

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - NOVEMBER 20, 2006**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:10 p.m. in the City Hall Council Chamber, 100 N. Fifth Ave, Ann Arbor, Michigan.

Council stood for a moment of silence.

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

**ADMINISTRATION OF OATH OF OFFICE
TO NEWLY ELECTED COUNCILMEMBERS**

The City Clerk administered the Oath of Office to newly elected Councilmembers Stephen Kunselman and Ronald Suarez and re-elected Councilmembers Margie Teall, Christopher Easthope, Joan Lowenstein and Mayor John Hieftje.

ROLL CALL OF COUNCIL

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

ABSENT : 0.

ORGANIZATION OF NEW COUNCIL

ELECTION OF MAYOR PRO TEM

R-485-11-06 APPROVED

RESOLUTION APPOINTING COUNCILMEMBER CHRISTOPHER EASTHOPE
AS MAYOR PRO-TEM

Whereas, Section 4.3 of the City Charter requires the City Council to elect one Councilmember to serve as Mayor Pro-Tem; and

Whereas, Councilmember Christopher Easthope has dutifully served as Mayor Pro-Tem during the 2004 and 2005 council session;

RESOLVED, That Councilmember Chris Easthope is appointed Mayor Pro-Tem for the 2006 Council Session.

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

On roll call, the vote was as follows:

Yeas, Councilmembers Suarez, Johnson, Lowenstein, Rapundalo, Kunselman, Greden, Teall, Higgins, Easthope, Mayor Hieftje, 10;

Nays, Councilmember Woods, 1.

The Mayor declared the motion carried.

APPOINTMENT OF COUNCIL COMMITTEES

Councilmember Greden moved, seconded by Councilmember Higgins, to approve the Appointment of Council Committees.

Councilmember Greden moved, seconded by Councilmember Higgins, moved to postpone the Appointment of Council Committees until December 4, 2006.

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

ADOPTION OF COUNCIL RULES

Councilmember Teall moved, seconded by Councilmember Higgins, to adopt the Council Rules.

Councilmember Higgins moved, seconded by Councilmember Greden, to postpone the adoption of the Council Rules until December 4, 2006.

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

INTRODUCTIONS

ANNUAL REPORT FROM THE ANN ARBOR TRANSPORTATION AUTHORITY

David Nacht, chair of the Ann Arbor Transportation Authority Board, gave a report on the 2006 AATA Fixed Rout Rider Survey. A copy of the presentation and report are on file in the City Clerk's Office.

PUBLIC COMMENTARY - RESERVED TIME

SUSAN THOMAS – ASSESSMENTS

Susan Thomas, 2931 Shady Lane, expressed concern with the Water Utilities Services Assessments and mandatory timelines to connect to City water lines.

LAUREL FEDERBUSH – DIVESTMENT FROM ISRAEL

Laurel Federbush, 2000 Anderson Court, addressed Council regarding divestment from Israel.

BLAINE COLEMAN – PALESTINE

Blaine Coleman, P.O. Box 7038, spoke about the need to divest from Israel.

MOZHGAN SAVABIEASFHNI – PALESTINIANS RESIST ISRAELI ATTACK

Mozhgan Savabieasfahni, 710 E. Ann, spoke about Palestine and urged divestment from Israel.

PUBLIC HEARINGS

None.

APPROVAL OF AGENDA

AGENDA APPROVED AS PRESENTED

Councilmember Rapundalo moved, seconded by Councilmember Easthope, that the agenda be approved as presented.

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF OCTOBER 30 AND NOVEMBER 9, 2006 APPROVED

Councilmember Greden moved, seconded by Councilmember Teall, that the working session minutes of October 30, 2006 and the regular session minutes of November 9, 2006 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-486-11-06 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER AND WATER IMPROVEMENT CHARGES FOR 2588 DEXTER ROAD

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

Parcel ID 09-08-24-421-027 (2588 Dexter Road)	
<u>8" Sanitary Sewer in Dexter Road:</u> District #429-Lateral	
Constructed in 1980	
\$3,370.10/lot*1 lot =	\$3,370.10
Trunk line: District #326	
\$7.05/lot*1 lot =	\$ 7.05
Total Sanitary Improvement Charge:	\$3,377.15
<u>16" Water Main in Dexter Road:</u> Job No. A-337W	
Constructed in 1968	
\$379.73/connection * 1 connection =	\$ 379.73
GRAND TOTAL OF IMPROVEMENT CHARGES	\$3,756.88;

Whereas, The owner of 2588 Dexter Road paid all connection charges and is being furnished sanitary sewer and water service;

Whereas, The owner of 2588 Dexter Road signed Outside City Service Agreements on October 29, 2003, to be eligible for sanitary sewer and water improvement charges applicable at that time;

Whereas, The property at 2588 Dexter Road is connected to sanitary sewer and water effective 2004; and

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

RESOLVED,

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

<u>Annexation Address from Scio Township:</u>	2588 Dexter Road
<u>City Assessor Code:</u>	09-08-24-421-027
<u>Planning File No.:</u>	8244C18

LOT 249 SCIOTO HILLS SUB; previously Scio Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied is \$3,756.88;
3. That this improvement charge be divided into 4 equal installments; the first to be due on January 4, 2007, and the 3 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 6.1% per annum commencing January 4, 2007;
4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

That this levied improvement charge is to be invoiced to the owner, Mr. Richard Cox, of the property known as 2588 Dexter Road, City of Ann Arbor, Washtenaw County, Michigan, and to be credited in the amount of \$3,377.15 to Fund 0043-073-8000-7151 and \$379.73 to Fund 0042-073-8000-7151.

R-487-11-06 APPROVED

RESOLUTION TO APPROVE A SERVICE AGREEMENT WITH LODI FARMS LTD. (\$82,105.00) FOR THE INSTALLATION OF LANDSCAPING RELATED TO THE FIELD OPERATIONS & MAINTENANCE FACILITY

Whereas, It is desirable to perform landscaping at 2192 and 2250 Ellsworth Rd. to provide screening from the new maintenance facility;

Whereas, Lodi Farms Ltd. of Ann Arbor, Mich. submitted the lowest responsible bid on July 6, 2006;

Whereas, Lodi Farms Ltd. received Human Rights and Living Wage approval on September 18, 2006; and

Whereas, Sufficient funds for the work are included in the project budget;

RESOLVED, That a Service Agreement in the amount of \$82,105.00 be authorized with Lodi Farms Ltd.;

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

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

R-488-11-06 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MEETING
MINUTES OF OCTOBER 27, 2006

RESOLVED, That the attached Board of Insurance Administration Minutes of October 27, 2006 be accepted and that the recommended course of action therein, including payments, be approved and authorized.

MINUTES
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION
OCTOBER 27, 2006

PRESENT: Joan Lowenstein, Councilmember
 Bruce Week, Deputy Treasurer
 Robert West, Assistant city Attorney
 Jack Tallerico, Arthur J. Gallagher & Company
 Sarah Singleton, Management Assistant

OLD BUSINESS

None

NEW BUSINESS

Jack Tallerico discussed:

- Potential Agreement with Huron Clinton Park Authority Liveries
- Canoe Liveries Insurance and Liability

CLAIMS APPROVED BY INSURANCE BOARD

CC067-06 Terry Guthrie
 Property Damage
 Discussed by Sarah Singleton, Management Assistant

CLAIMS DENIED BY INSURANCE BOARD

CC065-06 Leslie Pullins
 Vehicle Damage
 Discussed by Sarah Singleton, Management Assistant

CC066-06 Lisa Cook
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CLAIMS APPROVED BY CHIEF FINANCIAL OFFICER

CC069-06 Peter and Theresa Ziolkowski
Property Damage
Discussed by Sarah Singleton, Management Assistant

CLAIMS DENIED BY CHIEF FINANCIAL OFFICER

CC064-06 Laura Czuk
Vehicle Claim
Discussed by Sarah Singleton, Management Assistant

Prepared by: Sarah Singleton, Management Assistant
Date: November 20, 2006

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-489-11-06 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM WEST SECOND STREET ASSOCIATES #2, LLC (3971 RESEARCH PARK DRIVE)

Whereas, West Second Street Associates #2, LLC, a Michigan limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County,

Michigan as described in the Washtenaw County Records at Liber 4453, Page 422, recorded January 24, 2005;

Whereas, The Operating Agreement of West Second Street Associates #2, LLC, dated January 21, 2002, authorizes the delivery of a perpetual easement to the City for public utilities; and

Whereas, West Second Street Associates #2, LLC, 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 FEET WIDE WATER MAIN EASEMENT

Commencing at the Southwest corner of Lot 16, as recorded in Liber 15 of Plats, Pages 56 and 57, Washtenaw County Records; thence along the Easterly line of South Research Park Drive (90 feet wide) the following two courses: N02°06'40"W 62.54 feet and 74.23 feet along the arc of a 617.95 foot radius circular curve to the left, having a cord which bears N05°33'09"W 74.19 feet for a PLACE OF BEGINNING; thence continuing along said Easterly line of South Research Park Drive 40.06 feet along the arc of a 617.95 foot radius circular curve to the left having a cord which bears N10°51'04"W 40.05 feet; thence N82°06'24"E 73.04 feet; thence N87°53'28"E 197.22 feet; thence S02°06'32"E 40.00 feet; thence S87°53'28"W 195.20 feet; thence S82°06'24"W 68.96 feet to the Place of Beginning;

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

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

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

R-490-11-06 APPROVED

RESOLUTION ACCEPTING EASEMENT FROM SCIO TOWNSHIP FOR CITY WATER MAIN TO SUPPLY EMERGENCY 2ND WATER MAIN CONNECTION

Whereas, On October 6, 2006 the Scio Township Supervisor and Clerk executed and conveyed a grant of easement to the City of Ann Arbor for City water main providing an emergency 2nd water main connection to the Scio Township water distribution system;

Whereas, This grant of easement allows the City access over Scio Township property to operate and maintain the City's water pipes that connect to Scio Township's Emergency 2nd water main connection; and

Whereas, City staff have determined that the grant of easement from Scio Township is required and that the terms and conditions of the easement will not interfere with City operations;

RESOLVED, That the City of Ann Arbor accept Scio Township's grant of easement for access to operate and maintain the City's water main and lateral pipes that connect to Scio Township's Emergency 2nd water main connection, described more particularly as follows:

Ingress-Egress Easement Description:

An Ingress and Egress easement (variable width), being part in the SE 1/4 of Section 25, Town 2 South, Range 5 East, Township of Scio, Washtenaw County, Michigan, described as:

Commencing at the S 1/4 corner of said Section 25; thence S 88°32'10" E 615.66 feet in the S. line of said Section 25; thence N 05°31'20" E 785.28 feet to a point on the centerline of West Liberty Road; thence along said centerline S 77°08'00" E 75.04 feet; thence S 01°36'50" W 33.65 feet to a point on the Southerly right of way line Liberty Road; thence along said Southerly line N 77°08'00" W 6.57 feet to the Point of Beginning; thence S 02°01'23" W 120.64 feet; thence N 87°58'37" W 37.66 feet; thence S 05°28'13" W 4.00 feet; thence N 84°31'47" W 15.00 feet; thence N 05°28'13" E 29.25 feet; thence N 84°31'47" W 7.50 feet; thence N 05°28'13" E 104.29 feet to a point on the Southerly right of way line Liberty Road; thence along said Southerly line S 77°08'00" E 53.28 feet to the Point of Beginning. Contains 6,945 sq. ft. or 0.159 acres of land; subject to all easement and restrictions of record.

Water Main Easement Description:

A Water Main easement (variable width), being part in the SE 1/4 of Section 25, Town 2 South, Range 5 East, Township of Scio, Washtenaw County, Michigan, described as:

Commencing at the S 1/4 corner of said Section 25; thence S 88°32'10" E 615.66 feet in the S. line of said Section 25; thence N 05°31'20" E 785.28 feet to a point on the centerline of West Liberty Road; thence along said centerline S 77°08'00" E 75.04 feet; thence S 01°36'50" W 33.65 feet to a point on the Southerly right of way line Liberty Road; thence along said Southerly line N 77°08'00" W 19.52 feet to the Point of Beginning; thence S 05°28'13" W 53.03 feet; thence N 77°08'00" W 40.34 feet; thence N 05°28'13" E 53.03 feet to a point on the Southerly right of way line Liberty Road; thence along said Southerly line S 77°08'00" E 40.34 feet to the Point of Beginning. Contains 2,121 sq. ft. or 0.049 acres of land. Subject to all easement and restrictions of record.

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

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

R-491-11-06 APPROVED

RESOLUTION TO SET A PUBLIC HEARING ON THE OPTIONS FOR THE NEW POLICE AND COURT FACILITY AND ORDER A SPECIAL MEETING OF CITY COUNCIL ON NOVEMBER 27, 2006 AT 7:00 P.M.

Whereas, Council Resolution R-472-11-06 required the City Administrator to set a public hearing on November 27, 2006 to allow the public the opportunity to provide input on the two proposed solutions and funding options related to the construction of a new Police and Court facility;

RESOLVED, That the public hearing be scheduled for 7:00 p.m. on November 27, 2006 in the City Council Chamber; and

RESOLVED, That the City Clerk call a Special Session of Council to conduct the public hearing and provide legal notice and publication of said meeting and public hearing to ensure ample participation by the public.

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

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

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

NOMINATIONS PLACED ON TABLE

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

SIGN BOARD OF APPEALS

Christine Brummer (Re-Appointment)
326 Mulholland Avenue
Ann Arbor, MI 48103
Term: December 4, 2006 – December 4, 2009

CITY AUDIT COMMITTEE

Councilmember Woods
Councilmember Teall
Councilmember Johnson
Councilmember Greden
Councilmember Rapundalo

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

City Administrator Roger Fraser submitted the following reports for information of Council:

1. City Saves \$112,544.00 on Energy Purchase in FY 2005-2006 – Public Services
2. October 2006 Investment Portfolio Report – Financial and Administrative Services

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

ANNUAL COUNCIL RETREAT

Mr. Fraser announced to the Council that the annual goal setting and retreat would be held on December 2, 2006.

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman informed Council that he was excited to be a part of the new Council and was looking forward to working with everyone.

COUNCILMEMBER EASTHOPE

Councilmember Easthope moved, seconded by Councilmember Rapundalo, to revisit the approval of the agenda.

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

Councilmember Easthope moved, seconded by Councilmember Lowenstein, to amend the agenda to include a Closed Session for the personnel evaluation of the City Attorney.

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

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from the Ann Arbor Economic Development Corporation regarding their 2006 Annual Report – File
2. Communication from Karl R. Frankena regarding Notice of Intent to Establish Condominium Project at 1730-1732 W. Liberty – Planning and Development Services
3. Communication from S.E.M.C.O.G. regarding the Regional Update Vol. 11, No. 22 October 30,2006 – File
4. Communication from the Department of Environmental Quality regarding Ann Arbor Wastewater Treatment Plant permit No. M10022217 public notice – Utilities
5. Communication from Edward A. Shaffran regarding notice of a condominium project located at 1012 Pontiac Trail – Planning and Development Services
6. Communication from the Detroit Edison Company regarding notice of Public Hearing for Electric Customers of Detroit Edison Company Case No. U-15002 scheduled for November 22, 2006
7. Communication from the Department of Environmental Quality regarding approval of a request for renewal of the Clean Corporate Citizen (C3) designation for Pfizer Global Research and Development – Ann Arbor Laboratories - File

The following minutes were received for file:

1. Downtown Area Citizens Advisory Council – September 6 and October 4, 2006
2. Ann Arbor Downtown Development Authority – July 5, and 10, 2006

Councilmember Woods moved, seconded by Councilmember Lowenstein, that the Clerk's Report be accepted.

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

PUBLIC COMMENTARY - GENERAL

JIM MOGENSEN – CITYWIDE FOOTING DRAIN PROGRAM REPORT

Jim Mogensen, 3780 Green Brier, addressed Council regarding the Citywide Footing Drain Disconnection Program report submitted to Council on November 9, 2006. He encouraged Council to make policy decisions on this issue.

RECESS FOR CLOSED SESSION

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

On roll call, the vote was as follows:

Yeas, Councilmembers Kunselman, Greden, Teall, Higgins, Easthope, Woods, Suarez, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:16 p.m.

Councilmember Teall moved, seconded by Councilmember Woods, that the regular session of Council be reconvened.

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 8:50 p.m.

R-492-11-06

RESOLUTION APPROVING AMENDMENT NO. 3 TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF ANN ARBOR AND STEPHEN K. POSTEMA

Whereas, City Council appointed Stephen K. Postema as City Attorney on March 17, 2003;

Whereas, The Administrative Review Committee of Council has completed Mr. Postema's annual review and recommends an increase in salary and changes to his Employment Agreement;

RESOLVED, That the Mayor and City Clerk are authorized and directed to execute the

amendment to the Employment Agreement with Stephen K. Postema.

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

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

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:50 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary