

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, SEPTEMBER 12, 2017**

Mayor Hinkley called the meeting to order at 7:02 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:

Councilmember Kennedy requested to move Correspondence #2 – Memorandum from City Manager Steven Brown Regarding the Sidewalk Gaps Analysis to New Business #6 for discussion and possible action.

MINUTES:

CM-09-129-17: Moved and seconded by Councilmembers Rzeznik and Kennedy to approve the Regular City Council meeting minutes of August 22, 2017.

Vote:

Motion Carried

CORRESPONDENCE:

- 1.) **Notice of Hearing for the Customers of DTE Electric Company – Case No. U-18242**
- 2.) **Memorandum from City Manager Steven Brown Regarding the Sidewalk Gaps Analysis** (*Moved to New Business #6*)

CALL TO THE PUBLIC:

There were no comments at this time.

CITY MANAGER REPORTS:

1.) Fire Report – July 2017

Councilmember Rzeznik was interested in the drills for firefighters to familiarize them with new buildings in the City. He wondered if that was common practice when there was a new structure and if we sent the entire crew. Chief Roberts stated that everybody goes. They usually do it on Wednesday evenings or Sunday mornings during regularly scheduled training. Councilmember Rzeznik asked if they did the same thing if a company has a new buildout or modernization of their interior if it was extensive enough. Chief Roberts replied yes. If they change the interior dimensions at all of the building or if they added anything unique, they bring all of the firefighters because they don't know who will respond to what call.

2.) Police Report – July 2017

There were no comments or questions regarding this report.

CONSENT AGENDA:

CM-09-130-17: Motion and seconded by made by Deputy Mayor Ziegler and Councilmember Kennedy to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a. Wixom Library Board Minutes of July 24, 2017
- 2.) Consideration of Setting September 26, 2017 as the Date for a Public Hearing Associated with a Request from Moeller Manufacturing Company LLC, of an Extension of Industrial Facility Tax Exemption Certificate #2014-446 in Accordance with Public Act 198 of 1974, as Amended
- 3.) Consideration of Setting September 26, 2017 as the Date for a Public Hearing Associated with a Request from Moeller Manufacturing Company LLC for Transfer of Industrial Facility Tax Exemption Certificates #2010-236 and #2010-236A in Accordance with Public Act 198 of 1974, as Amended

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

- 1.) **Request for Authorization to Purchase Three 2018 Ford Police Interceptor Utility Vehicles for \$81,885 from Gorno Ford of Woodhaven, Michigan, Based on the Results of an Oakland County, Michigan Bid Process**

CM-09-131-17: Moved and seconded by Councilmembers Beagle and Smiley to authorize the purchase of three 2018 Ford Police Interceptor Utility vehicles for \$81,885 from Gorno Ford of Woodhaven, Michigan based on the results of an Oakland County, Michigan bid process.

Councilmember Rzeznik asked if we would be retiring three of the training and/or detective vehicles that have high mileage and are older with the three that come out of service as patrol vehicles. Chief Moore replied no. During the past budget session, the discussion was that the three vehicles that will come out of service will be used in other places in the City. One will come back to the Police Department, one is supposed to go to the Fire Department and staff will have further discussions for the most appropriate place for the third vehicle. Councilmember Rzeznik asked if the 2006 Ford 500 was strictly used for training exercises. Chief Moore indicated that vehicle did not leave the City. That one is scheduled to disappear. Councilmember Rzeznik clarified that none of the existing vehicles would be retired or sent to auction, except for the 2006 Ford 500. Chief Moore confirmed that was correct.

Councilmember Kennedy noticed that Gorno Ford bid two different venues and two different prices. He wondered if that happened a lot. Chief Moore said that in the three months that he has been the Police Chief, this was the first time he has seen that happen. He said that one was the Michigan State Police bid and the other was the Oakland County Sheriff bid. We went with the cheaper of the two. You would think that the number of vehicles the Michigan State Police purchase would be the

lower bid because of economies of scale, but that does not appear to be so. It was the same company, Gorno Ford, for both bids.

Mr. Brown thought that it might have been a smaller quantity that was actually bid in the process for the Michigan State Police. Perhaps the Oakland County Sheriff was bidding out for more vehicles.

Vote:

Motion Carried

2.) Recommendation to Award the Municipal Floor Mat Rental Services Contract to Continental Linen Services of Kalamazoo, Michigan, in the Amount of \$3,161.60 Annually for Three Years with an Option to Extend the Contract for Two Additional Years, and Authorize the Mayor and City Clerk to Sign the Contract on Behalf of the City

CM-09-132-17: Moved and seconded by Councilmembers Smiley and Beagle to award the municipal floor mat rental services contract to Continental Linen Services of Kalamazoo, Michigan, in the amount of \$3,161.60 annually for three years with an option to extend the contract for an additional two years, and authorize the Mayor and City Clerk to sign the contract on behalf of the City.

Councilmember Kennedy asked if the linens were for all year long. With the carpet squares, he wondered if we could just forego the summer months since we can replace individual squares. Mr. Sikma replied that the mats are replaced every two weeks. They keep the carpet clean of mud and rain. He felt the mats were a better way to go than the replacement of the carpet squares.

Deputy Mayor Ziegler stated that this was another one of those issues to come up where we reflect on the purchasing cap in the City Charter that requires this sort of thing to come to us. This was something that really should be handled administratively. He wished that amendment to the Charter had passed a few years ago when we tried to adjust the purchase amount to come before Council.

Mr. Sikma noted that this was a contract so approval of the Council for the Mayor to sign would be necessary. If the company requires a signature, administration is not authorized to do that.

Vote:

Motion Carried

3.) Consideration of Renewing the Winter Maintenance Agreement with the Road Commission for Oakland County for Pontiac Trail (from the Western City Limits to Beck Road) and Loon Lake Road (from Benstein Road to the Northern City Limits) by Adopting the Authorizing Resolution and Authorizing the Mayor and City Clerk to Sign the Agreement on Behalf of the City

CM-09-133-17: Moved and seconded by Deputy Mayor Ziegler and Councilmember Rzeknik to renew the Winter Maintenance Agreement with the Road Commission for Oakland County for Pontiac Trail (from the western City limits to Beck Road) and Loon Lake Road (from Benstein Road to the northern City limits) by adopting the

following authorizing Resolution and authorizing the Mayor and City Clerk to sign the Agreement on behalf of the City:

**RESOLUTION 2017-
2017-2018 WINTER MAINTENANCE AGREEMENT**

WHEREAS, since 2005, the City of Wixom has assumed snow and ice control on Pontiac Trail from Beck Road to westerly City limits and Loon Lake Road from the City limit east to Benstein and has realized an increase in the level of service and community satisfaction; and,

WHEREAS, Pontiac Trail and Loon Lake Road from the City limit east to Benstein are under the jurisdiction of the Road Commission for Oakland County; and,

WHEREAS, the Road Commission for Oakland County has assigned snow and ice control responsibilities to the City in the past for these roads.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Wixom hereby approve the 2017-2018 Winter Maintenance Agreement renewal with the Road Commission for Oakland County and authorize the Mayor and City Clerk to sign the Agreement on behalf of the City of Wixom.

Councilmember Rzeznik asked how many years we have been in this agreement with the Road Commission. Mr. Sikma replied we have been doing this since 2005.

Councilmember Kennedy thanked Mr. Sikma for getting increases on the revenue to us included in this contract.

Vote:

Motion Carried

4.) Request for Authorization to Retain the Firm of Plant Moran, PLLC, of Southfield, Michigan, to Perform Required Performance Audits of the City's Compliance with Public Act 51 of 1951, as Amended (Act 51), for a Period Covering Fiscal Year 2016/2017 to Fiscal Year 2018/2019 with the Fee for Each Audit Ranging from \$3,000 to \$5,000, along with the Approval of an Associated Budget Amendment for Fiscal Year 2017/2018 to Provide Funding in the Amount of \$5,000

CM-09-134-17: Moved and seconded by Councilmembers Rzeznik and Beagle to authorize the retention of the firm of Plante Moran, PLLC, of Southfield, Michigan, to perform required performance audits of the City's compliance with Public Act 51 of 1951 (Act 51) as amended for a period covering Fiscal Year 2016/2017 to Fiscal Year 2018/2019 with the fee for each audit ranging from \$3,000 to \$5,000, along with the approval of an associated budget amendment for Fiscal Year 2017/2018 to provide funding in the amount of \$5,000.

Councilmember Rzeznik asked if we got a special deal or discount since Plante Moran is our City auditor. He knew Act 51 had to be audited separately. Mr. Brown said that this was our first experience with this. He was hoping that some of our colleagues in other municipal organizations that had different fiscal years would have reacted differently. He considered this to be a nonsense move that shouldn't have been hoisted upon localities by the State. Councilmember Rzeznik questioned if it was part of the annual audit in prior years. Mr. Brown said that when it was passed,

it was never intended to be done by municipalities, in his opinion. All of a sudden, this year, it has been pushed down to the locals so the State doesn't have to pay for it. It is an unfunded mandate from the State to do work that they were intended to do. They are asking it to be done on everybody that has Act 51 money. He thought it should be done on a case-by-case basis, like if there was a red flag or inconsistency in the reporting. He thought it was reflected in the cost. He talked to other people when he was trying to figure out if we could push the bubble on this and maybe push back to the State but it was too late. He talked to other communities who are doing this and their rates are commensurate with the size of their operations. Ours seems to be pretty much in-line with what others are being charged. He was hoping if it becomes something where we have some success in pushing back to the State and we don't have to do it any longer, we just won't contract with Plante Moran in that case. The report indicates that this will cover the period of time which audits are required. He thought the cost was fair and hoped it would be closer to \$3,000 than \$5,000.

Deputy Mayor Ziegler wondered if it would make sense as a Council to express our dissatisfaction with the State mandating this unfunded mandate. Mr. Brown thought that would be something to consider and it would be appropriate. The bottom line is if we spend \$3,000 to \$5,000 on an audit, that is \$3,000 to \$5,000 we are not spending on maintenance or improvements of roads. Deputy Mayor Ziegler said he would support sending some kind of formal resolution. Mr. Brown indicated he would draft one for the next meeting.

Vote:

Motion Carried

5.) Recommendation to Award the Bid for the Demolition, Removal and Site Restoration of Structures, Land and Property Located at 2345 Fairbury to the Low Qualified Bidder, Milford Salvage of Milford, Michigan in the Amount of \$18,500 with Funds from Accounts Receivable – Liens and to Invoice All Applicable Costs Plus an Administrative Fee to the Property Owner

CM-09-135-17: Moved and seconded by Deputy Mayor Ziegler and Councilmember Smiley to award the bid for the demolition, removal and site restoration of structures, land and property at 2345 Fairbury to the low qualified bidder, Milford Salvage, Milford, Michigan in the amount of \$18,500 with funds derived from Accounts Receivable – Liens and to invoice all applicable costs plus an administrative fee to the property owner.

Councilmember Beagle asked if we could make sure Milford Salvage does a nice job on this property and maybe do a little bit extra. These residents have been looking at this house for three or four years now and he thought they would rather look at a blank slate. We owe it to them to make sure it gets done properly. Mr. Brown said we had some feedback from bidders asking why we were requiring so much on this particular case. That was the kind of thing we had in mind. We don't want to leave anything that is done poorly or not done to the extent it should have been. The amount of dirt required to cover the site is a little bit more than usual. We did beef up a normal demolition spec because of those concerns.

Councilmember Rzeznik questioned if the site was left seeded. Joe Vruz from Milford Salvage said they will make it look like a park. They are local and we know their work. It will look beautiful when they leave. He commented that there is a lot of stuff buried in the woods. He is going to clean all of that out and cut down all of the small brush. It will be seeded and top-soiled. They will also put down a straw blanket so it doesn't blow away.

Councilmember Kennedy questioned that we are going to put a lien of the invoice price to the homeowner but we are going to charge the administration fee also. He thought that was a tax on something they were already going to do. He wondered if that was about 1.5%. Mr. Brown said that the administrative fee is intended to cover the processes and costs of attorney fees and others. It was an above-and-beyond kind of thing and this has been going on for years. Councilmember Kennedy said he was used to seeing administrative fees on our water bills. People are paid to do these jobs already and it seemed to him that this was an additional tax. If there have been that many additional fees and costs, he could understand trying to recuperate some of that.

Mayor Hinkley said he still had a little heartburn with this whole thing. He supports this, but he is always looking toward what is the end result. He thought there was probably more than \$18,500 here that has been a burden to the City. For him, as a taxpayer, that is a burden that gets put on him along with other taxpayers in this City. Once this is completed, he wondered what the plan was for marketing the property. How will we market the property for someone to come in and build a home that will fit in this neighborhood? He knew it goes on the tax rolls and we get it when it is sold. But he was afraid the property would never be sold. He doubted a builder would put a spec home there on the premonition it will sell. Mr. Brown replied that the City won't have ownership of the property at this point. There won't be any involvement by the City in terms of marketing this property. If the fees aren't paid, which is what we anticipate, we will place a lien on the property. That lien will go with the property against that property owner. If and when they sell the property and clear any money, the expenses due to the City would be cleared through the transaction. Mayor Hinkley commented that if the property never gets sold and we put a lien on it, it becomes a burden to the City. Mr. Brown said that was another reason this was a detriment to the City. We will have a cash outlay for some period of time. Mayor Hinkley said that he can support the demolition and the remediation of the property. As someone who is here to look out for other taxpayers' money, it is probably over \$20,000 that could be used for sidewalks or road improvements. It troubles him to support something that we will have no idea when we will get any kind of monies back. Mr. Brown felt that this was an extraordinary circumstance and fortunately these kinds of things don't happen very often.

Mayor Hinkley asked the Fire Chief if we ever did controlled burns on something like this and if it was possible to burn it down during a training session. Chief Roberts replied yes. Unfortunately, the property owner has to give us their blessing. They would have to sign a hold harmless agreement so if a firefighter got hurt during the training there would be no law suit. We would also have to take out a significant amount of liability insurance in the event there was some other catastrophic event that took place during the training. There is about a month's worth of work with the

MDEQ and EPA to secure the property, remove any asbestos, have an abatement study done, remove asphalt shingles, etc. He would hesitate to guess on the cost.

Going back to the marketability of this property, Councilmember Gottschall commented that there was another house on Euna that was built within the last eight years. He asked if we had considered using some of our land acquisition to take this property over for our costs incurred. He thought we could sell the property as a vacant lot for more than our cost to demo it and we would be adding to City funding. Mr. Brown answered that we have not had any interactions with the homeowner about potentially procuring the property. Once the demolition was taken care of, that could be something we could evaluate. The internal discussions have been that there could be some marketability of the property for more than one home because there are many lots involved. He indicated that the property was approximately three-quarters of an acre.

Councilmember Smiley wondered what their motivation would be to give the City the lot and call the demolition a wash. Mr. Brown said he didn't know any of the financial parameters involved from that person's end. Councilmember Gottschall said they wouldn't have to pay out of pocket on the tax bill every year. They would just be handing us the keys to the property and we would be writing off the cost that would go on their tax roll. Then we would be in charge of marketing.

Deputy Mayor Ziegler appreciated the conversation but he thought we were a little off point. He thought we could have these discussions at a later point in the event the property becomes available for sale. He thought we needed to move on with the motion.

Mayor Hinkley asked Mr. Vruz when he planned on starting the work if he was awarded this bid tonight. Mr. Vruz said that as soon as they are awarded this bid, they will do the asbestos survey which takes three to four days before they will get the results. Then they submit their ten-day notification of intent with the DEQ. We are probably three to four weeks out. They hoped to get the grass grown before the end of the season.

Vote:

Motion Carried

6.) Memorandum from City Manager Steven Brown Regarding the Sidewalk Gaps Analysis

Councilmember Kennedy appreciated that Mr. Brown brought this to Council after he asked for it at the last meeting. He said that rather than just sitting and waiting for engineering studies, he felt that some of these projects could be finished, especially in the downtown area. He would like to see people being able to utilize the sidewalks in the downtown. He saw people walking to Sibley Park from the Post Office with kids in strollers and felt that it could be dangerous. He wished to see some of these sidewalks finished and thought this was an ideal time to install sidewalks in some of these locations. He thought it could potentially save money if we addressed some of these issues now. He noted that the memo Council received said they were collecting monies for this type of thing.

Mr. Brown explained that 0.3 mills levy was approved by the voters to collect approximately \$210,000 - \$220,000 annually.

Councilmember Kennedy realized there were a lot of things needed to happen with regards to the sidewalks but asked the administration to determine what they could do to start moving forward with it. He hoped to start moving with the money we had in the bank and suggested purchasing new property. He thought we could then pay it back with the leveled tax dollars as it comes into the City.

Councilmember Rzeznik explained that any new buildings must put in a safety path. He noted that they must be eight feet wide per the City's PUD. He would support the administration moving forward with a general plan for this but said they should take priority for the seventeen areas from a public safety perspective.

Councilmember Smiley agreed with Councilmember Rzeznik in prioritizing the areas that needed attention with public safety in mind. He also supported Councilmember Kennedy's suggestion of borrowing to purchase land than pay it back once the money was to come into the City from the 0.3 mills levied.

Mr. Brown recommended proceeding with obtaining the fundamentals of the easements, then focusing on areas around schools and in the downtown area first. He explained that once there were a set number of easements acquired, they would bid out the project.

Deputy Mayor Ziegler said if the City was collecting the funds for this type of project through the millage, he believed that any right-of-way purchase or property purchase would come out of those funds. He suggested contacting the attorney to get confirmation. He was satisfied with the direction the Council gave and felt the report was accurate. He thought all the plans were in motion to move forward. He appreciated Councilmember Kennedy's efforts in bringing this forward.

Councilmember Gottschall noted that on the east side of Wixom Road near Charms there was a small section that was not included in the memo from the City Manager and suggested it be added to the list. He thought it was a priority connecting the subdivisions near Sarah Banks Middle School. He explained how he read that widening the sidewalks near the Loon Lake Woods Subdivisions might be considered; however, he felt that was inconsistent with the sidewalk size in front of the other homes within that neighborhood. That might look goofy. In his opinion, numbers 16 and 17 from the list were not a priority as they already had sidewalks on the opposite side of the street.

Councilmember Kennedy agreed with focusing on the public safety areas being higher on the priority list. He was sure the administration was capable of looking this up without a motion from Council. He felt satisfied with tonight's discussion and the objective of moving forward.

CALL TO THE PUBLIC:

Nancy Dingeldey, 2220 West Euna, said that she could not thank the Council enough for unanimously voting for the demolition of 2345 Fairbury. She said that she had a different opinion from the Mayor's in regard to the neighborhood. She felt the

neighborhood was not a cookie-cutter sub but rather unique. Some houses are old and new but they are all kept up and in good shape. The property in question was three-quarters of an acre and it was right across the street from the golf course, therefore, making it quite appealing. In addition, the layout of the sub made it a quiet and safe place to live because you were familiar with every car. She said they were thrilled that this action was finally taking place and felt confident that the City would get every penny back that was spent over the last four years because this property would sell.

Bruce Berans from Hillside Apartments explained that he was running for City Council and was at the meeting to introduce himself. He said that he had some experience with politics as he had been invited to numerous places like the Detroit Renaissance Center to talk about education and Ford Field to talk with the Detroit Lions about being a community leader. He looked forward to getting to know the Council a little better. Deputy Mayor Ziegler asked why he would want to be on City Council. Mr. Berans said he wanted to make the community better and becoming a member of Council would help him to achieve that. He loved Wixom and has lived here all his life. It would mean a lot to him to serve and represent his constituents.

Various students from the Lakeland High School were in the audience on behalf of their government class. They answered questions from the Mayor and City Council.

CITY MANAGER COMMENTS:

Mr. Brown highlighted a few things from the City Manager's Update. He congratulated Deputy Clerk Crystal Opalko for obtaining her Certified Michigan Municipal Clerk Certificate. He understood that it was a lot of work and time. He thanked her for her commitment in becoming a better Clerk for the community. He pointed out that the Quiet Zone for CSX Railroad will finally go into effect at 12:01 a.m. on September 14, 2017. Signs will be posted in the area. It was a busy month for building permits as 230 permits were issued for the last month. Additionally, the Clerk's office has the new voting equipment on display and he encouraged everyone to participate in the mock election. He mentioned that the equipment will also be on display at the Fire Department Open House on October 14th. The 2017 Youth Connection Chief Cooking for Kids Event will be Thursday, November 16th. Chief Roberts will be representing the City of Wixom.

COUNCIL COMMENTS:

Councilmember Gottschall asked if there was any update on the actuarial studies for bidding out the bonding process. Mr. Brown said they only had some information but not all of the information just yet. He said they would bring it forward when they've collected everything. Councilmember Gottschall asked if there were any updates regarding Walled Lake Schools and video recording. Mr. Brown said he looked into this and hoped to have something for them soon.

Councilmember Smiley congratulated Ms. Opalko on her certification. He loved seeing the students come to the meeting. He also congratulated Mayor Hinkley on the birth of his granddaughter.

Councilmember Beagle congratulated Ms. Opalko on getting her certification from the Michigan Association of Municipal Clerks. He thanked Ms. Gallo for obtaining a

grant for the City of Wixom. He thought the residents would be thrilled with the Quiet Zone. Lastly, he thought there was a great turnout at the Block Party this weekend.

Councilmember Rzeznik dittoed a lot of the congratulatory remarks. He thought the Block Party was just fantastic. Under the leadership of Ms. Barker and the DDA, the party turned out to be wonderful. He also thought the music was great and wished the gal that played would come back for the summer concert series.

Councilmember Kennedy said ditto for all the congratulatory sentiments. He noted that if you were aware of any student in high school that was looking at the military, this Friday would be the last day to accept military academy nominations at Congressman Trott's office.

Deputy Mayor Ziegler had no comments.

Mayor Hinkley offered congratulations to the staff that was recognized tonight by the City Manager. He apologized for not attending the Block Party. He was really impressed by all the work of Ms. Barker and the DDA. It was apparent they improved from last year's event. He was happy to hear things went well and believed the event will continue to grow. He asked everyone to tell their neighbors and friends to slow down because school was in session. Look around because the kids are back on the sidewalks and may not use the crosswalks.

ADJOURNMENT:

The meeting was adjourned at 8:17 p.m.

Catherine Buck
City Clerk

Approved 9-26-2017
