

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, OCTOBER 23, 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 (Excused)
T. Rzeznik
R. Smiley

AGENDA CHANGES:

Mr. Brown requested the addition of New Business #4 - Consideration of a Resolution Authorizing the City Manager to Proceed in Accordance with the City Ordinance Requirements in Chapter 3.16 (Disposition of Real Property) on the Possible Sale of Parcel 96-17-31-452-004, Also Known as 49700 Pontiac Trail.

MINUTES:

CM-10-163-18: Moved and seconded by Councilmember Smiley and Deputy Mayor Beagle to approve the Special City Council meeting minutes of October 9, 2018.

Vote:

Motion Carried

CM-10-164-18: Moved and seconded by Councilmembers Kennedy and Rzeznik to approve the Regular City Council meeting minutes of October 9, 2018.

Vote:

Motion Carried

CORRESPONDENCE: (None)

CALL TO THE PUBLIC:

There were no comments at this time.

CITY MANAGER REPORTS:

1.) Departmental Monthly Reports - September 2018

Councilmember Kennedy had a question regarding the Community Services Monthly Report. He asked why the City Appreciation Picnic had zero under the Year-to-Date column. Ms. Magee replied that this period covers July to June and the picnic is held in June.

Councilmember Rzeznik asked for an update on the active carbon filter. He knew there were a temporary and then a permanent solution being sought. Mr. Delaney explained that the temporary was in on October 5th. They started running water through it later that evening. He said they are still planning on the permanent system being installed on December 20th. He didn't have any other additional sampling information at this time. The samplings are being done, but the results

take some time. Councilmember Rzeznik hoped that the permanent solution gets in there and there are good results. Secondly, he asked about the Fats, Oils and Grease section. He noticed there was quite an extensive list of some of the area restaurants exceeding the limit. Best practices that are being worked on with these folks seem like they are not taking affect. Mr. Delaney stated that he personally delivers the violations and they discuss how the grease trap is supposed to work. He also brings a copy of the ordinance that addresses the requirements of the property owner for that establishment. They discuss ways of ramping up their preventative maintenance plan of needed cleaning to remove that grease. The procedures are reviewed to help them understand what the grease trap's purpose is and that it is not meant to dump the grease straight down the drain. It is there to catch residual and they still have the obligation to clean the trap in a timely fashion. That would keep them under the 100 milligrams per liter limit. Mr. Delaney said that he has requested public reports from several of those businesses and he still doesn't have any to this day. Also, he requires someone to sign for the violation to show that they have taken delivery. Councilmember Rzeznik asked if there was a high level of employee turnover at some of these companies and if part of the problem was a training issue. He didn't know what the next step could be in terms of violations. Mr. Delaney confirmed that there was a high level of turnover at these locations. Councilmember Rzeznik thought after two years of reporting, it seems like the same businesses are showing up on this list. Mr. Delaney said he would work on this.

Councilmember Kennedy asked what happens when the Fat, Oil and Grease exceeds the limits. Mr. Delaney explained that the grease enters the grease trap and there is so much grease that it pushes out into our collection system. All of the samples that they take are at the monitoring manhole, which is after the grease trap as it is entering into our collection system. When it enters are system, it starts to build up on the pipes leading to a plug in the line that will back up that property as well as others. It could cost the City a maintenance issue to pay for it to be cleaned out or repaired. Councilmember Kennedy thought Councilmember Rzeznik was asking what we could do to make sure we wouldn't have to bear the cost of these people's negligence. Mr. Brown said we would look at enforcement options. He will discuss this with Mr. Sikma and Mr. Delaney. Councilmember Kennedy asked what the issues were with this at the Treatment Plant. Mr. Delaney said this has increased our cost to clean the Pump Station, which is where all of the pipes collect and pump to the Wastewater Plant. They collect bowling balls of grease. It puts grease on the lines, it pulls on the pumps, and it adds to costs at the Plant. Debris sticks to grease and this causes multiple issues.

Councilmember Rzeznik added that there was a local community recently on the east side that showed a picture of a fat burg that formed in their sewer system as it was approaching their sanitary treatment system. He suggested Mr. Delaney drop a picture of that off at the location. Mr. Delaney said that the grease and the non-flushable wipes build up together to start those burgs. It is definitely an issue.

CONSENT AGENDA:

CM-10-165-18: Motion and seconded made by Councilmember Kennedy and Deputy Mayor Beagle to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a. Downtown Development Authority Minutes of June 26, 2018
 - b. Parks and Recreation Commission Minutes of July 9, 2018
 - c. Zoning Board of Appeals Minutes of July 9, 2018
- 2.) Approval of the 2019 City Council Meeting Schedule and Authorization for the City Clerk to Post this Schedule as Required by Section 5(2) of the Open Meetings Act (Public Act 267 of 1976)
- 3.) Consideration of a Request to Set a Public Hearing for November 13, 2018 to Solicit Input Regarding the Utilization of 2019-2020 Community Development Block Grant Program Allocation in the Amount of \$42,343

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

- 1.) **Request for Authorization to Purchase a Hustler Super Z, Zero-Turn Mower from Munn Tractor Sales, of Auburn Hills, Michigan, in the Amount of \$12,025**

CM-10-166-18: Moved and seconded by Deputy Mayor Beagle and Councilmember Rzeznik to authorize the purchase of a Hustler Super Z, Zero-Turn Mower from Munn Tractor Sales, of Auburn Hills, Michigan, in the amount of \$12,025.

Mr. Sikma stated that during the last budget hearings, we talked about the replacement of the Hustler Super Z 60-inch mower with a rear discharge. One of the questions originally asked was how much would it cost to contract this service. He said he looked at the oil maintenance cost, the maintenance of the individual tractors and the program as a whole. We are within 3% of the lowest bids we received back in 2013. He contacted the contractor that offered that price in 2013 and he said he would offer to make good on that 2013 price, but it doesn't seem to be beneficial to the City at this time. We sought bids for an additional mower. The mowers last about ten years and we have five of them on our fleet. Every couple of years we purchase the next one. The oldest mower will be brought to the Treatment Plant, and the Treatment Plant mower will be auctioned in return. The price for the new mower is \$12,025.

Councilmember Rzeznik thought that by having our DPW do this, we have still been employing the use of part-time summer help and internships. Mr. Sikma said that the pricing was based on the seasonal help that we utilize for this mowing. He felt our mow crews have been exceptional. Our most focused area is the Cemetery. The markers are 62-inches apart and we are pretty particular about that. When we had contractors in the past, we had more issues with markers being damaged than we do now.

Deputy Mayor Beagle asked about the three-year, no-hour limit or five-year 500 limited warranty. Mr. Sikma replied that the limited warranty was on the engine.

Councilmember Kennedy said that we haven't gone out for bids to actually evaluate this. Mr. Sikma used something from 2015 but we don't know what else is out

there now. We did talk about this during the budget sessions but budget sessions are not set in stone. In fact, we talked at the end of the budget process that if everything had to be in stone, he wouldn't have voted for the budget. There are certain things that come up and he would like to be able to discuss it when the time comes. It was discussed during the budget session, but now is another time to discuss it again. He asked Mr. Sikma if he looked at the cost of the DPW who are also mowing the lawns and Mr. Sikma replied yes. Councilmember Kennedy said he saw no report from that so he had nothing to compare that for himself. He wanted to make that decision. This is the end of the season and there is no need right now to buy a lawn mower. He wanted to table this motion until we get a report on all the costs involved. He felt there was no reason to move on this at this time.

CM-10-167-18: Moved and seconded by Councilmembers Kennedy and Gottschall to table the purchase of a Hustler Super Z, Zero-Turn Mower from Munn Tractor Sales, of Auburn Hills, Michigan, in the amount of \$12,025 until the Council receives a full report on the costs to contract this service.

Councilmember Gottschall thought this was something that was brought up during the last few budget sessions but never taken anywhere in terms of cost savings, outsourcing, does it cost us more to do it ourselves or hire a landscaping company, etc. Since we won't be mowing lawns for a few months, he wanted to get bids from landscaping companies to see what they would be willing to do for us. That way we have cost-to-cost to make a decision.

Councilmember Smiley said he asked Mr. Sikma about this earlier and he said the bid he got from 2013, \$51,000, was 2-3% of what it cost the City. It seemed reasonable with time on our side to get some information to compare apples to apples on this. He supported the idea of tabling this issue.

Mayor Ziegler thought when something was tabled it had to be brought back to the table and decided at the same meeting. The City Clerk indicated that the Council could postpone this item to discuss at a future meeting. To table a motion means that the Council would set the item aside to bring up something of more importance at this particular time, like a visit from a congressman. After that was handled, the Council could go back to the tabled item during the same meeting. She thought the Council wanted to postpone this item, rather than table it. Mayor Ziegler thought this might be the way to do this so we are following Roberts Rules of Order. Personally, he thought it was better to keep this in house.

CM-10-167-18: Moved and seconded by Councilmembers Kennedy and Gottschall to amend the motion to postpone the purchase of a Hustler Super Z, Zero-Turn Mower from Munn Tractor Sales, of Auburn Hills, Michigan, in the amount of \$12,025 until the Council receives a full report on the costs to contract this service.

Vote:

Motion Carried

- 2.) **Recommendation 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**

Authorizing Resolution and Authorizing the Mayor and City Clerk to Sign the Agreement on Behalf of the City

CM-10-168-18: Moved and seconded by Councilmembers Rzeznik and Kennedy 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 2018-49
2018-2019 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 2018-2019 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.

Mr. Sikma explained that this was for the winter maintenance along Pontiac Trail, Wixom Road and Loon Lake Road for Oakland County. They would pay us \$11,372.32 for this over the next winter season. We send them a bill in December for the salt and again in March for the service. We have been doing this for over 13 years and it has been working very well for our residents because we seem to be able to respond more efficiently.

Councilmember Rzeznik believed that over those years, we have had a traditional 2% increase per year of the contract. With the price of salt and brine, he wondered if the 2% was enough of an increase. Mr. Sikma said that it was because we locked in on the pricing for the salt back in March or April. If we were to buy salt now, it would be twice as much. Our salt prices are set for 2018-2019 with Detroit Salt at \$56.69 a ton. Contractors will pay approximately \$125 a ton. Councilmember Rzeznik suggested that we take a look next year to see if the 2% is sufficient.

Vote:

Motion Carried

- 3.) Recommendation to Accept Suez Proposal for Dewatering and Cleaning the Three Secondary Clarifiers for a Total not to Exceed \$112,511 and Hubbell, Roth and Clark’s Proposal to Inspect Clarifiers When Complete for a Total not to Exceed \$7,900 as Part of the Stormwater, Asset Management and Wastewater (SAW) Grant**

CM-10-169-18: Moved and seconded by Councilmember Smiley and Deputy Mayor Beagle to accept the Suez proposal for dewatering and cleaning the three secondary clarifiers for a total not to exceed \$112,511, and Hubbell, Roth and Clark’s proposal to inspect clarifiers when complete for a total not to exceed \$7,900 as part of the Stormwater, Asset Management and Wastewater (SAW) Grant.

Mr. Sikma stated the SAW grant originally started in 2013 and we signed up for it in 2016 as a community. The State is offering \$2 million with our additional \$500,000 so we can assess the entire treatment system. We are getting to the close of that program and we found that the sewer cleaning was less expensive than we originally anticipated. We had extra funds available and we would like to pursue the cleaning of the three clarifiers within this project. The cleaning will be done by Suez and the inspection will be done by Hubbell, Roth and Clark.

Deputy Mayor Beagle asked where the representative from Evoqua was coming from. He thought the travel expense of \$1,500 was pretty steep for being on site for one day. Mr. Delaney replied that the benefit is that Evoqua is the manufacturer of the clarifiers and they will be able to do a very thorough investigation of the three clarifiers, the motors, and the structural steel. He thought it would be a good value since our clarifiers are a little older.

Vote:

Motion Carried

4.) Consideration of a Resolution Authorizing the City Manager to Proceed in Accordance with the City Ordinance Requirements in Chapter 3.16 (Disposition of Real Property) on the Possible Sale of Parcel 96-17-31-452-004, Also Known as 49700 Pontiac Trail

CM-10-170-18: Moved and seconded by Councilmembers Kennedy and Smiley to adopt the following resolution authorizing the City Manager to proceed in accordance with the City Ordinance requirements in Chapter 3.16 on the possible sale of parcel 96-17-31-452-004, also known as 49700 Pontiac Trail:

**AUTHORIZING RESOLUTION 2018-50
DISPOSITION OF REAL PROPERTY
49700 Pontiac Trail, Parcel Number 96-17-31-452-004**

WHEREAS, the City of Wixom has property located at 49700 Pontiac Trail purchased through tax foreclosure; and,

WHEREAS, the City has received interest from a current Wixom company; 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 in accordance with the City Ordinance requirements in Chapter 3.16 (Disposition of Real Property) on the possible sale of parcel 96-17-31-452-004, also known as 49700 Pontiac Trail.

BE IT FURTHER RESOLVED that the City Council has determined that the potential sale of the subject property is to promote and facilitate economic development within the City.

Mr. Brown explained that this came to light after the completion of the packet for this meeting. We have had discussions with a local business that is interested in possibly obtaining this parcel for expansion of their operation. When we have a surplus of City property that could potentially lead to further economic development to the City, it is warranted to take a look. Pursuant to Chapter 3.16 of the Code of Ordinances, he asked the Council to authorize him to negotiate possible sale terms with that company. This would come back to Council at a later date if there was an agreement.

Councilmember Gottschall wondered if this didn't fall under the case where we get this at a tax sale and then we can't make any money on it. Mr. Brown replied that it did. Councilmember Gottschall asked if we had any idea how much money this was. Mr. Brown replied that we wouldn't get rich quick on this. There is a possibility where there are other things in play that could be mutually beneficial. We've had some talk about the cost, which isn't really important because the cost is minimal to the City. But other aspects of this deal could be beneficial to the City.

Councilmember Smiley asked if there was anything on that parcel now and why we had it. Ms. Barker explained that there was a house on the property that was demolished. It went to tax foreclosure in the early 1980's. It has been vacant and it is mostly wet. The best use they could get out of it now would be for some supplementary parking, which they need.

Vote:

Motion Carried

CALL TO THE PUBLIC:

Breanna Staten said she is a student at Milford High School and she was attending this meeting to fulfill a requirement of her Senior Government class.

CITY MANAGER COMMENTS:

Mr. Brown explained that next week is the first scheduled week of leaf collection and the schedule is on the City website. If anyone had questions regarding the leaf pickup, they could contact the City Manager's office or the DPW. He mentioned staff would continue to post updates regarding the leaf pickup on Facebook and through email blasts. He encouraged those people interested in information, such as the leaf pickup, to sign up for e-notifications through the City website. He noted that the Holiday Tree Lighting Festival was going to be new and improved, including a new 30-foot tree. That event was going to be on November 30, 2018. He said that the General Election was going to be held on November 6, 2018. The City Clerk and the Deputy Clerk have been busy attending to a record number of absentee ballot requests. He anticipated this election turnout could approach record numbers for a mid-term election and encouraged those that are eligible to consider voting by absentee ballot. He explained that the ballot would be long and with the elimination of the straight party option, voters will need to select each candidate individually. He mentioned that the Clerk was doing a lot of work to make things easier for voters, such as creating QR codes that will be available at the precincts. This will allow voters to read the ballot while in line. In addition, she extended hours for the Clerk's Office to give voters a greater opportunity to vote by absentee, pick up voter guides, etc. The extended hours are as follows: Tuesday, October 23, 2018 from 5:30 p.m. to 7:00 p.m., Wednesday, October 24, 2018 from

5:30 p.m. to 7:00 p.m., Friday, October 26, 2018 from 9:00 a.m. to 12:00 p.m., Friday, November 2, 2018 from 9:00 a.m. to 12:00 p.m. and Saturday, November 3, 2018 from 9:00 a.m. to 2:00 p.m. He mentioned they added a video monitor in the hallway to provide additional information to the public.

COUNCIL COMMENTS:

Councilmember Kennedy wished Ms. Buck luck on Election Day.

Councilmember Smiley echoed the City Manager's comments regarding the Election. He hoped Cathy had a smoother election than the Primary Election in August. He thanked her and her staff for putting in extra hours. He congratulated Director Moore for being selected to the Board of Directors of Crime Stoppers of Michigan.

Councilmember Rzeznik asked if the construction on West Road would be completed before the first snow fell. Mr. Brown thought that it would.

Councilmember Gottschall asked if Oakland County made sure there would be an adequate number of ballots for this election. The Clerk said they had as they provided the communities with 100%. He hoped this would not be an inappropriate time to have a discussion regarding the Peddler, Solicitor, and Canvasser Ordinance. He recalled a prior discussion where it seemed like everyone was of the mind that banning canvassing within the City or neighborhood was not necessarily the most intelligent move as it would be protected under the Constitution under Free Speech. He noticed some neighborhoods complied by the City Ordinance and placed signs at the entrance indicating "No Peddling, Solicitor, and Canvassing". He wondered if this issue could be put on an agenda in the future so they could repeal the canvass portion of that Ordinance.

Councilmember Smiley thought we should revise the Ordinance as he believed canvassing was a right; therefore, banning it was unconstitutional.

Councilmember Kennedy remembered hearing a story about the Mayor canvassing and being told he had to leave a property or they would call the police.

Mayor Ziegler indicated that he felt it was important to go door-to-door to introduce himself to people when he ran for office. He noticed that more and more neighborhoods were erecting the "No Soliciting" signs, and maybe there should be some sort of clarification to this Ordinance. During this last campaign, he went through the Clerk's office and Police Department to get a name tag with his picture before he went door-to-door.

Councilmember Kennedy thought that the lawyer indicated canvassing was part of the First Amendment and they could not ban it so he felt confused as to how it ended up in part of the Ordinance.

Mr. Brown said that he would reestablish contact with the City legal counsel and talk about the general direction from Council and report back.

Deputy Mayor Beagle reminded everyone to vote on November 6th and congratulated the nine employees celebrating work anniversaries this month. He asked everyone to drive safe in the neighborhoods as Halloween was quickly approaching.

Mayor Ziegler said the Fire Department Open House had a great turnout and the Panther Hunt was a success. He thought the hidden gem of the day was the cemetery walk hosted by the Historical Society. He understood the event was sold out. He felt the event was interesting and there were great performances by several of the local thespians.

ADJOURNMENT:

The meeting was adjourned at 7:54 p.m.

Catherine Buck
City Clerk

Approved 11-13-2018
