



Rochester Hills Minutes City Council

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*John L. Dalton, Bryan K. Barnett, Jim Duistermars, Melinda Hill,
Barbara L. Holder, Linda Raschke, Gerald Robbins*

Wednesday, October 6, 2004

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present: John Dalton, Jim Duistermars, Melinda Hill, Barbara Holder, Linda Raschke and Gerald Robbins

Absent: Bryan Barnett

Council Member Barnett provided previous notice he would be unable to attend and asked to be excused.

Others Present:

*Pat Somerville, Mayor
John Staran, City Attorney
Bev Jasinski, City Clerk
Kurt Dawson, Director of Assessing/Treasurer
Derek Delacourt, Planner III
Mike Hartner, Director of Parks & Forestry
Julie Jenuwine, Director of Finance
Roger Rousse, Director of DPS/Engineering
Greg Walterhouse, Fire Chief*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved to Amend the Agenda of the Wednesday, October 6, 2004 Regular meeting as follows:

To ADD the following item to the CONSENT AGENDA:

Agenda Item 2004-0866: Paint Creek Trailways Resurfacing

To REMOVE the following items from UNFINISHED BUSINESS:

Agenda Item 2004-0710: Adoption of General Fund 2005 Budget

Agenda Item 2004-0727: Adoption of Special Revenue Funds 2005 Budget

Agenda Item 2004-0728: Adoption of Debt Funds 2005 Budget

Agenda Item 2004-0729: Adoption of Capital Funds 2005 Budget

Agenda Item 2004-0711: Adoption of Water and Sewer 2005 Budget

Agenda Item 2004-0712: Adoption of Internal Service Funds 2005 Budget

Agenda Item 2004-0730: Adoption of Component Units 2005 Budget - EDC and LDFA

Agenda Item 2004-0713: Adoption of Rochester Avon Recreation Authority (RARA) 2005 Budget

Agenda Item 2004-0714: Adoption of Older Persons Commission (OPC) 2005 Budget

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

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Holder, Raschke and Robbins

Absent: Barnett

PUBLIC COMMENT

None.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Dalton announced that November 20th would mark the 20th anniversary of Rochester Hills becoming a city. He suggested to Mayor Somerville that the City commemorate the event.

Mayor Somerville noted that several residents had inquired about the progress of widening Crooks Road. The Mayor indicated that the project has been delayed due to State and Federal budget cuts and stressed that Crooks Road is a County road and, thus, is not under the control of the City.

Ms. Holder reminded residents that the City Council is the legislative branch of the City government and they do "listen to residents" but must consider the whole City when making decisions. She encouraged residents to contact their representatives and noted that contact information is available on Channel 55.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

2004-0856

Adoption of Resolution to adjourn to Closed Session following "Any Other Business" to discuss an Attorney/Client privileged communication

Attachments: Agenda Summary.pdf; 0856 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby agrees to adjourn to Closed Session, following "Any Other Business" at tonight's meeting (October 6, 2004) as

permitted by State Statute MCLA 15.268, for the purpose of discussing an Attorney/Client privileged communication. Council will return to Open Session at the conclusion of the Closed Session.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Holder, Raschke and Robbins

Absent: Barnett

Enactment No: RES0323-2004

PRESENTATIONS

2004-0855

Recognition of Achievement - Kurt A. Dawson, Treasurer/Assessor

Mayor Somerville spoke in praise of Mr. Kurt Dawson's service to the City as Treasurer and Assessor and read the following proclamation, which was presented to Mr. Dawson in the form of a plaque:

Whereas the Certified Public Finance Administrator (CPFA) credential program is a professional certification designed to recognize individuals who demonstrate a strong knowledge of the field of public finance; and

Whereas, in order to earn the prestigious CPFA credential, recipients must achieve a high level of professional experience and education; and

Whereas, Kurt Dawson, Director of Assessing & Treasury in the City of Rochester Hills, Michigan, is one of 39 members of the Association of Public Treasurers of the United States and Canada awarded the Association's Certified Public Finance Administrator credential in 2003/2004.

Now, Therefore, Be It Known, that the Mayor and City Council of the City of Rochester Hills hereby extend our congratulations to Kurt Dawson, Certified Public Finance Administrator for 2003/2004.

Presented

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.

2004-0857

Approval of Minutes - Special Budget Work Session City Council Meeting - August 30, 2004

Attachments: Min CC Budget WS.pdf; 0857 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 August 30, 2004 be approved as presented.

Enactment No: RES0324-2004

2004-0858

Approval of Minutes - Regular City Council Meeting - September 15, 2004

Attachments: Min CC Regular.pdf; 0858 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on September 15, 2004 be approved as presented.

Enactment No: RES0325-2004

2004-0886

Paint Creek Trailways Resurfacing

Attachments: Agenda Summary.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved, that the Rochester Hills City Council hereby authorizes the payment of the City's share of the resurfacing of the Paint Creek Trail to the Paint Creek Trailways Commission, Rochester, Michigan, in the amount of \$34,937.50 with a 10% contingency.

Enactment No: RES0326-2004

Passed The Consent Agenda

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

Aye: Dalton, Duistermars, Hill, Holder, Raschke and Robbins

Absent: Barnett

The following Consent Agenda Item was discussed and adopted by separate Motion:

2004-0801

Confirm the Mayor's appointment of Jonathan T. Rea to the position on the Economic Development Corporation vacated by the resignation of Philip Sanzica for a term to expire on March 31, 2006.

Attachments: Agenda Summary 102004.pdf; Rea Questionnaire.pdf; Agenda Summary 100604.pdf; White questionnaire.pdf; Sanzica resignation letter.pdf; 100604 Resolution.pdf; 0801 Resolution.pdf

Ms. Hill stated that the Council has made every effort to appoint as many citizens as possible to the different boards and commissions and expressed her concern that the Mayor's appointee, Suzanne White, currently serves on three (3) other committees. She asked that the Mayor consider an applicant who has not yet been appointed to any boards or commissions.

Mayor Somerville noted that she felt Ms. White was best qualified for the appointment, but agreed to withdraw her appointment and further evaluate other potential applicants.

Discussed

Enactment No: RES0346-2004

PUBLIC HEARINGS

2004-0688

Third Quarter Budget Amendments - 2004

Attachments: Agenda Summary.pdf; 3rd Qtr budget amendments.pdf; Public Notice.pdf; 0688 Resolution.pdf

Ms. Julie Jenuwine, Director of Finance, stated her request that City Council approve the Third Quarter Fiscal Year Budget Amendment, noting that the Council's Financial Services Committee had previously reviewed this matter.

President Dalton opened the Public Hearing at 7:50 p.m.

There being no public comment, President Dalton closed the Public Hearing at 7:51 p.m.

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

Whereas, a public hearing was held on October 6, 2004 to amend and adopt new fund totals.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby amends and adopts the following 2004 Budget Amendments:

General Fund	\$ 23,838,673
Major Roads Fund	\$ 6,856,299
Fire Fund	\$ 7,159,525
Special Police Fund	\$ 7,228,400
Pathway Maintenance Fund	\$ 588,359
Tree Fund	\$ 1,276,216
Drain Fund	\$ 3,037,540
Drain Debt Fund	\$ 3,112,604
Refunding Bond 1998 series	\$ 189,495
Refunding Bond 2002 series	\$ 1,381,150
Fire Capital Fund	\$ 1,971,713
Pathway Construction Fund	\$ 500,542
Water & Sewer Fund	\$ 46,692,001
Building & Grounds Fund	\$ 4,424,639
Fleet Fund	\$ 2,373,184

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Holder, Raschke and Robbins

Absent: Barnett

Enactment No: RES0327-2004

UNFINISHED BUSINESS

2004-0758

Designation of Delegate and Alternate to National League of Cities' Annual Business Meeting to be held on Saturday, December 4, 2004 at the Congress of Cities in Indianapolis, IN

Attachments: Agenda Summary.pdf; Letter NLC.pdf; 0758 Resolution.pdf

Following a brief discussion among Council members, it was determined that City Council Vice President Barb Holder would serve as Delegate and City Council President John Dalton would serve as Alternate to the National League of Cities business meeting in Indianapolis.

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

Resolved that the Rochester Hills City Council hereby names Council Vice President Barb Holder as the City of Rochester Hills Official Representative and Voting Delegate, and City Council President John Dalton as the City of Rochester Hills Alternate Official Representative and Voting Delegate, to National League of

Cities' Annual Business Meeting to be held on Saturday, December 4, 2004 at the Congress of Cities in Indianapolis, Indiana.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Holder, Raschke and Robbins

Absent: Barnett

Enactment No: RES0328-2004

NEW BUSINESS

2004-0734

Final Site Plan Approval Request - City File No. 02-027 - Fifth Third Bank/City Place PUD Phase I, a proposed 4,200 square foot bank on approximately 1.25 acres, located on the east side of Rochester Road, north of Hamlin, zoned Planned Unit Development (PUD), known as Parcel No. 15-23-152-015, G & V Investments, L.L.C., Applicant.

Attachments: Agenda Summary.pdf; Map aerial.pdf; Site Plans.pdf; 0734 Resolution.pdf

Mr. Derek Delacourt, Planner III, explained that this Final Site Plan approval constituted the first phase of the City Place PUD, noting that it had met all requirements and received unanimous approval from the Planning Commission. He indicated that the Plan had changed only slightly since it had last been before City Council, that being a change in the drive access that was requested by the City's Engineering Department and MDOT.

Mr. Marcos Makohon, Project Manager for Fifth Third Bank, 26899 Northwestern Highway, Southfield, explained that the final outstanding technical issue had been addressed and the development would meet the City's Tree Ordinance requirement.

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

Resolved that the Rochester Hills City Council hereby approves the Final Site Plan for Fifth Third Bank/City Place PUD Phase I, City File No. 02-027, based on plans dated received by the Planning Department on August 17, 2004 with the following three (3) findings and subject to the following ten (10) conditions.

FINDINGS:

- 1. The proposed Fifth Third Bank is consistent with the City Place PUD Agreement approved by the City.**
- 2. Adequate utilities are currently available to properly service the proposed development.**
- 3. The final plan represents a reasonable and acceptable plan for developing the property.**

CONDITIONS:

- 1. That all remaining engineering issues be addressed and approved by the City's Engineering Services Department prior to approval of Construction Plans.**
- 2. That a note be added to the plans indicating all plantings shall be a minimum of five feet from the pathway along Rochester Road, prior to issuance of a Land Improvement Permit.**

3. That written permission to remove seven offsite trees is submitted for approval to the City, prior to issuance of a Land Improvement Permit.
4. That the applicant submit a Land Division Application to the City's Assessor's office for review prior to issuance of a Land Improvement Permit.
5. Submission of a landscaping performance and maintenance guarantee for a period of two growing seasons in the amount of \$53,835.00, as adjusted if necessary by the City, prior to issuance of a Land Improvement Permit.
6. That the applicant receive a Soil Erosion Permit prior to issuance of a Land Improvement Permit.
7. That the applicant submit evidence of an easement to allow construction of the drive access to Rochester Road to the City's Engineering Services Department prior to issuance of a Land Improvement Permit.
8. Paved pedestrian crosswalks to be noted and constructed out of stamped or other concrete material, other than paint striping, as approved by Staff.
9. That the applicant show and install steps from the pedestrian path on Rochester Road to the crosswalk at the center of the bank, as approved by Staff.
10. That the applicant locate bike racks in a place approved by Staff.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Holder, Raschke and Robbins

Absent: Barnett

Approval of Final Plat for Butler Ridge Subdivision No. 2

2004-0799

Acceptance of the amended Declaration of Restrictions and Easements for Butler Ridge Subdivision No. 1 providing for the inclusion of Butler Ridge Subdivision No. 2, Jensam LLC, Applicant

Attachments: Agenda Summary.pdf; First Amendment Declaration of Restrictions/Easement .pdf; 100204 meeting Resolution.pdf; 0799 Resolution.pdf

As there was no applicant present at the meeting to discuss this matter, the consensus of City Council was to postpone approval until a representative could be present.

Postponed

2004-0798

Acceptance of the Assignment of the Sanitary Sewer Easement granted by Jensam LLC, successor to Jensam Properties, a Michigan Co-Partnership, for Parcel Nos. 15-19-300-005 and 15-19-300-006.

Attachments: Agenda Summary.pdf; Easement.pdf; 100204 meeting Resolution.pdf; 0798 Resolution.pdf

As there was no applicant present at the meeting to discuss this matter, the consensus of City Council was to postpone approval until a representative could be present.

Postponed**2004-0796**

Approval of Final Plat for Butler Ridge Subdivision No. 2

Attachments: Agenda Summary.pdf; Map aerial.pdf; Mylar ButlerRidge.pdf; Minutes CC 20021009.pdf; Minutes PC 20020903.pdf; 100604 Resolution.pdf; Resolution.pdf

As there was no applicant present at the meeting to discuss this matter, the consensus of City Council was to postpone approval until a representative could be present.

A motion was made by Robbins, seconded by Hill, that this matter be Tabled by Resolution.

Resolved, that the Rochester Hills City Council hereby TABLES approval of the Final Plat for Butler Ridge Subdivision No. 2, City File No. 90-253.2, an 89-lot subdivision on part of 116 acres, located west of Adams Road and south of Butler, identified as Parcel No.15-19-300-007, zoned R-2, One Family Residential, subject to submittal of all required performance guarantees, fees, and other requirements, which must be met prior to release of the Mylar. Jensam LLC, applicant.

Be It Further Resolved that the matter be addressed at the next Regular Meeting of the Rochester Hills City Council.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Holder, Raschke and Robbins

Absent: Barnett

Enactment No: RES0345-2004

2004-0805

Request for Purchase Authorization - FIRE & DPS: Standby Generators for five (5) fire stations and Michelson lift station and switchgear and electrical rewiring for connection to a portable generator at the Dairy Barn, purchase order in the amount not-to-exceed \$288,118.00; Edgewood Electric, Inc., Madison Heights, MI

Attachments: Agenda Summary.pdf; Bid Tab.pdf; DEQ Letter.pdf; 0805 Resolution.pdf

Mr. Roger Rousse, Director of DPS/Engineering, explained that the extended blackout the previous summer brought to light deficiencies in the capacity of the existing generators in all four (4) fire stations as well as at the Dairy Barns and one (1) lift station.

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, requested clarification of the following issues of concern:

- 1) Why is the cost of the Fire Department generators being charged to the Fire Capital Fund rather than the Facilities Fund?*
- 2) When did the Fire Department learn of the repeated failures of the Station 3 generator, and what steps were taken to ensure public safety?*
- 3) Will Station 3 be the first to receive a new generator?*

4) *Does the Fire Department have a regular testing program for generators to ensure their performance?*

5) *Will the existing generators be tied into the phone system to track their functionality as the new generators will be?*

Fire Chief Greg Walterhouse and Mr. Rousse addressed Mr. Zendel's concerns as follows:

1) *The Fiscal Department determined from which funds to draw the money for this purchase and, thus, should provide any information regarding that determination.*

2) *The failure of the Station 3 generator was addressed via the maintenance agreement with the generator company. This unit is "grossly undersized" for the station needs.*

3) *The Station 3 generator will be replaced prior to the installation of all other generators.*

4) *Generators are tested on a weekly basis and maintained and serviced by the generator company under contract with the City.*

5) *Only the two (2) generators at Station 1 will be monitored via the phone system.*

COUNCIL DISCUSSION:

Chief Walterhouse addressed additional questions and concerns raised by City Council members:

** An engineering consultant was hired to provide an analysis of the stations and technical drawings that were utilized during the bid process.*

** The additional generators will provide adequate power to run essential functions during a power outage such as opening the doors, running HVAC, and powering communications equipment over an extended period of time.*

** As the new generators will be installed in addition to the existing generators, this will provide an additional backup in the event a generator fails; no fire station will be without at least one (1) generator.*

** Fire stations can also be utilized as shelters for residents who require life support assistance such as ventilators.*

** The Older Persons Commission (OPC) facility and two (2) schools are also designated as shelters, however, only the OPC has a generator.*

** The generators under consideration operate on natural gas. It was determined that this is preferable to diesel fuel generators, as the fuel would likely be more difficult to obtain during an extended blackout and diesel generators require greater maintenance.*

President Dalton noted that the only issue that remains outstanding is the rationale for the use of Fire Capital Funds for this purchase. He suggested that Council approve this purchase with the stipulation that the Fiscal Department provide Council an explanation for their funding decision.

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

Resolved that the Rochester Hills City Council hereby authorizes the purchase and installation of standby generator additions for four (4) fire stations and a new

generator and transfer switch at Fire Station #5 in the amount of \$250,668, switchgear and rewiring of selected electrical controls for the Rochester Hills Museum Dairy Barn Building in the amount of \$4,600 and the installation of a new generator with connection to the Scada System at the Michelson Lift Station in the amount of \$32,850 for a total of \$288,118 to Edgewood Electric, Inc., Madison Heights, Michigan, as the lowest responsive, responsible bid.

Be It Further Resolved that the Fiscal Department provide justification to City Council for the costs being charged to the Fire Capital Fund and that, following review of this justification, any appropriate adjustments will be made.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Holder and Raschke

Nay: Robbins

Absent: Barnett

Enactment No: RES0330-2004

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

Ms. Holder requested that approval of the DPS Facility schematic designs be added to City Council's next meeting agenda, as approved schematics would assist Ms. Linda Davis, the City's Grant Writer, in possibly securing \$1.3 million of State appropriations funds.

Ms. Hill requested further information on this grant money.

President Dalton distributed copies of the Older Persons Commission (OPC) contract, noting that it had already been approved by the communities of Rochester and Oakland Township. He stated that the matter would be on City Council's next meeting agenda.

President Dalton further indicated that Council members would be receiving a copy of the City's proposed Master Land Use Plan, noting City Council would be meeting jointly with the Planning Commission to discuss the plan and determine whether Council would elect to have final approval of the plan, as is now permitted under State law.

ADJOURN TO CLOSED SESSION

City Council adjourned to Closed Session at 8:30 p.m.

RECONVENE TO OPEN SESSION

City Council reconvened to Open Session at 9:06 p.m.

ATTORNEY MATTERS

2004-0664 City of Rochester Hills VS. SOCRRA

Attachments: Letter Need 080304.pdf; 0664 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby amends its resolution of August 4, 2004 to add the following Subsection 3:

"As the next step in the process, the Rochester Hills City Council recommends that the proposal from the Avon Meadows Golf Group, L.L.C. be referred back to the Rochester Hills/SOCRRA Standing Committee to further review the development proposal, engage in discussions with the preferred development group, and make recommendations on the development proposal to the Rochester Hills City Council and SOCRRA Board of Directors."

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Holder, Raschke and Robbins

Absent: Barnett

Enactment No: RES0333-2004

Attachments: Letter Need 080304.pdf; 0664 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby concurs with the language proposed by SOCRRA attorney Robert Davis to modify Judge Mester's orders as follows:

"Any disputes on the end-use shall be brought to the Court by either party no later than thirty (30) days after SOCRRA and Rochester Hills make a final determination on an appropriate end-use for the landfill property. The parties agree to otherwise follow the motion approved by the Standing Committee on July 2, 2003, a copy of which was attached to the stipulated order of this court dated August 13, 2003."

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Holder, Raschke and Robbins

Absent: Barnett

Enactment No: RES0333-2004

Attachments: Letter Need 080304.pdf; 0664 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby agrees that the monies in escrow will be released upon final resolution of the End-Use Agreement of the SOCRRA Standing Committee.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Holder, Raschke and Robbins

Absent: Barnett

Enactment No: RES0333-2004

NEXT MEETING DATE

Regular Meeting - October 20, 2004 at 7:30 p.m.

Ms. Hill announced that the City would be hosting town hall meetings in the Auditorium October 13th and 28th at 7:00 p.m. to provide residents with information regarding the three (3) City proposals on the upcoming November ballot. She encouraged all interested parties to attend the meetings.

ADJOURNMENT

There being no further business before Council, President Dalton adjourned the meeting at 9:10 p.m.

*JOHN L. DALTON, President
Rochester Hills City Council*

*BEVERLY A. JASINSKI, Clerk
City of Rochester Hills*

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

Approved as presented at the December 15 2004 Regular City Council Meeting.

Complete proceedings recorded in the Official Minutes Book on file in the office of the City Clerk and by this reference is made a part hereof.