

**ANN ARBOR CITY COUNCIL MINUTES
CONTINUED REGULAR SESSION OF JANUARY 5, 1998
JANUARY 12, 1998**

Prior to the start of the meeting, Mayor Sheldon presented a proclamation to representatives of the Ann Arbor Jaycees in recognition of their organization's service to the community.

The continued regular session of the Ann Arbor City Council was called to order at 7:07 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon (entered at 7:25 p.m.), Jane Lumm, David Kwan, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Patrick A. Putman, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 11.

ABSENT : 0.

MOTIONS AND RESOLUTIONS (CONT.)

R-13-1-98 APPROVED

**RESOLUTION TO APPROVE DEFICIT ELIMINATION PLAN
AS OF JUNE 30, 1997 AND TO APPROPRIATE \$510.00 TO
THE DISABILITY ISSUES (EXPENDABLE TRUST) FUND**

Whereas, The City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 1997 indicated the presence of cumulative fund balance deficits of \$26,930.00 in the Capital Projects Bonds (Debt Service) Fund and \$510.00 in the Disability Issues (Expendable Trust) Fund; and

Whereas, The City is required by the Michigan Department of Treasury to file a formal plan for the elimination of any such deficit (which must be approved by the Department);

RESOLVED, That the attached Deficit Elimination Plan for the City of Ann Arbor for the fiscal year ended June 30, 1997 be hereby approved;

RESOLVED, That \$26,930.00 of the budgeted surplus of \$107,900.00 for FY 1997-98 in the Capital Projects Bonds (Debt Service) Fund be hereby designated to reduce the prior year fund deficit;

RESOLVED, That \$510.00 be hereby appropriated from the General Fund unreserved/unappropriated fund balance to the Human Resources Department for transfer to the Disability Issues (Expendable Trust) Fund; and

RESOLVED, That a certified copy of this resolution be forwarded to the Michigan Department of Treasury.

**CITY OF ANN ARBOR
DEFICIT ELIMINATION PLAN
FISCAL YEAR 1996-97**

1. Capital Projects Bonds (Debt Service) Fund \$26,930.00

This deficit will be absorbed within the budgeted \$107,000.00+>surplus= for 1997-98, and thus will require no additional appropriation of funds.

2. Disability Issues (Expendable Trust) Fund \$510.00

This deficit will be eliminated by a specific appropriation of funds from the General Fund unreserved/undesignated fund balance.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

DEFERRED

**RESOLUTION TO AMEND PROJECT BUDGET FOR
LIBERTY-GLENDALE STORM DRAINAGE IMPROVEMENT PROJECT
TO \$405,000 AND TO APPROVE CONSTRUCTION CONTRACT
WITH GLEASON CONSTRUCTION CO., INC. - BID NO. 3101**

Councilmember Lumm moved that the resolution be adopted.

Council unanimously agreed to defer consideration of the resolution until the end of Motions and Resolutions to allow review of the recent information submitted by City staff. (See Resolution No. R-23-1-98)

DEFERRED

**RESOLUTION TO APPROVE PROFESSIONAL
SERVICES AMENDMENT #5 WITH MIDWESTERN
CONSULTING, INC. FOR LIBERTY-GLENDALE STORM
DRAINAGE IMPROVEMENT PROJECT - RFP NO. 398**

Councilmember Lumm moved that the resolution be adopted.

Council unanimously agreed to defer consideration of the resolution until the end of Motions and Resolutions to allow review of the recent information submitted by City staff. (See Resolution No. R-24-1-98)

R-14-1-98 APPROVED

**RESOLUTION TO APPROPRIATE FUNDS FOR
DESIGN OF THE HURON/WEST PARK SANITARY
SEWER RELIEF PROJECT - PHASES II AND III**

Whereas, It has been found necessary to replace certain sections of the Huron/West Park sanitary sewer system;

RESOLVED, That \$180,000 be interim financed by the sanitary sewer operating fund (fund 043) pending the sale of future Sewer Revenue Bonds;

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

RESOLVED, That the funds be available until expended without regard to fiscal year.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-15-1-98 APPROVED

RESOLUTION TO APPROPRIATE FUNDS FOR DESIGN PHASE OF THE WILDWOOD AVENUE WATER MAIN PROJECT

Whereas, It is necessary to design the Wildwood Avenue Water Main Project;

RESOLVED, That City Council appropriate \$16,000.00 from the Water Supply System Fund (Fund 042) for the design phase of the Wildwood Avenue Water Main Project;

RESOLVED, That the Water Supply System Fund (Fund 042) be reimbursed following the sale of the 1998 Water Revenue Bond, Series W;

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

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

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-16-1-98 APPROVED

**RESOLUTION TO APPROPRIATE FUNDS FOR DESIGN PHASE
OF THE EVERGREEN SUBDIVISION WATER MAIN
PROJECT**

Whereas, It is necessary to design the Evergreen Subdivision Water Main Project;

RESOLVED, That City Council appropriate \$11,000 from the Water Supply System Fund (Fund 042) for the design phase of the Evergreen Subdivision Water Main Project;

RESOLVED, That the Water Supply System Fund (Fund 042) be reimbursed following the sale of the 1998 Water Revenue Bond, Series W;

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

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

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-17-1-98 APPROVED

**RESOLUTION TO MODIFY VARIOUS BUDGETS
FOR PAY INCREASES**

Whereas, The certain raises for various employee groups were not known at the time that the budget was approved and funds were placed in the Contingencies-Pay Increases account until the amounts were known;

RESOLVED, That \$24,266.00 be transferred from the Contingency-Pay Increase account to the various departments as listed on the following schedule:

	<u>Teamster Supervisors</u>	<u>City Administrator</u>	<u>Total</u>
City Administrator		864	864
Administrative Services	3,176		3,176
Building	2,246		2,246
Finance	1,914		1,914
Parks & Recreation	8,217		8,217
Police	1,685		1,685
Public Services	3,200		3,200
Solid Waste	<u>2,964</u>		<u>2,964</u>
	\$23,402	864	\$24,266

Councilmember Daley moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-18-1-98 APPROVED

**RESOLUTION TO APPROVE SALE OF
HOMEBUYER UNIT - 3090 LA SALLE DRIVE**

Whereas, The Ann Arbor Housing Commission operates a program designed to provide homeownership potential for 50 low income families of which 4 Homebuyers remain;

Whereas, The program was designed to allow participants the opportunity to take title to the property they occupy either by purchase, or at such time as their reserve accounts are equal to their unamortized principal balance;

Whereas, One of the four remaining Homebuyer occupants, has decided to exercise the option to purchase the house located at 3060 LaSalle Drive, the legal description being, Lot 79 of the Wagner-McComb Boulevard Gardens;

Whereas, The purchase price of the home at move-in was established at \$27,860.00; and

Whereas, The amortized purchase price of \$8,108.98 plus back rent owed of \$13,379.00 plus filing fees of \$11.00 less escrow amounts due purchaser of \$16,400.28 leaves a balance due the Housing Commission of \$5,098.70;

RESOLVED, That the City Council approve the sale for \$8,108.98 of the Homebuyer=s unit located at 3060 LaSalle Drive to Eisha Imran, and authorize the Mayor and City Clerk to execute a warranty deed conveying the property.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-19-1-98 APPROVED

**RESOLUTION TO APPROVE PERMIT AGREEMENT
#1997-3 FOR MICHIGAN BELL TELEPHONE COMPANY,
A/K/A AMERITECH OR AMERITECH MICHIGAN, TO
USE PUBLIC RIGHTS-OF-WAY TO PROVIDE
TELECOMMUNICATIONS SERVICES**

Whereas, Michigan Bell Telephone company, a/k/a Ameritech or Ameritech Michigan (AAmeritech=s), has applied for a permit to install and operate telecommunications facilities in certain public rights-of-way in the City of Ann Arbor; and

Whereas, The application of Ameritech for this permit was reviewed and recommended for approval by staff in the Public Services Department and City Attorney=s Office;

RESOLVED, That City Council approve and authorize the Mayor and City Clerk to execute Telecommunications Permit Agreement #1997-3 for Michigan Bell Telephone company, a/k/a/ Ameritech or Ameritech Michigan, to use certain public rights-of-way in the City to provide telecommunication services substantially in the form on file in the City Clerk=s Office for a term which ends December 31, 2008.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

(Application #1997-3 on file in the City Attorney=s Office)

R-20-1-98 APPROVED

**RESOLUTION ACCEPTING ROAD RIGHT-OF-WAY
EASEMENT FROM RIVERHILL ASSOCIATES -
WOODCREEK CONDOMINIUMS**

Whereas, Riverhill Associates, a Michigan co-partnership, is the owner in fee simple of certain property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 03371, Pages 0260-0261;

Whereas, The Board of Directors of Riverhill Associates, on June 10, 1997, authorized the delivery of a perpetual easement to the City for road right-of-way; and

Whereas, Riverhill Associates has delivered an easement to the City for road right-of-way to run with the land and burden the respective property perpetually, being more particularly described as follows:

**WOODCREEK BLVD., CREEKVIEW CT., CREEKBEND CT.,
ALGEBE WAY, BRIAN CT., WOODDALE CT. AND MEADOWSIDE DR.**

Commencing at the S 1/4 corner of Section 35, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 89°38'00" E 50.00 feet along the south line of said Section 35 and the south line of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records; thence N 01°13'00" E 194.05 feet along the east right of way of Chalmers Drive; thence southeasterly 190.41 feet along the northerly right of way of Clark Road (variable width) in the arc of a 810.00 foot radius circular curve to the left, through a central angle of 13°28'07", chord S 67°00'33" E 189.97 feet to the POINT OF BEGINNING; thence along the westerly right of way of Woodcreek Boulevard (variable width) in the following five courses:

- 1) N 17°38'05" E 506.91 feet;
- 2) northeasterly 53.38 feet in the arc of a 272.00 foot radius circular curve to the left, through a central angle of 11°14'40", chord N 12°00'45" E 53.30 feet;
- 3) N 06°23'25" E 235.70 feet;
- 4) northeasterly 63.24 feet in the arc of a 338.00 foot radius circular curve to the right, through a central angle of 10°43'13", chord N 11°45'01" E

- 63.15 feet;
- 5) N 17°06'38" E 403.79 feet;

thence S 79°59'00" E 118.09 feet along the northerly right of way of Meadowside Dr. (66' wide); thence along the right of way of Creekview Court (66' wide) in the following five courses:

- 1) N 10°01'00" E 217.32 feet;
- 2) northwesterly 30.10 feet in the arc of a 40.00 foot radius circular curve to the left, through a central angle of 43°06'49", chord N 11°32'24" W 29.39 feet;
- 3) southeasterly 278.79 feet in the arc of a 60.00 foot radius circular curve to the right, through a central angle of 266°13'38", chord S 79°59'00" E 87.60 feet;
- 4) southwesterly 30.10 feet in the arc of a 40.00 foot radius circular curve to the left, through a central angle of 43°06'49", chord S 31°34'24" W 29.39 feet;
- 5) S 10°01'00" W 217.32 feet;

thence along the northerly right of way of Meadowside Drive (66' wide) in the following two courses:

- 1) S 79°59'00" E 105.89 feet;
- 2) southeasterly 254.81 feet in the arc of a 433.00 foot radius circular curve to the right, through a central angle of 33°43'00", chord S 63°07'30" E 251.15 feet;

thence along the right of way of Creekbend Court (66' wide) in the following six courses:

- 1) northeasterly 205.03 feet in the arc of a 272.00 foot radius circular curve to the left, through a central angle of 43°11'16", chord N 22°41'08" E 200.21 feet;
- 2) N 01°05'30" E 102.79;
- 3) northwesterly 43.71 feet in the arc of a 40.00 foot radius circular curve to the left, through a central angle of 62°36'46", chord N 30°12'53" W 41.57 feet;
- 4) northeasterly 254.06 feet in the arc of a 60.00 foot radius circular curve to the right, through a central angle of 242°36'46", chord N 59°47'07" E 102.53 feet;
- 5) S 01°05'30" W 191.58 feet;
- 6) southwesterly 259.19 feet in the arc of a 338.00 foot radius circular curve to the right, through a central angle of 43°56'13", chord S

23°03'37" W 252.89 feet;

thence along the easterly right of way of Meadowside Drive (66' wide) in the following two courses:

- 1) **southeasterly 291.72 feet in the arc of a 433.00 foot radius circular curve to the right, through a central angle 38°36'03", chord S 18°12'31" E 286.23 feet;**
- 2) **S 01°05'30" W 16.67 feet;**

thence along the right of way of Algebe Way (66' wide) in the following three courses:

- 1) **S 88°54'30" E 145.00 feet;**
- 2) **S 01°05'30" W 66.00 feet along the east line of Washtenaw Hills Estates No. 1 as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records;**
- 3) **N 88°54'30" W 145.00 feet;**

thence along the easterly right of way of Meadowside Drive (66' wide) in the following two courses:

- 1) **S 01°05'30" W 99.05 feet;**
- 2) **southwesterly 309.92 feet in the arc of a 433.00 foot radius circular curve to the right, through a central angle of 41°00'35", chord S 21°35'48" W 303.35 feet;**

thence along the right of way of Brian Court (66' wide) in the following five courses:

- 1) **S 43°31'39" E 10.69 feet;**
- 2) **southeasterly 32.08 feet in the arc of a 40.00 foot radius circular curve to the left, through a central angle of 45°57'14", chord S 66°30'16" E 31.23 feet;**
- 3) **southwesterly 308.47 feet in the arc of a 65.00 foot radius circular curve to the right, through a central angle of 271°54'27", chord S 46°28'21" W 90.38 feet;**
- 4) **northwesterly 32.08 feet in the arc of a 40.00 foot radius circular curve to the left, through a central angle of 45°57'14", chord N 20°33'02" W 31.23 feet;**
- 5) **N 43°31'39" W 10.69 feet;**

thence along the southerly right of way of Meadowside Drive (66' wide) in the following two courses:

- 1) southwesterly 298.69 feet in the arc of a 433.00 foot radius circular curve to the right, through a central angle of 39°31'24", chord S 70°36'18" W 292.80 feet;
- 2) N 89°38'00" W 379.72 feet;

thence along the easterly right of way line of Woodcreek Boulevard (variable width) S 05°05'34" W 155.67 feet; thence along the northerly right of way of Clark Road (variable width) northwesterly 135.90 feet in the arc of a 810.00 foot radius circular curve to the right, through a central angle of 09°36'48", having a chord which bears N 78°33'00" W 135.74 feet to the POINT OF BEGINNING, being a part of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records, being subject to easements and restrictions of record, if any, excepting therefrom the following described parcel:

Commencing at the S 1/4 corner of Section 35, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 89°38'00" E 353.60 feet along the south line of said Section 35 and the south line of said Washtenaw Hills Estates No. 1, thence N 05°05'34" E 317.08 feet to the POINT OF BEGINNING; thence along the easterly right of way line of Woodcreek Boulevard (variable width) in the following four courses:

- 1) N 05°05'34" E 54.21 feet;
- 2) northeasterly 82.53 feet in the arc of a 377.00 foot radius circular curve to the right, through a central angle of 12°32'31", chord N 11°21'49" E 82.36 feet;
- 3) N 17°38'05" E 140.90 feet;
- 4) northeasterly 33.28 feet in the arc of a 338.00 foot radius circular curve to the left, through a central angle of 05°38'30", chord N 14°48'50" E 33.27 feet;

thence along the right of way of Wooddale Court (66' wide) in the following six courses:

- 1) S 83°36'35" E 176.58 feet;
- 2) northeasterly 158.46 feet in the arc of a 563.42 foot radius circular curve to the left, through a central angle of 16°06'53", chord N 88°19'58" E 157.94 feet;
- 3) northwesterly 248.64 feet in the arc of a 60.00 foot radius circular curve to the left, through a central angle of 237°25'54", chord N 38°26'25" W 105.24 feet;
- 4) southwesterly 47.51 feet in the arc of a 40.00 foot radius circular curve to the right, through a central angle of 68°02'55", chord S 56°52'05" W

- 44.76 feet;
- 5) northwesterly 47.73 feet in the arc of a 497.42 foot radius circular curve to the right, through a central angle of 05°29'52", chord N 86°21'31" W 47.71 feet;
 - 6) N 83°36'35" W 174.96 feet;

thence along the easterly right of way of Woodcreek Boulevard (66' wide) in the following three courses:

- 1) N 06°23'25" E 202.70 feet;
- 2) northeasterly 50.89 feet in the arc of a 272.00 foot radius circular curve to the right, through a central angle of 10°43'13", chord N 11°45'01" E 50.82 feet;
- 3) N 17°06'38" E 345.50 feet;

thence along the right of way of Meadowside Drive (66' wide) in the following five courses:

- 1) S 79°59'00" E 231.69 feet;
- 2) southeasterly 519.31 feet in the arc of a 367.00 foot radius circular curve to the right, through a central angle of 81°04'30", chord S 39°26'45" E 477.06 feet;
- 3) S 01°05'30" W 181.72 feet;
- 4) southwesterly 571.84 feet in the arc of a 367.00 foot radius circular curve to the right, through a central angle of 89°16'30", chord S 45°43'45" W 515.72 feet;
- 5) N 89°38'00" W 374.26 feet to the POINT OF BEGINNING; being a part of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records, being subject to easements and restrictions of record, if any. Containing an area of 7.85 acres, more or less.

RESOLVED, That said easement be hereby accepted.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-21-1-98 APPROVED

**RESOLUTION ACCEPTING UTILITY EASEMENT FROM
RIVERHILL ASSOCIATES - WOODCREEK CONDOMINIUMS**

Whereas, Riverhill Associates, is the owner in fee simple of certain property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 03371, Pages 0260-0261;

Whereas, The Board of Directors of Riverhill Associates on June 10,1997, authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, Riverhill Associates has delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually, being more particularly described as follows:

40' WIDE WATER MAIN EASEMENT OVER UNITS 6-7

Commencing at the S 1/4 corner of Section 35, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 89°38'00" E 50.00 feet along the south line of said Section 35 and the south line of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records; thence N 01°13'00" E 543.00 feet along the east right of way of Chalmers Drive (50' wide); thence S 88°47'00" E 150.00 feet; thence N 01°13'00" E 350.00 feet; thence S 88°47'00" E 60.00 feet along the south right of way of Kendrick Drive (60' wide); thence N 01°13'00" E 12.70 feet along the east right of way of Kendrick Drive (60' wide) to the POINT OF BEGINNING; continuing N 01°13'00" E 40.05 feet along the east right of way line of Kendrick Drive (60' wide); thence S 85°57'10" E 147.49 feet; thence southwesterly 40.25 feet in the arc of a 338.00 foot radius circular curve to the left, through a central angle of 06°49'22", chord S 10°06'36" W 40.22 feet along the west right of way of Woodcreek Boulevard (66' wide); thence N 85°57'10" W 141.27 feet to the POINT OF BEGINNING; being a part of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records, being subject to easements and restrictions of record, if any. Containing an area of 0.13 acre, more or less.

50' WIDE UTILITY EASEMENT OVER UNITS 1 AND 2

Commencing at the S 1/4 corner of Section 35, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 89°38'00" E 50.00 feet along the south line of said Section 35 and the south line of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records; thence N 01°13'00" E 543.00 feet along the east right of way of Chalmers Drive (50' wide); thence S 88°47'00" E 150.00 feet; thence N 01°13'00" E 350.00 feet; thence S 88°47'00" E 60.00 feet along the south right of way of Kendrick Drive (60' wide); thence N 01°13'00" E 60.00 feet along the east right of way of Kendrick Drive (60' wide); thence N 17°06'38" E 350.92 feet to the POINT OF BEGINNING; thence N 79°59'00" W 130.71 feet; thence northeasterly 50.47 feet along the easterly right of way of Chalmers Drive (variable width) in the arc of a 293.64 foot radius circular curve to the left, through a central angle of 09°50'54", chord N 17°19'59" E 50.41 feet; thence S 79°59'00" E 276.63 feet; thence S 17°06'38" W 50.39 feet along the west right of way of Woodcreek Boulevard (variable width); thence N 79°59'00" W 146.12 feet to the POINT OF BEGINNING; being a part of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records, being subject to easements and restrictions of record, if any. Containing an area of 0.32 acres, more or less.

14' WIDE PUBLIC UTILITY EASEMENT

Commencing at the S 1/4 corner of Section 35, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 89°38'00" E 50.00 feet along the south line of said Section 35 and the south line of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records; thence N 01°13'00" E 543.00 feet along the east right of way of Chalmers Drive (50' wide); thence S 88°47'00" E 150.00 feet; thence N 01°13'00" E 336.00 feet to the POINT OF BEGINNING; thence N 01°13'00" E 14.00 feet; thence S 88°47'00" E 60.00 feet along the south right-of-way of Kendrick Drive (60' wide); thence S 06°23'25" W 14.06 feet; thence N 88°47'00" W 58.73 feet to the POINT OF BEGINNING, being a part of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records, being subject to easements and restrictions of record, if any. Containing an area of 0.02 acre, more or less.

STORM WATER DRAINAGE EASEMENT OVER UNITS 42-46 AND 49-52

Commencing at the S 1/4 corner of Section 35, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 89°38'00" E 50.00 feet along the south line of said Section 35 and the south line of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records; thence N 01°13'00" E

543.00 feet along the east right of way of Chalmers Drive (50' wide); thence S 88°47'00" E 150.00 feet; thence N 01°13'00" E 350.00 feet; thence S 88°47'00" E 60.00 feet along the south right of way of Kendrick Drive (60' wide); thence N 01°13'00" E 60.00 feet along the east right of way of Kendrick Drive (60' wide); thence N 17°06'38" E 350.92 feet; thence N 79°59'00" W 130.71 feet; thence northeasterly 108.52 feet in the arc of a 293.64 radius circular curve to the left, through a central angle of 21°10'26", chord N 11°40'13" E 107.90 feet along the easterly right of way line of Chalmers Drive (variable width); thence N 01°05'00" E 7.00 feet along the easterly right of way of said Chalmers Drive; thence S 88°55'00" E 265.00 feet; thence N 01°05'00" E 252.31 feet to the POINT OF BEGINNING; thence N 01°05'00" E 97.69 feet; thence N 28°15'29" E 60.00 feet; thence S 83°51'15" E 546.48 feet; thence S 74°43'56" W 128.64 feet; thence S 18°26'29" W 141.46 feet; thence S 06°08'45" W 32.85 feet; thence S 68°31'28" E 31.06 feet; thence N 84°00'48" E 112.75 feet; thence southeasterly 38.76 feet in the arc of a 60.00 foot radius circular curve to the left, through a central angle of 37°01'04", chord S 10°01'05" E 38.09 feet along the westerly right of way of Creekbend Court; thence S 84°00'48" W 64.33 feet; thence S 01°05'30" W 183.57 feet; thence S 26°19'07" W 107.36 feet; thence northwesterly 30.02 feet in the arc of a 433.00 foot radius circular curve to the left, through a central angle of 03°58'22", chord N 61°41'42" W 30.02 feet; thence N 26°19'07" E 91.29 feet; thence N 03°57'32" E 70.88 feet; thence N 01°05'30" E 103.57 feet; thence N 68°31'28" W 102.55 feet; thence N 06°08'45" E 188.76 feet; thence N 66°17'47" W 97.16 feet; thence S 89°03'59" W 161.43 feet; thence S 27°43'45" E 130.57 feet; thence southwesterly 30.32 feet in the arc of a 60.00 foot radius circular curve to the left, through a central angle of 28°57'18", chord S 62°16'15" W 30.00 feet along the westerly right of way of Creekview Court; thence N 27°43'45" W 118.49 feet; thence S 41°59'49" W 101.93 feet; thence N 88°55'00" W 40.00 feet to the POINT OF BEGINNING; being a part of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records, being subject to easements and restrictions of record, if any. Containing an area of 1.28 acres, more or less.

STORM WATER DRAINAGE EASEMENT OVER UNITS 13-16

Commencing at the S 1/4 corner of Section 35, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 89°38'00" E 50.00 feet along the south line of said Section 35 and the south line of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records; thence N 01°13'00" E 194.05 feet along the east right of way line of Chalmers Drive (50' wide) to the POINT OF BEGINNING; continuing N 01°13'00" E 348.95 feet along the east right of way of Chalmers Drive (50' wide); thence S 88°47'00" E 20.00 feet; thence S 01°13'00" W 116.06 feet; thence S 89°06'54" E 97.93 feet; thence S 10°14'16" W 241.88 feet; thence southeasterly 111.08 feet in the arc of a 780.00 foot radius circular curve to the left, through a central angle of 08°09'34", chord S 69°43'00" E 110.99 feet; thence

S 17°38'05" W 30.01 feet along the westerly right of way line of Woodcreek Boulevard (variable width); thence northwesterly 190.41 feet in the arc of a 810.00 foot radius circular curve to the right, through a central angle of 13°28'07", chord N 67°00'33" W 189.97 feet along the northerly right of way of Clark Road (variable width) to the POINT OF BEGINNING; being a part of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records, being subject to easements and restrictions of record, if any. Containing an area of 0.69 acre, more or less.

STORM WATER DRAINAGE EASEMENT OVER UNITS 58-59 AND 61-62

Commencing at the S 1/4 corner of Section 35, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 89°38'00" E 353.60 feet along the south line of said Section 35 and the south line of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records; thence N 05°05'34" E 371.29 feet; thence northeasterly 82.53 feet in the arc of a 377.00 foot radius circular curve to the right, through a central angle of 12°32'31", chord N 11°21'49" E 82.36 feet; thence N 17°38'05" E 140.90 feet; thence northeasterly 66.33 feet in the arc of a 338.00 foot radius circular curve to the left, through a central angle of 11°14'40", chord N 12°00'45" E 66.23 feet; thence N 06°23'25" E 235.70 feet; thence northeasterly 50.89 feet in the arc of a 272.00 foot radius circular curve to the right, through a central angle of 10°43'13", chord N 11°45'01" E 50.82 feet; thence N 17°06'38" E 345.50 feet; thence S 79°59'00" E 110.85 feet along the southerly right of way line of Meadows Drive (66' wide) to the POINT OF BEGINNING; continuing S 79°59'00" E 40.31 feet along the south right of way of said Meadows Drive; thence S 17°06'38" W 158.05 feet; thence S 50°44'18" E 88.08 feet; thence S 77°22'48" E 63.99 feet; thence N 26°19'07" E 197.88 feet; thence southeasterly 27.01 feet in the arc of a 367.00 foot radius circular curve to the right, through a central angle of 04°13'01", chord S 62°39'57" E 27.00 feet along the southerly right of way of said Meadows Drive; thence S 26°19'07" W 218.61 feet; thence N 77°22'48" W 120.59 feet; thence N 50°44'18" W 95.47 feet; thence N 17°06'38" E 179.98 feet to the POINT OF BEGINNING; being a part of Washtenaw Hills Estates No. 1, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records, being subject to easements and restrictions of record, if any. Containing an area of 0.43 acre, more or less.

RESOLVED, That said easement be hereby accepted.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-22-1-98 APPROVED

**RESOLUTION APPROVING A GRANT OF EASEMENT
TO JOHN C. WEHR FOR CONSTRUCTION, OPERATION
AND MAINTENANCE OF A PRIVATE SEWER LEAD**

Whereas, The City of Ann Arbor is the owner of certain property commonly known as vacated deKoning Drive, a 66 foot wide strip of land running perpendicular to South State Street;

Whereas, John C. Wehr, in order to discontinue use of the septic system on the his adjacent property and obtain sanitary sewer service to 2509 S. State St., has requested a grant of easement from the City of Ann Arbor for the construction, operation and maintenance of a private sewer lead across City property, specifically:

A 20 foot wide sanitary sewer easement having a centerline described as follows: Commencing at the West 1/4 corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 87° 00' 30" E 365.09 feet along the East and West 1/4 line of said Section and the North line of proposed DeKoning Drive to the point of beginning; thence S 02° 59' 30" E 10.00 feet to a point which is 10.00 feet Southerly of the North line of proposed DeKoning Drive; thence S 97° 00' 30" W 175.28 feet parallel with and 10 feet Southerly of the North line of proposed DeKoning Drive; thence S 01° 54' 00" E 56.01 feet to the point of termination;

and

Whereas, The grant of easement has been recommended by the Engineering and Utilities Department;

RESOLVED, That grant of easement be approved by City Council subject to conditions, including indemnification of the City; and

RESOLVED, That the Mayor and Clerk be authorized to execute the grant of easement in substantially the form now on file in the City Clerk=s Office.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-23-1-98 APPROVED

**RESOLUTION TO AMEND PROJECT BUDGET FOR
LIBERTY-GLENDALE STORM DRAINAGE IMPROVEMENT PROJECT
TO \$405,000 AND TO APPROVE CONSTRUCTION CONTRACT
WITH GLEASON CONSTRUCTION CO., INC. - BID NO. 3101**

Whereas, On September 16, 1996, in response to citizen requests for drainage channel repair, a project was initiated to evaluate, design and develop contract documents to prevent further erosion and property damage to the Allen Creek Condominiums;

Whereas, A resolution was approved August 18, 1997 directing the Water Utilities Department to proceed with construction of a pipe based design;

Whereas, A lowest responsible bid of \$267,378.00 was received on November 25, 1997 from Gleason Construction Co., Inc.; and

Whereas, On November 26, 1997, the Human Rights Department approved Gleason Construction Co., Inc.;

RESOLVED, That City Council approve a contract with Gleason Construction Co., Inc. in the amount of \$267,378.00 for the enclosed pipe construction of the Liberty-Glendale Storm Drainage Improvement Project, and that the Mayor and the City Clerk be authorized to sign the agreement substantially in the form on file with the City Clerk; and

RESOLVED, That City Council adopt the following amended budget for the life of the project without regard to fiscal year and authorize the City Administrator to approve potential change orders from contingency funds:

Section I, Revenue

\$405,000	Advanced from the Stormwater System Fund (Fund 069) pending sale of Stormwater Revenue Bonds
\$405,000	TOTAL

Section II, Expenses

\$267,378	Construction
\$77,111	Design Engineering and Public Meetings
\$32,000	Construction Engineering, Layout and Inspection
<u>\$28,511</u>	Contingencies
\$405,000	TOTAL

Councilmember Vereen-Dixon entered at 7:25 p.m.

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

R-24-1-98 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICES AMENDMENT #5 WITH MIDWESTERN CONSULTING, INC. FOR LIBERTY-GLENDALE STORM DRAINAGE IMPROVEMENT PROJECT - RFP NO. 398

Whereas, On September 16, 1996, in response to citizen requests for drainage channel repair, a professional services contract was approved with Midwestern Consulting, Inc., RFP 398 for \$20,735.00, to evaluate, design and develop contract documents to prevent further erosion and property damage to the Allen Creek Condominiums;

Whereas, Amendment No. 1, No. 2 and No. 3 for a total cost of \$58,611.00 to the professional services contract with Midwestern Consulting, Inc. were approved to address strong public concern about replacement plantings to the proposed design, temporary erosion control and to perform preliminary design of an open channel option;

Whereas, A total of \$111,346.00 for professional services has been previously approved including Amendment No. 4 (\$32,000.00) for services to conduct construction layout, inspection and engineering for the pipe based option;

Whereas, Continued public involvement including five public meetings and responses to numerous information inquires by the public has increased the consulting engineering effort;

Whereas, Midwestern Consulting, Inc. has requested consideration for services provided during the design phase to meet extensive public involvement with the Liberty Glendale Storm Drainage Improvement Design, a cost of \$18,500.00; and

Whereas, On May 28, 1997, the Human Rights Department approved Midwestern Consulting, Inc.;

RESOLVED, That the City Council approve Amendment No. 5, in the amount of \$18,500.00, to the professional services agreement with Midwestern Consulting, Inc., and that the Mayor and City Clerk be authorized to sign the amendment approved as to form by the City Attorney.

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

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 7:30 p.m.

**W. Northcross
Clerk of the Council**

**Janet L. Chapin
Recording Secretary**

**ANN ARBOR CITY COUNCIL MINUTES
WORKING SESSION - JANUARY 12, 1998**

The working session of the Ann Arbor City Council was called to order at 7:31 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Jane Lumm, David Kwan, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Patrick A. Putman, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 11.

ABSENT : 0.

RETIREMENT SYSTEM UPDATE

City Administrator Neal Berlin briefly reviewed the following three topics to be covered during the working session: 1) the Employees= Retirement System Annual Report; 2) the proposed pension ordinance amendments; and 3) a proposal for prefunding retiree health care.

Larry Hahn, Chair of the Employees= Retirement System Board, introduced members of the Board of Trustees: Fire Department Representative Robert Amburgey, Finance Director A. Dean Moore, Citizen Representative Reuben Chapman, General Representative Jo Littleton, and General Representative Douglas Smith. He also introduced the Retirement System Actuary Alan E. Sonnanstine, Assistant City Attorney Mary Fales, Outside Legal Counsel Michael VanOverbeke, and Pension Administrator Robert Hubbs.

Mr. Hahn briefly reviewed the layout of the A Employees= Retirement System Annual Report= and reported that the retirement system, which experienced a good year financially, through June 30, 1997, currently has a funded ratio of 127%.

Actuary Alan Sonnanstine reported that because pension benefits are more than 100% funded, the City is able to reduce its FY 1998-99 contribution to the retirement plan to \$2.653 million; a \$500,000 reduction from last year=s contribution. Mr. Sonnanstine explained that the City=s contribution is down because of a very favorable investment environment and an extraordinary rate of return last year. He

stated that the excess returns from the pension fund would be a good source of revenue for funding retiree health care benefits.

Pension Administrator Robert Hubbs reviewed the "City of Ann Arbor Employees' Retirement System Annual Report, Fiscal Year Ended June 30, 1997"; Pension Board Member Reuben Chapman reviewed the investment section of the annual report; and Assistant City Attorney Mary Fales reviewed the proposed retirement ordinance amendments. Ms. Fales explained that the goal of the proposed ordinance changes is to clarify the administrative role of the Retirement System. She stated that it is necessary to bring the ordinance up to date to address administrative changes, due to the growth of the pension system, and to reflect statutory changes related to the Board's authority.

Larry Hahn brought Council up to date on other changes in the pension system, such as moving the administration and retiree check writing function to the system's custodial bank, which allows direct deposit of retirement checks.

Questions from Council followed each presentation.

(City of Ann Arbor Employees' Retirement System Annual Report, Fiscal Year Ended June 30, 1997", and proposed retirement ordinance amendments on file in the City Clerk's Office).

RETIREE HEALTH CARE COMMITTEE UPDATE

Larry Hahn introduced Wesley Prater, one of the retiree members of the Retiree Health Care Committee.

City Administrator Berlin reported that the City pays for retiree health care out of the levy for employee benefits, and that dramatic cost increases will result in insufficient resources within the levy to fund retiree health care in the future. He stated that to insure continued funding of retiree health care and to avoid using general fund revenues and affecting the level of City services, it will be necessary to find another way to provide funding for retiree health care.

Alan Sonnanstine reviewed the impact of retiree health care costs and reported that costs are expected to double within the next 10 years, due to more retirees on the roles and rising costs for providing health care. Mr. Sonnanstine stated that because the City's pension contributions are dramatically down and funded ratios in the pension plan are going up, the City has an excellent opportunity to address the need for funding retiree health care. He further stated that advance funding of

retiree health care is necessary and urged Council's consideration of creating a trust to build up a reserve for future premiums.

Finance Director Moore presented funding projections to explain prefunding of retiree health care benefits through a trust. He reported that the Retiree Health Care Committee, after evaluating different kinds of trusts, recommended the VEBA trust as the most appropriate for prefunding retiree health care. Mr. Moore demonstrated how a VEBA trust could have a cumulative total of \$45 million by the year 2006 with funding from pension system income. (See Exhibit A on file in the City Clerk's Office).

Assistant City Attorney Mary Fales reviewed the proposed retiree health care plan document which outlines who is eligible for the benefits and identifies how the program would be administered (either through the pension trustees or through a separate board).

Pension Board Attorney Michael VanOverbeke reviewed the trust document. He reported that the Retiree Health Care Committee recommended establishing a VEBA (Voluntary Employees Beneficiary Association) trust for the following reasons: 1) money in a trust is protected from City creditors and can only be used to pay retiree health care premiums; 2) it allows investments in equities, such as stocks and corporate bonds, in order to earn a good actuary rate of return; 3) the earnings are tax exempt; 4) it keeps retiree health care money out of the retirement system; and 5) it allows an independent administrator/trustee or board.

Wesley Prater, member of the Retiree Health Care Committee, expressed support for creating a VEBA trust and urged Council's support for prefunding retiree health care benefits.

Questions from Council followed the presentations.

City Administrator Berlin reported that a resolution will be scheduled for the next Council agenda supporting the idea of prefunding retiree health care and asking staff, the Pension Board and the Retiree Health Care Committee to move forward on the matter.

(Preliminary Report of the Retiree Health Care Committee and City of Ann Arbor Employees Retirement System Actuarial Valuations and Projections of Health Care Coverages During Retirement, June 30, 1996 on file in the City Clerk's Office).

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 9:40 p.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary