

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, AUGUST 8, 2017**

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

Present:

Mayor: K. Hinkley
Deputy Mayor: R. Ziegler
Councilmembers: P. Beagle
K. Gottschall
N. Kennedy
T. Rzeznik
R. Smiley

AGENDA CHANGES:

Mr. Brown requested the addition of New Business #6 – The Discussion of the Trailway Council Assistance Offer.

Councilmember Gottschall requested the addition of New Business #7 – Recommendation to Direct Hubbell, Roth & Clark to Provide an Analysis for a Potential Crosswalk Located on Beck Road from the Village Apartments to the Commercial District of Novi, Michigan.

PUBLIC HEARING:

1.) Public Hearing to Review the Findings of the Dangerous Building Hearing Officer's Demolition Order of May 22, 2017

Mayor Hinkley read the Rules for Public Hearings.

Mr. Brown stated that we have a demolition order for 2345 Fairbury. This Public Hearing is to discuss the potential demolition of this property. He then turned it over to Dennis Smith, the Building Official.

Mr. Smith stated that this property has been under an enforcement action by the City for at least the last three years, if not more. We have had the owner of the property in court several times for various reasons such as a dilapidated structure. He showed pictures of the condition of the home that were taken during the last inspection with the property owner's permission on March 2, 2017.

Mayor Hinkley asked how many acres this was. Mr. Smith thought it was two and a half to three acres.

Mr. Smith indicated that the first Public Hearing was held on May 22, 2017. The Hearing Officer concluded that it was uninhabitable. It is dilapidated and unsafe.

Mayor Hinkley asked if there was plumbing in the house. Mr. Smith replied no. The plumbing is not connected.

Councilmember Kennedy asked if there was power in the house at the time the pictures were taken. Mr. Smith replied yes, but there was no heat or water. Since the inspection, the electricity has been disconnected.

Mayor Hinkley opened the Public Hearing at 7:09 p.m.

Vance McCormick, Hearing Officer, said that he checked over a lot of the pictures. One picture showed an open pipe with brown insulation and he was concerned about that. The water was there when Mike Howell was here. Mold can grow underneath the base heating. In the basement there was also black mold on the floor. The whole place is dangerous. He went by the house not too long ago and it has gotten worse on the outside. At the May 22nd Public Hearing, he asked that the City tear this down within 30 days. The property owner had not responded. Some of the residents that attended the May 22nd Public Hearing made it clear that they were very upset with this property and he could understand that. The owner has had plenty of warnings and we've gotten no response. It is unfortunate that it has come to this.

Debra Wallot, 2250 West Euna, said she drives by this property at least twice a day. It has been vacated for at least four years. Prior to that, the owner of the house lived there but the outside still looked horrible. When they first vacated the house, she had black mold. Nobody has lived in that house for at least four years. It is a huge eyesore. There is junk everywhere.

Kate Pratt, 1944 Bogie Drive, stated that she has lived there for over 20 years. She has watched this property degrade terribly after this person moved in. She presented her own pictures to the Council. She said they have been very disappointed with what has been happening because there are young children in the neighborhood now. A week ago, she swore she saw a rat run across the road back into that property. It has been pretty bad lately. The City has mowed this year because the property owner has not mowed.

She read the following letters from two of her neighbors:

Dear Wixom City Council,

Our family lives at 1974 Bogie Drive, right around the corner from the above mentioned property (PN96-17-29-276-007). Besides the Fairbury property being an eye sore, it is dangerous to any kids in the immediate area, as well as pets. The family whose yard borders the dangerous property has two small children that are not allowed anywhere near their neighbor's yard. It is an unfortunate situation.

We've had skunk and raccoon problems in the three years we've lived here due to the overgrown yard and the garbage everywhere. It has decreased the property value for our subdivision. It needs to either be torn down or sold. It has been made very apparent that the current owner is not capable of fixing or taking care of the property, in any capacity.

Someone could be seriously hurt if they were to enter the yard or the house.

*Thank you for your consideration,
Amanda and Phillip Tesolin*

To Whom It Concerns,

I purchased the house located at 2323 Fairbury, Wixom Mi 48393 in April 2017. During the process of buying the house I couldn't help but notice the red house located at 2345 Fairbury as we have to drive past it to get to our house. I could tell that it posed a danger to my 10 year old son. There was trash all over the yard and stray cats. It looked run down and neglected. I had a talk with my son before we moved into our house letting him know that he was not allowed near that house and to stay away from it. I couldn't tell if someone lived there or not. I later found out that the house was basically abandoned and that the owner didn't live there.

I have lived in Wixom for ten years now and have always thought of it as a wonderful community. This house is an eye sore and a danger to the community. Thank you for taking the time to read my letter.

Kane Maks

Ms. Pratt stated that they personally have had problems with the value of their house dropping, which all of them did during the bad time. But they were trying to refinance several times and had notices that this property was one of the reasons that their value was lower than it should have been for them to refinance. They have managed to take care of that now. It has been an eyesore and a problem. They have had rodents around and they hoped something could be done. They strongly encouraged the Council to approve the demolition. She thanked the Council for their time.

Susan Weibel, 2365 Fairbury, stated she has lived in her home for 42 years. The house next door used to be owned by a lovely couple with children. It was always kept nicely and she was friendly with them. When they sold the property, someone moved in who took no care and left the place looking like a trash haven. She would describe the property as "the trash heap next door." She lives next door and her windows face that property. During the summer there are beautiful bushes. They are weeds, but they mask from her windows that house. In the winter, she uses heavy drapes and covers those windows so she doesn't have to look into a trash heap. She did not buy her home in Wixom to be next door to the local trash yard. She thought this house is very unsightly. She also thought it was very unsafe. There are pieces of glass on the property. She walks two miles every day and she passes that house closer than a car. One day there was underwear in that yard blowing around. This is not what we want Wixom to be known for. She asked Council to follow through and take the house down. She then thanked the Council.

Nancy Dingeldey, 2220 West Euna, commented that they have a great neighborhood. The Council has heard from some of those neighbors tonight regarding the unfortunate situation that has existed there for a good four years. It is a shame that a person would look upon their property that way and allow it to disintegrate into the heap that it is. Unfortunately, there was only one thing that she hoped the Council would do and that was to support and approve the demolition order. She hoped that property would be sold and a new structure would be put in its place that afforded the opportunity for their neighborhood to once again be pretty. It is a well-kept and well-manicured neighborhood. The people care for their property, except for that one building. It has an impact on everybody. Should she put her house up for sale today, she would not have anybody come down Fairbury because they would pass that house. She asked the Council to consider how they

would feel if they lived next door or across the street from this house. She hoped the Council knew how the neighbors felt. She thanked the Council for their time.

Leah Paukovits, 2227 W. Euna, commented that this is her third year in the neighborhood and the weeds are really high and the house is very unsightly. She walks her dog two or three times a day and she has to walk by the house. Her kids ride their bikes. We are all concerned about our property values. She said she is in support with her neighbors in asking for the demolition.

Mayor Hinkley asked if there are any kids riding their bikes back in there snooping around. Ms. Paukovits said that her kids ride their bikes in the street but they ride past the house. They know not to go there. She hasn't seen anybody on the property but it was very unsightly until the City cut the grass. The grass was very high. She has seen a lot of groundhogs and garbage. She was tired of seeing it and she didn't live across the street.

Councilmember Kennedy said he walked there today. When they did their inspection on March 2nd, the air conditioning coils were there. Now they have been cut away and stolen. The house is being stripped of its copper. The doors have been pried off the shed. There is quite a bit of glass and a lot of debris. Most everybody on the Council knows he came here with the same situation when he lived on Beck Road. The Council took care of it for him. It was a stressful thing to live next to that kind of situation. He appreciated what the Council did for him back then.

Mr. Brown asked the Mayor to formally ask if there was anybody who wanted to speak against the demolition and/or if the owner or their representative was present. Mayor asked if the owner was present and there was no response. He then asked if there was anybody who wanted to speak on behalf of the property and not seeing the building demolished. Again, there was no response.

Mayor Hinkley closed the Public Hearing at 7:26 p.m.

PRESENTATIONS:

1.) Affirmation by Jason Breitmeyer and David Stewart of their Oath-of-Office as Full-Time Firefighters

Fire Chief Roberts stated that Jason Breitmeyer began his paid on-call career with the City of Wixom in 2006. In 2003, he married his wife Tracy who was present along with their daughters Sarah, Kaitlyn and Audrey. In 2014, Mr. Breitmeyer was promoted to Lieutenant. In 2013, he became certified as a NFPA Fire Inspector. He is a rescue technician and was awarded the Medal of Valor in 2010 for his work at the machine rescue at the Ford Motor Assembly Plant during the demolition.

The City Clerk swore in Fire Inspector Jason Breitmeyer.

Fire Chief Roberts said David Stewart started work with the City in 2003 as a Police Service Aid. He is a 2009 graduate of the Oakland Fire Academy. After moving to Wixom in 2008, he and his wife Samantha (who was present) were married in 2010. With Mr. Stewart tonight were his parents (Ken and Linda), his sister (Tracy), and Samantha's mother (Lisa). Mr. Stewart has many certifications, including Hazardous Materials, Open Water Rescue and Confined Space.

The City Clerk swore in Emergency Medical Services Instructor/Coordinator David Stewart.

At 7:29 p.m., the Council took a break for cake. They reconvened at 7:51 p.m.

MINUTES:

CM-08-115-17: Moved and seconded by Councilmembers Kennedy and Rzeznik to approve the Regular City Council meeting minutes of July 25, 2017.

Vote:

Motion Carried

CORRESPONDENCE:

1.) Notice of Hearing for the Customers of DTE Electric Company – Case No. U-18262

CALL TO THE PUBLIC:

There were no comments at this time.

CITY MANAGER REPORTS:

1.) Fire Report – June 2017

There were no comments regarding this report.

2.) Police Report – June 2017

Councilmember Gottschall noted the sizable jump in the category for Obstruct Police Disorderly and he wondered if this was because of any particular event. Director Moore commented that he noticed this jump as well. It went from 3 last year to 14 this year. He couldn't name any particular trend as to why that happened. The Obstruct Police category is a little misleading. When you think of "obstruct police", many people think of resisting or fighting with the police. But if an officer were to stop somebody and ask for their name and the person gives a false name because they know they have a suspended driver's license or a warrant, that also falls under the Obstruct Police category. He thought that perhaps the officers stopped a lot of people who were disorderly and/or intoxicated or simply lied to them.

CONSENT AGENDA:

CM-08-116-17: Motion and seconded by made by Deputy Mayor Ziegler and Councilmember Beagle to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a. Wixom Library Board Minutes of June 26, 2017

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

1.) Request for Authorization to Purchase an AirHawk Vehicle Exhaust Capture and Air Purification System from Clean Air Concepts, Inc. of Cincinnati, Ohio for \$48,667 and Waive the Bid Process due to Proprietary Constraints

CM-08-117-17: Moved and seconded by Deputy Mayor Ziegler and Councilmember Rzeznik to authorize the purchase of the AirHawk Vehicle Exhaust and Air Purification System, through Clean Air Concepts, Inc. of Cincinnati, Ohio in the amount of \$48,667 and waive the bid process due to proprietary constraints.

Councilmember Rzeznik understood a lot of the technical reasons why we go to this type of system. The report indicated that Canton and Rochester have recently installed these and he asked if they have been in operation for a couple years. Chief Roberts replied that both buildings have been renovated. Canton's was brand new within a year and Rochester was a retrofitted building that was done just a few weeks ago. Councilmember Rzeznik wondered about their expected lifetime other than what the manufacturer states. Chief Roberts stated that they have been in service for years but not just in those two buildings. He mentioned Rochester and Canton because that is how close they are getting to where we are. They have been manufactured for the last five years. It is a lifetime unit and he was guaranteed that as long as we purchase the filters from the manufacturer.

Councilmember Beagle asked how much the filters were. Chief Roberts answered that they are \$400 annually. Councilmember Beagle asked if they came out to inspect them. Chief Roberts explained that it has Smart Technology which turns a light on when the pre-filter is dirty. We would change the pre-filter and each subsequent filter would have to be adjusted. The more often we clean the pre-filter, the longer the main filter lasts. Councilmember Beagle asked if the filters were the only upkeep and Chief Roberts said that was it.

Councilmember Smiley clarified that we were waiving the bid process due to proprietary constraints and it is unavailable through any other manufacturer. Chief Roberts said that was correct. The Photo-Catalytic Oxidation Chamber is patented.

Deputy Mayor Ziegler commented that the second part of the recommendation addresses that which should be on the record. It is to waive the bid process since no apparent benefit to the City would be derived from bidding with only one manufacturer providing this type of specialty equipment.

CM-08-117-17: Moved and seconded by Deputy Mayor Ziegler and Councilmember Rzeznik to amend the motion to including waiving the bid process since no apparent benefit to the City would be derived from bidding with only one manufacturer providing this type of specialty equipment.

Councilmember Kennedy asked how we become aware of this particular process. Chief Roberts said that during one of his conferences in Indianapolis, he stumbled across the display. He had been researching some ways to either retrofit the building or retrofit the equipment. He found this AirHawk System and he toured the Canton Fire Station.

Vote:

Motion Carried

The Council then voted on the main motion.

CM-08-117-17: Moved and seconded by Deputy Mayor Ziegler and Councilmember Rzeznik to authorize the purchase of the AirHawk Vehicle Exhaust and Air Purification System, through Clean Air Concepts, Inc. of Cincinnati, Ohio in the amount of

\$48,667 and waive the bid process since no apparent benefit to the City would be derived from bidding with only one manufacturer providing this type of specialty equipment.

Vote:**Motion Carried**

2.) Recommendation to Accept Hubbell, Roth & Clark's Proposal for Engineering Design and Construction Services for the Highgate Subdivisions 2018 Paving Project for a Total Not to Exceed \$89,000 for Design Engineering and \$156,000 for Construction Engineering

CM-08-118-17: Moved and seconded by Councilmembers Smiley and Kennedy to accept Hubbell, Roth, & Clark's proposal for engineering design and construction services for the Highgate subdivisions 2018 paving project for a total not to exceed \$89,000 for design engineering and \$156,000 for construction engineering.

Councilmember Beagle thanked Mr. Sikma for the breakdown in his report. He said it made it clear what we were actually paying for and he appreciated that.

Councilmember Gottschall said the term "underdrain" is used right next to the curb and gutter system. He asked if it was replacing that. Mr. Sikma replied that the underdrain is underneath the curb and gutter. There will still be the curb and gutter where appropriate.

Mayor Hinkley said his concern on this particular project was that the design engineering (\$89,000) and construction engineering (\$156,000) services seemed high. It was practically 18% of the total project. He was concerned that we were using taxpayers' dollars here. This particular project has been on our radar screen. When he bids jobs with engineering involved, they are not that high. He was trying to feel comfortable with what was driving that so high. Mr. Sikma said that we want a full evaluation because there is the possibility after we are able to do core samples to determine whether or not we have to do a full reconstruction or if they recommend mill and overlay. If we can do the mill and overlay, we may be able to do a second project with the money we save. If that occurs, we will not spend the full amount.

Mayor Hinkley asked if there was a PASER rating on that road. Mr. Sikma said there are portions of the roads that are threes and fours on the PASER rating. Mayor Hinkley knew this had been on our list of subdivisions to do. When he looked at some of our previous jobs as far as the size, it was a little tough to determine how many feet were paved or rebuilt. He looked at the total project and tried to weigh the engineering cost. It seemed to him that 18% was a little rich. He remembered in the last subdivision job that we did (Hidden Creek), he thought there was \$60,000 for sprinkler repairs. Mr. Sikma confirmed that there are a number of sprinkler repairs when they are destroying curbs and gutters. Mayor Hinkley said there were lesser amounts of sprinkler systems in that subdivision than in a newer subdivision. He asked where the money would go if we didn't use it all. Mr. Sikma said that if we don't spend it, it stays in the Local Road fund.

Councilmember Kennedy was looking at this bid as well as the West Road bid. The report talked about sidewalk ramps concrete replace and repair. The unit replacement repair on the subdivisions was \$8.00 but on West Road it was \$6.00. He thought it would be the same situation. Also, we are getting eight of the ADA tiles on the Highgates for \$300, but we are only getting four for \$200 on West Road. The excavation of the earth, the cubic yardage, was \$7.00 a yard on the Highgates and on West Road it was \$15.00 a yard. He wondered why the pricing was so much different for the same things. Mr. Sikma stated that the West Road project was federally funded so they work with prevailing wages and set prices on certain things. Councilmember Kennedy asked if he was saying we are bidding for prevailing wages on West Road. Mr. Sikma said there was a prevailing wage on West Road and he wasn't sure why the sidewalks would be higher.

Karyn Stickel said that when we look at these, we look at the quantities we are putting in. There was a difference in unit price based on the quantity because of mobilization that goes into it. We also look at grading and other site conditions. Councilmember Kennedy commented that we are charged separately for mobilization. It was \$36,000 for Highgates and \$56,000 for West Road. That was already a number that was figured into the total amount. Ms. Stickel said that we look at all of the site conditions when it comes to that. They do a drive-by of the sites before they do the estimates. She stated that West Road was flatter so there was less grading. Councilmember Kennedy noted that West Road was twice as much. Ms. Stickel said that we have the prevailing wages on West Road, too. There are differences in pricing when you compare the local jobs versus the federal jobs. Councilmember Kennedy said that he would like to see what these costs actually are and why they are different. He wanted a better explanation other than it might be a prevailing wage or it might be this or it might be that. Ms. Stickel said they could definitely provide that to the Council.

Mayor Hinkley thought Councilmember Kennedy had a valid point that wasn't answered - eight ADA tiles at \$300 each and four on the other project that are only \$200. A tile is a tile, whether it is going in Highgate or West Road. If economy was their scale, he would think eight would be less than four. Ms. Stickel said that these unit prices are not just the tile. It was installing the tile as well. It was installation, labor, material and everything that goes into putting the tiles in. Mayor Hinkley said that if he was doing eight, he thought she would be asking him for a better price versus four. Mr. Sikma said that it depends on the width and the location. There are different sizes.

Mayor Hinkley thought this seemed like it was a little fat in some places. He said the Council was the gatekeepers. They are the ones that get charged with spending the taxpayers' money. He thought 18% seemed a little rich compared to some of our previous projects and he had a problem with that. He had a hard time supporting this. He thought it should be revisited. He wasn't in favor of either of these because there was no bid process. Ms. Stickel commented that these projects will be bid when we get contractors.

Deputy Mayor Ziegler thought we were getting a few things mixed up. He thought the points Councilmember Kennedy brought up deal with some of the amounts of work that are being done versus the issue Mayor Hinkley brought up on the fees for

the engineering being a percentage. He didn't know how HRC or other companies work. He didn't know if they work on a percentage or if they go through a process of how many hours they are going to spend on this and what resources they need. He thought there were two completely different things. His points are valid and should be explained as to why there is a discrepancy on some of these line items. He thought that could be taken care of and not interfere with the vote of the approval of the project going forward. Then we have to look at whether or not we think we are getting the best deal for our money for the services of the engineering firm. Over the years, he has come to the conclusion that a lot of the things the Council did were based on trust. The Council has to make a determination whether they trust that HRC was giving them the honest to goodness, real price. That was what their industry does. If we make the determination that we are being treated honestly, then we can say we are in favor of going forward with this project. If we come to the other conclusion based on experience and observation, then we have to go the other way. His experience has been that he trusts HRC that they are giving us a good deal. He would hope we would never have to find out the hard way that that was not the fact. He said he would support this going forward. It was his opinion that we could still work on these figures and clarify the discrepancies for Councilmember Kennedy as to why those tiles were different prices. He looked forward to seeing that as well. He didn't think this should hold up the vote on whether we move forward with this project.

Councilmember Kennedy appreciated everything that Deputy Mayor Ziegler said. There was a famous president that said "Trust but verify." That was what he was asking for. He appreciated the fact that he said he would be bidding this out. He knew these were rough estimates. Ms. Stickel guaranteed that these prices would not come in at what the estimate said. Mr. Brown added that she was making an estimate as to what other people are going to bid. Councilmember Kennedy hoped for a chance to revisit this. What typically happens is the Council passes things and they never go back to look at some of these things. He was hoping we could have her assurances that she would bring this back to show the Council what we hit. Ms. Stickel said that we generally bring them back once they get the construction bid. With that, we will get a bid tab that shows unit prices and what was actually bid. Councilmember Kennedy said it may be an extra step, but he would really appreciate that.

Mr. Brown stated that in the future, we will bid out the project and we will have bid results. We will select a particular vendor to do the actual construction work and at that time, those costs will be set. The Council will have the opportunity to approve the bid going out and then the award of the bid where we will provide the bid detail that will show the individual prices.

Roll Call Vote: (6) AYES – Beagle, Gottschall, Kennedy, Rzeznik, Smiley, Ziegler
(1) NAY – Hinkley

Motion Carried

3.) Recommendation to Accept Hubbell, Roth, & Clark's Proposal for Engineering Design and Construction Services for the 2018 West Road Reconstruction Project for a Total Not to Exceed \$96,000 for Design Engineering and \$160,000 for Construction Engineering

CM-08-119-17: Moved and seconded by Councilmembers Rzeznik and Beagle to accept Hubbell, Roth & Clark's proposal for engineering design and construction services for the 2018 West Road reconstruction project for a total not to exceed \$96,000 for design engineering and \$160,000 for construction engineering, with funds to be derived from the Local Development Finance Authority.

Councilmember Gottschall asked what the dollar amount was of the grant. Mr. Sikma replied that it was \$854,000. Councilmember Gottschall asked if the design and construction engineering came out of the same funding source. Mr. Sikma replied that this was part of the LDFA.

Councilmember Beagle questioned the pavement marking and street signs at \$12,000. He thought that seemed high. Ms. Stickel said there were quite a few pavement markings and street signs that will have to go up in that area. This was the estimate that was approved by the State when they gave the funding. She reminded them that we will be bidding this out and hoped they would come out lower.

Councilmember Kennedy asked why the last one was 18% and this one was almost 20%. Ms. Stickel said that for this one, there is federal funding involved so there are strict guidelines for both design and construction with MDOT. There are meetings, mile markers and certain submittals that they want to see as far as permitting was concerned. There was additional work both up front and during construction to get this project up to date with the federal standards. They want every piece of paper they can possibly get in case they get audited. Councilmember Kennedy thanked HRC for helping Wixom with the grant.

Councilmember Rzeznik reaffirmed a comment from the previous action item that the sense of the ADA tiles being less cost for the federal project with union labor than the local project with nonunion labor. He wanted to be very careful about that. Also, he reminded everyone that this was a not-to-exceed proposal. The Council will get another chance to look at this.

Mayor Hinkley thought Ms. Stickel would have said that the center lane caused the increase in the cost. Ms. Stickel said that it was more costly to do that engineering. It was a complicated process. Mayor Hinkley asked where the center turn lane came from. We haven't had one. It was a quarter mile stretch of road. He was looking at the taxpayers' dollars. He knew the road was junk and we have to rebuild it. He never heard anything through the PASER study or the discussion of the road that we were going to add a center turn lane for a quarter mile of road. There are maybe two or three driveways going east that would go left or north before the railroad tracks. He didn't see a need for a center lane. It was in the cost of the design engineering (\$96,000) and the construction engineering (\$160,000). He gets questions like this when he is walking the streets. Ms. Stickel replied that she didn't have the breakdown cost of the center lane but she could get that information for the Council. Mayor Hinkley said this is a not-to-exceed. He asked if the Council could decide if they needed a center lane when the bids came back. Ms. Stickel said that that center lane might be a requirement.

Deputy Mayor Ziegler remembered a discussion the Council had at one time when we were making the Wixom Road change. There was a big discussion and we had already bid it out. We were getting down to the actual construction of it and it came back to Council to approve something. One of the Councilmembers wanted to do away with the right turn lane. His idea was he wanted the cars to slow down and take in all that Wixom had to offer. People wouldn't be hurried through that intersection. Council had to vote at that time and it passed with the right turn lane. Deputy Mayor Ziegler thought people still saw the beauty of Wixom. Also, when he thought of that piece of road, he remembered 40 years ago he was a policeman here in Wixom. He worked the midnight shift quite often. That was a favorite place of his to sit in the middle of the night to watch for cars that would run the stop sign. He thought a car came by about once every hour. There was no traffic at all. Things change and he was not surprised to see a center turn lane. He thought it made sense because it probably matches up with the other side of the road coming eastbound. It also probably matches what was done on the Novi side. He said he supported this.

Vote:

Motion Carried

4.) Recommendation to Accept Hubbell, Roth, & Clark's Proposal for Engineering Services for the Water Reliability Study Update in an Amount Not to Exceed \$20,000

CM-08-120-17: Moved and seconded by Deputy Mayor Ziegler and Councilmember Beagle to accept Hubbell, Roth & Clark's proposal for engineering services for the Water Reliability Study update and Asset Management Plan in an amount not to exceed \$20,000.

Vote:

Motion Carried

5.) Consideration of the Approval, Disapproval, or Modification of the Order for the Demolition of the Building at 2345 Fairbury

CM-08-121-17: Moved and seconded by Councilmembers Rzeznik and Smiley to approve the demolition order of the building at 2345 Fairbury.

Councilmember Rzeznik thought the evidence as offered by the Building Department, the Dangerous Hearing Officer and the residents was overwhelming. It was nice that we were able to take care of this as a community. He wondered with the property being vacated for over four years and understanding that we want to error on behalf of the property owner, did the process really take over four years. Mr. Smith said that the problem that we have had in this particular case was that we have been in and out of court so many times that things kept getting further delayed because of court dates and attorney changes. At the last court session, the judge requested that the court case be dismissed so we could move forward with this process. Our City Attorney prepared the order and we then went through our process. Councilmember Rzeznik asked if we felt we had done everything as expediently as possible within the limits of the law and Mr. Smith replied yes.

Councilmember Beagle asked if they would take away just the house or all the trash around it when they demolish the house. Mr. Smith replied that our intent is to not only remove all the debris from the yard but all the structures. Everything will be down and gone.

Councilmember Kennedy said that there was something on the door with yesterday's date on it. Mr. Smith thought it was probably mortgagee's notice or a lender's notice that the property had been vacated. He noted that during the title search, there were two lenders. There was a document with the signature of the owner stating it was an occupied, inhabited house. That was clearly not the case, nor has it been for quite some time.

Councilmember Smiley said that all of the things we heard today painted a pretty bleak picture. He thought Mr. Smith's report was even more thorough. He showed all of the things that were wrong with that location.

Councilmember Gottschall thought that this was one parcel, not two. Mr. Smith replied that it was one parcel. Councilmember Gottschall stated that it was a little over six-tenths of an acre.

Deputy Mayor Ziegler was curious if they were paid up on their taxes. Mr. Brown said there was no foreclosure on the property.

Mayor Hinkley said he was very much in favor of supporting this, but nobody has said the cost to demo this. Mr. Smith said that depending on the Council's decision, that will come forward at the next regular Council meeting. He guessed it to be about \$17,000. Mayor Hinkley asked if that cost would be put on the taxes. Mr. Smith said that the demolition is bid out and approved by Council. The invoice is sent to the property owner afterward. If it is not paid, it will go onto the tax bill. Eventually it will come back. Someone will eventually buy the property. Mayor Hinkley thought people should know that was a cost to the City for a time.

Vote:

Motion Carried

6.) Discussion of the Trailway Council Assistance Offer

Mr. Brown explained that Wixom, Walled Lake and Commerce took ownership of a former railroad line in hopes of creating a trail to connect the west side of the state with the east side of the state. The total mileage owned by the three communities was 5.5 and Wixom had 1.06 miles of the trail. He explained that many costs would be borne if they chose to improve the trail.

Mr. Brown said Mr. Levine attended the last meeting of the Trailway Council to express his interest in donating to the development of the trail but said there were some stipulations to his donation. He would like the Trailway completed by the summer of 2019. Mr. Brown said that the gentleman planned on being at the next Trailway meeting to further formalize his plans and determine if there was any commitment from the three communities involved.

Mr. Brown explained that the donation would essentially be in two parts. He offered to cover the cost of design and engineering services; however, he wished to use the design and engineering firm Stantec. He explained that the second part of his donation was a monetary donation of \$100,000 that would be used toward a match for an MDOT Transportation Alternatives Program (TAP) grant. His monetary donation would be withheld if they did not submit an application for the TAP grant by the October 30, 2017 deadline.

Mr. Brown noted that the meeting of the Trailway Council was tomorrow and they hoped to have some form of expression of support by Council to accept the donation and go along with the processes Mr. Levine has offered.

Councilmember Rzeznik said he always joked that the trail should be completed before he died. He noted that a positive thing was the obligation of a summer 2019 deadline for action. They had talked many times about the lack of private cooperation on this side of the State as opposed to the west side. The City of Grand Rapids was a prime example of public/private partnerships for projects like this. He was in favor of investigating this but questioned the legality of the Trailway Council for issuing a no-bid contract for the engineering to Stantec.

Councilmember Gottschall said with Walled Lake being on and off the fence with this project in the past, it made him feel apprehensive. He thought that it may cause a hurdle making sure the entire trail was completed within the allotted timeframe should Walled Lake go down that path again. He asked if Walled Lake was on board with this. Mr. Brown said during the public meetings Walled Lake noted they were on board with seeing this trail completed and were willing to meet their financial commitment. Councilmember Gottschall expressed that he was gun-shy dealing with Walled Lake given their past practice. He asked if the Trailway Council actually received a verified proof of funds from this donator. Mr. Brown said that none of those details have taken place as of yet; however, all those details would be touched on at the Trailway Meeting on August 9, 2017.

Councilmember Gottschall cautioned that they should see proof of funds before they start this process, especially because it would be a "no-bid" job to his preferred engineering firm. Mr. Brown explained that the purpose for tonight was not to make any formal resolution of expenditures of funds but to get the opinion of Council on this matter.

Councilmember Smiley said it sounded like there were a lot of questions that could be answered at the next Trailway meeting. Given that Mr. Brown was only looking for our thoughts, he said that he was in favor of this.

Mayor Hinkley questioned if the summer 2019 deadline was a promising reality. Ms. Magee said that it could be.

Mr. Brown said there was a far greater likelihood of getting things done in that time frame because of this potential donation.

Councilmember Rzeznik wondered if the time-line of October 30th for the grant application was achievable. Ms. Magee said that it was.

7.) Recommendation to direct Hubbell, Roth & Clark to Provide an Analysis for a Potential Crosswalk Located on Beck Road from the Village Apartments to the Commercial District of Novi, Michigan

CM-08-122-17: Moved and seconded by Councilmembers Gottschall and Smiley to direct Hubbell, Roth & Clark to provide an analysis for a potential crosswalk located on Beck Road from the Village Apartments to the commercial district of Novi, Michigan.

Mayor Hinkley was not in favor of a motion at this time because HRC thought the cost of the study would be approximately \$4,000 - \$5,000 with a project range of \$80,000 - \$120,000. He noted that they had not received any communication from the City of Novi regarding their help with any funding. He explained how everyone at one time or another said someone would get hit by a car because the people did not use the crosswalks already installed at the corners of Pontiac Trail and Beck Roads. He had difficulty spending Wixom taxpayers' money for businesses that generate no revenue for the City of Wixom because everything on the east side of Beck Road was in the City of Novi.

Councilmember Rzeznik said that back in October when this topic came up he asked if there was any federal grant aid for a project like this and Mr. Booth said there was a call for safety projects but they were driven by accidents or fatalities. He wondered if the current situation changed that and there was some grant aid available.

Ms. Stickel said an option for the Safety Grant Program was now available given that there had been a more serious injury accident. Unfortunately, with the timeline it would not be available until 2019-2020. She mentioned that no extensive investigation was completed to determine if there were other grants available at this time.

Councilmember Rzeznik said that an investigation to research for grants would be the first step. He recalled when the City challenged HRC on the West Road mile and they were able to come up with something.

Mr. Brown mentioned in the past Wixom had provided a letter of support for a traffic signal to the City of Novi where they were going to be the lead applicant on a grant. Perhaps when the City was ready to make an application they could receive a letter of support from Novi to attract that grant funding.

Councilmember Smiley wondered if four accidents in that location was a lot. Chief Moore asked the records staff to look at the pedestrian accidents they had in that area from January 1, 2011 until present and the result was one accident. That one accident happened last Friday. He also reached out to Novi and found they had three pedestrian accidents during that time. Fortunately, there had been no fatalities in either Wixom or Novi.

Councilmember Smiley still wondered if that was a lot. Chief Moore said he was surprised by the low number given the amount of people he has seen crossing the road at that location.

Mayor Hinkley wondered if there had been other accidents in a similar location. He thought of people leaving the Village and crossing Pontiac Trail to get to the car wash or the Dunkin Donuts plaza. Chief Moore said the only pedestrian crossing accident that came to mind was at least five years ago.

Councilmember Kennedy wondered if they had ever received information from Novi regarding this. Mr. Brown said that Mr. Goodlein made attempts to contact them. He explained that he called Novi today but did not receive a call back before tonight's meeting. Councilmember Kennedy said they could look into this further once they received a clearer picture on what the City of Novi's take was on this.

Councilmember Gottschall agreed that the businesses in the plaza were in Novi; however, the people crossing Pontiac Trail were residents of Wixom. He felt it was not a fair comparison to use south Pontiac Trail with pedestrians crossing to north because it was a straight shot without any bends unlike it was by the Taco Bell. He confirmed that he only wanted a study performed. He understood they needed to look into grants but a study would need to be performed regardless. Given that there were no Novi residents benefiting from this, he believed it was worth the City's time to invest in a study to determine what the feasibility was. He thought a study would only give more information to be able to go back to the City of Novi to ask them if they wanted to get involved. He mentioned that he wanted to start this project a while ago and was the only member of Council to vote in favor of performing a study. He said that it was tough to hear that someone was hit on a project that he was trying to move forward, and it was even more difficult to sit and listen to the same excuses. He felt irritated because Novi would not return our calls. He felt a \$4,000-\$5,000 fee was not too high when they were trying to figure out how to protect the residents. He mentioned that Chief Moore said the preliminary investigation of the pedestrian accident determined that the pedestrian was at fault. He thought it would almost always be the case because there were no crosswalks at that location.

Chief Moore said that there was no indication that the driver was speeding or reckless, and it was dark outside. That was what he meant by that.

Councilmember Gottschall thought it would be difficult to ask the City of Novi to chip in \$2,000 to perform a case-study on how the City of Wixom was going to protect its residents. He said it lacked a little empathy for the City to say that this situation occurred but "it is what it is." He expressed that the City should move forward with this study. He understood that it was frustrating not having a response from Novi, but felt that the City could spend \$4,000 - \$5,000 to protect our residents.

Deputy Mayor Ziegler wanted to make it clear that all of Council cared about the welfare of the citizens in Wixom. He thought that sometimes they had a tendency to knee-jerk when something happens and he expressed some caution with that. He wondered if it would be better to send a flyer out to the residents of the Village Apartments informing them of the accident and ask them to use the crosswalk that

was located further down the street. If the City put them on notice, maybe they could get some cooperation. He thought a flyer may be a better way to go. He did not think that they should spend money to create a crosswalk just because there was an accident. He felt terrible for the person that was injured and would pray for their recovery but he did not think they needed to have a knee-jerk reaction every time there was an accident. He would not support a study of this nature. He thought they could keep it on our radar and should HRC find a grant out there that could help us then maybe it could happen one day.

Councilmember Gottschall said that he brought this up in 2016, before the accident with the forethought that there might be an accident. To him it wasn't a knee-jerk reaction. This was something that he was trying to prevent a long time ago.

Deputy Mayor Ziegler did not believe that a crosswalk at that location would have prevented this accident. Who's to say that the person would have used the crosswalk and not the path that they took.

Councilmember Gottschall felt the point of the study would determine where the best location would be to install a crosswalk. He noted that his idea of a crosswalk was not painting two white lines across Beck Road, but installing lights that were so bright you would have to be blind not to see them. He thought asking residents to walk all the way down to the corner of Pontiac Trail and Beck Road without any sidewalks was not realistic. He liked the idea of asking the residents where the best location would be to install a crosswalk ensuring they would use it.

Mayor Hinkley asked Chief Moore if they had an actual finished determination of fault. Chief Moore said not at this time.

**Roll Call Vote: (1) Ayes - Gottschall
(6) Nays – Beagle, Hinkley, Kennedy, Rzeznik, Smiley,
Ziegler**

Motion Failed

CALL TO THE PUBLIC:

Nancy Dingeldey, 2220 West Euna, asked if they heard the cheers coming from Hickory Hill when they passed the demolition of the Fairbury house. She was very grateful. She hoped it would be publicized when the demolition would happen as they could have bleachers and a block party to watch it come down. She asked if the cost of the demolition would become a lien against the property. Council confirmed that it would be.

CITY MANAGER COMMENTS:

Mr. Brown noted they received kudos from the At Home Store as they appreciated the response time and cooperativeness from staff as they try to establish their business in the City of Wixom. He thanked Mr. Smith and his staff.

COUNCIL COMMENTS:

Councilmember Gottschall wanted to praise Chief Moore and the Police Department for their growing use of social media. He thought it was nice that they were showing the officers helping out residents. He heard from his neighbors that

some cars had been broken into. On today's social media, he saw the crooks from dash cameras and security footage had been shared. He thought these efforts would definitely turn up the heat on these people breaking into the cars. It was a nice way to connect with the residents.

Councilmember Smiley gave the Suez employee, Mr. Ruben John, kudos for successfully completing his certification and obtaining a certificate to operate the treatment plant. A round of applause was given as Mr. John was in the audience.

Councilmember Beagle congratulated Mr. John on the passing of his exams and offered his congratulations to Lt. Jason Breitmeyer and David Stewart for becoming full-time firefighters.

Councilmember Rzeznik wondered if the rained out concert would be added to the end. Ms. Magee said no as the last concert was this Thursday. He thanked Chief Moore for his quick action on the press release on the DTE scam that affected the area's business.

Councilmember Kennedy had no comments.

Deputy Mayor Ziegler appreciated the clock being on the TV monitors as the clock that used to hang on the wall was removed.

Mayor Hinkley said he never understood how the City gave work to a business such as HRC without going through a bidding process. He felt they needed to look at other firms. He was aware that HRC had performed well and they had a long standing relationship but there were other companies that may cost the City less. He thought everything needed to have the opportunity for the bid process. He stated that it was nothing personal but this was a topic that constantly gave him heartburn as he felt it was something they owed to the residents of the City.

ADJOURNMENT:

The meeting was adjourned at 9:42 p.m.

Catherine Buck
City Clerk

Approved 8-22-2017
