



# Rochester Hills Minutes City Council Regular Meeting

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Home Page:  
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*Erik Ambrozaitis, Bryan K. Barnett, Jim Duistermars, Barbara Holder,  
Linda Raschke, James Rosen, Ravi Yalamanchi*

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Wednesday, January 4, 2006

7:30 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:36 p.m. Michigan Time.*

## ROLL CALL

**Present:** Erik Ambrozaitis, Bryan Barnett, Jim Duistermars, Barbara Holder, Linda Raschke, James Rosen and Ravi Yalamanchi

Others Present:

*Alan Buckenmeyer, Parks Operations Manager  
Scott Cope, Director of Building/Ordinance Enforcement  
Ron Crowell, Fire Chief  
Julie Jenuwine, Director of Finance  
Jane Leslie, City Clerk  
Roger Rousse, Director of DPS/Engineering  
Jack Sage, Ordinance Inspector  
Bob Smith, Captain - Oakland County Sheriff's Department  
John Staran, City Attorney*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**Resolved that the Agenda for the Regular City Council Meeting of Wednesday, January 4, 2006, be approved with the following amendment:**

**Remove from NEW BUSINESS File ID 2005-0871 Request for Purchase Authorization - DPS/ENGINEERING: Increase in storm sewer size for the Rochester/ Tienken Development in the amount of \$19,000.00 to Curtis Properties Group, LLC, and Tienken Partners, LLC.**

**A motion was made by Barnett, seconded by Duistermars, to Approve Agenda as Amended.**

**The motion carried by the following vote:**

**Aye:** Ambrozaitis, Barnett, Duistermars, Holder, Raschke, Rosen and Yalamanchi

## PUBLIC COMMENT

*President Rosen read a letter into the records from Mr. William Windscheif, 2872 River Trail, noting his expectation that the City of Rochester Hills will "vigorously defend against" the retail development proposed and currently in litigation at the intersection of Hamlin and Adams.*

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**President Rosen** indicated that the Clerk's Department had received a letter from **Mr. Yalamanchi** requesting three things. President Rosen listed all three matters and responded to each as follows:

- 1) That more information be provided to Council regarding the emergency dispatch issue.

**Mr. Rosen** noted that the matter would be pursued further once the Mayor had returned to City Hall.

- 2) That there be a review of the variance transfer of approximately a half a mill from the CIP Fund to the General Fund.

**Mr. Rosen** explained that this would be examined in detail during the January 11th Council Work Session.

- 3) That no action be taken on a resolution during the same meeting at which it is introduced. He suggested that seven working days elapse before any vote can be taken on such matters.

**Mr. Rosen** suggested that this request be referred to the Administration & Information Services Committee for further evaluation.

**Ms. Holder** noted that Mr. Yalamanchi's third request would require a change to the Council's Rules of Procedure.

**Mr. Yalamanchi** reminded residents that an informational meeting regarding the Adams/Hamlin proposed development would be held the next evening, January 5th, at 6:30 p.m. in the City Hall auditorium.

**Ms. Holder** reminded Older Persons Commission (OPC) transportation users that the fee request for riding the OPC bus is voluntary, not mandatory. She stressed that Rochester Hills provides funds to the OPC for this service via a transportation millage and SMART credits. She also noted that she was recently misquoted in regards to a long-time business leaving the City. She corrected her statement and asked that people contact the Planning Department if they have additional questions. Ms. Holder further indicated that she may be unable to attend the next evening's informational meeting and asked that her absence not be interpreted as a lack of interest in the matter.

**Mr. Ambrozaitis** reminded residents that the use of motorized vehicles is prohibited in Borden Park. He also asked President Rosen to have the upcoming Work Session televised.

**Mr. Rosen** noted that it would be televised.

**Mr. Barnett** wished the residents of Rochester Hills a Happy New Year and encouraged everyone to get involved in their community.

## ATTORNEY MATTERS

**City Attorney John Staran** had nothing to report, but did wish everyone a Happy New Year.

## CONSENT AGENDA

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

**2005-0859** Approval of Minutes - Special City Council Budget Work Session Meeting - August 22, 2005

**Attachments:** 082205 Spec Budget Meeting MINUTES.pdf; 0859 Resolution.pdf

**This Matter was Adopted by Resolution on the Consent Agenda.**

**Resolved that the Minutes of a Special Rochester Hills City Council Budget Work Session Meeting held on Monday, August 22, 2005 be approved as presented.**

**Enactment No:** RES0001-2006

**2005-0860** Approval of Minutes - Special City Council Meeting - August 23, 2005

**Attachments:** 082305 Spec Meeting MINUTES.pdf; 0860 Resolution.pdf

**This Matter was Adopted by Resolution on the Consent Agenda.**

**Resolved that the Minutes of a Special Rochester Hills City Council Meeting held on Tuesday, August 23, 2005 be approved as presented.**

**Enactment No:** RES0002-2006

**2005-0866** Acceptance of a Watermain Easement granted by G & V Investments, L.L.C., for Fifth Third Bank, for Part of Parcel No.15-23-152-015

**Attachments:** Agenda Summary.pdf; Map.pdf; Easement.pdf; 0866 Resolution.pdf

**This Matter was Adopted by Resolution on the Consent Agenda.**

**Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Watermain Easement granted by G & V Investments L.L.C., 2565 South Rochester Road, Suite 106, Rochester Hills, Michigan 48307, for the construction, operation, maintenance, repair and/or replacement of a watermain easement, over, on, under, through and across land more particularly described as Part of Parcel No. 15-23-152-015.**

**Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.**

**Enactment No:** RES0003-2006

**2005-0869** Approval of the Agreement for the Maintenance of the Storm Water Detention System between the City of Rochester Hills and Fifth Third Bank, for Part of Parcel No. 15-23-152-015

**Attachments:** Agenda Summary.pdf; Map.pdf; Agreement.pdf; 0869 Resolution.pdf

**This Matter was Adopted by Resolution on the Consent Agenda.**

**Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the Storm Water System Maintenance Agreement, relative to the details of development and use, repair and maintenance of the storm water system, for Fifth Third Bank, for City File #02-027 between the City of Rochester Hills and Fifth Third Bank, a Michigan Banking Corporation, 38 Fountain Square Plaza, 10 MD ATA 1, Cincinnati, Ohio 45263, affecting property identified as Part of Parcel No. 15-23-152-015.**

**Further Resolved that the City Clerk is authorized to execute and deliver the Agreement on behalf of the City.**

**Enactment No:** RES0004-2006

**2005-0887**

Confirmation of Mayor's Appointment of Edward Alward to the Construction Board of Appeals and Fire Prevention Board of Appeals for a three-year term to expire on December 31, 2008

**Attachments:** Agenda Summary .pdf; Alward Questionnaire.pdf; M. Walterhouse decline reapp. CBA 1205.pdf; 0887 Resolution.pdf

**This Matter was Adopted by Resolution on the Consent Agenda.**

**Resolved that the Rochester Hills City Council hereby confirms the Mayor's appointment of Edward Alward to the Construction Board of Appeals and Fire Prevention Board of Appeals for a three-year term to expire on December 31, 2008.**

**Enactment No:** RES0005-2006

**2005-0885**

Request for Purchase Authorization; PARK: 2006 Playground Equipment Blanket Purchase Order not to exceed \$45,000; Michigan Playgrounds, Inc., Holland, MI

**Attachments:** Agenda Summary.pdf; 0885 Resolution.pdf

**This Matter was Adopted by Resolution on the Consent Agenda.**

**Resolved that the Rochester Hills City Council authorize the purchase and installation of playground equipment at Spencer Park and Avondale Park to Michigan Playgrounds, Inc., of Holland, Michigan, in the amount not to exceed \$45,000.**

**Enactment No:** RES0006-2006

**2005-0882**

Request for Purchase Authorization - BUILDING: No-Haz Program Agreement for 2006, blanket purchase order in the amount not-to-exceed \$45,000; Oakland County Waste Residential Management Division, Pontiac, MI

**Attachments:** Agenda Summary.pdf; NO-HAZ Information.pdf; 0882 Resolution.pdf

**This Matter was Adopted by Resolution on the Consent Agenda.**

**Resolved that the Rochester Hills City Council hereby authorizes a blanket purchase order to Oakland County Waste Residential Management Division, Pontiac, Michigan, for the 2006 North Oakland County Household Hazardous Waste (No-Haz) Program in the amount not-to-exceed \$45,000.00 through December 31, 2006; and**

**Be It Further Resolved that the Mayor is authorized to enter into the North Oakland County Household Hazardous Waster Inter-local Agreement on behalf of the City of Rochester Hills.**

**Enactment No:** RES0007-2006

**2005-0804**

Amendment to Resolution RES0434-2005 - Adoption of the Michigan Department of Transportation (MDOT) Annual Permit Application entitled Performance and Indemnification Resolution for Governmental Bodies to perform various

maintenance activities within the roads under MDOT jurisdiction during the year of 2006

**Attachments:** Agenda Summary.pdf; 121405 Agenda Summary.pdf; 2006 MDOT Annual Permit Form 2205B.pdf; Perfor Res for Govmt Body 2006 Form 2207B.pdf; 0804 Resolution.pdf; 0804 Amended Resolution.pdf

**This Matter was Adopted by Resolution on the Consent Agenda.**

**Now, Therefore, Be It Resolved, that Resolution No. RES0434-2005 adopted by the Rochester Hills City Council at a Regular Meeting held on Wednesday, December 14, 2005**

**Moved by Barnett, Seconded by Yalamanchi,**

**Whereas, the City of Rochester Hills hereinafter referred to as the "GOVERNMENTAL BODY" periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, hereinafter referred to as "PERMIT," to construct, operate, use and /or maintain utility or other facilities, or to conduct other activities, on, over, and under State trunkline right of way at various locations within and adjacent to its corporate limits.**

**Now, Therefore, Be It Resolved that in consideration of the DEPARTMENT granting such PERMIT the GOVERNMENTAL BODY agrees that:**

- 1. It will fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan, Michigan Transportation Commission, and the DEPARTMENT and all officers, agents, employees and those contracting governmental bodies performing permit activities for the DEPARTMENT according to a maintenance contract:**
  - a. from any and all claims and losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the GOVERNMENTAL BODY as the result of the GOVERNMENTAL BODY's installation, construction, operation, or maintenance activities which are being performed under the terms of the PERMIT on, over, and/or under the State trunkline right of way; and**
  - b. from any and all claims of every kind of injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the GOVERNMENTAL BODY's installation, construction, operation or maintenance activities which are being performed under the terms of the PERMIT on, over, and/or under the state trunkline right of way, except claims resulting from the direct negligence or willful acts of omissions of said DEPARTMENT performing permit activities.**
  - c. from any and all claims made by any and all persons, firms, or corporations furnishing or supplying materials, supplies, work, or services on, over, and/or under the State trunkline right of way pursuant to an agreement with the State of Michigan, the DEPARTMENT and/or the Michigan Transportation Commission, as a result of the GOVERNMENTAL BODY's failure to move or otherwise relocate its facilities in a timely manner after being requested to do so by the DEPARTMENT.**
- 2. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY.**

The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

3. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation, construction, operation and/or maintenance of the GOVERNMENTAL BODY's facilities according to a PERMIT issued by the DEPARTMENT.
5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
6. The incorporation by the DEPARTMENT of this indemnification resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
7. This indemnification resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

Be It Further Resolved that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within State trunkline right of way on behalf of the GOVERNMENTAL BODY.

Paul M. Davis, P.E. - City Engineer  
Paul Shumejko, P.E. - City Transportation Engineer

Be amended as follows:

***DELETE ALL OF SECTION 1***

1. ~~It will fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan, Michigan Transportation Commission, and the DEPARTMENT and all officers, agents, employees and those contracting governmental bodies performing permit activities for the~~

~~DEPARTMENT according to a maintenance contract:~~

- ~~a. from any and all claims and losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the GOVERNMENTAL BODY as the result of the GOVERNMENTAL BODY's installation, construction, operation, or maintenance activities which are being performed under the terms of the PERMIT on, over, and/or under the State trunkline right of way; and~~
- ~~b. from any and all claims of every kind of injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the GOVERNMENTAL BODY's installation, construction, operation or maintenance activities which are being performed under the terms of the PERMIT on, over, and/or under the state trunkline right of way, except claims resulting from the direct negligence or willful acts of omissions of said DEPARTMENT performing permit activities.~~
- ~~c. from any and all claims made by any and all persons, firms, or corporations furnishing or supplying materials, supplies, work, or services on, over, and/or under the State trunkline right of way pursuant to an agreement with the State of Michigan, the DEPARTMENT and/or the Michigan Transportation Commission, as a result of the GOVERNMENTAL BODY's failure to move or otherwise relocate its facilities in a timely manner after being requested to do so by the DEPARTMENT.~~

**AND INSERT**

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law;

This Agreement is not amended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

**RENUMBER SECTIONS 2 THROUGH 7 RESPECTIVELY WITH SECTIONS 1 THROUGH 6.**

Be It Further Resolved, that the resolution as amended is hereby readopted by the City Council, as follows:

Whereas, the City of Rochester Hills hereinafter referred to as the "GOVERNMENTAL BODY" periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, hereinafter referred to as "PERMIT," to construct, operate, use and /or maintain utility or other facilities, or to conduct other activities, on, over, and under State trunkline right of way at various locations within and adjacent to its corporate limits.

Now, Therefore, Be It Resolved that in consideration of the DEPARTMENT granting such PERMIT the GOVERNMENTAL BODY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law;

This Agreement is not amended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
2. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation, construction, operation and/or maintenance of the GOVERNMENTAL BODY's facilities according to a PERMIT issued by the DEPARTMENT.
4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
5. The incorporation by the DEPARTMENT of this indemnification resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
6. This indemnification resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

Be It Further Resolved that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within State trunkline right of way on behalf of the GOVERNMENTAL BODY.



Paul M. Davis, P.E. - City Engineer  
Paul Shumejko, P.E. - City Transportation Engineer

Enactment No: RES0008-2006

### Passed The Consent Agenda

A motion was made by Duistermars, seconded by Barnett, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

**Aye:** Ambrozaitis, Barnett, Duistermars, Holder, Raschke, Rosen and Yalamanchi

### The following Consent Agenda Items were discussed and adopted by separate Motions:

**2005-0842** Approval of Sanitary Sewer Service Agreement among the City of Auburn Hills, the City of Rochester Hills, and James Lawrence Barton & Beverley J. Barton located at 2727 South Adams

**Attachments:** Agenda Summary.pdf; 2727 Map.pdf; Interlocal Agreement 2727.pdf; 0842 Resolution.pdf

*Mr. Roger Rouse, Director of DPS/Engineering, indicated that the realignment of Adams Road would interfere with the septic systems of these homeowners. As the City sewer system is not yet available to them, they are being connected to that of Auburn Hills at the City's expense. He further noted that if and when the City extends sewer service to that area, those homeowners will be required to hook into that system, again, at the City's expense.*

*Mr. Yalamanchi asked for an update of the Sakwa Development in that area.*

*Mr. Rosen suggested that it would be considered for a future agenda item.*

*City Attorney John Staran noted that he was not in a position to comment on the Sakwa project, however, he did note that the road project itself was ready to get underway with all but one parcel of right-of-way property still to be acquired.*

**A motion was made by Yalamanchi, seconded by Barnett, that this matter be Adopted by Resolution.**

**Resolved that the Rochester Hills City Council approve the Sanitary Sewer Service Agreement among the City of Auburn Hills, the City of Rochester Hills, and James Lawrence Barton & Beverley J. Barton for property located at 2727 South Adams Road and authorize the Mayor and City Clerk to execute the agreement on behalf of the City.**

**The motion carried by the following vote:**

**Aye:** Ambrozaitis, Barnett, Duistermars, Holder, Raschke, Rosen and Yalamanchi

Enactment No: RES0009-2006

**2005-0843** Approval of Sanitary Sewer Service Agreement among the City of Auburn Hills, the City of Rochester Hills, and Amazing Grace, L.L.C., located at 2731 South Adams Road

**Attachments:** Agenda Summary.pdf; 2731 Map.pdf; Interlocal Agreement 2731.pdf; 0843 Resolution.pdf

A motion was made by Yalamanchi, seconded by Barnett, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council approve the Sanitary Sewer Service Agreement among the City of Auburn Hills, the City of Rochester Hills, and Amazing Grace, L.L.C., for property at 2731 South Adams Road, Rochester Hills, Michigan, and authorize the Mayor and City Clerk to execute the agreement on behalf of the City.

The motion carried by the following vote:

**Aye:** Ambrozaitis, Barnett, Duistermars, Holder, Raschke, Rosen and Yalamanchi

**Enactment No:** RES0010-2006

## NOMINATIONS/APPOINTMENTS

**2005-0823** Appointment of one (1) City Council Member to Avondale Youth Assistance for a one-year term to expire December 6, 2006

**Attachments:** Agenda Summary.pdf; 010406 Agenda Summary.pdf; 0823 Nomination Form - AYA.pdf

*As there were no Council members who indicated interest in serving on this committee, the matter was postponed again.*

**Postponed**

**2005-0897** Appointment of one (1) City Council Member to the Green Space Advisory Board for a one-year term to expire December 6, 2006

**Attachments:** Agenda Summary.pdf; 0897 Nomination Form - GSAB.pdf

*President Rosen opened the floor for nominations.*

*Mr. Yalamanchi expressed interest in serving on this board.*

*Mr. Barnett nominated Mr. Yalamanchi.*

*There being no further nominations, President Rosen closed the floor for nominations for the **Green Space Advisory Board (GSAB)**.*

*As there was a sufficient number of nominees to fill the vacant position, **Mr. Yalamanchi** was immediately appointed.*

**Appointed**

## UNFINISHED BUSINESS

**2005-0345** City Council Policy for Per Diem Compensation

**Attachments:** Agenda Summary.pdf; FINAL DRAFT Policy.pdf; 030706 AIS - DRAFT 3 Policy.pdf; 020706 AIS - DRAFT 2 Policy.pdf; 010406 Referral from CC.pdf; 010406 CC Reg Mtg DRAFT Min EXERPT.pdf; 122805 Agenda Summary.pdf; 110205 Agenda Summary.pdf; 080205 AIS - DRAFT 1

***Ms. Holder** expressed her belief that the current policy regarding Council per diem pay is adequate and requires no revisions.*

**President Rosen** noted that it was his impression that the suggested changes before Council actually relax and broaden the parameters of the current policy. He further stressed, "Any good payroll system needs some sort of a way to have someone finally authorize payment." He indicated his willingness to fulfill that need.

**Ms. Holder** made a motion to have the Administration & Information Services (AIS) Committee examine this issue, including the suggested policy changes and the reasons these changes were suggested and that the Committee's evaluation be brought back before Council within the timeframe of three months. She noted that, although this issue had been previously reviewed at AIS, two members of Council were joining the Committee for the first time.

**Mr. Barnett** specifically noted for the benefit of the AIS Committee that he takes issue with a prohibition of pay for ad hoc committee meetings, as a great deal of work is done at that level. He specifically noted the work on the leaf burning, solid waste hauler and local roads issues. He also indicated that the policy suggestions regarding the ". . . meetings up to four additional . . ." is confusing and requires clarification.

**A motion was made by Holder, seconded by Raschke, that this matter be Referred by Resolution to the Administration and Information Services Committee.**

**Resolved that the Rochester Hills City Council hereby directs the Administration & Information Services (AIS) Committee to review the City Council Policy for Per Diem Compensation and return to City Council with recommended changes or modifications within three months.**

**Be It Further Resolved that the City Council directs the AIS Committee to work in conjunction with the City Attorney to ensure that all legal issues in association with this matter are appropriately addressed.**

**The motion carried by the following vote:**

**Aye:** Ambrozaitis, Barnett, Duistermars, Holder, Raschke, Rosen and Yalamanchi

**2005-0346**

City Council Policy for Use of Electronic Communication Devices During City Council Meetings

**Attachments:** Agenda Summary.pdf; FINAL DRAFT Policy.pdf; 030706 AIS - DRAFT 2 Policy.pdf; 010406 Referral from Council.pdf; Troy E-Rule article dtd 2-16-06.pdf; 010406 CC Reg Mtg DRAFT Min EXERPT.pdf; 122905 Agenda Summary.pdf; 110205 Agenda Summary.pdf; 080205 AIS -

**Mr. Barnett** noted that some of the language of the policy suggestions with regard to the use of communication devices during Council meetings could be softened suggesting the use of the word "discouraged" in place of "prohibited."

**Mr. Duistermars** noted that the issue was a matter of common sense and courtesy, suggesting that Council members place their pagers and cell phones on vibrate during meetings and exercise discretion when drawn away from meetings due to emergencies.

*It was stressed by Council members that the resources available to them at the dais enhance their efficiencies.*

**President Rosen** agreed while indicating that his primary concern with regard to this matter is that Council members not be distracted by these resources and that no use of communication devices during meetings runs afoul of the Open Meetings Act or the Freedom of Information Act.

*City Attorney John Staran concurred and asked that he be permitted to provide input into this matter prior to the adoption of any new policy.*

*It was determined that this matter too should be evaluated by the Administration & Information Services (AIS) Committee and a recommendation be brought back to Council within three months.*

**A motion was made by Holder, seconded by Raschke, that this matter be Referred by Resolution to the Administration and Information Services Committee.**

**Resolved that the Rochester Hills City Council hereby directs the Administration & Information Services (AIS) Committee to review the City Council Policy for Use of Electronic Communication Devices During City Council Meetings and return to City Council with recommended changes or modifications within three months.**

**Be It Further Resolved that the City Council directs the AIS Committee to work in conjunction with the City Attorney to ensure that all legal issues in association with this matter are appropriately addressed.**

**The motion carried by the following vote:**

**Aye:** Ambrozaitis, Barnett, Duistermars, Holder, Raschke, Rosen and Yalamanchi

## **NEW BUSINESS**

**2005-0886**

Request for Purchase Authorization - DPS: Unleaded gasoline and diesel, blanket purchase order in the amount not-to-exceed \$475,200 through January 31, 2008; Mansfield Oil Company, Gainesville, GA

**Attachments:** Agenda Summary.pdf; 2002-2005 Fuel Usage.pdf; Supply Guarantee.pdf; 0886 Resolution.pdf

*Mr. Roger Rouse, Director of DPS/Engineering, explained that the request was for a long-term contract to purchase fuel for City vehicles in cooperation with a consortium of other municipalities. This consortium, in effect, provides greater bargaining power and, thus, a lower cost per gallon of gasoline.*

*Mr. Yalamanchi questioned whether the City was required to purchase a specific amount of gasoline and whether the City could cancel this contract if it became necessary.*

*City Attorney John Staran explained that the contract guarantees a specific price for gasoline over the duration of the blanket purchase order, but does not require a minimum amount of gallons to be purchased, nor is there a penalty if the City chooses to purchase gasoline from an alternate vendor.*

*Mr. Rosen questioned the need for mid-grade gasoline.*

*Mr. Rouse explained that some City vehicles require that grade of gasoline, however, the mid-grade purchase was a small amount in the range of hundreds of gallons rather than tens of thousands of gallons.*

**A motion was made by Barnett, seconded by Raschke, that this matter be Adopted by Resolution.**

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Mansfield Oil Company, Gainesville, Georgia, as the lowest, responsive, responsible bidder and as a cooperative purchase from the Michigan Intergovernmental Trade Network for the purchase of unleaded gasoline and diesel in the amount not-to-exceed \$475,200 through January 31, 2008.

The motion carried by the following vote:

**Aye:** Ambrozaitis, Barnett, Duistermars, Holder, Raschke, Rosen and Yalamanchi

**Enactment No:** RES0011-2006

**2005-0879**

Request for Purchase Authorization - MAYOR: Self-insurance (liability and property) coverage, blanket purchase order in the amount not-to-exceed \$672,970 through December 31, 2006; Michigan Municipal Risk Management Authority, Livonia, MI

**Attachments:** Agenda Summary.pdf; 0879 Resolution.pdf

*Ms. Julie Jenuwine, Director of Finance, explained that the Michigan Municipal Risk Management Authority (MMRMA) provides general liability insurance for the City through an insurance pool in cooperation with other Michigan municipalities and is governed by the laws of the State of Michigan.*

A motion was made by Holder, seconded by Raschke, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Michigan Municipal Risk Management Authority of Livonia, Michigan, for self-insurance (liability and property coverage) premium and retention fund costs (includes potential SIR replenishment cost) in the amount not-to-exceed \$672,970 through December 31, 2006.

The motion carried by the following vote:

**Aye:** Ambrozaitis, Barnett, Duistermars, Holder, Raschke, Rosen and Yalamanchi

**Enactment No:** RES0012-2006

**2005-0881**

Request for Purchase Authorization - BUILDING: Blanket Purchase Order for Fire Suppression and Fire Alarm Plan Review Services for 2005-2007, in the not-to-exceed amount of \$170,000; Fire Safety Consultants, Schaumburg, IL (Primary Vendor) and TVA Fire & Life Safety Inc. Farmington Hills, MI (Secondary Vendor).

**Attachments:** Agenda Summary.pdf; 05-050 spreadsheet.pdf; 0881 Resolution.pdf

*Mr. Scott Cope, Director of Building/Ordinance Enforcement, indicated that the cost for plan review for fire suppression and alarm services is a pass-through cost charged to contractors, plus an additional 20%. He noted that his department anticipates an increase in the need for these services in the coming year.*

A motion was made by Barnett, seconded by Holder, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Fire Safety Consultants, Inc., of Schaumburg, Illinois, as the Primary Vendor, and TVA Fire & Life Safety, Inc., of Farmington Hills, Michigan, as the Secondary Vendor, as the lowest, responsive, responsible proposals for the purchase of Fire Suppression and Fire Alarm Plan Review and Inspection Services, in the total amount not-to-exceed \$170,000 through December 31, 2007.

Further Resolved that the Mayor is authorized to execute the contract on behalf of the City.

The motion carried by the following vote:

**Aye:** Ambrozaitis, Barnett, Duistermars, Holder, Raschke, Rosen and Yalamanchi

**Enactment No:** RES0013-2006

**2005-0880**

Request for Purchase Authorization - BUILDING: Blanket Purchase Order for 2006 Plan Review Services, in the not-to-exceed amount of \$70,000; Code Source PC, Grandville, MI and International Code Council, Country Club Hills, IL

**Attachments:** Agenda Summary.pdf; 0880 Resolution.pdf

A motion was made by Barnett, seconded by Duistermars, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Code Source PC, of Grandville, Michigan, as the Primary Vendor, and International Code Council of Country Club Hills, Illinois, as the Secondary Vendor, as the lowest, responsive, responsible proposals for the purchase of building, electrical, plumbing and mechanical plan review services for commercial and industrial projects in accordance with the State of Michigan Construction Codes for 2005-2006, in the total amount not-to-exceed \$70,000 through December 31, 2006.

Further Resolved that the Mayor is authorized to execute the contract on behalf of the City.

The motion carried by the following vote:

**Aye:** Ambrozaitis, Barnett, Duistermars, Holder, Raschke, Rosen and Yalamanchi

**Enactment No:** RES0014-2006

## COUNCIL COMMITTEE REPORTS

*There was nothing to report, as committees had not yet met following the appointment of Council members on December 14, 2005.*

## ANY OTHER BUSINESS

*Ms. Raschke announced that Mead Road would be closed temporarily and that any complaints should be directed to the Road Commission for Oakland County. She also reminded residents that the cost of U.S. postage stamps would soon increase by two cents.*

**2006-0034**

Single Hauler Solid Waste Program Reevaluation

**Attachments:** Agenda Summary.pdf; Supp Info - Citizen Cmnts - 032906 Work Sess.pdf; David Grossman Bio.pdf; 20030327 CDV Powerpoint presentation.pdf; 20040721 CC Powerpoint Presentation.pdf; 20040128 CC Powerpoint presentation.pdf; Citizens Flyer to Reject Single Haule

*Ms. Holder made a motion that the Community Development & Viability (CDV) Committee reevaluate the City-contracted single solid waste hauler issue. She noted that the issue had*

been voted down by Council two years earlier, but she felt that circumstances had changed to the degree that the plan would be more palatable to residents. In particular, she noted the significant increases in waste hauler charges due to increased gas prices.

**Mr. Barnett**, Chairperson of the CDV Committee, expressed his support for pursuing this matter, however, noted his concern that, despite the extensive research of the CDV Committee, City administration and interested residents, the previous Council was not receptive to the concept of a single waste hauler. He suggested that the matter be pursued only if the consensus of Council was to move forward.

Despite opposition to the plan voiced by **Ms. Raschke** and **Mr. Yalamanchi**, the consensus of Council was to move forward with Ms. Holder's motion to have the CDV Committee reevaluate the issue.

**A motion was made by Holder, seconded by Raschke, that this matter be Referred by Resolution to the Community Development & Viability Committee.**

**Resolved that the Rochester Hills City Council hereby directs the Community Development & Viability (CDV) Committee to Reevaluate the Single Hauler Solid Waste Program and make a recommendation to City Council.**

**The motion carried by the following vote:**

**Aye:** Ambrozaitis, Barnett, Duistermars, Holder, Raschke and Rosen

**Nay:** Yalamanchi

## **NEXT MEETING DATE**

*Special Work Session Meeting - Wednesday, January 11, 2006 at 7:30 p.m.*

## **ADJOURNMENT**

*There being no further business before Council, President Rosen adjourned the meeting at 8:59 p.m.*

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*JAMES ROSEN, President  
Rochester Hills City Council*

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*JANE LESLIE, Clerk  
City of Rochester Hills*

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*MARGARET A. MANZ  
Administrative Secretary  
City Clerk's Office*

*Approved as presented at the May 17, 2006 Regular City Council Meeting.*