

City of South Lyon
Regular City Council Meeting
November 22, 2021

Mayor Pelchat called the meeting to order at 7:30 p.m.

Mayor Pelchat led those present in the Pledge of Allegiance

Roll Call: Councilmembers: Dilg joined the meeting from South Lyon MI, Kurtzweil joined the meeting from South Lyon MI, and Kennedy joined the meeting from South Lyon MI, Mosier joined the meeting from South Lyon MI, and Hansen joined the meeting from South Lyon MI.

Kivell was having technical difficulties but then joined the meeting at 7:39 p.m. from South Lyon MI

Also present: City Manager Zelenak, Attorney Hamameh, Chief Sovik, Deputy Chief Weir, DDA Director Mack, Finance and Benefit Administrator Tiernan, and Clerk/Treasurer Deaton

MINUTES

Councilmember Kennedy stated on page 5, Kivell made the motion not Kennedy.

CM 11-1-21 MOTION TO APPROVE THE MINUTES

Motion by Dilg, supported by Kennedy

Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 11-2-21 MOTION TO APPROVE AGENDA

Motion by Kennedy, supported by Dilg

Motion to approve agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

1. Holiday Spectacular parade application

CM 11-3-21 MOTION TO APPROVE CONSENT AGENDA

Motion by Kurtzweil, supported by Kennedy

Motion to approve consent agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- No public comment was made

DISCUSSION- Downtown

Downtown Economic Director Nate Mack stated the Ladies Night event went very well and there were probably 500 people that participated throughout the evening. The business owners he spoke with said they did very well. He stated the only hiccup was the picnic tables got rained on so they weren't the best to sit on, but the heaters were a nice touch and quite a few people used them to warm up. He then stated he met with the applicant for a proposed apartment development in downtown but it is still early and he will have more details at a later date. Mr. Mack then stated the Holiday Spectacular event is scheduled for December 4th and the event listing is online and just to mention a few things, the parade will start at 6:00 p.m. and the fire pits will be in the Farmers Market lot instead of the street. He then mentioned there are two groups looking for charitable donations. One is Active Faith and they are accepting new personal hygiene items in the Farmers Market lot and the Sparrow Freedom Foundation is looking for new and unused winter gear in the Venue parking lot and the Christmas House is accepting canned goods for entry

to the tour. He stated Shop Small Saturday is this coming Saturday, November 27th. He received a small box of items from American Express as well as bags from Oakland County and posters he has distributed and will be distributing. Oakland County Parks will be releasing a grant for parks improvement in communities and we plan on submitting an application. He then stated the Twisted Cork will be having a ribbon cutting ceremony on November 30th at 4:00 p.m. All Councilmembers are invited.

Councilmember Dilg thanked him for his efforts on Ladies Night, it was too bad it rained but people were very happy the streets were closed. She then thanked all the businesses for all the work they did and she then called out Billy Smokes, they did an amazing job upstairs and they catered to all the ladies and they had a big spread for them. Everyone made it a great event. Councilmember Kurtzweil stated it was an incredible night and everyone had a good time and with it rainy and chilly it kept people inside and they shopped a lot. She thinks it worked out well for everyone, it is a classic event South Lyon will be known for. She was with a lot of individuals that were not from South Lyon and this was their 2nd or 3rd time coming and this may become a destination event. She then thanked Nate and all the businesses for the fabulous event. Councilmember Hansen clarified the ribbon cutting for Twisted Cork was at 4:00 p.m.

FIRE CHIEF REPORT

Deputy Chief Weir welcomed the returning and new councilmembers. He then stated he gave the Mayor and Council the coin that they are selling to support the First Responders Memorial. They are for sale and the Police Department is handling their sales for them. We are accepting cash or checks made out to City of South Lyon. He then stated they took delivery of the vehicle to replace car 2 and it will be going out to have lights and sirens installed and hopefully they will have it in a few weeks. We also took delivery of the \$1,000 donation of materials from Lowe's and he thanked them for their generosity for helping them with the training facility. He then congratulated the South Lyon Lions for their fantastic season this year. They have played hard and we are proud of them. Lastly, he stated we are approaching Christmas, so he reminded everyone that is getting a real tree to keep them watered and keep fire sources away from them.

POLICE CHIEF REPORT

Chief Sovik stated we had a great send off for the football team this past Saturday and things went well, we escorted them from the high school to 96. There was a big crowd at the high school. He stated the South Lyon Ladies Swim and Dive Team and the East Ladies Swim Team participated in the finals competition and several of them placing in certain events and if they had known they were heading out to the state tournament, the Police Department would have given them a proper send off as well. Chief Sovik stated if anyone is interesting in partnering with the send offs, they Police Department will be happy to do so. He stated the SLPD and Biggby will be joining this effort Sunday afternoon from Noon – 4:00 p.m. and some of our officers will be helping serve coffee and every drink they sell; a portion will be donated to the Wigs for Kids Foundation. He stated the generator project is going well and the concrete pad is installed and the conduit and the wiring, and he is hoping to have it installed in January or February. Councilmember Kurtzweil stated this comment is for Deputy Chief Weir and Chief Sovik, she encourages both departments that when you have an opportunity at a Council meeting to continue to discuss your role in public relations with the community, those contacts are important and she hears about them. She stated she was shown pictures over the weekend of Fire Department employees during the downtown trick or treat, and there were many families very happy with the way the firefighters treated and passed out candy downtown.

PUBLIC HEARING- CDBG ALLOCATION

Mayor Pelchat opened the public hearing at 7:47 p.m.

No public comment was held.

Mayor Pelchat closed the public hearing at 7:48 p.m.

MERS- Presentation *The full PowerPoint presentation and discussion can be viewed on the City's website or YouTube and the slides are attached*

Sue Feinberg of MERS gave a PowerPoint presentation. Ms. Feinberg stated they are a non-profit entity and they governed by an elected board of our peers. She explained the actuary takes into account each year what the money in and money out determines what the City's contribution should be for the next fiscal year. This evaluation reflects the rates for 2022. She stated this is the most recent of the 5-year study. The actuaries came back and made a couple different recommendations to the board. One was lowering the rate of return assumption from 7.75 to 7.35. She said the second part was making a change to the mortality tables, because employees are living longer so the city will be paying out longer. The impact on the city's plan it effects the funding level and the costs. The city is moving in the right direction because it is 65% funded. Discussion was held regarding the employee contribution multiplier rate, as well as how many people are in each group. The average contribution rate was approximately 2.50% Ms. Feinberg then discussed how the actuaries could change each year. She then stated discussed the benefit provision slide which reflects the different groups that are now closed to new hires and how their computation works. If the city pays the 2.50% multiplier, and an employee retires after being invested, that multiplier will be used to reflect their retirements earning based on their last 5 years of service. The benefit is reduced if they retire at 50 years old and 25 years of service, but not at the age of 55 and 25 years of service, it is a full benefit. Ms. Feinberg again mentioned the city is 65% funded.

UNFINISHED BUSINESS

1. 2022 CDBG Allocation

City Manager Zelenak stated the CDBG application deadline is December 17th. He stated earlier tonight City Council held the public hearing relating to the CDBG funds. The City's tentative funding for 2022 is \$30,225. The suggestion is that the city will continue to use the allocated funds to support projects we have funded in the past, South Lyon Senior Center and Haven. Councilmember Kivell stated he is comfortable supporting the two entities.

CM 11-4-21 MOTION TO APPROVE ALLOCATION FOR CDBG FUNDS

Motion by Kivell, supported by Kennedy

Motion to approve the selected projects as identified for the 2022 CDBG program \$30,225.
(\$25,225 for South Lyon Senior Center and \$5,000 for Haven.)

ROLL CALL VOTE:

Kurtzweil- Yes
Mosier- Yes
Hansen- Yes
Dilg- Yes
Kennedy- Yes
Kivell- Yes
Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

2. Waste Hauling Extension Contract

City Manager Zelenak stated at the November 8th City Council meeting discussion was held regarding the possible extension of the waste hauling contract with GFL. We previously received a letter from GFL and after discussion at the last meeting, additional changes were made. The changes incorporated in a new proposal by GFL is for a 5-year extension, increasing the rate by 4%, continue the annual CPI language, extending the yard waste through mid-December and continuing the recycle cart distribution and adding an option to extend the new contract for 5 years. Councilmember Dilg stated the company she works for works on proposals for GFL, so she asked if that would be considered a conflict of interest.

City Attorney Hamameh asked if she assisted in this contract. Councilmember Dilg stated she did not. City Attorney Hamameh asked if there are any pending projects. Councilmember Dilg stated she does not have any right now. City Attorney Hamameh stated that would not be considered a conflict of interest. Councilmember Dilg then asked what is the benefit for not going out for bid. City Manager Zelenak stated we have the benefit of negotiating with GFL now, and they are willing to offer us a good contract. He further stated they have been a good contractor for the city and if we go out for bid, we could potentially lose this particular amount and details of the contract, and we could get bids from other companies that may not have the ability to handle the city's business, or it could cost more. The underlying condition in renewing with GFL is the service they are and have been providing with the city. Councilmember Kennedy stated that Mike Csapo did some of the legwork and provided us with documentation at the last meeting showing what the current contracts with the neighboring communities are. He tested the waters and gave us the information to see where this bid would land compared to similar communities being provided services for Waste Management, GFL and others as well. We discussed this extensively and he is grateful for Sam's and Mike's work on this for the items we requested and going above and beyond for getting an additional 800 recycling carts. City Manager Zelenak thanked Mike and Sam for sitting in during the long discussion of MERS and thanks for the help with the contracts.

CM 11-5-21 MOTION TO APPROVE EXTENSION WITH GFL

Motion by Kennedy, supported by Kurtzweil

Motion to approve the extension with GFL as outlined in the letter dated November 9, 2021 and per the attached agreement.

ROLL CALL VOTE:

Kennedy- Yes
 Hansen- Yes
 Mosier- Yes
 Kurtzweil- Yes
 Kivell- Yes
 Dilg- Yes
 Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. HRC proposal for engineering services

City Manager Zelenak stated as part of our efforts to improve the conditions of our roads and to develop a road improvement plan, HRC has submitted a proposal for professional engineering services to collect pavement core, update cost estimates and to assist with the road committee meetings. Councilmember Kivell asked who would be responsible for holding onto the cores. Mr. Darga of HRC stated they will collect the cores and evaluate them and take pictures of them and house them. Councilmember Hansen asked for examples on how this will save money on the bigger project. City Manager Zelenak stated the cores will be used to analyze different sections of roads we're looking at making improvements. We can look at the PASER study to identify the surface of the road, but we don't know the condition of the sub-surface. He further stated some subdivisions have 2-4 inches of asphalt and some have 6-8 inches of concrete.

CM 11-6-21 MOTION TO APPROVE PROFESSIONAL SERVICE AGREEMENT

Motion by Kennedy, supported by Hansen

Motion to approve HRC to perform pavement cores and to assist with the development of the road improvement plan for the City of South Lyon in the amount not to exceed \$25,800 account #203-451-801

ROLL CALL VOTE:

Dilg- Yes

11/22/21

Kivell- Yes
 Kurtzweil- Yes
 Hansen- Yes
 Mosier- Yes
 Kennedy- yes
 Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

2. Purchase of new Trimble Yuma 7 tablet with modules to read meters for water department. Superintendent Varney stated this has to do with the hand-held device we use for meter reads. The current device is utilized for all the non-LTE meter reads and is no longer available to purchase. We have recently had some communication problems with the reads and we would like to purchase the updated version to read the meters accurately. This is an unbudgeted item, but can be purchased with the equipment miscellaneous account 592-556-977. We have a quote from Badger for \$9,113.00. Councilmember Kennedy asked what is the percentage of meter population that uses this technology. Mr. Varney stated we have approximately 4,000 accounts and we have currently approximately 3,000. We have replaced 939 so far and if you do the math, it would roughly be about 59% replaced. Councilmember Kennedy asked when he thinks we will have them all replaced. Mr. Varney estimated at 2 years. There are supply issues, but we have 300 on the way this month. Councilmember Kurtzweil asked what is the reasoning for not going out to bid. Mr. Varney stated the item we are replacing is proprietary and we can only get them from Badger.

CM 11-7-21 MOTION TO APPROVE THE WAIVING OF BID PROCESS

Motion by Kivell, supported by Kennedy

Motion to waive Sec 2-224 of the City of South Lyon Code of Ordinances "approval for purchases or contracts over \$2,000; competitive bidding for purchases or bidding over \$5,000" because "no advantage to the city will result" from competitive bidding

ROLL CALL VOTE:

Mosier- Yes
 Hansen- Yes
 Dilg- Yes
 Kivell- Yes
 Kurtzweil- Yes
 Kennedy- Yes
 Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

CM 11-8-21 MOTION TO APPROVE PURCHASE

Motion by Kivell, supported by Kennedy

Motion to approve the purchase of new Trimble Yuma 7 Tablet with the two modules for the amount of \$9,113.00 under line item 592-556-977 to read meters via radio signal for the water department.

ROLL CALL VOTE:

Hansen- Yes
 Mosier- Yes
 Kennedy- Yes
 Kivell- Yes
 Kurtzweil- Yes
 Dilg- Yes
 Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

3. Resolution approving location of Precinct #5

Clerk/Treasurer Deaton stated due to the number of voters in Precinct #1, which happens to be our largest precinct, we need to split it. We aren't allowed to have more than 2,999 active voters in any one precinct and we have approximately 3,100 to 3,200. We have been looking at different locations and where we want to split the precinct. The best we came up with is to keep Colonial Acres and the subdivision next to it as Precinct #1 so there isn't too much confusion. Precinct #5 will be the remaining area of precinct 1. We have found the best location is the First United Methodist Church. We have spoken with them and they will not charge and the location and the layout of the Fellowship Hall will be great. It is right next to the parking lot and there is plenty of handicapped parking. We looked at the Kiwanis but their parking lot is not ideal. We do not have any city owned buildings that we can use. We thought about using Centennial Middle School but we thought it would be best to try to keep it closer to the other precincts. Councilmember Dilg asked if we thought about using the Senior Center. Clerk Deaton stated we spoke with the Senior Center, but they lose revenue if they close for the day so they weren't really interested. Councilmember Kurtzweil asked about the procedure because the motion is to approve the location, but shouldn't we approve the split first. Clerk Deaton stated the Election Commission approved the split, but Council must approve the location.

CM 11-9-21 MOTION TO APPROVE PRCT 5 LOCATION

Motion by Kurtzweil, supported by Kivell

Motion to approve the Resolution 10-21 City of South Lyon Oakland County, MI approving the Precinct split and approving the new location of the First United Methodist Church as the location for Precinct #5

ROLL CALL VOTE:

Kennedy- Yes

Kivell- Yes

Dilg- Yes

Mosier- Yes

Kurtzweil- Yes

Hansen- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

4. Adoption of FSA service agreement

Finance and Benefit Administrator Patricia Tiernan stated she is presenting a client service agreement with a new vendor. We have been working with Kushner & Company which is based out of the Kalamazoo area to assume the administration of the city's FSA and DCFA, which is the flexible spending accounts and dependent care flexible spending account. She stated we have had some customer service issues with our current vendor over the past 2 years so we would prefer to not extend our contract with them. We have attached a resolution as well as a consulting and administrative service agreement for Council to review. This will begin January 1, 2022 and it is a calendar year benefit for the city's employees.

11-10-21 MOTION TO APPROVE AGREEMENT

Motion by Kivell, supported by Kennedy

Motion to approve the attached resolution to approve client consulting and administrative services agreement between the City of South Lyon and Kushner & Co., Inc.

ROLL CALL VOTE:

Mosier- Yes

Kurtzweil- Yes

Dilg- Yes

Hansen- Yes

Kivell- Yes

Kennedy- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

5. Recommendation to retain labor/union counsel in accordance with City Charter Section 6.6 City Attorney Hamameh explained that the former labor/union counsel for the city was Pat Azeltine and he has now since retired and he has not been replaced by her firm. She stated Laura Amtsbuechler has been assisting with labor/union legal needs, but her focus is more on employment litigation and general labor and employment matters. Her firm is recommending the City to retain legal counsel who is more specialized in union related labor issues to handle the more complicated labor union uses that may come up. If such consultation is necessary, they are recommending Mr. Gregory Schultz of Keller Thoma. Councilmember Kivell stated it is invaluable to have someone that deals with these issues full time.

CM 11-11-21 MOTION TO APPROVE THE RETENTION AGREEMENT WITH GREGORY T SCHULTZ

Motion by Kivell, supported by Hansen

Motion to approve the retention agreement with Gregory T Schultz

ROLL CALL VOTE:

Dilg- Yes

Kurtzweil- Yes

Kennedy- Yes

Kivell- Yes

Mosier- Yes

Hansen- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

BUDGET- No discussion was held

PUBLIC COMMENT- No public comment was made

MANAGER'S REPORT

City Manager Zelenak stated he recently met with representatives from the Historical Society, the Parks and Recreation Commission along with Marc Russell our landscape architect to discuss the future plans for placing additional buildings within the Historical Village. He then explained they are working within the master plan to ensure that their placement is in line with additional planned improvements on the McHattie Park property. We are moving forward with advertising for the Fire Chief position in various municipal associations throughout the county and state, he will keep Council updated. City Manager Zelenak stated the We Go Swing has been installed and we have installed the safety mulch, the installer will be back out for some minor adjustments shortly. He then explained the Parks and Recreation Master Plan has been made available for the 30-day public view period and it is posted on the website and various locations, it will be on the agenda for the 13th of December for the public hearing and adoption. City Manager Zelenak stated he is asking Council to provide him with their goals and objectives for the city 2022-2023 budget year before January 10th. He then reminded Council that the new website is up and running and we are making additional improvements and correcting items that did not come through the migration to the new site. Councilmember Kivell asked if they will be using rubberized mulch around the We Go Swing. City Manager Zelenak stated they will not, it is a standardized mulch, it is fibrous material that was recommended.

COUNCIL COMMENTS

Councilmembers Dilg, Kivell and Mosier wished everyone a Happy Thanksgiving.

Councilmember Hansen stated the Lions gave it a valiant effort against Traverse City this past weekend and although the game didn't turn out how we were hoping, he stated they gave it their best effort and made their community proud. He then stated recently the South Lyon Herald did a report on our We Go Swing and that really showcases how our city is becoming more inclusive and he thinks more of those kinds of projects would help our city grow as well as the positive reports on the city. He then reminded everyone of Small Business Saturday coming up this weekend, and he hopes to see everyone downtown.

Councilmember Kennedy reminded everyone that the South Lyon Historical Society will have their Dulcimer Christmas concert in the chapel at the Historical Village on Sunday, November 28th at 4pm and 6:30pm. Tickets are six dollars in advance and are available at Parkside Cleaners and Bakman florist in South Lyon. He then reminded everyone about the South Lyon Holiday Spectacular on Saturday, December 4th. A schedule of events can be found on the Downtown South Lyon Facebook page as well as several others. The Christmas House will be offering tours beginning at 4:30pm and the lighted parade will take place starting at 6pm and will conclude at the historical village as we welcome Santa to our community. He then wished everyone a Happy Thanksgiving.

Councilmember Kurtzweil thanked all the parents, coaches and the South Lyon Football Team, they have made everyone very proud and they have had a great season. She hopes all of them have great journeys in their lives, because they are a group of nice guys and making our community proud. She then wished everyone a Happy Thanksgiving and she reminded everyone that our South Lyon has all you need for a great night out.

Mayor Pelchat wished everyone a Happy Thanksgiving and safe travels. He then stated the South Lyon Football team, 12 wins this year, the most in all of our High School history and they are regional champions, they had a great season. Everyone is proud of our team and he appreciates all the first responders for escorting them out of town, and it was great everyone coming out. We have rekindled a nice relationship with WHMI this year, they reported on 3 of our home games and it meant a lot to everyone.

CLOSED SESSION: "Closed session pursuant to the Open Meetings Act, MCL 15.268(h) to consider attorney/client privileged communication"

CM 11-12-21 MOTION TO ENTER INTO CLOSED SESSION AT 9:25

Motion by Kurtzweil, supported by Kennedy

Motion to enter into closed session pursuant to the Open Meetings Act, MCL 15.268(h) to consider attorney/client privileged communication

ROLL CALL VOTE:

Kennedy- Yes

Kivell- Yes

Dilg- Yes

Hansen- Yes

Kurtzweil- Yes

Mosier- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

Council reconvened the regular meeting at 9:32 p.m.

ADJOURNMENT

CM 11-12-2021 MOTION TO ADJOURN MEETING

Motion by Kurtzweil

Motion to adjourn the meeting at 9:32 p.m.

VOTE:

MOTION CARRIED

Respectfully submitted,



Mayor Dan Pelchat



City Clerk Lisa Deaton