

FARMINGTON CITY COUNCIL
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, December 17, 2007 in Council Chambers, 23600 Liberty Street, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 267-1976.

The meeting was called to order at 8:07 p.m. by Mayor Knol.

PRESENT: Buck, Knol, McShane, Wiggins, Wright.

ABSENT: None.

CITY ADMINISTRATION: Director Gushman, City Clerk Halberstadt, Director Nebus, City Manager Pastue, Assistant City Manager Richards, Attorney Schultz (arrived 8:35 p.m.), Treasurer Weber.

CONSENT AGENDA

12-07-209 MOTION by Wiggins, seconded by McShane, to approve the following items on the consent agenda:

- Special Meeting Minutes of November 14, 2007
- Special and Regular Meeting Minutes of November 19, 2007
- Special and Joint Meeting Minutes of December 3, 2007
- Farmington Monthly Payments Report – November 2007
- Public Safety Monthly Report – November 2007
- City of Farmington Employees Retirement System Annual Actuarial Report
- State Trunkline Operating Permit and Indemnification Resolution
- Consideration to Renew Michigan Municipal League Membership

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

12-07-210 MOTION by Buck, seconded by Wiggins, to approve the agenda as amended, removing item 7L, "Consideration to Ratify a Three-year Collective Bargaining Agreement with the Police Officers Association of Michigan (POAM)." MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

SIGN VARIANCE REQUEST – FIRST BAPTIST CHURCH, 33400 SHIAWASSEE

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12-07-211 MOTION by McShane, seconded by Wiggins, to table a sign variance request from the First Baptist Church, 33400 Shiawassee, due to the absence of a representative from the Church. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

CONSIDERATION TO ACCEPT THE FISCAL YEAR 2006-07 INVESTMENT REPORT

Treasurer/Finance Director Weber reviewed some of the details of the FY 2006-07 Investment Report.

Responding to a question from Councilmember Wright, Weber stated the City invests in multiple institutions in order to spread risk. He further clarified the uninvested amount on the report.

Responding to a question from Councilmember Wiggins, Weber stated the 2007 Local Street and Employee Fringe Benefit Funds experienced lower interest earnings from 2006 due to reductions in funds available to invest.

12-07-212 MOTION by McShane, seconded by Wiggins, to accept the Fiscal Year 2006-07 Investment Report as presented. **[SEE ATTACHED REPORT]**. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO AUTHORIZE THE CITY ADMINISTRATION TO CONTINUE FURTHER REVIEW AND RESEARCH OF POSSIBLE TRANSFER OF PENSION SYSTEM ADMINISTRATION TO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM (MERS)

City Manager Pastue discussed an analysis completed by Pension Administrator Cantrell and Treasurer/Finance Director Weber on the benefits of Municipal Employee Retirement System (MERS) administering the City Pension Program. He stated the analysis indicates there is merit in pursuing additional review and consideration of making this change.

Responding to a question from Councilmember McShane, Pastue stated he did not believe there is a "hold harmless" provision in a contract with MERS. He stated MERS has over the years proven to make wise investments while minimizing risk as much as possible. He indicated there is still additional information that needs to be gained from MERS.

Discussion followed regarding a comparison of the costs and investments between the City's pension plan and MERS.

Councilmember Buck stated a review of the merits of changing to MERS for pension administration meets the criteria the City has established for pursuing shared services and opportunities to improve returns and reduce costs.

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Responding to a question from Councilmember Wiggins, Pastue confirmed the City would have no control over changes in MERS administrative costs.

Responding to a question from Wiggins, Pastue stated if an underfunded participant in MERS fails there is no impact on other participating communities. He noted, however, the allocation for funding administrative costs under MERS is a function of a participant's investment balance. For an example, Farmington as a fully funded participant, would incur a disproportionate share of administrative costs as compared to a participant funded at 20%.

Discussion followed regarding administration and investment fees of pension plans.

Councilmember Wright expressed support for continuing further review of MERS, but indicated there are still questions that need to be answered, including concerns regarding the rate structure for administrative fees.

12-07-213 MOTION by Wright, seconded by Buck, to authorize city administration to continue further review and research of possible transfer of pension system administration to the Municipal Employee Retirement System (MERS). MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE 2008 CITY COUNCIL MEETING DATES

RESOLUTION 12-07-214 Motion by Wright, seconded by McShane, to adopt a resolution to approve the 2008 City Council meeting dates as presented. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT RESOLUTION INITIATING PROCESS TO SECURE ADDITIONAL LIQUOR LICENSES WITHIN THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) DISTRICT

DDA Director Knowles was present to discuss the process for securing additional liquor licenses within the Downtown as provided in Michigan Public Act 501 of 2006.

Councilmember McShane commended Director Knowles for being proactive on this issue.

Responding to a question from Mayor Knol, City Manager Pastue stated that based on the formula of PA 501, the DDA would qualify for at least ten licenses.

Director Knowles noted that regardless of the number of licenses available, Council has the ability to regulate the number and distribution of them.

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RESOLUTION 12-07-215 Motion by Wiggins, seconded by Buck, to adopt a resolution to initiate the process to secure additional liquor licenses from the Michigan Liquor Control Commission (LLC) within the Downtown Development Authority District. **[SEE ATTACHED RESOLUTION]**. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE REIMBURSEMENT AND FILING RESOLUTION FOR GRAND RIVER STREETScape AND GROVE STREET IMPROVEMENT PROJECT

Pastue advised this resolution authorizes a not-to-exceed amount of \$3.3 Million for both the Grand River Streetscape and Grove Street Improvement Projects.

RESOLUTION 12-07-216 Motion by McShane, seconded by Wiggins, to approve a reimbursement and filing resolution, as presented, for the Grand River Streetscape Improvement and Grove Street Improvement Projects. **[SEE ATTACHED RESOLUTION]**.

ROLL CALL

Ayes: Knol, McShane, Wiggins, Wright, Buck.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE AGREEMENT WITH GRISSIM, METZ, ANDRIESE ASSOCIATES (GMA) FOR DESIGN ASSISTANCE FOR GRAND RIVER STREETScape AND GROVE STREET PROJECT

Pastue stated the City is requesting approval of a professional services proposal from GMA for the Grand River Streetscape and the Grove Street Projects. He advised the City typically budgets 10% of the estimated construction cost for design engineering and 15% for the construction engineering.

Responding to a question from Councilmember Wright, Pastue stated the proposed rates are reasonable. He noted the City's long term relationship with GMA and the quality of their work.

Responding to a question from Councilmember McShane, Pastue confirmed that GMA will collaborate with the DDA Design Committee on this project.

Mayor Knol advised keeping the project realistic and adherence to the budget in order to avoid having to make revisions at a later date.

RESOLUTION 12-07-217 Motion by Wiggins, seconded by Wright, to approve a professional services proposal with Grissim Metz Andriese Associates to provide design assistance for the Grand River Streetscape and Grove Street Projects. **[SEE ATTACHED PROPOSAL]**.

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ROLL CALL

Ayes: McShane, Wiggins, Wright, Buck, Knol.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT RESOLUTION OPPOSING MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ) PROPOSED CHANGES TO NATIONAL POLLUTION DISCHARGE ELIMINATION STANDARDS FOR STORM WATER PERMITS

Councilmember McShane advised that in these difficult economic times it behooves the City to closely review unfunded mandates where additional funds are necessary to cover what oftentimes appears to be repetitive requirements.

RESOLUTION 12-07-218 Motion by McShane, seconded by Wiggins, to adopt a resolution in support of the Oakland County Drain Commissioner, the Alliance of Rouge Communities, and Southeast Michigan Council of Governments (SEMCOG) in their efforts to negotiate a fair, achievable, cost effective, and enforceable National Pollution Discharge Elimination System (NPDES) storm water permit. **[SEE ATTACHED RESOLUTION]**. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE CONSTRUCTION ESTIMATE #2 FOR NINE MILE ROAD PROJECT

RESOLUTION 12-07-219 Motion by Wright, seconded by Buck, to approve payment of construction estimate no. 2 to Cadillac Asphalt LLC in the amount of \$5,000.00 for the Nine Mile Road Construction Project which releases the project retainage and closes out the project.

ROLL CALL

Ayes: Wiggins, Wright, Buck, Knol, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCE C-728-2007 TO AMEND CHAPTER 30.5 OF THE CITY CODE TO ALLOW DEPOSIT OF METRO ACT FEES IN THE GENERAL FUND.

City Attorney Schultz confirmed that by statute the Metro Act revenues in the General Fund could only be used for right-of-way purposes. He further confirmed that the funds could be transferred back to the Local Street Fund.

Pastue advised the funds would be used primarily for street lighting. He confirmed the funds could also be used for the addition of street lights.

12-07-220 MOTION by Wiggins, seconded by Buck, to introduce Ordinance No. C-728-2007 to amend Chapter 30.5 of the City Code to allow deposit of Metro

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Act Fees in the General Fund. [\[SEE ATTACHED ORDINANCE\]](#). MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN THE AMOUNT OF \$346,500 FOR THE SWITCHBACK RAMP PROJECT AT SHIAWASSEE PARK

RESOLUTION 12-07-221 Motion by Buck, seconded by McShane, to approve a grant agreement with the U.S. Department of Housing and Urban Development in the amount of \$346,500 for the handicap accessible Switchback Ramp Staircase Project at Shiawassee Park. [\[SEE ATTACHED AGREEMENT\]](#).

ROLL CALL

Ayes: Wright, Buck, Knol, McShane, Wiggins.
Nays: None.
Absent: None.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE GRANT AGREEMENT WITH THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN THE AMOUNT OF \$148,500 FOR THE RIVERWALK IMPROVEMENTS AT SHIAWASSEE PARK

RESOLUTION 12-07-222 Motion by Wright, seconded by Buck, to approve a grant agreement with the U.S. Department of Housing and Urban Development in the amount of \$148,500 for the River Walk Improvements at Shiawassee Park and authorize the Mayor to sign the agreement on behalf of the City. [\[SEE ATTACHED AGREEMENT\]](#).

ROLL CALL

Ayes: Buck, Knol, McShane, Wiggins, Wright.
Nays: None.
Absent: None.
MOTION CARRIED UNANIMOUSLY.

BOARD AND COMMITTEE REAPPOINTMENTS

Charter Review Committee and Board of Review

12-07-223 MOTION by Wright, seconded by Buck, to reappoint Alton Bennett, Arnold Campbell, and James Mitchell to the Charter Review Committee for two-year terms ending December 31, 2009; and to reappoint Larry Davis to the Board of Review for a three-year term ending December 31, 2010. MOTION CARRIED UNANIMOUSLY.

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PUBLIC COMMENT

Ken Chiara, 33630 Shiawassee, congratulated Council for agreeing to a consolidation study, but expressed concern regarding use of Plante Moran to conduct the study in light of the fact that they are a vendor for both cities and the outcome of the study could impact their revenues.

Chiara also stated that any redesign of Grand River without a westbound Grand River left turn only lane could be a major mistake.

COUNCIL COMMENT

Buck thanked the volunteers from SWOCC for giving their time and effort to tape the meeting.

Wiggins congratulated the Public Service Department for their efforts during a recent snow storm.

ADJOURNMENT

12-07-224 Motion by Wiggins, seconded by McShane, to adjourn the meeting.
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:10 p.m.

Valerie S. Knol, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: January 22, 2008