

City of Montgomery
City Council Business Session Minutes
January 4, 2006

Present

Cheryl Hilvert, City Manager
Terry Donnellon, Law Director
Susan Hamm, Clerk of Council
Frank Davis, Community Development Director
Wayne Davis, Finance Director
Bob Nikula, Public Works Director
Don Simpson, Police Chief
Matthew Vanderhorst, Information Technology
Paul Wright, Fire Chief

City Council Members Present

Gerri Harbison, Mayor
Mark Combs
William Niehaus
Lynda Roesch
Todd Steinbrink
Ken Suer

City Council Member Absent

Barry Joffe

Council convened in Council Chambers at 7:00 p.m. with Mayor Harbison presiding.

ROLL CALL

Mayor Harbison asked that the roll be called.

The roll was called and showed the following Council Members present:

PRESENT: Harbison, Combs, Niehaus, Roesch, Steinbrink, Suer
ABSENT: Joffe

Mayor Harbison noted that Mr. Joffe was absent due to business. She asked for a motion to excuse Mr. Joffe.

Mr. Niehaus moved to excuse Mr. Joffe. Mr. Combs seconded. City Council unanimously excused Mr. Joffe.

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- As a reminder, the City Council “Meet and Greet” is scheduled for Thursday, January 12, 2006 at 5:30 p.m. at Terwilliger’s Lodge.
- The Landmarks Commission would like to attend the January 18, 2006 Work Session to present a Landmark Preservation Award to Phillip’s Law Firm in recognition of excellence in preservation and restoration of the Bell House.
- The Governmental Affairs, Public Works, Law and Safety, and Parks and Recreation Committee’s are scheduled to meet on Tuesday, January 17, 2006.
- Congratulations and best wishes are extended to Police Officer Mike Young upon his retirement from the City. Mike’s last day will be Friday, January 13, 2006. Staff will be preparing a short reception for Mike on his last day from 12 noon to 12:30 p.m. at the Safety Center. Please stop by and wish Mike well in his retirement.
- Earnings tax collections through the end of 2005 totaled a 4.4% increase over collections at this same time last year.

- Thanks to all City Council Members who participated in the interviews with Management Partners as preparation work for the City's Strategic Plan. Staff will continue preparation work next week as it conducts a brainstorming session on similar questions, such as what employees feel are the most important issue(s) facing the City as a whole and their respective departments. Additionally, staff has nearly completed work on the Environmental Scan and the update of the previous strategic plan. This information will be forwarded to you prior to the Strategic Planning Session on February 3rd and 4th.

GUESTS AND RESIDENTS

There were no residents or guests to address Council tonight.

COMMUNICATIONS

There were no communications to present tonight.

MINUTES

Mr. Combs moved to approve the minutes from the November 16, 2005 Work Session, December 7, 2005 Organizational Meeting and December 7, 2005 Business Session. Ms. Roesch seconded. City Council unanimously approved the minutes.

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

An Ordinance Amending Temporary Sign Regulations

Mr. Steinbrink read the ordinance by title only and moved approval of the second reading. Ms. Roesch seconded.

Mr. Steinbrink explained that, if approved, this ordinance would amend the City's Temporary Sign Regulations to ensure that the code meets current constitutional standards. He further explained that these changes are necessary to protect the property owner's rights to free speech while balancing those issues against the community's rights to preserve the character and integrity of the City. He also explained that the recommended amendments have been reviewed by the Planning Commission as well as the Planning, Zoning and Landmarks Committee of Council.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Roesch, Steinbrink, Suer	(6)
NAY:		(0)
ABSENT:	Joffe	(1)

An Ordinance Adopting Revisions to the Land Usage Code to Implement Montgomery Road Corridor Design Standard

Mr. Steinbrink read the ordinance by title only and moved approval of the seconded reading. Mr. Niehaus seconded.

Mr. Steinbrink explained that this ordinance, if approved, would adopt revisions to the Land Usage Code to implement Montgomery Road Corridor Design Standards. He further explained that the City contracted with a consultant to assist staff and a committee, comprised of a Landmarks member, two (2) Planning Commission members, and two (2) business owners, to develop guidelines for the Montgomery Road Corridor. This study area included that portion of Montgomery Road from the Heritage District north to Hopewell Road. The scope of the study was to develop design guidelines that the City could incorporate into its development review process in order to promote better site design along the corridor. He also explained that this ordinance has been reviewed by Planning Commission and the Planning, Zoning and Landmarks Committee of Council and is being forwarded to City Council for its consideration.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Roesch, Steinbrink, Suer	(6)
NAY:		(0)
ABSENT:	Joffe	(1)

New Legislation

A Resolution Authorizing an Amendment to the Current Contract with Donnellon, Donnellon and Miller For Legal Services to the City of Montgomery

Mr. Niehaus moved that this resolution be read in title only. Ms. Roesch seconded. City Council unanimously agreed.

Mr. Niehaus read the resolution in title only and moved passage. Mr. Steinbrink seconded.

Mr. Niehaus explained that, if approved, this resolution would amend the current contract with the Law Director, via an increase in compensation of \$5.00 per hour. He further explained that this action would represent the conclusion of the Law Director's performance appraisal process for 2005. He also explained that the Law and Safety Committee has reviewed the performance appraisal and they are recommending adoption of this resolution.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Roesch, Steinbrink, Suer	(6)
NAY:		(0)
ABSENT:	Joffe	(1)

A Resolution Authorizing the City Manager to Enter into a Contract with CDS Associates Inc. for Professional Services related to General Engineering and Architectural Services

Mr. Steinbrink moved that this resolution be read in title only. Ms. Roesch seconded. City Council unanimously agreed.

Mr. Steinbrink read the resolution in title only and moved passage. Mr. Combs seconded.

Mr. Steinbrink explained that this resolution, if approved, would authorize the City Manager to enter into a contract with CDS Associates, Inc. for general engineering services for the City in 2006. He further explained that the City has contracted with CDS Associates, Inc. for a number of years and has been very satisfied with the company's services. He also explained that the proposed 2006 fee schedule from CDS Associates, Inc. is in keeping with their commitment to the City, to utilize their 2005 fee schedule. As was provided in 2005, and again this year, CDS Associates, Inc. has deleted the line time for billing of the "Principal" from the fee schedule. If for some reason the Principal is utilized, his work will be charged at the hourly rate of the Senior Manager.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Roesch, Steinbrink, Suer	(6)
NAY:		(0)
ABSENT:	Joffe	(1)

A Resolution Authorizing the City Manager to Enter into a Contract with Statewide Ford for the Purchase of Police Cruisers

Mr. Combs moved that this resolution be read in title only. Mr. Steinbrink seconded. City Council unanimously agreed.

Mr. Combs read the resolution in title only and moved passage. Mr. Niehaus seconded.

Mr. Combs explained that if approved, this resolution would authorize the City Manager to enter into a contract with Statewide Ford for the purchase of two (2) Ford Crown Victoria police vehicles. He further explained that the purchase of these two (2) police vehicles is part of a scheduled rotation program to replace older police vehicles in the Police Department's fleet. He also explained that the funding for these vehicles is contained in the Police Department Operating and Capital Budget for 2006.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Roesch, Steinbrink, Suer	(6)
NAY:		(0)
ABSENT:	Joffe	(1)

A Resolution Authorizing the City Manager to Enter into a Contract with Nortrax-Great Lakes Inc. for the Purchase of a 2007 John Deere 310 G Backhoe/Loader

Mr. Niehaus moved that this resolution be read in title only. Ms. Roesch seconded. City Council unanimously agreed.

Mr. Niehaus read the resolution in title only and moved passage. Mr. Suer seconded.

Mr. Niehaus explained that this resolution, if approved, would authorize the City Manager to enter into a contract with Nortrax-Great Lakes Inc. for the purchase of a 2007 John Deere 310 G Backhoe/Loader.

Mr. Nikula noted that the purchase of this John Deere Backhoe/Loader is a replacement for the 16 year old backhoe in the Service Department's fleet. Funding for this John Deere Backhoe/Loader is contained in the Service Department Operating and Capital Budget for 2006.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Roesch, Steinbrink, Suer	(6)
NAY:		(0)
ABSENT:	Joffe	(1)

A Resolution Authorizing the City Manager to Enter into a Contract with McCluskey Chevrolet, Inc. for the Purchase of a Medium Duty Dump Truck

Ms. Roesch moved that this resolution be read in title only. Mr. Steinbrink seconded. City Council unanimously agreed.

Ms. Roesch read the resolution in title only and moved passage. Mr. Combs seconded.

Ms. Roesch explained that, if approved, this resolution would authorize the City Manager to enter into a contract with McCluskey Chevrolet, Inc. for the purchase of a Medium Duty Dump Truck. This resolution will also reject all bids received, as they do not meet the bid specifications and it has been determined that there is a real and present emergency, which allows for the purchase without competitive bidding.

Mr. Nikula explained that the Public Works Department prepared bid specifications to purchase a 25,500 Gross Vehicle Weigh (GVW) medium duty dump truck and advertised for bids because the desired vehicle was not available through the State cooperative purchasing program. However, the bids received on December 5, 2005 did not meet the bid specifications and the Public Works Department has a present need to acquire this medium duty dump truck, which would be unreasonably delayed if re-advertised and re-bid. He further explained that staff has worked with the bidders to address the bid deficiencies and feels that the revised proposal (this is no longer a sealed bid process) from McCluskey Chevrolet will best meet the city's needs and also falls within funding available in the City's 2005 budget. He also explained that funding for this purchase was included in the Street Maintenance 2005 Capital and Operating Budgets.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Roesch, Steinbrink, Suer	(6)
NAY:		(0)
ABSENT:	Joffe	(1)

COUNCIL COMMITTEE REPORTS

Mayor's Court Report

Mayor Harbison reported that the total Mayor's Court collections for the month of November, 2005 were \$10,963.00.

Ms. Roesch moved to accept the Mayor's Court collections for the month of December, 2005. Mr. Suer seconded. City Council unanimously accepted the collections.

Financial Planning

Mr. Combs had nothing to report at this time.

Governmental Affairs

Mr. Suer had nothing to report at this time.

Public Works

Mr. Niehaus had nothing to report at this time

Parks & Recreation

Ms. Roesch had nothing to report at this time.

Law & Safety

Due to Mr. Joffe's absence, there was no report.

Planning, Zoning & Landmarks

Mr. Steinbrink reported that the Planning, Zoning, and Landmarks Committee of City Council met and are recommending the following appointments to the Planning Commission and Landmarks Commission:

Mr. Steinbrink moved to appoint Mr. Jeff Forbes to the Planning Commission for a term expiring January 31, 2009. City Council unanimously agreed with this appointment.

Mr. Steinbrink moved to appoint Mr. Jon Wade to the Landmarks Commission for a term expiring January 31, 2010. City Council unanimously agreed with this appointment.

OTHER BUSINESS

Mayor Harbison asked if there was any further business to discuss in public session. There being none, she asked for a motion to adjourn.

Mr. Niehaus moved to adjourn. Mr. Steinbrink seconded.

Council unanimously agreed.

Council adjourned at 7:25 p.m.

Clerk of Council