

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
REGULAR CITY COUNCIL MEETING MINUTES  
TUESDAY, AUGUST 23, 2016**

Deputy Mayor Ziegler called the meeting to order at 7:00 p.m. at which time the Pledge of Allegiance was recited.

**Present:**

<b>Mayor:</b>	K. Hinkley (Excused)
<b>Deputy Mayor:</b>	R. Ziegler
<b>Councilmembers:</b>	P. Beagle
	K. Gottschall
	N. Kennedy
	T. Rzeznik
	R. Smiley

**AGENDA CHANGES:** (None)

**MINUTES:**

**CM-08-153-16:** Moved and seconded by Councilmembers Kennedy and Beagle to approve the Regular City Council meeting minutes of August 9, 2016.

**Vote:**

**Motion Carried**

**CORRESPONDENCE:**

- 1.) **Card of Appreciation from the family of Slain Dallas Police Officer Michael Krol**
- 2.) **Notice of Hearing before the Michigan Public Service Commission for Customers of DTE Electric Company – Case No. U-18122**

**CALL TO THE PUBLIC:**

There were no comments at this time.

**CITY MANAGER REPORTS:**

**1.) Departmental Monthly Reports – July 2016**

Councilmember Rzeznik noted there was a Significant Industrial User, Schupan Recycling, who had significant notice of violation in July 2016. He believed it was for the pH level that was below the local limit of 6. He asked if this was the third or fourth violation but Mr. Delaney indicated it was the second one this year. They are making corrections by putting in a pre-treatment facility now to stop this from happening. He said that they performed an inspection and determined that they didn't have any pre-treatment processes. It was explained to them through the permit the areas that they needed to address. Mr. Delaney said that they have sat down with them on numerous occasions to help them understand just how critical this is. Since then, they have had crews working on Saturday and Sunday. Obviously they want to continue to do business so they took the steps to do what they needed to do. His plan was to go there tomorrow. They should have an operational treatment to combat the low pH level. Councilmember Rzeznik asked if this was just from crushing cans. Mr. Delaney said that they completely crush full beer and soda cans that are past their shelf life. The liquid goes down a drain and gets pumped to a small wet well. From there, it is pumped out. Prior to us getting

their attention, they weren't doing anything to be able to treat any of that. They weren't finding out these numbers until it was already into the Wastewater Treatment Plant. They now have a better idea of what needs to be done. Councilmember Rzeznik clarified that once the pre-treatment equipment is installed, they will be on a regular monitoring basis. Mr. Delaney indicated that they were on a regular monthly monitoring basis right now. They are discharging five days a week, taking samples to maintain that they have a good pH level coming to the facility.

Councilmember Kennedy asked if they were self-monitoring. Mr. Delaney replied that they are not self-monitoring. They have a company called Water Technologies that is taking the samples based on the requirements of the permit.

### **CONSENT AGENDA:**

**CM-08-154-16:** Moved and seconded made by Councilmembers Rzeznik and Smiley to approve the Consent Agenda as presented which included:

- 1.) Mayoral Proclamation – National Recovery Month – September 2016

**Vote:**

**Motion Carried**

**UNFINISHED BUSINESS:** (None)

### **NEW BUSINESS:**

- 1.) **Consideration of the Introduction of an Amendatory Ordinance to the City of Wixom Code of Ordinances, Title 17, "Environment", Chapter 17.12 (Woodlands), to Add a New Section 17.12.090 (H) to Establish Guidelines for Utility Work**

**CM-08-155-16:** Moved and seconded by Councilmembers Beagle and Rzeznik to approve the introduction of an amendatory ordinance to the City of Wixom's Code of Ordinances, Title 17, "Environment", Chapter 17.12 (Woodlands), to add Section 17.12.090(H) to establish instructions for utility work.

Councilmember Gottschall stated for the record that he would not be voting to approve this. He emailed other Councilmembers and the City Manager and received a nice response back. He has had these power lines affect a few of his homeowners this year, the visibility of them costs a lot in home values, and he has also had deals fall through. Looking at the language not requiring natural barriers to be maintained, he thought that was reducing home values, potentially if barriers that wouldn't necessarily affect the power lines are taken down, which to the City translates to lower tax revenue. He thought there would be a more practical standpoint of creating a criteria list of what can be taken down and why, rather than just leaving it wholly to a utility company's say-so.

Councilmember Kennedy said if there was litigation on this, the courts tend to hold the person that drafted this liable. Being the fact that ITC is drafting this ordinance, he wondered what the legal culpability was here. Mr. Goodlein stated that ITC did not draft this ordinance. ITC requested an ordinance because when they read the current ordinance, there was no method to cut and clear trees, which

they have the authority to do under State law and case law. The City Attorney agreed. ITC agreed to pay for the attorney to prepare this ordinance. He didn't think there was any culpability on the City's part relative to any type of litigation. The court has been pretty clear in saying the utility services have the ability to remove trees for the purposes of providing service because it serves the common good. The courts have said that they have to compensate people when they do that. He didn't think the City had any culpability by moving in the direction of this ordinance. Other communities have ordinances that are similar to this one. They schedule the cutting and trimming of trees in advance of at least a 14-day notice. If they have to come onto your property by any other method except the utility easement, they will contact you personally to gain permission. He wasn't concerned about it.

Councilmember Rzeznik mentioned that his second home is located in Antrim County, Michigan. About four years ago, they suffered one of the longest power outages because these trees weren't cut in the public easement rights-of-way. He thought there were millions of dollars of economic costs to the County. He said he was very much in favor of this amendment.

Deputy Mayor Ziegler knew that some of the language was questioned as well. He tended to go with the attorneys that review these. We pay them to do a job for us and they are looking out for our interests. If they are advising us that other communities have similar language and this is more of an update of an ordinance, he tended to agree this is something we should do. Also, we are just setting this for the next meeting to vote on the enactment.

**Roll Call Vote: (5) AYES – Beagle, Kennedy, Rzeznik, Smiley, Ziegler  
(1) NAY – Gottschall  
(1) ABSENT - Hinkley**

**Motion Carried**

**CALL TO THE PUBLIC:**

Jane Kleban, 507 Natures Cove Court, thanked the Council on behalf of the Citizens' Committee for the Wixom Public Library Millage Renewal. Eighty percent of the voters approved this millage, which means that this Library will continue to serve the people of Wixom for ten more years. She thanked Deputy Mayor Ziegler for placing a sign in his front yard with a donation and Councilmember Rzeznik and his wife for buying lifetime memberships for the Friends of the Library.

In regard to tax abatements, she read recently in the *Spinal Column* the article discussing the appointment of Eddie Osman to the Tax Abatement Committee. She voiced her concerns from a citizen's point of view. To her, it just didn't seem right for a person that does not live in the City of Wixom to be able to determine policies and procedures for the City. These matters should be within the demeanor of the residents who actually reside in the City. She met Eddie and she found him to be very supportive of the City of Wixom. He pays for refreshments at the State of the City meeting and he sponsors the City golf outing. The issue is broader than Eddie himself as an individual or as a businessman. It is about advocating our rights in favor of allowing people who live in outlying communities to decide City of Wixom

matters. This action is disturbing and could result in precedence being set that may be later difficult to undo. In the area of tax abatements, some of these neighboring cities might be competing for the same companies that Wixom is trying to attract, thus creating a potential conflict of interest. She knew the matter was under legal advisement and she hoped the City of Wixom decides that the residents of Wixom should determine its own policies and protocols. Ms. Kleban said it would be helpful if the Committee could issue an open report card that assesses how well businesses that have benefited from abatements performed the established criteria. These are things like how they expanded the City's tax base as a result of the abatement, how many employees have they hired from within the City of Wixom, how have they attracted related industrial facilities, how have they economically stimulated other business activities, and how have they fulfilled their community commitments. She didn't think this was too much to ask of companies who have either paid no taxes or reduced taxes for a number of years. The report can make a fabulous piece of publicity on how Wixom has positively benefited from its investment of tax abatement companies.

Ms. Kleban noticed that the City of Wixom was allowed to ask voters to support the upcoming millage renewal, but the Library had legal restrictions that they could not ask voters to say yes. The Library itself could provide informational brochures, but they weren't allowed to tell the voters to vote yes. She wondered why those legal opinions differ. Deputy Mayor Ziegler didn't think that they did. He understood anything being done by the City was within the guidelines set forth. He didn't know if we used the same advisors that the Library Board used. He didn't think we were doing anything that we shouldn't be doing. Ms. Kleban indicated an article in the Crossroads Newsletter is telling voters to vote for the millage. Deputy Mayor Ziegler said he hadn't seen that yet. Mr. Goodlein also hadn't read the Crossroads article, but the position of the City is to provide information concerning the millage, to tell people how we have spent their money, to tell people what will happen if the millage passes, to tell people what will happen if the millage doesn't pass, and to give them the information to make a decision. If the Crossroads says we want someone to support the passing of the millage, we will correct that. If it has been issued electronically, we will issue a correction. The law specifically says that tax dollars can't be used for the purpose of promoting or supporting any position on any millage question.

Councilmember Kennedy commented that the article does say that the City will be asking voters to support this for our fire, police, etc. Mr. Goodlein said he didn't know how that happened, but it shouldn't have said the City will be requesting support. The City will request that the people of the community look at the issues and make their own decisions. Councilmember Kennedy wanted to know what would be done about this. Mr. Goodlein said he would take a look at it and see what he can do to fix that. Councilmember Kennedy asked if we would be getting something else out to refute that particular statement within the law and Mr. Goodlein replied yes.

Lori Rich, 50140 Helfer, strongly suggested that while it is a City's publication, there is an article in there that is written by an individual. To protect the City's interest, she thought the City needed to be vetting that article before it gets published. It concerned her when the City Manager said he hadn't read it yet.

Other people haven't read it yet. She said that there needs to be a layer of review in place for everything that is in there. She knew that department heads vet what they write and the City Manager vets what he writes, but she knew that from past experience sometimes that particular column hasn't always had the opportunity to be reviewed and we probably should be doing that. Mr. Goodlein asked her what column she was referring to and Ms. Rich assumed it was the Mayor's column.

#### **CITY MANAGER COMMENTS:**

Mr. Goodlein reminded everyone of the Town Hall Meeting concerning the millage on Wednesday, September 7<sup>th</sup> at 7:00 p.m. at the Community Center. There will be a presentation by Mr. Hieber from Oakland County Equalization to explain some of the nuances of taxation like Proposal A and the Headlee Amendment.

Also, the mother of Tony Moscone, Bernadette, passed away on August 20<sup>th</sup>. Tony has been a member of the Downtown Development Authority and a Wixom businessman for a long time. Her obituary is on the website of Desmond and Sons Funeral Home.

Lastly, Mr. Goodlein mentioned that the Lakes Area Youth Assistance (LAYA) will host their 16<sup>th</sup> annual Taste of the Lakes, on Tuesday, September 20<sup>th</sup>, from 5:00 to 8:00 p.m. at Edgewood. Tickets are \$25 in advance and \$30 at the door. Tickets are available from Jodi Gallo of our Building Department, as well as the Commerce Township offices or the Village of Wolverine Lake offices.

#### **COUNCIL COMMENTS:**

**Councilmember Kennedy** congratulated City Manager Goodlein. It has been more than a year since he has been our City Manager. With that, he thought we would be doing an employee evaluation, which he knew everyone was interested in doing every year. He thought Councilmember Rzeznik would be preparing a new evaluation form because Council felt it was weak. Councilmember Rzeznik responded that the Wage and Salary Committee was going to agree on a new format for the evaluation. Councilmember Kennedy then stated that at the next meeting, he would like to talk about the Hopkins Barn project. He would like an idea of how many different directions are being looked at. He would like to have SafeBuilt present to discuss the costs of bringing it into ADA compliance. He wanted to see what we were being obligated to do. Mr. Goodlein replied that we can give the Council an idea of what the costs are, but we are not obligated to anyone at this point. Councilmember Kennedy believed that the DDA was moving forward on some things. He wanted a report on where this whole thing is going, including presentations of what they are looking at and the concept. Lastly, Councilmember Kennedy offered his prayers to the Moscone family on the passing of their mother.

**Councilmember Beagle** said his thoughts and prayers go out to the Moscone family.

**Councilmember Gottschall** didn't think we would have another meeting before school starts. Being with high school kids coaching football for the last few weeks, we have our first game tomorrow night. He wished all of the students in the City good luck for a successful school year.

**Councilmember Smiley** stated kudos to County Commissioner Phil Weipert on acquiring some road funds for the City. He thanked him for that. He said the Moscone family has his condolences as well.

**Councilmember Rzeznik** extended his condolences to the Moscone family. Also, there was a call out for volunteers for the Wixom Block Party on September 17<sup>th</sup> through the DDA. He suggested that we pass this around to our neighbors and friends so we can get volunteers for the games. He said he was excited about the potential of Aldi Market coming to Wixom. He saw that in the Economic Development Report. That was very exciting news to him and it was near and dear to their hearts during the time they lived in Europe. It will be nice to have one right here in Wixom. Also, he knew that the Tax Abatement Committee published a report card in March or April that listed each tax abatement, the expirations, and how many jobs were created. He heard it said by our auditors that Wixom does a very good job at claw back if someone is non-performing. The report is out there and he thought it was presented during one of the more recent tax abatement items that came before City Council. He reminded everyone that our Boards and Commissions are not policy-makers in the City. The City Council is the body that votes on those decisions. They are recommending bodies and then they bring them to Council. We do have non-residents on the Board purposely, such as a representative of the Walled Lake Schools. Lastly, be careful as school starts because the foot traffic and bicycle traffic will increase around the school zones.

**Deputy Mayor Ziegler** said he attended the circus with his grandkids and he didn't think the crowd was very large. He asked if there was a report on how the circus was attended. Mr. Goodlein said the attendance was less, although he didn't have the exact numbers. Deputy Mayor Ziegler said it was a pleasant show but with fewer animals, it was a little less exciting for some of the children. The kids had fun. He then said he appreciated all of the comments tonight.

### **ADJOURNMENT:**

The meeting was adjourned at 7:32 p.m.

Catherine Buck  
City Clerk

Approved 9-13-2016
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