



Legislation Details (With Text)

File #: 17-978 **Version:** 1 **Name:**
Type: Motion **Status:** Passed
File created: 8/28/2017 **In control:** City Council
On agenda: 9/5/2017 **Final action:** 9/5/2017
Title: Consider Initiation of Request for Mediation with Waterford Township Related to 1980 Annexation Agreement.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1 - 2017_08_09 Waterford Township Letter, 2. 2 - Waterford Annexation Agreement, 3. 3 - Res. 2010-079 Waterford Township, 4. 4 - Settlement and Release Agreement (draft proposed) 110116, 5. 5 - Waterford Joint Resolution for Orderly Annexation (draft proposed) - 110116, 6. 6 - Orderly Annexation Map Waterford Township

Date	Ver.	Action By	Action	Result
9/5/2017	1	City Council	approve	Pass

City Council Meeting Date: September 5, 2017

To: Mayor & City Council

From: Ben Martig, City Administrator

Subject:

Consider Initiation of Request for Mediation with Waterford Township Related to 1980 Annexation Agreement.

Action Requested:

City Administrator Martig and Mayor Pownell recommend a motion to reject the request from Waterford Township per the letter dated August 9, 2017 and alternatively direct City Administrator Martig and Mayor Pownell to formally request, on behalf of the Northfield City Council, for Waterford Township to participate in mediation with the City through a mediator selected from the Office of Administrative Hearings (OAH) in a good faith effort to work toward dispute resolution.

Summary Report:

The City Council has previously appointed the Mayor and City Administrator to serve as negotiators in an attempt to resolve the outstanding dispute between the City of Northfield and Waterford Township regarding an Orderly Annexation Agreement. Related historical documents are attached for reference in this agenda item. Mayor Graham had been involved in 2016 and Mayor Pownell assumed responsibility in 2017.

Attached is the last proposed settlement agreement by the City which included an orderly annexation agreement. These were being proposed in December of 2016 with prospective agreement that ultimately was rejected by the Waterford Township Board.

Mayor Pownell and City Administrator Martig had met with the Waterford Township and explored the status of the proposed settlement. Mayor Pownell and City Administrator Martig verbally requested consideration of mediation as a resolution to the matter did not appear to be making forward progress. In response to this request, the Waterford Township Board has submitted the attached letter requesting a lump sum payment plus continuing with future payments into the future.

Mayor Pownell and City Administrator Martig are committed to working toward a mutual resolution to this dispute between the City of Northfield and Waterford Township. The recommendation requested is an attempt to initiate action for professional mediation services that are specialized in this area of expertise to try and resolve the matter. The Office of Administrative Hearings (OAH) is the State agency that administers boundary adjustment issues for cities and townships in the state and has expertise on the subject matter of this dispute. OAH offers mediation services to cities and townships.

The Mayor and City Administrator are not suggesting discussing the legal arguments or other terms and conditions proposed at the regular council meeting. We have continued to seek legal counsel from the City Attorney as we have reviewed this issue. Again, Mayor Pownell and City Administrator Martig feel a more productive and likely resolution will result through mediation. This would be an alternative to litigation that has been suggested to be initiated by Waterford.

Alternative Options:

Discuss individual positions to attempt to create a majority approval direction on a settlement agreement during regular meeting. This is not recommended as outlined in the memorandum.

Tentative Timelines:

- Staff is not proposing a deadline on this offer for mediation. The response would be dependent upon Waterford Township action. Mayor Pownell and City Administrator Martig will work on follow up on items related to this request if accepted by Waterford Township.
- Mayor Pownell and City Administrator Martig would continue to serve as negotiators of this issue with prior council action continuing to that effect. If Waterford Township has other responses to a Council request we would take action to do so.