



Regular City Council Meeting
7:00 p.m., Monday, March 4, 2019
Conference Room
23600 Liberty Street
Farmington, MI 48335

REGULAR MEETING AGENDA

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Public Comment**
- 4. Boards and Commissions Appointments**
 - a. Planning Commission**
 - b. Commission on Community Health**
 - c. Zoning Board of Appeals**
- 5. Consideration of Michigan Local Agency Pavement Warranty Program Resolutions**
- 6. Other Business**
- 7. Council Comment**
- 8. Adjournment**

Farmington City Council Staff Report	Council Meeting Date: March 4, 2019	Item Number 4
Submitted by: David Murphy		
Agenda Topic: Board and Commission Interviews		
<p>Proposed Motion: Move to appoint _____ to Farmington Planning Commission for a term ending June 30, 2021.</p> <p>Move to appoint _____ to the Farmington/Farmington Hills Community Health Committee for a term ending Dec. 31, 2021.</p> <p>Move to appoint _____ to the Farmington/Farmington Hills Community Health Committee as an alternate for a term ending Dec. 31, 2021.</p> <p>Move to appoint _____ to the Farmington Zoning Board of Appeals as an alternate for a term ending June 30, 2021.</p>		
<p>Background: The City of Farmington is seeking to fill a vacancy on the Planning Commission, Community Health Committee, and/or ZBA.</p> <p>Over the past month, Council has interviewed the following candidates:</p> <p>David Delind for Planning Commission (currently services on the Board of Review) Daniel Westendorf for Planning Commission (currently serves on Historical Commission) Juila Mantey for Planning Commission (currently services on Community Health Committee) John McLoughlin for Planning Commission Eric Gensheimer: Planning Commission or ZBA Karlee Hamilton: Planning Commission or Community Health Committee</p>		
Materials: Spreadsheet with Board and Commission openings and Names of applicants.		

Candidate	Boards Applying For		Service
David Delind <i>Currently serves on Board of Review</i>	Planning Commission		Cannot serve on both
Eric Gensheimer	Planning Commission	ZBA	
Karlee Hamilton	Planning Commission	Community Health	
Julia Mantey <i>Currently serves on Health Committee</i>	Planning Commission		Can serve on both
John McLoughlin	Planning Commission		
Daniel Westendorf <i>Currently serves on Historical Commission</i>	Planning Commission		Cannot serve on both

Vacancies

Planning Commission:

One 3-year term

Community Health (2 seats):

One regular seat 3-year term

One alternate 3-year term

Zoning Board:

One alternate seat

Farmington City Council Staff Report	Council Meeting Date: March 4, 2019	Item Number 5
Submitted by: David Murphy		
Agenda Topic: Local Pavement Warranty Program		
Proposed Motion: <ol style="list-style-type: none"> 1. Move to adopt the Michigan Local Agency Pavement Warranty Program. 2. Move to implement the Michigan Local Agency Pavement Warranty Program. 		
<p>Background: The Michigan Legislature is requiring every city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation (MDOT) in 2018. The Warranty Program is for hot mix asphalt and plan jointed concrete paving projects on public roads and streets. The program is applicable to projects involving state or federal funds exceeding \$2,000,000.00 in pavement costs.</p> <p>The Program primarily requires the City to follow the Program's warranty requirements in the event that a warranty is required on state and federally funded projects meeting the \$2 million dollar threshold. In addition to a warranty, an inspection and reporting process is required meeting Program standards.</p> <p>The City of Farmington already typically requires each contractor on its paving projects to provide a Maintenance and Guarantee Bond in the full amount of the project cost for a minimum of one year from the date the project is completed and accepted by the City. In the event that the City intends to require a warranty on future projects that use any state or local funding, it must meet the minimum standards of the Local Pavement Warranty Program. Although the City's current bond forms appear to meet the minimum requirements of the MDOT bond form, the City's warranty period is typically not as long as the warranty periods called for under the Program. Therefore, depending on the type of project, the City's bond term may need to be extended. This is likely to add to the cost of each project. The manual from the state, entitled Guidelines for local Agency Pavement Warranty Program, and attached warranty requirements, detail the expected length of warranty period for different types of paving projects.</p> <p>The required process for warranty and reporting is generally set forth in the Guidelines manual provided by the Michigan Department of Transportation (MDOT). It appears some of the detailed requirements for reporting have not yet be finalized by MDOT.</p> <p>The requested action of City Council is to adopt two (2) Resolutions regarding the Local Warranty Paving Program – the first Resolution to adopt the program, and the second to implement the program. The approved Resolutions should be submitted to MDOT before September 18, 2019.</p>		
Materials: Two resolutions and letter from City Attorney		

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ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

January 31, 2019

Dave Murphy, City Manager
City of Farmington
23600 Liberty Street
Farmington, MI 48335

Re: *Local Agency Paving Warranty Program*

Dear Mr. Murphy:

As you may be aware, as part of the Transportation Funding Package of 2015, the Michigan Legislature created a requirement (MCL 247.662, 247.663) that each local road agency in Michigan adopt a Local Pavement Warranty Program ("Program") acceptable to the Michigan Department of Transportation (MDOT) to use for hot mix asphalt and plain jointed concrete paving projects on public roads and streets. The Program is applicable to projects involving state or federal funds exceeding \$2 million dollars in pavement costs. If the only source of revenue for a local road agency paving or reconstruction projects is entirely locally derived revenue (non-Act 51 or federal funds) such as local general fund, millage revenue, special assessment districts or other locally raised revenue, those projects will not be subject to the Local Agency Pavement Warranty Program reporting requirements.

The Program primarily requires the City to follow the Program's warranty requirements in the event that a warranty is required on state and federally funded projects meeting the \$2 million dollar threshold. In addition to a warranty, an inspection and reporting process is required meeting Program standards.

It is our understanding the City already typically requires each contractor on its paving projects to provide a Maintenance and Guarantee Bond in the full amount of the project cost for a minimum of one year from the date the project is completed and accepted by the City. In the event that the City intends to require a warranty on future projects that use any state or local funding, it must meet the minimum standards of the Local Pavement Warranty Program. Although the City's current bond forms appear to meet the minimum requirements of the MDOT bond form, a copy of which is enclosed, the City's warranty period is typically not as long as the warranty periods called for under the Program. Therefore, depending on the type of project, the City's bond term may need to be extended. This is likely to add to the cost of each project. The enclosed manual, entitled Guidelines for local Agency Pavement Warranty Program, and attached warranty requirements, detail the expected length of warranty period for different types of paving projects.

David Murphy, City Manager
City of Farmington
January 31, 2019
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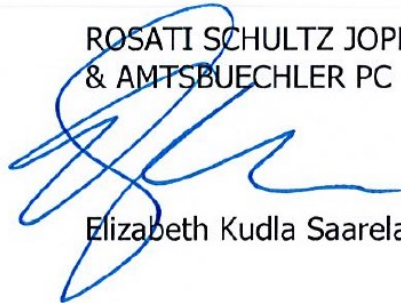
According to the applicable statutes, this Warranty Program must be adopted by every community no later than September 18, 2019. Communities must annually report on projects with \$2 million or more in paving-related items, regardless of whether they implemented a warranty or not.

According to the Program materials, enclosed, the overall goal of the Michigan Local Pavement Warranty Program is to have one standardized method for applying pavement warranties on local agency projects, which provides a consistent, quantifiable and transparent program that pavement contractors can recognize and implement.

Please feel free to contact me with any questions or concerns in regard to this matter.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

Enclosures

C: Chuck Eudy, Superintendent, Department of Public Works (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosure)

CITY OF FARMINGTON

COUNTY OF OAKLAND, MICHIGAN

RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM

Minutes of a Meeting of the City Council of the City of Farmington, County of Oakland, Michigan, held in the City Hall of said City on _____, at ____ o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember

_____ and supported by Councilmember _____.

WHEREAS, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

NOW THEREFORE BE IT RESOLVED, the City of Farmington hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663;

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of the City of Farmington meeting on _____, 2019.

AYES:

NAYES:

ABSTENTIONS:

Resolution declared adopted.

STATE OF MICHIGAN)

) ss.

COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Farmington at the regular meeting held on _____, 2019.

MARY MULLISON, CITY CLERK

CITY OF FARMINGTON

COUNTY OF OAKLAND, MICHIGAN

RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM

Minutes of a Meeting of the City Council of the City of Farmington, County of Oakland, Michigan, held in the City Hall of said City on _____, at ____ o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember

_____ and supported by Councilmember _____.

WHEREAS, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the City of Farmington adopted the Michigan Local Agency Pavement Warranty Program on _____, 2019;

WHEREAS, the City of Farmington agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds;

WHEREAS, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the City of Farmington agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which the City of Farmington adopted Implementation Policy defines the City of Farmington's intent of its pavement warranty program;

NOW THEREFORE BE IT RESOLVED, the City of Farmington hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

AYES:

NAYES:

ABSTENTIONS:

Resolution declared adopted.

STATE OF MICHIGAN)

) ss.

COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Farmington at the regular meeting held on _____, 2019.

MARY MULLISON, CITY CLERK