

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, JUNE 26, 2018**

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

Present:

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

AGENDA CHANGES:

Mr. Brown requested the addition of New Business #11 – Request for Authorization of a “Better Utilizing Investments to Leverage Development” (BUILD) Transportation Planning Grant Application for the Widening of Beck Road from Three to Five Lanes to be Prepared by Hubbell, Roth & Clark for an Amount not to exceed \$15,000.

MINUTES:

CM-06-93-18: Moved and seconded by Councilmember Smiley and Deputy Mayor Beagle to approve the Regular City Council meeting minutes of June 12, 2018.

Vote:

Motion Carried

CORRESPONDENCE: (None)

CALL TO THE PUBLIC:

There were no comments at this time.

CITY MANAGER REPORTS:

1.) Departmental Monthly Reports - May 2018

Councilmember Gottschall thanked Deanna Magee for updating the rental breakdown to go a little more in-depth.

Councilmember Rzeznik questioned the Industrial Pretreatment Program (IPP). He noted that Schupan did not exceed violation limits, however they did exceed the surcharge limits for Phosphorus and BOD's and he wondered what that meant. Mr. Delaney explained that there is surcharge of a poundage loading that they are allowed to discharge. They went over the milligram per liter but they did not hit the poundage per day based on their flow. Even though they went over, it doesn't become a violation. However, we do charge them because it is outside of what we are treating for. It helps us to recover costs. Councilmember Rzeznik clarified that they write a check and Mr. Delaney said that was correct. We invoiced them in May and we will be invoicing them again because they are still having some issues. It

has continued to be a problem so it could lead to a violation if they can't get it under control.

Deputy Mayor Beagle wondered about the lining of the fields at Gilbert Willis Park. He asked if the leagues rent the fields from us. Mr. Sikma said that they do. We estimated how much time it would take to line and groom the fields. Based on how much they are paying each week, we do it either three or five times. The idea is to cover that cost.

2.) Monthly Budget Report - March 2018

There were no comments or questions on this report.

3.) Monthly Budget Report - April 2018

There were no comments or questions on this report.

CONSENT AGENDA:

CM-06-94-18: Motion and seconded by made by Councilmembers Rzeznik and Smiley to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a. Cemetery Board Minutes of June 7, 2017
 - b. Zoning Board of Appeals Minutes of May 14, 2018

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

1.) Consideration of Mayoral Appointments and Reappointments

CM-06-95-18: Moved and seconded by Councilmembers Smiley and Kennedy to reappoint Pamala Young to the Cemetery Board with a term to expire June 30, 2023; reappoint Kent Burzynski, Craig MacDonnell and Arvid Petersen to the Construction Board of Appeals with a term to expire June 30, 2020; reappoint Caleb Sheng and Wes Umlor to the DDA with terms to expire June 30, 2022; reappoint Jason Martinez to the Parks and Recreation Commission with a term to expire June 30, 2021; reappoint Joseph Barts, Raymond Cousineau and William Day to the Planning Commission with a term to expire June 30, 2021; reappoint Jean Korleski and appoint Judith Celinske to the Senior Citizen Commission with a term to expire June 30, 2021; and reappoint Jeffrey Caplan and Michael Schira to the ZBA with terms to expire June 30, 2021.

Judy Celinske was present at this meeting. Deputy Mayor Beagle thanked her for volunteering her time. She said she was looking forward to serving on the Senior Commission. Councilmember Rzeznik welcomed her.

Vote:

Motion Carried

2.) Consideration of the Year-End Budget Amendments and Requests for Commitments of Fund Balance to Comply with the Uniform Budget Act 621 and Governmental Accounting Standards Board Pronouncement – GASB 54

CM-06-96-18: Moved and seconded by Councilmember Rzeznik and Deputy Mayor Beagle to approve the submitted Budget Amendments to reflect more accurately the revenues and expenditures for Fiscal Year 2017-18 and to comply with the Uniform Budget Act 621 and GASB 54.

Ms. Stamper explained that since this was the last Council meeting of this fiscal year, it was standard procedure to come back to Council for final amendments on the budget in order to fall within the guidelines of the Uniform Budget Act 621. This ensures that we don't have any deficit spending within our funds.

Councilmember Rzeznik asked if this was also where we put the Act 51 road funds in their proper place. Ms. Stamper replied yes. Once we close the fiscal year and have the final DPW activity for the month of June, we have the ability to move funds from Major Roads to Local Roads if we need that to cover some of those activities.

Vote:

Motion Carried

3.) Recommendation to Approve the Cost Participation Agreement Between the City of Walled Lake, the City of Wixom and the Charter Township of Commerce for Michigan Air Line Trail Transportation Alternatives Program Grant from the Michigan Department of Transportation and Authorize Mayor Richard Ziegler to Sign the Agreement

CM-06-97-18: Moved and seconded by Councilmembers Kennedy and Rzeznik to approve the Cost Participation Agreement between the City of Walled Lake, the City of Wixom and the Charter Township of Commerce for the Michigan Air Line Trail Transportation Alternatives Program Grant from the Michigan Department of Transportation and Authorize Mayor Richard Ziegler to sign the agreement.

Mr. Brown explained that we have a tentative award of a Michigan Department of Transportation (MDOT) Transportation Alternatives Program Grant. We will have to certify those funds at some point. The Township cannot apply for the grant. Wixom was chosen (between Wixom and Walled Lake) to function as the applicant of the grant. The recipient of the grant monies will need to advance costs as requested by MDOT. As the recipient/applicant, we will be responsible for making a payment up front that will cover the cost for all three communities. That is a concern for him as a representative for Wixom. He wanted to make sure the other communities were obligated to provide their portion of the cost when that time comes, so he asked the Trailway Council attorney to draft this Agreement. Mr. Brown said he consulted with our attorney on this and she added a few things. There was one item that he did not agree with and that was related to what would happen if one of the communities didn't pay their share. Mr. Brown thought we were covered by the language that was already there.

Councilmember Rzeznik asked if there was ever an escrow where the communities would have to put money into it. Mr. Brown indicated that they chose not to do that with this Agreement. This Cost Sharing Agreement will legally cover that. Once we ask for the money, the other two communities have 30 days to provide it. We would know when those expenditures would be taking place and he would look to time the Wixom request to coincide with the advancing of those funds so we don't expose ourselves any more than we need to.

Councilmember Rzeznik recalled that this grant application was late in submission compared to the original schedule. He wondered if it was still in line with Mr. Levine's deadline of the completion of construction. Mr. Brown stated that Mr. Levine was looking for progress that would allow him to have the event he was looking to have in 2019. If things go well as we anticipate they will, we should be in good shape for timeliness.

Councilmember Smiley asked for a 10,000 foot view of where this was and where we are. Mr. Brown explained that we made an application for the TAP (Transportation Alternatives Program) grant. There was a reduction in the award that was about \$1.3 million. If we weren't able to obtain other funding sources, that would be an obvious issue for the communities involved to come up with those costs. We pursued other funding options and we should know any time now if we will have a funding source that would cover the shortfall for the three communities. We expect that to go well. Once that happens, we will be in good shape for proceeding with construction and the cost being in line with what we expected originally based on what we would be required to match through the TAP grant. Part of the timing on that will be to certify these funds once this is finalized. We will then go out for bid on the work to do improvements to the trail. We should be able to proceed with construction in early 2019. Councilmember Smiley asked for a note regarding the funding. Mr. Brown said he would share that news quickly.

Councilmember Gottschall said being that we are somewhat concerned another city might not pass back their portion of the costs, where are the funds coming from that we are advancing. Mr. Brown stated that we have budget lines set up to cover some initial expenditure. Depending on the timing of the actual construction, we might be solid on that front, or we may need to make some budgetary adjustments. We did anticipate certain expenses. The design engineering costs are including in our budget. If we don't start construction before June 30th, we are set. If we do start before June 30th, we might be in a situation where we would have to do some budget adjustments to make that a reality. We think we are in good shape as far as timing and we will be able to proceed with actual construction funding taking place in the 2020 budget year.

Vote:

Motion Carried

4.) Consideration of a Resolution Authorizing the City Manager to Explore and Potentially Pursue the Sale of City-Owned Property at 229 N. Wixom Road in Accordance with Chapter 3.16 (Disposition of Real Property) of the Code of Ordinances

CM-06-98-18: Moved and seconded by Councilmember Gottschall and Deputy Mayor Beagle to adopt the following resolution authorizing the City Manager to explore and potentially pursue the sale of city-owned property at 229 N. Wixom Road in accordance with Chapter 3.16 (Disposition of Real Property) of the Code of Ordinances:

**AUTHORIZING RESOLUTION
DISPOSITION OF REAL PROPERTY
229 N. Wixom Road, Parcel Number 96-17-31-476-018**

WHEREAS, the City of Wixom has property located at 229 N. Wixom Road purchased through Warranty Deed; and,

WHEREAS, the City has received a Letter of Interest from the Walled Lake Consolidated School District; and,

WHEREAS, there are certain requirements for the disposition of City-owned real property established by the City’s Code of Ordinances, specifically Chapter 3.16.

NOW, THEREFORE, BE IT RESOLVED, that the City Council herein authorizes the City Manager to proceed with City Ordinance requirements associated with the negotiations in the sale of parcel 96-17-31-476-018.

BE IT FURTHER RESOLVED that the City Council has determined that the potential sale of properties under the use designation of “Economic Development” is to promote and facilitate economic development within the City.

Deputy Mayor Beagle clarified that this was just for the City Manager to open up talks with the Walled Lake Schools on the parcel in front of Wixom Elementary that they have been using for 12-15 years as an overflow parking lot. Mr. Brown said that was correct. The only thing we have in any kind of a written form is their request to have a discussion about the potential sale of the property. This would just authorize the City Manager to start those conversations. Deputy Mayor Beagle said he would not want the City to sell this property for \$1. He hoped we would get some real money out of this.

Councilmember Rzeznik asked if they had talked about any preliminary plan or how it may affect the traffic flow. Mr. Brown said the intent was to restructure their internal flow of traffic to allow more people to be on site with less people cued up on Wixom Road.

Councilmember Leder asked when the Schools first approached the City. Mr. Brown replied that he heard about it early on since his tenure here (just over a year). He had no doubt it was discussed in an informal fashion prior to that. Councilmember Leder said they are doing their parking lot now. That was a three year plan. The Facilities Director met with the PTA regarding certain improvements to the building and mentioned that the parking lot was on the agenda for about two or three years.

He wondered why this was coming up now. He had his own curiosities, especially with the wording of the letter, "meeting to discuss potential developments within the City and how those developments, along with school traffic, may affect things." If they were really concerned about the school traffic, they might have brought this up when they were planning on expanding the parking lot. He asked what the meeting was about that brought on this letter dated May 24th. Mr. Brown believed that it was related to the recent discussion on what was ultimately denied by the Planning Commission and the City Council on the development of property near the School. Councilmember Leder thought that small parcel of property had become more of an asset for the City of Wixom to potentially use for ingress and egress for any future developments. Right now they are paving the basketball court, as well as redoing the entire parking lot. He thought we could solve that problem by granting them either an easement or giving them the opportunity to lease the property. He felt this was incredibly curious timing as it relates to everything and he thought the City might be better inclined to hold the property and see where things go from potential developments north and south along Wixom Road. Mr. Brown said that was the subject of some conversation with City staff that there could be some interest in the future and perhaps we look at something other than an outright sale as a way to utilize that property on a less permanent basis.

Mayor Ziegler shared Councilmember Leder's concerns. He found it curious that we purchased the property for \$80,000 and we got a request to discuss it, but there was no offer. He didn't want to see this parcel given away. He was more in favor of leasing the property to the School District. We don't want to see their plans messed up in any way. He thought this was a valuable piece of property for us without any kind of an offer by the District. He thought we should be discussing this in a closed session, but after looking into it, he found that it shouldn't be. It was the Attorney General's opinion that when you have it discussed at an open session, we might get more money for the property.

Councilmember Rzeznik asked if it would be prudent to modify the motion for consideration of a resolution to explore and investigate a sale, lease or grant of easement. Right now we are making the resolution to authorize the City Manager to go into discussions on it. This would leave it open for leasing the property.

Mayor Ziegler felt more comfortable with leasing the property.

Councilmember Kennedy agreed with Mayor Ziegler and Councilmember Leder that we should hang on to the parcel. He wanted to remove the motion. He didn't like the word "sale" in the resolution. He didn't want to mislead anybody that we were looking to sell it.

Councilmember Gottschall didn't fully understand the point of a land lease on that parcel. He didn't know what the long term benefit to the City would be or who we would sell it to that would have a functional use for that land in front of an elementary school.

Councilmember Leder thought the ingress or egress of the property behind the elementary school could be along the Trailway and the railroad tracks. He had a feeling that 6-12 months from now, that use would reveal itself. As of right now,

he had no objection to the school having the opportunity to do something with it if they had a proposal. He didn't think they planned on doing anything with it because they already budgeted their Facilities Manager to redo the parking lot. He didn't think it made sense for us to get rid of it until we have some questions answered.

Councilmember Gottschall didn't foresee an ingress or egress going along the railroad tracks. He looked through ownership of all the little parcels and we own half of the parcels in that area. One other LLC owns three parcels. He didn't see the use of leasing it and he didn't see a use for us to hold onto it because we couldn't tie it into anything else that we own in that area. He didn't have a problem with the way it was written because we are not saying to go sell it. We aren't agreeing to sell it. We are saying it is okay for the City Manager to talk with the Schools. That opens the door to a bunch of other discussions that need to happen with the Schools about traffic, bussing and other items. He didn't have a problem with that because we were just saying it was okay to have a chat about it.

Deputy Mayor Beagle thought that if the Walled Lake Schools approached us, they had an idea for the parcel. The parking lot was probably being paved under a bond where they can't purchase land with that. It has to be an improvement. His concern with a lease was if we could get a stipulation on the lease that we were not held liable if someone gets injured on that property. Mr. Brown indicated that we would have our City Attorney take a look at any kind of a formal agreement that would cover the transaction and we would make sure that was addressed. Deputy Mayor Beagle said they sold the property on Wixom Road which was supposed to be the new Wixom Elementary and they were going to tear the current building down. Obviously they sold that property. There are 660 children at that school and he didn't think it was going away any time soon. They have a plan for the property and they have some interest in it. He was sure they were also looking for a \$1.00 or \$2.00 lease or purchase and he was not going to go for that. This was just to let the City Manager pursue and come back to Council. We can always say no.

Councilmember Kennedy said that in the past, the City Manager has come to Council with information about someone wanting to buy a piece of property without the Council actually saying it was up for sale or lease. He didn't like the language here and he thought it was leading us to a problem. If someone wants to say they want to buy it, we can amend it. It doesn't close us down from doing anything.

Mr. Brown clarified that the term "sale" was related to what was in the City Code and other guidelines. That was why that language was used. He didn't think it was an issue if we changed the word "sale" to "disposition". That would allow multiple types of transactions to come into play. Councilmember Kennedy said he wouldn't want to have that. He wanted it to be specific. He didn't want someone to come back and say someone told him they could buy something as part of a parcel, like the two parcels behind it that are landlocked.

Councilmember Gottschall disagreed. He didn't understand why we would shun anyone that wanted to throw an offer or idea at us. He didn't know why we would constrict ourselves just to lease a property. The wording says to potentially pursue

the sale of City-owned property. We could change it to “engage in discussions with the School District” about this parcel and not even mention sale or lease.

Councilmember Leder said that the language that gets him was “to explore and potentially pursue” which sounds like we are the ones putting it out for sale as opposed to receiving offers or listing. He didn’t think we would have to pass a motion to allow Mr. Brown to receive calls related to any parcels that the City owned. This refers to “potentially pursue” which basically puts something into the minutes that we are engaging in putting this property up for sale or lease. It basically puts this parcel on the market. He was not comfortable saying this property was on the market. He’d rather have people come in with an offer we cannot refuse.

Councilmember Rzeznik asked if the Trailway Council had ever looked at that property for a trailhead purpose. Mr. Sikma said that we were considering that for a portion of the trail because it is so close to the road itself. Councilmember Rzeznik thought that was worth considering in this decision.

Councilmember Smiley said that we have already been fielding some inquiries over the past year or so. He wondered what this would do except allow us to be more proactive about selling it. He asked what the difference was between what Mr. Brown has already been doing and this resolution. Mr. Brown explained that Councilmember Leder wondered about the timing, but he couldn’t answer that from the School Districts prospective. The reason we have a letter in front of us as opposed to having ongoing discussions was after having ongoing discussions in limited fashion previously, we suggested that if the District wanted us to move forward, they would have to give us a letter of interest. That would provide him with something to take to the Council to authorize the City Manager to start talking to them. The letter came about because of our suggestion. If they are really interested, he could talk about it a little bit but he didn’t have the authority to do anything with it. Councilmember Smiley thought we should wait until they give us some sort of proposal idea before we say yes, go talk to them.

Mayor Ziegler said it was his opinion that the City Manager had some direction as to how most of the Council felt. Perhaps we could ask that he take our comments into consideration when he talks to the School District about this. If they come in with a proposal, we can take a look at what they have to say.

Councilmember Gottschall thought this was a consideration of a resolution giving authority to the City Manager.

Mr. Brown said the Council could bring this to conclusion by a vote on the recommendation or the mover and supporter could withdraw their motion in support.

Councilmember Gottschall didn’t understand what everybody was up in arms about. We are not listing it for sale. Councilmember Leder said that was what the resolution indicated.

Vote: (All voted no.)

Motion Failed

Mr. Brown said he would share this discussion with the School District.

5.) Recommendation to Approve an emergency Rebuild of Influent Pump Station Pump 4 (Flygt 320) by Kennedy Industries in an Amount not to exceed \$20,590

CM-06-99-18: Moved and seconded by Councilmember Rzeznik and Deputy Mayor Beagle to approve an emergency rebuild of Influent Pump Station Pump 4 (Flygt 320) by Kennedy Industries in an amount no to exceed \$20,590.

Mr. Sikma explained that this was a Flygt pump that pumps wastewater from the collection system into the plant. On May 12th, we had a significant rain event consistent with power outages that damaged the pump. We received quotes from a sole-source provider for this type of pump and they can repair it for \$20,590.

Councilmember Rzeznik recalled this May event was also the cause for our exceedance that was reported to MDEQ. Mr. Sikma said it was during that same event. Mr. Delaney said it was actually two-fold. We had an issue back in February of a five-inch snow melt on top of three inches of rain, which was the more significant event. There were a lot more phosphorus issues at that point because of the loading of the plant. The May issue was significant and we were still trying to recover from the upset. The ongoing issue is the power quality issue. Councilmember Rzeznik asked if pump #4 and pump #3 would share the load or if they were used as backup. Mr. Delaney said they are backup pumps. Pumps #1 and #2 are the primary pumps.

Councilmember Smiley wondered what pump it was that we had trouble with a few months ago. That was pump #3. Kennedy repaired that one and this will be a similar rebuild or refit for pump #4. Our two backups will then be in good shape. Mr. Delaney said that was correct. Pumps #1 and #2 were completely new pumps in 2010, also made by Flygt. Mr. Sikma further explained that pumps #1 and #2 are the variable frequency drives. They start slow and get faster. Pumps #3 and #4 are either on all the way or they are off. Councilmember Smiley asked if this refitting would add some protection or if it was just a fix. Mr. Delaney replied that this will just fix it at this point. There are some additional electrical items that we can do to help and better power quality will make a big difference.

Mr. Brown stated that as Council knows, there have been many power issues in Wixom where residents are making complaints about frequent and repetitive power outages along with damage associated with that. This was a similar situation from the City standpoint where we have this piece of equipment (as well as the next item on the agenda) that was affected by power issues. We are looking into a communication to DTE regarding this. Sheryl Lucas from the City Manager's Office has been trying to solicit residents to provide information if they have been impacted by these power outages. He encouraged people to contact the City if they have had negative experiences of power outages on a repetitive, frequent basis. We keep having these power issues and DTE comes forward that they have taken steps to correct the problem, yet the power outages continue. We are looking to

see if we can bring a higher level of attention to this by putting a formal communication from the City with detailed data.

Councilmember Smiley suggested that we put that as a social media post. Mr. Brown said that we have already been doing that. Councilmember Smiley thought that if people see that, they would be happy to call. Mr. Brown indicated that the responses have been less voluminous than we thought they would be. We have heard from less than half a dozen who have contacted us at this point and he knew there were a lot more than that impacted by this.

Councilmember Rzeznik asked if we were going to send the same blast to business owners and Mr. Brown replied yes.

Vote:

Motion Carried

6.) Recommendation to Waive the Competitive Bid Process and Accept the Proposal to Replace Influent Pump Station Program Logic Control Equipment to UIS Group of Companies of Dexter, Michigan for a Total not to exceed \$17,040

CM-06-100-18: Moved and seconded by Councilmember Smiley and Deputy Mayor Beagle to waive the competitive bid process and accept the proposal to replace Influent Pump Station Program Logic Control Equipment to UIS Group of Companies of Dexter, Michigan for a total not to exceed \$17,040.

Mr. Brown explained that this was the same situation with the program Logic Controller that sequences those pumps that was just discussed. There have been excess flows as well as power outages that have negatively impacted the Logic Controller for these influent pump stations.

Councilmember Rzeznik asked why we would waive the competitive bid process. He knew this Allen Bradley PLC is commonly used. We have several automation companies right here in our City. He wondered why the company in Dexter. Mr. Sikma said the company in Dexter has been collaborating our meters for a number of years. They have maintained the PLCs as the needs come up. They are familiar with the system and the process we needed to accomplish. If we had someone else, it would take time to ramp them up to speed. Mr. Delaney said that for all of these recent events, they are our standby contractor. Right now, the PLC is only 50% capable of doing what it needs to do. They have replaced several components and the Logics take more time to get.

Vote:

Motion Carried

7.) Request for Approval of Mayor Richard Ziegler as the Authorized Signer for the Application to Southeast Michigan Council of Governments (SEMCOG) for a Multi-Community Planning Application and Planning Assistance Program

CM-06-101-18: Moved and seconded by Councilmember Rzeznik and Deputy Mayor Beagle to approve a request for approval of Mayor Richard Ziegler as the

authorized signer for the Application to Southeast Michigan Council of Governments (SEMCOG) for a Multi-Community Planning Application and Planning Assistance Program.

Mr. Sikma stated that the Huron River Watershed is working with us and other communities in the area to promote green infrastructure. There will be some training that is involved. We will be utilizing the Gibson property as a learning event for other communities as well. This was an opportunity to work with other communities and the Huron River Watershed. We are recognizing that our NPDES (National Pollution Discharge Elimination System) permit for the City is going to require some improvements to the discharges that we have going out to the creeks and we think this green infrastructure will help with that. We look forward to improving our water quality in the streams and this was one way to do it with a grant.

Councilmember Rzeznik commented that there was a representative from the Huron River Watershed at the Founders Festival and he went into the deep history of why the DO levels are so low in our streams. When we were an agricultural community back in the mid 1800's, a lot of the streams in the area were straightened out for irrigation purposes. It was interesting how our history has affected that.

Vote:

Motion Carried

8.) Request for a City Council Resolution Recommending to the Michigan Liquor Control Commission the Issuance of a Special Liquor License through Application from the City of Wixom/Downtown Development Authority for the Block Party Located on Pontiac Trail between Wixom Road and Old Wixom Road on September 8, 2018

CM-06-102-18: Moved and seconded by Councilmember Kennedy and Deputy Mayor Beagle to approve the resolution recommending to the Michigan Liquor Control Commission the Issuance of a Special Liquor License through Application from the City of Wixom/Downtown Development Authority for the Block Party Located on Pontiac Trail between Wixom Road and Old Wixom Road on September 8, 2018.

Vote:

Motion Carried

9.) Recommendation to Approve a First Amendment to Lease Agreement for Property Located at 49045/48096 Pontiac Trail with Detroit SMSA Tower Holdings, LLC and Authorize Mayor Richard Ziegler to Sign the Agreement

CM-06-103-18: Moved and seconded by Councilmember Gottschall and Deputy Mayor Beagle to approve a First Amendment to Lease Agreement for property located at 49045/48096 Pontiac Trail with Detroit SMSA Tower Holdings, LLC and authorize Mayor Richard Ziegler to sign the agreement.

Mr. Brown explained that we have had a long-standing 25-year lease agreement for the property that houses this antenna tower and building just outside of City Hall that was expiring. The City submitted a notice pursuant to the terms of the lease agreement to put the other party on notice that unless we come up with a new lease agreement, we would terminate the lease and move on. We did that on purpose to make sure we protected the City's interest in case things dragged on. From there, we started the negotiation process with American Tower. We expected to have better progress on this and have it handled before this point in time. Unfortunately, things dragged on for a variety of reasons, one of which was AT&T ended up getting into the discussion and having issues with some insurance language. We worked through that with our attorney and their attorney and we have this new lease agreement. He said one of the concerns that we were looking to address was the length of the agreement because 25 years is a long time. It is done in a five-year initial term and then five-year re-ups from there. There were four subsequent re-ups on the contract process the first time around. We negotiated that down to a five-year term with three subsequent five-year terms, so it is a 20-year process that we would be involved with under this agreement. We also increased the rent that is being paid to the City and we accelerated the payment terms so we would be paid for a year's term up front. We also added some protection on the outside chance that if the technology changes to make this antenna structure more advantageous for co-location agreements, we would realize some benefit from new revenues that would come from that. The amount of money we realized from the previous lease was \$180,000 and the amount we will realize under this lease if it is completed through the full 20 years will be \$806,000. He was very pleased with the outcome, just disappointed with how long it took.

Councilmember Leder asked if this was based on certain carriers at the moment. Mr. Brown indicated that there were two customers on the antenna now. Councilmember Leder asked if there was a provision if American Tower brings on a third carrier. Mr. Brown replied yes. We don't get anything additional on prior revenue, but with any future revenue, if they sign a new agreement with a new carrier to utilize the structure, we would get 5% of the revenues.

Vote:

Motion Carried

10.) Recommendation to Accept Hubbell, Roth & Clark's (HRC's) Proposal for Engineering Services for 2018 Safety Path and Sidewalk Program for a Total not to exceed \$35,210 for Design Engineering and \$35,060 for Construction Engineering

CM-06-104-18: Moved and seconded by Councilmember Rzeznik and Deputy Mayor Beagle to accept Hubbell, Roth & Clark's proposal for engineering services for 2018 Safety Path and Sidewalk Program for a total not to exceed \$35,210 for Design Engineering and \$35,060 for Construction Engineering.

Mr. Sikma indicated that we have recognized some gaps in our sidewalks and safety paths and we would like to correct some of them this year. We have targeted some areas; one was near Saroki's, one was across the street from City Hall just east of Sibley Park, another was between Old Wixom and New Wixom on Pontiac Trail, one was on Grand River, and the last one was on Wixom Road near the CSX property

where there will be a bridge and a crossing of the railway. There are easements that we will still need to acquire and engineering is involved with this.

Councilmember Rzeznik said he was glad Councilmember Kennedy had this as one of his goals for the last three years and he thanked him for bringing it back up. He said it was a pain if you have to dismount your bike, go out onto the street and then come back onto the path. He thought the total engineering cost seemed to be right in line. He thought we were going to be doing the engineering in July 2018 with construction in the fall. People with good memories might remember the Potter Road one. The engineering was quite complex because of the old oak trees. We had to make sure we saved as many as we could. We also had an easement issue with ITC at the time. He wondered if there would be any challenge easement properties. Mr. Sikma thought the biggest challenge will be the CSX property near the pole yard. We will be crossing the creek and there are telephone poles with lighting issues. He hoped we could move forward with the rest of them much sooner.

Deputy Mayor Beagle thanked HRC for giving the Council the breakdown on costs on this project. The initial cost was a sticker shock, but when we see what the engineers have to do, it comes in line with the project and makes it easier to understand.

Councilmember Kennedy asked why we were taking the sidewalk out that is between Old Wixom and New Wixom. Mr. Sikma replied that there are some drainage issues there. Councilmember Kennedy said that last time they talked, he thought it was so we could put a stamped concrete there to make it look pretty. Mr. Sikma said we talked about that but due to the expense, we are not recognizing that now. He said that if the Council would like that, he would proceed. Councilmember Kennedy said that he didn't like taking the old sidewalk out. He asked if we had gotten a hold of Consumers Power to make them replace what they took out on the south side. Mr. Sikma said we had an agreement that we were going to bill Consumers for that and that was what he intended to do. It was taking him a little longer because we couldn't find the flower boxes to make them look the same.

Mr. Brown added that we decided the stamped concrete was a little premature based on not having a plan for the full downtown area and what we want to accomplish. We are advocating for plain concrete there. The initial thought was that we would just do the replacement of the Consumers Energy piece because that was damaged in the process, but there are other issues there and we would be faced with potentially replacing that soon after we decided to address those other issues. There are trip hazards and water collection issues that make it unsafe. We are advocating doing the whole thing in front of that section of Pontiac Trail. If we want to change our approach on that and reduce it down to that section of Consumers Energy, we can do that. We are already walking away from the stamped concrete and the colored concrete because we think this is not really the right time to do that.

In regard to crossing the CSX railroad, Councilmember Kennedy asked if we were having HRC charge us for getting the easement from them. Mr. Sikma said they

will help us with drawing up the easement. We are hoping to add some value in acquiring the easements themselves. Councilmember Kennedy didn't understand what Mr. Sikma said so Mr. Sikma said we need to draw up where the easement is and identify that through the engineering standards. Then we can go to CSX with a drawing saying this is where we would like it. Councilmember Kennedy asked who would be taking it to CSX. Mr. Sikma said that hadn't been established yet, but he was assuming staff would be able to do that. Mr. Brown said that we had also talked to Councilmember Kennedy about that through the Congressman's Office. He said we would be happy to have his help with that.

Councilmember Kennedy said that part of his issue was with the cost of the engineering and development construction. He asked if we had ever talked to anyone else about these services for a simple thing like a sidewalk. Mr. Sikma said we have talked to HRC about that and Councilmember Kennedy replied that they are not anyone else. Mr. Sikma said we have looked at the liabilities. Councilmember Kennedy asked if that was a yes or a no. Mr. Sikma said he had not talked to anyone else. Councilmember Kennedy said that was what he was looking for. This seems like an excessive amount and he didn't feel it was in line especially for something as simple as sidewalks. He said we have a guy in our town named Wes Umlor who is on our DDA. This guy has an engineering firm. It was Councilmember Kennedy's understanding that we were having trouble getting things done in a timely manner from HRC. He asked how come we weren't giving smaller jobs such as this to other people to take a look at so we can develop other contractors available to us. Then we are not held up by one company. Mr. Brown said that we have an engineering consultant in place, Hubbell, Roth & Clark, and we are utilizing them consistent with that practice. There have been discussions regarding whether we continue with that approach or involve different engineers for different processes. Currently, the process is with HRC.

Councilmember Kennedy asked what it would take to change the process. He talks to other communities on a constant basis through his job and every one of them thinks that HRC is charging them too much nowadays. He thought they were charging us too much here. He'd like to see the Council say no to HRC and let this go another year to see if we can save \$30,000 to \$40,000 on the engineering by going with someone that actually has brick and mortar in our community and donates his time by being on our DDA. He thought we were putting too much of a rush to move forward on this. He said he was the one that was pushing for sidewalks but he believed this was too much of a cost on a \$350,000 project. This is 20% of the project. He would like to see the Council put this off until we check other engineering firms. We need to broaden our contractor base. It is taking us too long to get things from HRC and that has been a complaint that he has heard from the Administration.

Mr. Brown said that there was desire to get something accomplished this season. If we go the route that Councilmember Kennedy was talking about, that would not happen. It is fully within Council's prerogative to make that decision. It was brought forward under the assumption that we wanted to take action this construction season and the only way that is going to happen is proceeding as it stands. The conversations that we have had with HRC have touched on a little bit in terms of the complexity of the sidewalk project vis-a-vis the actual cost of the

sidewalk project and that is how the cost ends up in the 20% neighborhood. They estimate on sidewalk projects the cost ranges from 20-25%.

Councilmember Kennedy asked if they didn't already tell Mr. Brown that this was not the kind of project they like doing. Mr. Brown replied that they do not pursue them as independent bids because of the fact that there is a lot of work that goes into sidewalks vis-à-vis the cost and it brings up these kinds of concerns from elected officials. Councilmember Kennedy said that he is a contractor himself and when he gets something he doesn't want to do, he always charges more. He was not looking to see us spend the City's money on something that can wait for one more year. He thought we needed to start evaluating and checking out another contractor. We don't need to give them all of our work, but we need to start seeing if there are other people out there that want to work with us, especially someone that is in our own community.

Mayor Ziegler said he supported this proposal and the motion. He appreciated Councilmember Kennedy's concerns about cost savings and trying to save money. His opinion was that he was not an engineer but he has been working with HRC for a long time. He has developed a belief that they are trustworthy and honest and they have put a price on this that is appropriate. That opinion was based on his experience with them over the many years they have been doing business with the City. He thought the Council decided to utilize their services many, many years ago. One of the reasons that we don't go out and bid every job was because we don't want to have six or seven different companies that we are working with. You lose continuity in the development of your community. It just makes sense to have one firm. He also thought this was the Administration's call on this and if the Administration decides that it wants to go out for bids at another time that is the Administrator's prerogative. Mayor Ziegler indicated that he had confidence in HRC and he thought it was priced correctly. This was going to come to us before but we put this off because of concerns. We asked them to sharpen their pencils. They took a second look at it and this is what they think it will cost for them to do the work. He fully supported this.

Councilmember Rzeknik suggested that if anybody here got a chance, they should go out while the engineering is being done on one of these projects. It isn't that you just roll out a couple inches of asphalt or cement on top of grass. Go out with the survey crew and you will see that the majority of the costs are in the senior technician, the survey technician and the survey crew. You have to get this on paper and it has to be entered into the GIS database. When you are going for these easements, it has to be accurate. A lot of the costs go into that. When he looks at this, for a \$325,000 project, the engineering costs are well in line with what he was used to in doing big projects. Potter Road was a lot of fun. We tried to save a lot of big oaks and it was quite an engineering feat to do that with the slopes of the land and the drainage ditches. He said he was in support of this and it didn't make any sense to delay it.

Councilmember Gottschall stated that the second to the last paragraph of the letter from HRC mentions the amounts only include the easement preparation for the Wixom Road CSX crossing. It does not include the final design or construction amounts. He wondered if there was a ballpark figure for that. Ms. Nancy Faught,

Executive Vice President of HRC, said that they have done some preliminary engineering and basic concepts so they can write up the easement documentation. She thought it might cost about \$8,000 to \$10,000 to design it, but she wasn't sure without knowing what they would actually be doing. A lot of time with easements you have to negotiate with the property owner and we might have to put culverts in. If they were going to watch the contractor do the work, it would be a little bit more depending on how long it takes. For the construction costs, you are going over the railroad track and those are quite expensive. She guessed that would be between \$50,000 to \$70,000. Mr. Brown said that was not included because there were a lot of unknowns. Councilmember Gottschall asked if that was factored into our Safety Path budget and Mr. Sikma replied yes.

Councilmember Kennedy said he didn't question HRC's trustworthiness or honesty. There have been changes at HRC. Mr. Hubbell has retired and Jon Booth has retired. He said if the City is going to give HRC the job, he was not going to vote for this. He thought we should take our time and get one more bid from the guy that is in our community just to see what the other guy would have saved us. He wanted to start looking at what other options are available.

Mayor Ziegler said he would like that not to happen. Obviously, if anybody read the minutes, they would bid under it. Councilmember Kennedy said that we have a responsibility to our community. We've had HRC for 20 years or so. We are not being responsible by checking out other people. If we have not gone out to check, we have not fulfilled our fiduciary responsibility on watching that money.

Roll Call Vote: (6) YEAS – Beagle, Gottschall, Leder, Rzeznik, Smiley, Ziegler
(1) NAY - Kennedy

Motion Carried

11.) Request for Authorization of a “Better Utilizing Investments to Leverage Development” (BUILD) Transportation Planning Grant Application for the Widening of Beck Road from Three to Five Lanes to be Prepared by Hubbell, Roth & Clark for an Amount not to exceed \$15,000

CM-06-105-18: Moved and seconded by Councilmember Gottschall and Deputy Mayor Beagle to authorize a “Better Utilizing Investments to Leverage Development” (BUILD) Transportation Planning Grant Application for the widening of Beck Road from three to five lanes to be prepared by Hubbell, Roth & Clark for an amount not to exceed \$15,000.

Mr. Brown indicated they received communication from Hubbell, Roth and Clark in relation to the Beck Road Widening Task Force work. He commented that Karyn Stickel of HRC was part of the Task Force, along with Tom Rzeznik and Keenan Gottschall of City Council. He explained that the Task Force discussed different funding sources to potentially make the widening of Beck Road from three to five lanes from I-96 to Pontiac Trail. They talked about constructing some type of overpass to eliminate the railroad crossing from impacting traffic; that was estimated to be an additional \$30 million cost. Given the additional cost of the overpass and because of the knowledge they had regarding the train traffic, they

decided not to pursue the overpass. He indicated that the potential cost of the paving would be \$30-\$35 million. Throughout their discussions, they learned of the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant which was the main grant that would be used for construction of the project. They felt that they were not ready to make application for that kind of funding right now as they were not far enough along in the process; however, they were aware of a BUILD grant for the planning process. He said that a planning grant would allow recipients to cover some or all the costs associated with deciding how to go about a major project like this. They asked HRC to assist in preparing an application for a planning grant. The deadline for the planning grant was July 18, 2018, and given that the next City Council meeting was July 10, 2018, they decided to present it at this meeting. He gave Council a report asking them to consider the authorization of utilizing HRC to prepare the BUILD Transportation Planning Grant with a cost to not to exceed \$15,000. They anticipated the application would be for a figure of \$450,000 and that would cover the cost of planning.

Councilmember Gottschall asked what fund the upwards of \$15,000 would be coming from. Mr. Brown said that he had not finalized that with Ms. Stamper, but thought it would be from a road funding account.

Councilmember Rzeznik was happy to hear of at least one avenue of potential funding for this project. He was concerned because he thought that DOT was giving a preference to rural communities. He hoped that whoever wrote the grant could describe the City as a rural community of Oakland County. He wondered if letters of recommendation needed to be part of the grant application.

Karyn Stickel of HRC said they would be looking for letters of support of this project from the City Council, elected officials, County executives, etc. to submit along with the grant application.

Councilmember Rzeznik felt this project was key to the economic growth in this area. He wondered if there was a way to find out how many communities applied for this. Ms. Stickel imagined they had not received any applications yet because the due date was July 18th. She felt the application was pretty extensive. This was a nationwide grant and they had allocated \$15 million for the applicants.

Vote:

Motion Carried

CALL TO THE PUBLIC:

There were no comments at this time.

CITY MANAGER COMMENTS:

Mr. Brown offered his congratulations to Ms. Karla Wolfe and Ms. Samantha Stewart as they took new positions within the Police Department. He mentioned that Wendy Brink had been designated as Certified Workman's Compensation Professional by the Michigan State University of School of Human Resource and Labor Relations. He thanked her for picking up the additional skills. He said the City was expected to close on the sale of the former well property on Liberty Drive. He announced that Mr. Dennis Smith of SAFEbuilt retired. He felt that he did a great job and mentioned that Mr. Smith worked Mr. Kenneth Pike into that position

before he left. He was excited to start working with Mr. Pike in the Construction and Development Services. He indicated that they were encouraging residents to get in touch with the City Manager's Office if they were experiencing any power outages with DTE. He added that the restrooms in City Hall would begin a renovation starting this Friday. He welcomed Susan Stevens as the new Senior Coordinator. She brought a lot of experience and he was happy to have her working in the City of Wixom.

Councilmember Smiley asked for an update on the Bonding process.

Mr. Brown indicated that he and Ms. Stamper went to the State of Michigan to visit the Department of Treasury regarding the bonding issue. He was thrilled that they were prepared and it was pretty straight forward. He was pleased to be able to say how involved the elected officials were in this process. They were expecting an answer from the State soon and would hopefully close in July.

COUNCIL COMMENTS:

Councilmember Smiley wished Mr. Dennis Smith well on his retirement and welcomed Mr. Pike. He was aware the residents of Highgate were grateful to be getting their roads repaved. He thanked everyone for their appointment and reappointments to the City's Boards and Commissions. He hoped to see everyone at the fireworks and wished everyone a Happy Independence Day.

Councilmember Gottschall had no comments.

Councilmember Rzeznik appreciated that the Clerk's office provided a draft copy of the Cemetery Board minutes from the meeting on June 6, 2018. He read some things within the minutes that he wanted to clarify. He read that the Cemetery Board talked about the installation of a crematorium at the Wixom Cemetery as it was suggested by a resident back in 2017. He was aware of this matter as he attended the Cemetery Board meeting back in 2017. He clarified that they were using the wrong terminology as a "crematorium" was a building that burned bodies. To his understanding, the resident hoped the City would install a "columbarium" in the Wixom Cemetery. A columbarium was a monument that held cremains. He explained how he gave the Cemetery Board some cost figures, provided by Lynch and Sons, for a columbarium at their 2017 meeting. After he read the June 6, 2018 meeting minutes, he felt that the Cemetery Board missed the point as they indicated that there were "only" 3 cremations buried in 2017. He believed that if they installed a columbarium there would be more cremations in the Wixom Cemetery. He offered to assist between Lynch and Sons and the Cemetery Board, should they want to peruse the installation of a columbarium. He thanked Director Moore and the entire Police Department for their amplified patrolling of Loon Lake Road/Wixom Road area. It still boggled him that people were speeding along those roads given the recent death of Justin Lee.

Councilmember Kennedy liked hearing that Mr. Brown and Ms. Stamper were prepared when they sat down to meet with the State of Michigan regarding the bonding. He wondered when the videotaping would start of the City Council meetings. Mr. Brown said they would start utilizing Merge Live beginning in July. They discussed how they would use the July and August meetings as a test case.

He asked if the Council would like to have a live broadcasting over YouTube which would have a 20 second delay. Merge Live thought that people liked to watch the meetings live as opposed to watching it later. It would not cost more money to broadcast it live.

Councilmember Kennedy asked about the contracted lawn cutting he suggested quite a few meetings ago. He indicated that he had not seen any cost figures or heard any more about it. Mr. Brown explained that he received a memorandum from Mr. Sikma regarding this. The memo compared the costs of quotes they solicited for this time period. They had some cost estimates that indicated that it was within or about \$1,100 difference between what they were experiencing when they factored in the cost of the seasonal labor which was brought in at a lower rate than the full time employees that performed most of the grass cutting. It mentioned some basic maintenance costs on the equipment including fuel, oil, mechanical repairs, accusation of one lawn mower annually, etc. It said all of those things were the cost differential they were looking into. He recalled that it was discussed at the budget sessions and because of the timing of those sessions, they would look into this further, specifically for next fiscal year. He mentioned that they did receive quotes and obtained some information but he would advocate for a formal bid process and then bring it before Council for consideration. He said that one problem they experienced in the past, even with their own seasonal employees as they may have less experience, was damage the monuments within the cemetery property while they cut the grass. He hoped to avoid that same issue in a constructional relationship so they wanted to have the contractor cut major park properties.

Councilmember Kennedy appreciated the insight that Mr. Brown gave but thought it was going to be looked into for this year's lawn cutting season. He said that it was not to be looked at for a future date. He recalled having a conversation with the City Manager where he explained that he wanted this to be looked into sooner. He did not believe there was any way the City Manager could have misunderstood what he asked. He felt frustrated because now he was being told, even after the private conversation he had with the City Manager, that this would not be looked into until next year.

Mayor Ziegler recalled a discussion among the City Council and specifically remembered where Councilmember Kennedy indicated he would not be expecting to have this go into effect this year or next year, if it was going to go into effect at all. He reminded Councilmember Kennedy that the decision would be from the entire Council as a whole and so the idea that Councilmember Kennedy was going to give specific direction to the City Manager or DPW Director to spend some time on something that had not been decided upon as a group was probably just a little bit of a stretch. He thought that if they decided as a Council that was the direction they wanted to go, then they should go through the process. He wanted to notate that he personally was not in favor of contracting out the lawn cutting services. Mayor Ziegler did not think the savings was that great and he believed that they received public relations by hiring young kids just out of school before college. He felt this was an opportunity to give our local children the chance to work and get firsthand experience. He would like the minutes to be referenced when the discussion took place.

Councilmember Kennedy said he would be eager to see the minutes that held those discussions regarding the contractual lawn cutting. He inquired about the update of the City's Master Plan as he saw things on the Master Plan such as the expansion of the VCA. He wanted to know how the VCA could expand without a vote by City Council. He asked for a specific time period as he could not recall when the expansion of the VCA was voted on.

Mayor Ziegler did not believe the expansion of the VCA had been voted on. He was aware that at some point and time they would be reviewing the Master Plan. He knew of talks about having a joint meeting between Council and the Planning Commission to discuss the update of the Master Plan. He agreed that meeting should be scheduled and these discussions should get started. Councilmember Kennedy was aware of a Master Plan Map that distinguished the expansion of the VCA. He wondered why it had been dispersed before it was voted on. Mayor Ziegler indicated that he believed that was a proposed Master Plan Map drafted by the City Planner.

Councilmember Kennedy wondered about the appointments and reappointments to the Boards and Commissions. He wondered if there needed to be a Charter amendment to make sure that a procedure was in place so they did not have an issue like they had with the recent Council vacancy. Mr. Brown said the process they went through with the last vacancy of City Council was directed by the current language written within the City Charter. If they wished to change that then they would need to look into a Charter revision, which was a pretty extensive process, or they could go through the Charter amendment process.

Councilmember Leder had no comments

Deputy Mayor Beagle indicated that they received a piece of correspondence from the City Clerk thanking the Council and staff for their kindness. He was happy the Clerk was back to work. He congratulated Mr. Dennis Smith on his retirement and wished him the best of luck. He asked Director Moore to elaborate more about the Traffic Safety Initiative (TSI) that the Wixom Police Department was going to perform throughout the summer.

Director Moore explained that this program started on Monday, June 25, 2018 on Charms Road from 4 p.m. to 7 p.m. The officer on patrol stopped 11 vehicles resulting in citations, warnings and an arrest. They were looking for hazardous behaviors such as speeding, following too closely and negligent passing.

Deputy Mayor Beagle thanked those that were appointed and reappointed to the Boards and Commissions. He thought the last summer concert drew in another great crowd. He wished everyone a safe 4th of July.

Mayor Ziegler extended his appreciation to those people that were appointed and reappointed to the Boards and Commissions. He felt the City really depended on these individuals that served and was very appreciative of their service to the City.

ADJOURNMENT:

The meeting was adjourned at 9:02 p.m.

Catherine Buck
City Clerk

Approved 7-10-2018
