00) foot wide easement for water main whose centerline is described as: BEGINNING at Point F; thence N 45<sup>E</sup> 21' 00" E 43.65; thence 142.00 feet along the arc of a curve to the left, radius 850.00 feet, chord N 40<sup>E</sup> 32' 14" E 142.63 feet to Point I; thence N 34<sup>E</sup> 51' 44" E 25.58 feet to Point J; thence N 57<sup>E</sup> 20' 00" W 157.00 feet; thence N 71<sup>E</sup> 05' 05" W 240.00 feet; thence S 10<sup>E</sup> 54' 55" W 176.69 feet; thence S 10<sup>E</sup> 44' 57" W 33.00 feet to the Point of Ending.

ALSO a forty (40.00) foot wide easement for water main whose centerline is described as: BEGINNING AT Point I; thence S 54<sup>E</sup> 16' 32" E 50.00 feet to the Point of Ending.

ALSO, a forty (40.00) foot wide easement for water main whose centerline is described as: BEGINNING at Point J; thence 98.90 feet along the arc of a curve to the left, radius 850.00 feet, chord N 30<sup>E</sup> 40' 00" E 98.85 feet; thence N 72<sup>E</sup> 35' 28" E 48.35 feet; thence N 22<sup>E</sup> 15' 52" E 86.05 feet to a point on the southerly right-of-way line of Dexter Road, said point being the Point of Ending. ALL being a part of the Southwest 1/4 of Section 24, T2S, R5E, Scio Township, Washtenaw County, Michigan.

Whereas, Said owner has delivered to the City of Ann Arbor an easement for construction and maintenance of utilities on the above described premises;

Whereas, Said owner has constructed a wall and entrance gate within a portion of the easement and has agreed to reimburse the City for any additional maintenance expense and hold the city harmless from any claims resulting from the construction of the wall and entrance gate within the easement according to the terms of an amendment to the grant of easement;

RESOLVED, That the City of Ann Arbor accepts the water main easement and the amendment to the grant of easement which permits the maintenance of the wall and entrance gate in the easement in substantially the form as on file in the Clerk's Office;

RESOLVED, That the Mayor and City Clerk are authorized to sign the amendment

to the grant of easement.

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R-271-5-92 APPROVED

RESOLUTION ACCEPTING AMENDMENT  
TO UTILITY EASEMENT FROM  
ARBOR LANDINGS ASSOCIATES

Whereas, Arbor Landings Associates, a Michigan co-partnership, is the owner of land located in the City of Ann Arbor, Washtenaw County, Michigan and more particularly described as follows: Sanitary Sewer Easement

A thirty (30.00) foot wide easement for sanitary sewer whose centerline is being described as: Commencing at the southwest corner of Section 24, T2S, R5E, Scio Township, Washtenaw County, Michigan; thence N 02<sup>E</sup> 04' 30" E 849.63 feet along the west line of said section and the centerline of Wagner Road; thence S 72<sup>E</sup> 38' 35" E 1576.56 feet along the northerly right-of-way line of the I-94 Expressway; thence N 00<sup>E</sup> 45' 00" E 383.09 feet along the westerly right-of-way line of Rose Drive to the POINT OF BEGINNING; thence S 60<sup>E</sup> 19' 59" W 225.41 feet; thence N 72<sup>E</sup> 38' 35" W 205.00 feet to Point A; thence N 12<sup>E</sup> 45' 50" E 353.01 feet; thence N 11<sup>E</sup> 05' 12" W 244.60 feet to Point B; thence continuing N 11<sup>E</sup> 05' 12" W 5.32 feet; thence N 45<sup>E</sup> 24' 43" W 6.75 feet to Point K; thence continuing N 45<sup>E</sup> 24' 43" W 235.07 feet; thence N 77<sup>E</sup> 25' 00" W 4.42 feet to Point C; thence continuing N 77<sup>E</sup> 25' 00" W 157.50 feet; thence S 56<sup>E</sup> 21' 45" W 120.00 feet to the Point of Ending.

ALSO a thirty-six (36.00) foot wide easement for sanitary sewer whose centerline is described as Beginning at Point A; thence S 12<sup>E</sup> 45' 50" W 5.10 feet; thence N 62<sup>E</sup> 00' 00" W 75.33 feet to Point L said point being the Point of Ending.

ALSO thirty-four (34.00) foot wide easement for sanitary sewer whose centerline is described as BEGINNING at Point L; thence S 62<sup>E</sup> 05' 10" W 104.07 feet to Point M said Point being the Point of Ending.

ALSO thirty (30.00) foot wide easement for sanitary sewer whose centerline is described as BEGINNING at Point M; thence N 72<sup>E</sup> 38' 35" W 111.32 feet thence N 04<sup>E</sup> 52' 57" W 95.07 feet; thence N 72<sup>E</sup> 30' 35" W 319.84 feet to the Point of Ending.

ALSO thirty four (34.00) foot wide easement for sanitary sewer whose

centerline is described as BEGINNING at Point B: thence N 50E 47' 36" E 212.79 feet to the Point of Ending.

ALSO thirty (30.00) feet wide easement for sanitary sewer whose centerline is described as BEGINNING at Point K; thence S 06E 46' 42" W 160.47 feet to the Point of Ending.

ALSO thirty-four (34.00) foot wide easement for sanitary sewer whose centerline is described as BEGINNING at Point C; thence N 38E 15' 00" E 228.42 feet to Point N said Point being the Point of Ending.

ALSO thirty (30.00) foot wide easement for sanitary sewer whose centerline is described at BEGINNING at Point H; thence N 71E 05' 05" W 264.14 feet to the Point of Ending; and

Whereas, Said owner has delivered to the City of Ann Arbor an easement for construction and maintenance of utilities on the above described premises;

RESOLVED, That the City of Ann Arbor hereby accepts said easement.

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R-272-5-92 APPROVED

RESOLUTION ACCEPTING UTILITY  
EASEMENTS FROM GUENTHER BUILDING  
COMPANY

Whereas, Guenther Building Company, a Michigan corporation, is the owner of property located in the City of Ann Arbor, Washtenaw County, Michigan and more particularly described as follows:

70 Foot Wide Public Utility Easement

Described along the centerline as follows:

Commencing at the N.W. 1/4 corner of Section 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 86E 55' 43" W 1254.34 feet along the North line of said Section 15 and the centerline of Dhu Varren Road; thence along the centerline of Omlesaad Drive in the following three (3) courses;

S 01E 36' 08" E 49.37 feet, southerly 325.13 feet along the arc of an 850 foot radius circular curve to the left, through a central angle of 21E 54' 57", having a chord which bears S 12E 33' 37" E, 323.15 feet;

S 23<sup>E</sup> 31' 05" E, 292.38 feet, to the POINT OF BEGINNING; S 23<sup>E</sup> 31' 05" E 83.33 feet; thence southerly 577.44 Feet along the arc of an 850.00 Foot radius circular curve to the right, through a central angle of 38<sup>E</sup> 55' 24" having a chord which bears S 04<sup>E</sup> 03' 23" E 566.40 feet, to the POINT OF ENDING, being subject to easements and restrictions of record, if any;

and

#### Storm Sewer Easement

Commencing at the south 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01<sup>E</sup> 29' 40" W, 764.99 feet in the N-S 1/4 line of said Section 10; thence N 70<sup>E</sup> 00' 48" W 241.98 feet; thence in the proposed easterly right-of-way line of Foxway Road in the following two (2) courses; 1) Southwesterly 4.82 feet in the arc of a circular curve concave Northwesterly, having a radius of 504.65 feet, a central angle of 00<sup>E</sup> 32' 50", and a chord which bears S 26<sup>E</sup> 24' 48" W, a distance of 4.82 feet; 2) Southwesterly 64.12 feet in the arc of a circular curve concave Northwesterly, having a radius of 633.00 feet, a central angle of 05<sup>E</sup> 48' 14", and a chord which bears S 29<sup>E</sup> 35' 20" W a distance of 64.10 feet, to the POINT OF BEGINNING; thence S 19<sup>E</sup> 35' 36" E 90.63 feet; thence S 70<sup>E</sup> 24' 24" W 30.00 feet; thence N 19<sup>E</sup> 35' 36" W 68.65 feet; thence Northeasterly 37.20 feet in the arc of a circular curve concave northwesterly, having a radius of 633.00 feet, a central angle of 03<sup>E</sup> 22' 01", and a chord which bears N 34<sup>E</sup> 10' 27" E, a distance of 37.19 feet, in the easterly right-of-way line of Foxway Road, to the POINT OF BEGINNING; being a part of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, and containing 0.05 acres of land, more or less, and being subject to easements and restrictions of record, if any.

and

#### Storm Sewer Easement

Commencing at the S 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 86<sup>E</sup> 55' 43" W, 615.38 feet along the south line of said Section 10 and the centerline of Dhu Varren Road; thence N 03<sup>E</sup> 04' 17" W 60.00 feet; thence N 12<sup>E</sup> 59' 41" E, 124.20 feet; thence N 68<sup>E</sup> 11' 53" E, 107.70 feet; thence N 19<sup>E</sup> 17' 24" E, 175.10 feet, to the POINT OF BEGINNING;

thence N 82<sup>E</sup> 17' 55" W, 133.37 feet; thence northerly along the proposed right-of-way of Deer Creek Court 30.04 feet in the arc of a circular curve concave westerly, having a radius of 263.00 feet, a central angle of 06<sup>E</sup> 32' 38", and a chord which bears N 09<sup>E</sup> 53' 02" E, a distance of 30.02 feet;

thence S 82<sup>E</sup> 17' 55" E, 138.38 feet; thence S 19<sup>E</sup> 17' 24" W, 30.62 feet, to the POINT OF BEGINNING; being a part of the S.W. 1/4 of said section 10, T2S, R6E, and containing 0.09 acres of land, more or less, being subject to easements and restrictions of record, if any

and

#### Water and Sanitary Sewer Easement

Commencing at the S 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 86<sup>E</sup> 55' 43" W, 615.38 feet along the south line of said Section 10 and the centerline of Dhu Varren Road; thence N 03<sup>E</sup> 04' 17" W 60.00 feet; thence S 86<sup>E</sup> 55' 43" W, 116.24 feet along the northerly right-of-way line of Dhu Varren Road, to the POINT OF BEGINNING;

thence continuing S 86<sup>E</sup> 55' 43" W, 40.48 feet along the northerly right-of-way line of Dhu Varren Road;

thence N 05<sup>E</sup> 43' 27" E, 126.38 feet; thence Easterly along the proposed right-of-way of Deer Creek Court 40.95 feet in the arc of a circular curve concave northerly, having a radius of 60.00 feet, a central angle of 39<sup>E</sup> 06' 07" and a chord which bears S 89<sup>E</sup> 20' 57" E a distance of 40.16 feet; thence S 05<sup>E</sup> 43' 27" W 123.74 feet, to the POINT OF BEGINNING; being a part of the S.W. 1/4 of said Section 10, T2S, R6E, and containing 0.11 acres of land, more or less, being subject to easements and restrictions of record, if any.

and

#### Water and Storm Sewer Easement

Commencing at the south 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01<sup>E</sup> 29' 40" W 669.99 feet in the N-S 1/4 line of said section 10; thence N 87<sup>E</sup> 33' 33" W 10.02 feet, to the POINT OF BEGINNING; thence N 87<sup>E</sup> 33' 33" W 40.09 feet; thence N 01<sup>E</sup> 29' 40" W 68.25 feet; thence N 70<sup>E</sup> 00' 48" W 209.67 feet; thence in the proposed easterly right-of-way line of Foxway Road in the following two (2) courses: 1) northeasterly 35.59 feet in the arc of a circular curve concave

northwesterly, having a radius of 633.00 feet, a central angle of 03E 13' 17" and a chord which bears N 28E 17' 51" E a distance of 35.58 feet; 2) northeasterly 4.82 feet in the arc of a circular curve concave northwesterly, having a radius of 504.65 feet, a central angle of 00E 32' 50" and a chord which bears N 26E 24' 48" E a distance of 4.82 feet; thence S 70E 00' 48" E 231.23 feet; thence S 01E 29' 40" E 98.25 feet, to the POINT OF BEGINNING; being a part of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, and containing 0.28 acres of land, more or less, and being subject to easements and restrictions of record, if any;

Whereas, Said owner has delivered to the City of Ann Arbor easements for construction and maintenance of utilities on the above described premises;

RESOLVED, That the City of Ann Arbor hereby accepts said easements.

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R-273-5-92 APPROVED

RESOLUTION ACCEPTING QUIT CLAIM  
DEEDS FROM GUENTHER BUILDING  
COMPANY (FOXFIRE)

Whereas, Guenther Building Company, a Michigan corporation, is the owner of property described below; and

Whereas, The owner has delivered deeds conveying certain street rights of way to the City which are located in the City of Ann Arbor, Washtenaw County, Michigan and which include the following portions of certain streets in the Foxfire Condominium Subdivision:

Omlesaad Drive north of Foxway Drive to Hickory Point Drive; Hickory Point Drive east of Omlesaad Drive to the east boundary of Foxfire; Foxway Drive south of Hickory Point Drive 54.13 feet east of Fawnmeadow Court and also including Shamrock Court, Pinebluff Court, Eagle Court, Foxway Court, Featherstone Court, Mallard Court and Whitetail Run Court; and

Omlesaad Drive north of Dhu Varren Road to Foxway Drive; Foxway Drive east of Omlesaad Drive 54.13 feet east of Fawnmeadow Court including Fairhaven Court, Fawnmeadow Court and Deer Creek Court and also the north half of Dhu Varren Road east of Omlesaad Drive to the east boundary

of Foxfire; and

Omlesaad Drive south of Dhu Varren Road to the south boundary of Meadowridge Court including Tamarack Court and Meadowridge Court and also the south half of Dhu Varren Road east of Omlesaad Drive to the east boundary of Foxfire;

RESOLVED, that said deeds are accepted by the City of Ann Arbor.

Councilmember Hunter moved that the Consent Agenda be approved.

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

## ORDINANCES - SECOND READING

22-92 APPROVED AS AMENDED

### INCENTIVES FOR AFFORDABLE HOUSING

#### AN ORDINANCE TO AMEND SECTIONS 5:1, 5:10.27, 5:68, 5:69, 5:70, 5:71, 5:72, AND 5:80 OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment would provide incentives for the development of affordable housing by implementing the recommendations of the Comprehensive Housing Affordability Strategy. The intent of the amendment is to expand the supply of affordable housing for lower income households.

Councilmember Dodge moved that the ordinance be approved at second reading.

Councilmember Coleman moved that the ordinance be amended as follows:

#### Section 5:80 (3) (i)

- (i) Residential density shall be consistent with the plans and policies of the City. City Council may allow greater density or modify height and placement standards if **IN** the proposed project **20% OR MORE OF THE DWELLING UNITS ARE MADE AVAILABLE TO PERSONS AND FAMILIES WHO FIT THE LOW-INCOME DEFINITIONS OF HUD** ~~will expand the supply of affordable housing for lower income households.~~ Provisions to assure the affordability of such housing shall be included in a development agreement.

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

The question under consideration is approval of the ordinance as amended once.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11  
Nays, 0

The Chair declared the motion carried.

23-92 APPROVED

RESIDENTIAL USES IN C2A AND C2A/R DISTRICTS

AN ORDINANCE TO AMEND SECTIONS 5:10.19, 5:10.20, 5:44, 5:44A, AND 5:67 OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The intent of this amendment is to remove barriers to residential development above the street level in the Central Business District.

Councilmember Dodge moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11  
Nays, 0

The Chair declared the motion carried.

25-92 APPROVED

TALBOT 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 is the rezoning of 0.42 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Talbot Property, 1850 Robert Street.

Councilmember Hunter moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Dodge, Fink,

Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11  
Nays, 0

The Chair declared the motion carried.

**ORDINANCES - FIRST READING**

29-92 APPROVED

GRAHAM/RYAN 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 is the rezoning of 0.24 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Graham/Ryan Property, 2923 Dexter Road.

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

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

30-92 APPROVED

INCREASE IN STORMWATER SERVICE CHARGES

AN ORDINANCE TO AMEND SECTIONS 2:202 AND 2:203 OF CHAPTER 33 OF TITLE II OF THE CODE OF THE CITY OF ANN ARBOR

This amendment would increase the Utilities flat rate stormwater charges for single-family or two-family dwellings and increase charges based on land area.

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

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

31-92 APPROVED

INCREASE WATER SERVICE CHARGES

AN ORDINANCE TO AMEND SECTION 2:63 OF CHAPTER 29 OF TITLE II OF THE

CODE OF THE CITY OF ANN ARBOR

This amendment would increase the Utilities water service rates and the minimum charge per quarter.

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

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

32-92 APPROVED

INCREASE SEWER PERMIT CHARGES

AN ORDINANCE TO AMEND SECTION 2:49 OF CHAPTER 28 OF TITLE II OF THE CODE OF THE CITY OF ANN ARBOR

This amendment would increase the Utilities Sewer Permit Charge.

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

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

33-92 APPROVED

INCREASE WATER PERMIT CHARGES

AN ORDINANCE TO AMEND SECTION 2:22 OF CHAPTER 27 OF TITLE II OF THE CODE OF THE CITY OF ANN ARBOR

This amendment would increase the Utilities Water Permit Charges.

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

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

34-92 APPROVED

PENALTIES FOR PARKING VIOLATIONS

AN ORDINANCE TO AMEND SECTIONS 10:77 AND 10:136 OF CHAPTER 126 OF TITLE X OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment would allow for the removal of an abandoned vehicle 48 hours after the written notice requiring its removal is affixed.

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

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

**MOTIONS AND RESOLUTIONS**

R-274-5-92 APPROVED

**RESOLUTION TO APPROVE DHU VARREN ON THE PARK  
SITE PLAN AND SITE DEVELOPMENT AGREEMENT**

A communication was received from the City Planning Commission transmitting its recommendation (Denial - 4 years and 2 nays) of the Dhu Varren on the Park Site Plan and Site Development Agreement, 33.16 acres, south of Dhu Varren Road, west of the Ann Arbor Railroad and east of Pontiac Trail.

Whereas, Tri-Mount Development Company, Inc. has requested site plan approval in order to construct 83 single-family dwellings as a site condominium;

Whereas, A site development agreement has been prepared for this development; and

Whereas, The Ann Arbor City Planning Commission, on April 14, 1992, reviewed said request;

RESOLVED, That the Mayor and City Council hereby approves the Dhu Varren on the Park Site Condominium Site Plan and Site Development Agreement.

Councilmember Hunter moved that the resolution be approved.

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

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**RESOLUTION TABLED**

**RESOLUTION TO AWARD JANITORIAL SERVICES**

FOR CITY HALL - BID NO. 2271 (\$75,251.40)

Whereas, Facilities Management, Division of Administrative Services, solicited bids through the Purchasing Office to perform janitorial services for City Hall as specified in Bid No. 2271;

Whereas, Four (4) bids were received and reviewed, with City Building Maintenance Co. being recommended as the lowest responsible bid for \$75,251.40; and

Whereas, On May 6, 1992 the Personnel/Human Rights Department approved City Building Maintenance Co. to perform work specified in Bid No. 2271;

RESOLVED, That the Mayor and City Council approve Bid Number 2271 for Janitorial Services in the amount of \$75,251.40 to City Building Maintenance Co.;

RESOLVED, That the City Administrator is authorized to issue a purchase order to City Building Maintenance Co. in the sum of \$75,251.40 for Janitorial Services;

RESOLVED, That the Mayor and Clerk are authorized and directed to sign said contract approved as to form by the City Attorney and approved as to substance by the Administrator;

RESOLVED, That the City Administrator may extend this agreement for two (2) one (1) year periods in accordance with terms and conditions of Bid No. 2271.

Councilmember Hunter moved that the resolution be approved.

Councilmember Coleman moved that the resolution be tabled to June 1, 1992 for further information on the wages to be paid by the contractor to its employees in compliance with the City's "Prevailing Wage" policy.

On a voice vote, the Chair declared the motion carried and the resolution tabled.

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SUBSTITUTE RESOLUTION APPROVED

RESOLUTION REGARDING STREAMWATER CONTAMINATION AT FURSTENBERG PARK

A resolution to Authorize an Amendment to a Professional Services Agreement with Pollack Design Associates, Inc. for Design of Furstenberg Park (\$25,000) was considered.

Councilmember Meade moved that a substitute resolution be approved as follows:

R-288-5-92 APPROVED

RESOLUTION REGARDING FURSTENBERG PARK  
STREAMWATER CONTAMINATION

Whereas, It has been determined that a dump formerly operated by the University of Michigan and still present on University land in the vicinity of the proposed realigned Fuller/Oakway realignment has been designated a 307 superfund site; and

Whereas, it has also been determined that leachate from this dump site is currently contaminating a stream that flows into and through Furstenberg Park;

RESOLVED, That before the City proceeds with planning the mitigation of the wetland that will be impacted by the proposed road realignment, Council requests the Mayor and/or City Administrator to meet with University of Michigan officials to discuss their plans to clean up the 307 super fund site to prevent its continued contamination of Furstenberg Park and the proposed substitute wetland site in that park.

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

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R-275-5-92 APPROVED

RESOLUTION ADOPTING A REVISED FEE SCHEDULE  
FOR SEWER TAP FEES, WATER SERVICE CONNECTION  
FEES AND RELATED UTILITIES DEPARTMENT FEES

Whereas, The current Sewer Tap Fees, Water Service Connection Fees and related fees do not fully recover the Utilities Department's costs;

Whereas, The Utilities Department, with the assistance of the consulting firm David M. Griffith and Associates Limited, have analyzed the aforesaid fees and have recommended revised fees to more fully recover costs;

RESOLVED, That the following fees schedule entitled "City of Ann Arbor Utilities Department Rules and Regulations Number: SC-2 and WC-2" be approved; and

RESOLVED, That the charges be effective July 1, 1992.

CITY OF ANN ARBOR  
UTILITIES DEPARTMENT RULES AND REGULATIONS

Number: SC-2 and WC-2

Public Hearing: May 11, 1992

Effective Date: ~~September 1, 1979~~ July 1, 1992

Sewer Tap Fees and Water Service Connection Fees

A. Sewer Service Connection.

Sewer Taps shall be made by the Utilities Department upon the Department's approval and upon payment of the required sewer tap fee(s).

The owner or party requesting the sewer tap shall provide all excavation in compliance with all current Construction Safety Standards, Federal, State and local.

The sewer tap fees for sanitary sewer and storm sewer shall be in the amount of ~~\$100~~ \$300 each, payable at the time of application for a sewer tap permit from the Utilities Department.

B. Sewer Service Disconnection Fee.

The Sewer disconnection fee shall be in the amount of \$1,200\* each, payable at the time of application for a sewer disconnection from the Utilities Department. The sewer disconnection fee shall be in the amount of \$50 when a qualified contractor excavates, caps the sewer service, and restores the surface.

\*Plus a deposit required for excavation by the Utilities Department for surface restoration as shown in Item E:

C. Water Service Connection.

The Utilities Department will furnish and install a service connection of such size and at such location as the applicant requests, provided such requests are reasonable. The service connection will be installed from its water distribution main to a point in the lawn extension between the curb and sidewalk (normally 7 feet from the property line) in a street, or approximately 5 feet from the main where the main lies in an easement or is a private main. Charges for the first 23 feet from the centerline of the right-of-way are payable in advance and shall be as follows:

<u>Size of Service Connection</u>	<u>Charge</u>	
1"_____	\$505*	<u>\$1,500*</u>
1-1/4"_____	\$585*	<u>\$1,750*</u>
1-1/2"_____	\$675*	<u>\$2,030*</u>
2"_____	\$750*	<u>\$2,300*</u>
4" & Larger (Time & Material)		

\*Plus a deposit for surface restoration as follows shown in Item E:

_____ Unimproved or Gravel Road _____	\$100	
_____ Tar or Black Top _____	\$525	
_____ Concrete or Brick _____	\$610	

For service connections larger than 2 inches, the applicant will deposit with the application the estimated cost and will be billed for the actual cost of the installation.

The balance of the cost of the installation will be billed, and is due and payable before the meter is set or in 30 days, whichever is sooner, as follows:

D. Schedule

<u>Size of Service Connection</u>	<u>Charge per Foot in Excess of First 23 Feet from Centerline</u>	
1"_____	\$16.75	<u>\$50</u>
1-1/4"_____	\$17.40	<u>\$52</u>
1-1/2"_____	\$18.40	<u>\$55</u>
2"_____	\$20.60	<u>\$62</u>

Credit given for installations in rights-of-way less than 23 60 feet from centerline will

follow the per foot schedule above.

E. Surface Restoration

A charge will be levied for the actual cost of a permit, inspection, and surface removal and replacement, with credit for any deposit for surface restoration made in accordance with the ~~above~~: following:

Road Restoration Deposit \_\_\_\_\_ \$750

F. Frost Charge

A minimum charge of ~~\$70~~ \$500 will be levied when, in the opinion of the Department, sufficient additional work and equipment is required to break frost or accommodate frost laws. If the frost depth is greater than 12 inches, or if additional work occurs because of frost laws, the entire work will be charged at actual cost.

G. Trenching By Others

A credit of ~~\$10/ft.~~ \$15/ft. (measured from centerline of main to curb box) will be allowed when a good and sufficient trench is furnished and correctly backfilled by a qualified contractor.

H. Additional Meter Cable

An additional charge of \$0.15/foot will be made for cable connecting the meter to the outside receptacle required in excess of 15 feet.

~~The above charges include the furnishing of meter copperhorns for services sized through 1-1/4 inch, and meter flange and adapters for services 1-1/2 and 2 inch, and a remote reading register.~~

The builder, plumber, or his/her agent, shall be responsible for the furnishing of a 3/4 inch access hole through the outside wall of the building in the immediate vicinity of the meter setting as directed by the Department. The water meter shall be located within 2 feet of an outside wall. Whenever necessary, the meter may be located elsewhere; however, a 3/4 inch thin wall conduit (with wire for pulling in cable) will be installed from the meter location through an outside wall above grade, as directed by the Department.

L. Water Service Disconnection Fee

A water disconnection fee shall be in the amount of \$1,200\* each, payable at the time of application for a water disconnection from the Utilities Department. The water disconnection fee shall be in the amount of \$50 when a qualified contractor excavates, caps the water service, and restores the surface.

\*Plus a deposit for Road Restoration as shown in Item E.

J. Water Main Testing Corporation Installation

For testing new water main installation, a flat fee of \$200 will be charged, payable at the time the work is requested, for each water main testing corporation installed in a gate well or on the water main in a trench exposed by the contractor/ developer. The corporation is installed by the Utilities Department Personnel.

K. Other Inspections

Other inspections, not covered by this schedule, will follow the Engineering Department Construction Permit Fee Schedule Water Main Inspection Fees, Sanitary Sewer Inspection Fees, and Storm Sewer Inspection Fees.

L. Dye Testing

A fee in the amount of \$200 shall be charged, payable at the time the work is requested, for dye testing a sanitary sewer in order to determine if a structure is connected to the system.

M. TV Testing

A fee in the amount of \$200 shall be charged, payable at the time the work is requested, for TV testing a sanitary sewer in order to determine which service connection a structure is connected through to the system.

N. After Hours Service

A fee in the amount of \$100 shall be charged for service calls after/before scheduled working hours.

O. Frozen Meter

A fee will be charged for repair of a frozen meter. During scheduled working hours the fee will be \$35, plus cost of meter replacement; outside of scheduled working hours the fee will be \$60, plus cost of meter replacement.

P. Payment Collection Fee

A fee of \$15 will be charged, payable at the time of collection, for payment of delinquent utilities billings in lieu of shut off.

Q. After Hours Turn On

A fee of \$58 will be charged, payable at the time of turn on, for turn on after/before scheduled working hours of a service turned off for non-payment.

R. Remote installation

A fee of \$35, payable at the time the work is requested, will be charged to install a remote to read water meters.

s. Hydrant Meters

A fee of \$100, payable at the time the work is requested, will be charged to install a meter on a hydrant. A stand, backflow preventer, flex couplings and valves meeting the Utilities Department requirements shall be provided by the customer.

A fee of \$30, payable at the time of quarterly billing, will be charged for each month or part of a month a hydrant meter is installed.

Councilmember Zimmer moved that the resolution be approved.

Councilmember Zimmer moved that the resolution be tabled to June 1, to examine a possible reciprocal arrangement to lower the millage.

On a voice vote, the Chair declared the motion defeated.

The question being the main motion as presented, on a voice vote, the Chair declared the motion carried.

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R-276-5-92 APPROVED

RESOLUTION TO AUTHORIZE ADVANCE PAYMENT  
TO RECYCLE ANN ARBOR (\$58,127.72)

Whereas, Advance payment of \$58,127.72 to Recycle Ann Arbor is necessary in order to meet their upcoming cash flow needs;

Whereas, Comprehensive staff review of the financial audit of Recycle Ann Arbor is

necessary before intermediate and long-term financial strategies are enacted;

RESOLVED, That advance payment to Recycle Ann Arbor of \$36,143.47 for May, 1992 recycling collection services is authorized;

RESOLVED, That \$21,984.25 be advanced to Recycle Ann Arbor for June, 1992 processing, drop-off, and educational services;

RESOLVED, That payments totaling \$58,127.72 (\$36,143.47 + \$21,984.25) be made available to Recycle Ann Arbor by Wednesday, May 20, 1992; and

RESOLVED, That staff is directed to submit an interim and long-term financial and operating strategy for recycling services to City Council on June 1, 1992.

Councilmember Coleman moved that the resolution be approved.

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

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R-277-5-92 APPROVED

RESOLUTION TO SUBMIT APPLICATIONS FOR FUNDS UNDER CRITICAL BRIDGE PROGRAM TO REPAIR AND/OR REPLACE SEVEN CITY BRIDGES

Whereas, Under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), federal and state funds will be available to rehabilitate and replace bridges approved by the Critical Bridge Committee;

Whereas, There are seven bridges identified by staff that may qualify for federal and state funding: Broadway Bridge over Consolidated Rail, Broadway Bridge over Huron River, Eisenhower Parkway Bridge over Ann Arbor Railroad, Fuller Road Bridge over Huron River, Huron Parkway Bridge over Huron River, Stadium Bridge over Ann Arbor Railroad, and Stadium Bridge over State Street;

Whereas, Funding under the Critical Bridge Program provides for 95% of the relevant construction costs for each bridge;

Whereas, If no state matching funds are available, only 80% of the costs of bridge construction and limited approach work will be provided with the remaining 20% provided by the local authority;

Whereas, it will be the City's responsibility to pay for all design, construction

engineering, testing, and right-of-way and approach construction costs; and

Whereas, The City Council and the City's Planning Commission has approved the Capital Improvement Plan with the bridges identified above included as needing repairs and/or replacement;

RESOLVED, That the City Council authorizes the City Administrator to submit application for federal and state funds available under ISTEA; and

RESOLVED, That a copy of this resolution shall be included with the critical bridge applications and be forwarded to the Local Services, Bridge Division of the Michigan Department of Transportation for their review and consideration.

Councilmember Peterson moved that the resolution be approved.

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

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R-278-5-92 APPROVED

RESOLUTION AUTHORIZING SOFTWARE MAINTENANCE  
SUPPORT WITH AMERICAN MANAGEMENT SYSTEMS, INC.  
FOR LOCAL GOVERNMENT FINANCIAL SYSTEM  
(LGFS) (\$30,200)

Whereas, The City of Ann Arbor entered into a License Agreement with American Management Systems, Inc. in 1981 for the use of the Local Government Financial System (LGFS) software;

Whereas, The City's financial system has been structured around the LGFS software package for the past 11 years;

Whereas, Under the License Agreement the City is entitled to purchase maintenance support at 10% of the prevailing market price or \$30,200;

Whereas, American Management Systems, Inc. received human rights approval on April 28, 1992; and

Whereas, Funding the software maintenance support will be obtained from the FY 91-92 Information Services Budget;

RESOLVED, That the City Administrator is authorized to issue a purchase order to American Management System, Inc. for the sum of \$30,200 for software maintenance

support; and

RESOLVED, That the Mayor and City Clerk are authorized to sign a contract on behalf of the City of Ann Arbor which has been approved by the City Attorney.

Councilmember Hunter moved that the resolution be approved.

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

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R-279-5-92 APPROVED

RESOLUTION AUTHORIZING MAYOR AND CITY CLERK TO SIGN DOCUMENTS AUTHORIZING THE SALE OF THE CITY'S CERTIFICATES OF BENEFICIAL INTEREST IN UNSECURED CLAIMS AGAINST DREXEL BURNHAM LAMBERT

Whereas, The City's claims against Drexel Burnham Lambert have been written off as 100% loss and DBL Liquidating Trust has estimated that eventual distributions to unsecured claimants may be 54.8%;

Whereas, On May 8, 1992 the City received an initial distribution equal to 30.7% of the Drexel Burnham Lambert claim;

Whereas, A secondary market exists in Certificates of Beneficial Interest that are currently selling for approximately 19.5% that if sold would provide a combined potential recovery in excess of 50%; and

Whereas, Additional distributions may be made over the next several years and the amount of the distributions is uncertain and it is in the best interest of the City to recover these funds at the present time;

RESOLVED, That the City Administrator is authorized to negotiate the sale of the City's Certificates of Beneficial Interest at the current market rate and the Mayor and City Clerk are authorized to sign the necessary documents to execute the sale of such Certificates of Beneficial Interest.

Councilmember Grady moved that the resolution be approved.

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

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R-280-5-92 APPROVED

RESOLUTION TO APPROVE REQUEST FROM JONATHAN B PUB ANN ARBOR, INC. TO TRANSFER STOCK INTEREST IN A 1991 12-MONTHS RESORT CLASS C LICENSE AT 470 BRIARWOOD CIRCLE

RESOLVED, That the request from Jonathon B Pub Ann Arbor, Inc. to transfer stock in 1991 12 Months Resort Class C licensed business, located at Store #111, Building F, 470 Briarwood Circle, Briarwood Shopping Center, Ann Arbor, MI 48104, Washtenaw County, by dropping John Baja as stockholder through transfer of (97) shares to new stockholders, Glenn B. Baja, Gregg D. Baja, and John Gary Baja (32 1/3 each) be approved.

Councilmember Hunter moved that the resolution be approved.

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

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R-281-5-92 APPROVED

RESOLUTION TO APPROVE THE REQUEST FROM RED HAWK CORPORATION TO TRANSFER OWNERSHIP AND LOCATION OF A 1991 CLASS C LICENSED BUSINESS AT 316 S. STATE STREET

RESOLVED, That the request from Red Hawk Corporation to transfer ownership of a 1991 Class C licensed business, located at 707 Packard, Ann Arbor, Michigan, 48104, Washtenaw County, from Asia Garden Chinese Restaurant, Inc.; and transfer location to 316 S. State, Ann Arbor, MI. 48104, Washtenaw County, be approved.

Councilmember Hunter moved that the resolution be approved.

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

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DEFERRED TO END OF AGENDA

RESOLUTION ADOPTING A REVISED ENGINEERING DEPARTMENT FEE SCHEDULE FOR PRIVATE DEVELOPMENTS

Councilmember Grady moved that the resolution be approved.

Councilmember Zimmer moved that the resolution be deferred to the end of the agenda.

On a voice vote, the Chair declared the motion carried and the resolution deferred.

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DEFERRED TO END OF AGENDA

RESOLUTION TO ADOPT ANN ARBOR CITY BUDGET  
AND RELATED FEE INCREASES FOR FISCAL YEAR  
1992-1993 - PROPOSED MAY 18, 1992

Councilmember Coleman moved that the resolution be approved.

Councilmember Coleman moved that the resolution be deferred to the end of the agenda.

On a voice vote, the Chair declared the motion carried and the resolution deferred.

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DEFERRED TO END OF AGENDA

RESOLUTION TO APPROVE THE 1992-93  
STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES  
AND PROJECTED USE OF FUNDS FOR SUBMISSION  
TO THE DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT (\$1,227,000)

Councilmember Peterson moved that the resolution be approved.

On a voice vote, the Chair declared the motion carried and resolution deferred to the end of the agenda.

\*\*\*\*\*

DEFEATED

RESOLUTION TO REQUIRE MAYOR AND COUNCIL  
MAILING REPORTS

Whereas, The Mayor and City Councilmembers currently enjoy unlimited mailing privileges for the purpose of responding to mail from constituents and for other official

purposes;

Whereas, This privilege is an important one because it enables anyone regardless of income to carry out the duties of the offices of Mayor or Councilmember without having to make a personal financial sacrifice;

Whereas, At the present time, there is no limit on the use of this privilege, nor is there any record of the number of pieces of correspondence which the Mayor and City Councilmembers mail out each month at City expense;

Whereas, Other legislative bodies, such as the United States Congress, keep records on the number of pieces of mail which their members mail out at taxpayer expense; and

Whereas, In this time of mounting voter cynicism, the Ann Arbor City Council should take a leadership role in avoiding even the appearance of potential conflicts of interest;

RESOLVED, That the Mayor and individual members of the City Council shall prepare and submit "Mailing Statements" at the end of each month;

RESOLVED, That such "Mailing Statements" shall include the name of the Councilmembers, the month and year, and the number of pieces of mail sent out at city expense;

RESOLVED, That such "Mailing Statements" shall be filed by the City Clerk, and that the Mayor and Council shall receive a summary report at the end of each one-year session of the Council; and

RESOLVED, That the results of such reports shall be used to determine future changes to the current mailing policy.

Councilmember Nicolas moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Zimmer, Nicolas, Mayor Brater, 4  
Nays, Councilmembers Hunter, Coleman, Dodge, Grady, Meade, Peterson, Eckstein, 7

The Chair declared the motion defeated.

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R-282-5-92 APPROVED

RESOLUTION TO ABOLISH INACTIVE AND SUPERSEDED COMMITTEES

Whereas, The following committees are inactive, superseded, or no longer timely;

RESOLVED, That Ashley/William and Fourth/William Design Committee,

Community High School Task Force, Downtown Events Facility Task Force, Downtown Events Facility Negotiating Team, Klines Lot Committee, Parking Advisory Commission, Recycle Ann Arbor Liaison and William/First Street Housing Task Force be dissolved.

Councilmember Coleman moved that the resolution be approved.

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

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DEFERRED TO END OF AGENDA

RESOLUTION REGARDING MILLAGE REDUCTION

Councilmember Dodge moved that the resolution be approved.

Councilmember Dodge moved that the resolution be deferred to the end of the agenda.

On a voice vote, the Chair declared the motion carried and the resolution deferred.

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R-284-5-92 APPROVED

RESOLUTION TO CLARIFY PROCEDURE ON GELMAN SCIENCES CLEANUP REQUEST

Whereas, On August 5, 1991 City Council passed a resolution R-477-8-91, which, subject to staff approval, authorized Gelman Sciences, Inc. to install and operate a purge well and appurtenances in the rights-of-way on Valley Drive and Evergreen Street;

Whereas, to date, no permits have been issued by the City

Whereas, Additional information regarding the scope and impact of the City's participation in the proposed Gelman Sciences, Inc. clean-up plan is needed; and

Whereas, Many residents have expressed their concern about the Gelman Sciences, Inc. proposal and their desire to be involved in public discussions of this issue;

RESOLVED, That the Gelman Sciences, Inc. clean-up plan be subject to a public hearing and referred to Council for approval.

Councilmember Peterson moved that the resolution be approved.

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

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R-285-5-92 APPROVED

RESOLUTION AUTHORIZING INSTALLATION OF A  
PRIVATE CABLE IN RESEARCH PARK DRIVE  
(ENCOTEC, INC.)

RESOLVED, That ENCOTEC, Inc, is authorized to install a private communications cable in South Research Park Drive at the intersection of South Research Park Drive and Research Park Drive upon the condition that the owners of the property served by the cable sign a permit for the installation substantially in the form of the permit on file in the Clerk's Office.

Councilmember Hunter moved that the resolution be approved.

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

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R-286-5-92 APPROVED

RESOLUTION TO APPROVE RELOCATION OF  
PERMANENT OUTDOOR SERVICE FOR THE  
REAL SEAFOOD COMPANY OF ANN ARBOR, INC.  
TO THE FRONT OF 329 SOUTH MAIN STREET

Whereas, The Real Seafood Company of Ann Arbor, Inc. wishes to move its outdoor alcoholic service area back to its pre-June 24, 1992 location;

RESOLVED, That the request from the Real Seafood Company of Ann Arbor, Inc. to relocate the existing area for the sale and service and consumption of alcoholic liquor outdoors, to an area located on the City sidewalk in front of 329 South Main Street, Ann Arbor, Washtenaw County, 40 ft. x 18 ft. in size and enclosed by link fence and planters be approved; and

RESOLVED, That this approval is temporary and contingent upon the Michigan Liquor Control Commission final approval of permanent outdoor service in this area.

Councilmember Hunter moved that the resolution be approved.

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

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## R-287-5-92 APPROVED

RESOLUTION IN SUPPORT OF THE ANN ARBOR  
BLUES AND JAZZ FESTIVAL

Whereas, Lee Berry, the owner of Prism Productions, has presented a plan for an event known as the Ann Arbor Blues and Jazz Festival;

Whereas, The concept of the Ann Arbor Blues and Jazz Festival has been endorsed by many local businesses and hundreds of Ann Arbor community residents;

Whereas, The Ann Arbor Blues and Jazz Festival will provide an opportunity to showcase local, state, and national entertainment;

Whereas, Prism Productions has indicated a willingness to work cooperatively with the Parks and Recreation Department regarding the use of a City park facility; and

Whereas, Prism Productions has indicated a willingness to work with the Department and provide the necessary security for this event;

RESOLVED, That the Ann Arbor City Council encourages the Parks and Recreation Commission to work cooperatively with Lee Berry of Prism Productions for the purpose of locating a site for the Ann Arbor Blues and Jazz Festival.

Councilmember Hunter moved that the resolution be approved.

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

## **REPORTS FROM COUNCIL COMMITTEES**

### **HUMAN SERVICES TASK FORCE**

Councilmember Hunter reported that the Human Services Task Force has reviewed the recommendations for funding. A detailed list was sent to all Councilmembers for input. An increase in funding requests by agencies was noted.

### **NATURAL FEATURES ORDINANCE COMMITTEE**

Councilmember Eckstein reported that the Natural Features Ordinance was approved by the Planning Commission and would be presented to Council on June 1.

## **COUNCIL PROPOSED BUSINESS**

June 1, 1992

Natural Features Ordinance

## **COMMUNICATIONS FROM THE MAYOR**

Mayor Brater asked for confirmation of the following appointments placed in nomination at the last Council meeting:

### **ANN ARBOR ENERGY COMMISSION**

Yoshiko Hill (to fulfill membership requirements)  
4801 Starak Lane  
Term: 05-18-92 to 05-18-95

### **BUILDING BOARD OF APPEALS**

Ulrich W. Stoll (to fulfill membership requirements)  
2121 Hall St.  
Term: 05-18-92 to 05-18-94

### **SOLID WASTE COMMISSION**

Carolyn Haack (to fulfill membership requirements)  
2960 Sheffield Court  
Term: 05-18-92 to 05-18-94

Councilmember Eckstein moved that Council concur in the recommendation of the Mayor.

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

Mayor Brater placed the following nomination on the table for approval at the next Council meeting:

RECREATION ADVISORY COMMISSION

Jonathan Leslie (to fulfill membership requirements)  
3200 Eisenhower  
Term: 06-01-92 to 08-31-95

Mayor Brater asked for and received the unanimous consent of Council to suspend the rules and to vote on the following appointments this date:

SOLID WASTE COMMISSION

Pat Brown, Citizen Representative (reappointment)  
2342 Shadowood  
Term: 05-18-92 to 05-18-94

John Hochrein, Business Representative (reappointment)  
MichCon  
841 Broadway  
Term: 05-18-92 to 05-18-94

Russell Calvert, Industry Representative (reappointment)  
7887 Jackson Road  
Term: 05-18-92 to 05-18-94

Councilmember Peterson moved that Council concur in the recommendation of the Mayor.

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

Mayor Brater announced that the Council Call-In would be hosted by Councilmember Zimmer on Wednesday from 6:30 p.m. to 8:00 p.m.

A joint caucus to follow up on the budget will be held on Thursday, May 21, 1992 from 10:00 a.m. to 12:00 noon.

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

City Administrator Alfred A. Gatta presented the following communications for the information of Council:

1. Notification from the Michigan Department of Transportation that the City will receive 74 traffic signal controllers and 4 master signal controllers as part of the oil overcharge program
2. Piles of Clay along Washtenaw near Tappan School
3. Installation of on-street parking meters on S. State Street
4. Columbia Cable Transfer
5. Monthly Statement of Revenues, Expenditures and Change for Series A of the Environmental Bond through April 30, 1992
6. Public Services Department-Engineering Division Fee Increase
7. Solid Waste Department Progress and Planning Report

The City Administrator received additional requests for reports.

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

None.

#### **COMMUNICATIONS FROM COUNCIL**

Councilmember Peterson announced a public hearing to be held on the Gelman Sciences groundwater pollution issue at 7:00 p.m., Thursday, May 21, 1992 at Slauson School.

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

The following communications were received:

1. Notification from the County Drain Commissioner of Special Assessments Due -File
2. Pittsfield Charter Township Zoning Hearing Notice for RZ #92-6 Pittsfield Parkway - May 21, 1992 - Planning Department

The following minutes were received and are filed with the City Clerk:

1. Ann Arbor Building Authority Special Meeting - April 8, 1992
2. Ann Arbor Energy Commission - April 9, 1992
3. Building Board of Appeals - March 24, 1992

Councilmember Dodge moved that the Clerk's report be approved.

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

### **PUBLIC COMMENTARY - GENERAL**

#### **ANDREW GULVEZAN - VARIOUS SUBJECTS**

Andrew Gulvezan, no address given, addressed several issues.

### **RECESSED**

There being no further business, Councilmember Coleman moved that the meeting be recessed to a time to be determined.

On a voice vote, the Chair declared the motion carried and the meeting was recessed at 11:00 p.m.

Paul Courtland McCoy, Jr.  
Acting Clerk of the Council

Linda J. Wise  
Recording Secretary