

City of South Lyon
Regular City Council Meeting
July 11, 2022

Mayor Pro Tem Kennedy called the meeting to order at 7:30 p.m.
Mayor Pro Tem Kennedy led those present in the Pledge of Allegiance
Roll Call: Mayor Pro Tem Kennedy, and Councilmembers: Dilg, Kurtzweil, Kivell, Mosier, and Hansen
Also present: City Manager Zelenak, Fire Chief Thorington, Lieutenant Baaki, Finance and Benefit Administrator Tiernan, DDA Director Mack, Clerk/Treasurer Deaton and Director Varney
Absent- Mayor Pelchat

CM 7-1-22 MOTION TO APPROVE ABSENCE OF MAYOR PELCHAT

Motion by Kurtzweil, supported by Hansen

Motion to approve Mayor Pelchat's absence

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES- 6/27/22

Councilmember Kivell stated the words live and should be removed from the first paragraph.

CM 7-2-22 MOTION TO APPROVE THE MINUTES AS AMENDED

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Mayor Pro Tem Kennedy gave some background on the invoice from LDAgostini & Sons. He stated he noticed the repaired old water tank was leaking evidenced by the rust stain on the side. He discussed it with the City Manager who explained we are withholding \$170,000 to cover any needed repairs. Now the contractor is asking to be paid \$321,920.00 for the work they did on the old tank. He is concerned about paying a contractor for a repair that wasn't completed properly and is still leaking. He then stated the City Manager explained we have the leverage necessary to ensure the contractor fulfills their obligation, including if they go out of business, etc. In his discussions with the City Manager, he stated the money will be there and there is a warranty. He is concerned there may not be enough money to fix it, and why wasn't it repaired properly to begin with. Has the root cause been identified, how much will it cost to repair the work that has been done previously? How long will it take and what are the next steps. Is there a documented plan? He then stated as of 2 hours ago, most Councilmembers were unaware of the issue. He stated he asked the City Manager to give all Councilmembers the information and have the engineers available for questions and then make an informed decision on paying the invoice. Councilmember Kivell made a motion, then amended the motion, then discussion was held in regards to a chairperson seconding a motion. Councilmember Kurtzweil stated she was aware of the leak. She then asked if there was a performance bond on the project, which the City Manager confirmed we do. She then stated the performance bond more than covers any repairs that will be done on the tank, so she isn't concerned they will be walking off the job. If you have a performance bond on the project, and they don't complete it, you can make a claim on the bond, and hire another contractor to make the repairs. She then stated making the repairs are being addressed, now is not the time to empty the water tank due to the residents watering their grass and using more water. It makes sense to make the repairs in September. She further stated when you have a construction job, there is always a punch list to ensure everything is completed. City Manager stated there is \$170,000.00 being held in retainage, and there is also a one-year guarantee regarding the tank, and a three plus million-dollar performance bond as well. We had one tank constructed, and the older tank was repaired. They added a new liner and grout and it was refilled and in operation. We found a small area that was still leaking and we contacted the contractor and we are

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looking at when we will have it repaired. The repair was made with the tank drained, and we don't want to drain the tank for that small repair during the summer months due to the large usage amounts. We can make temporary repairs, but we don't think it was a huge mistake. He then stated the dollar amount on the bill tonight is for electrical work, grouting, and we deemed 99% everything is working fine. There are no other leaks. There was no way to know there would be a leak until it was full of water.

Councilmember Kivell stated this is the first he has heard of a bond. City Manager Zelenak stated we have bonds on any of our large-scale projects, same for road or water main projects. Councilmember Kivell stated he thinks that knowing about the bond would have relieved some people's concerns. Further discussion was held regarding the leak in the water tank and holding money back from the contractor.

Mike Darga of HRC stated when we speak about a temporary repair, we are talking more about an injection, rather than scraping away the grout. It would be pressure injected grout. There is a liner inside with multiple layers of epoxy, and if we pressure inject it, it will fix the leak until fall. He further stated if there is water coming out anywhere, they will find it then. Mr. Darga stated the repairs that are being done now, are the same as we've done in the past. Councilmember Kivell asked what the duration of time before they could put water in it. Mr. Darga stated it took about a month and we will keep running it until mid-September, then it will take about a week. Mayor Pro Tem Kennedy stated he is speculating the water is getting in at the top. Mr. Darga stated it has to be above where it is coming out. Councilmember Kurtzweil stated if it was coming in lower than the top, the leak would have been found as it was being filled. Councilmember Dilg stated she is confused as to why some Councilmembers aren't comfortable paying this bill. Is there negligence involved, is it disastrous. Mr. Darga stated no, there was no negligence, and it is a very small leak. Councilmember Kivell stated this was a very specific thing when they were supposed to fix is the exact thing that is happening with the leak, which is concerning.

Councilmember Hansen asked if they will be paid before or after the work. Mr. Darga stated you pay them as you go, but there is money still held for any repairs and to ensure they complete the work.

CM 7-3-22 MOTION TO APPROVE THE BILLS

Motion by Kurtzweil, supported by Hansen

Motion to approve the bills as presented

ROLL CALL VOTE:

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

MOTION CARRIED UNANIMOUSLY

AGENDA

CM 7-4-22 MOTION TO APPROVE AGENDA

Motion by Dilg, supported by Hansen

Motion to approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- No public comment

DISCUSSION- Downtown

DDA Director Nate Mack stated the Farmers Market was once again full the past weekend with 50 vendors. He stated it has been a great season and Diana has done a great job. He then thanked DPW for moving picnic tables in the Farmer's Market area near the food trucks so people could sit and enjoy their food. We have had hundreds, possibly a thousand people come out. He further stated at the next DDA meeting, they will be discussing a recommendation for a new board member, as well as officers for the

DDA Board. The DDA Economic Vitality committee met last week and discussed what kind of businesses we would like to see downtown. He was able to get some information from Oakland County that shows which businesses would be ideal. Mr. Mack stated they will be working with SEMCOG on a Shop Local video and it will be community-wide and will be ready for the shopping season. He then stated the book store closed, and as of the next day, it had a sale pending, but he isn't comfortable discussing the business that may be buying it. He then updated everyone on the clock downtown, there is some oil inside it that needs to be replaced, and the hands need to be tightened, and Jeff Archey is working with the contractor.

Councilmember Hansen asked if he has spoken with Tenpenny regarding their flower bed that was hit, will they be trying to improve it. Mr. Mack stated he hasn't spoken with them as of yet. Councilmember Hansen asked if there are plans to replace the dead trees downtown. Mr. Mack stated he has been looking at which trees would be best to have in a downtown. Councilmember Dilg asked what is his role in trying to get certain businesses to come to our town. Mr. Mack stated people contact him that are interested in opening a business in South Lyon, and he keeps a running list as well as the property owners sometime contact him with information they are selling. He further stated he gets information from Oakland County Main Street based off demographic information almost like a market study of what is needed in downtown and what our city residents can support. He further stated he has to have data to show the business owners if their business will be successful in our downtown. Councilmember Kivell asked if the board member is a new opening. Mr. Mack stated it is the seat that Gene Carroll resigned from a few months ago.

FIRE CHIEF REPORT

Fire Chief Thorington stated as of today, we have had 565 incidents. He stated they had a spray park at the Whipple Street parking lot on the 5th of July and they had a good turnout, the kids had a lot of fun. They are having a another one on July 25th. He said the night shift is working out pretty well so far. He then stated they had training at the city-owned house on Lafayette with smoke machines for search and rescue, and firefighter down and the smoke used was not real so if needed they could take their mask off. He then stated he is asking for two ordinance proposals at the next council meeting, one is the IROL. Currently when a private business has an inspection on their sprinkler system or alarm system, they write it on a triplicate report and then they mail it to the Fire Department and that causes significant delays. The new system is electronic and if there is an alert, they are notified right away which critical violations could be flagged.

POLICE CHIEF REPORT

Lieutenant Baaki stated they had an overdose over the weekend, and the officers had to administer 6 doses before the subject came out of it and went to the hospital. He then stated our recruit that we are sponsoring is starting the academy. He then stated we are looking for a crossing guard and a cadet. He stated they will be doing some rescue task force training with the Fire Department at Hardy where they will be training for active shooter roles, and then they go in with the Fire Department for victim assessment. Lieutenant Baaki stated he checked on the truck and if they should have it in late August or early September. The administrative assistant started today and they are very happy about that.

UNFINISHED BUSINESS- None

NEW BUSINESS

1. Purchase and installation of fire station water softener system

Fire Chief Thorington explained the fire station has some very hard water and it is rough on the appliances, fire equipment and vehicles. He stated he has received 3 bids and they are all commercial

level water softener. Councilmember Hansen stated he bought his water softener from Advanced as well and it has worked out perfectly.

CM 7-5-22 MOTION TO APPROVE WATER SOFTNER PURCHASE

Motion by Dilg, supported by Kurtzweil

Motion to approve the installation and purchase of a water softener totaling approximately \$5,000.00 from account number 101-336-972.

ROLL CALL VOTE:

Mosier- Yes

Dilg- Yes

Kivell- Yes

Hansen- Yes

Kurtzweil- Yes

Kennedy- Yes

MOTION CARRIED UNANIMOUSLY

2. Replace two small round drains with two 9" trough drains

Fire Chief Thorington stated we have trough drains throughout the fire station, but for some reason we do have two small drains under the equipment and it becomes overwhelmed and makes a muddy mess quickly. They will match the trough drains we already have. He reached out to Allied a while back and received a large bid, and he reached out to Kerry Curtis and Mastercraft Floors and received two more bids. He stated one was from someone that worked for Dearborn in the past, but he doesn't know him personally. Councilmember Hansen asked why such a big difference from the quotes from Allied to the other two. Chief Thorington stated the one from Allied included the floors which isn't what we were looking for. Councilmember Kivell stated those are the kinds of outliers and they are so far away from the other two bids, they aren't competitive, so it's a throw away and defeats the purpose and sometimes it is difficult because sometimes you could find four contractors when it comes to masonry.

CM 7-6-22 MOTION TO APPROVE REMOVAL AND REPLACEMENT OF DRAINS

Motion by Hansen, supported by Dilg

Motion to approve the removal of two round drains, sawcut the concrete floor, and replace with two 9'x1' trough drains in the amount of \$5,000.00 from account line item 101-336-978

ROLL CALL VOTE:

Kurtzweil- Yes

Kivell- Yes

Dilg- Yes

Hansen- Yes

Mosier- Yes

Kennedy- Yes

MOTION CARRIED UNANIMOUSLY

3. Change orders for Capital Improvement project at water treatment plant

City Manager Zelenak stated it is nearing its first phase of completion. To improve efficiency, we are presenting several change orders surrounding the improvements as the project is nearing its final completion stages. There are five outstanding change orders that are all combined into change order #3. The city still holds funds in retainage for this project as well as liquidated damages that are currently being discussed due to the contractor not meeting the substantial completion date per the contract. Tonight, Council may approve, or deny the change order #3 for the water treatment plant for \$168,060.99 under line item 592-452-802. Mayor Pro Tem Kennedy stated we are being charged \$117,401.24 for a temporary bypass piping. He stated the contract reflects the contractor is required to go through a series of valve installations and complete them within 24 hours and without interfering with the continual usage of water by the residents. He further stated it reflects, if the contractor is unable to do that, they will need

to install a bypass. Why are we being charged separately by the bypass. Mr. Darga stated there was one valve in the water plant that controls the drainage while filling the tank and when speaking with city staff, they didn't feel confident that they could shut the valve off and give the contractor the time they needed, and our biggest fear was not being able to get the valve open, therefore we couldn't provide the 24 hours for the contractor to do the work. Mayor Pro Tem Kennedy asked whose decision it was to allow them to charge for the bypass, was it HRC or maybe the contractor didn't include that in their original bid. Mr. Darga stated they told him we didn't think we could close the valve. The bypass was not in their original bid. Once we got the bypass in, they were able to always provide water to the city and we didn't have to worry about opening and shutting off the valve that may not work. Also, they were able to do the work during the day as to not to bother the residents that live in the area during the evening or night. There are valves in place now the city can use if needed. Mayor Pro Tem Kennedy stated when the contract was written, the city expected the four valves to be replaced in a particular sequence, and no one tried the valve to see if it would work before the contract was written. He further stated at some point it was realized it wouldn't work, so the contractor was told to put the bypass in. He then stated HRC wrote the contract and didn't check to see if the valve was going to work and the work could be done in 24 hours, so because that wasn't verified, the contractor is now charging the city extra money. Roland Alix of HRC stated we set up the plans and the specs assuming the valve could be successfully operated and the contractor could close the valve and cut in a section of pipe and operate everything. We didn't spec for a bypass to be installed. If we had, the contractor would have included that in the bid. We didn't specify that and we were hoping best case scenario it would work and we decided we and the city staff wasn't quite comfortable with the reality that the bypass should have been included in the beginning. Councilmember Kurtzweil thanked HRC for their work for the city. She stated municipal funds are hard to come by, and when a large project comes out for bid, she believes the vendors try to come up with a number the city can handle. She further stated the critical assessment was being made in the beginning of the process, but it wasn't thought to be a critical point. She stated it was looked at and other decisions were made and as other things went on, things began to development showing a different decision needed to be made which is the essence of a change order. That is why you have change orders to allow the decision process to be made as you move through the project, and if someone thinks a different decision should have been made. A change order was needed and she doesn't see any fault in not using it in the original bid. Councilmember Kennedy stated the role of a project manager is to identify upfront to the best of their ability to find things that could go wrong, and how to avoid those circumstances. This was a critical path, it had to be completed in 24 hours. Councilmember Dilg asked if this is a situation where if it wasn't put in the original bid, and now it's an emergency and it costs more money. Mr. Alix stated they had many conversations with the contractor, city manager and city staff, it may have been a little different if the costs and labor was different, but it is similar to what it would have cost in the original contract. Councilmember Hansen asked if there will be more change orders to come before Council. Mr. Darga stated there may be more change orders.

CM 7-7-22 MOTION TO APPROVE CHANGE ORDER #3

Motion by Kurtzweil, supported by Dilg

Motion to approve the change order #3 for the water treatment plant for \$168,060.99 under line item 592-452-802

ROLL CALL VOTE:

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

MOTION CARRIED UNANIMOUSLY

BUDGET- No discussion was held

PUBLIC COMMENT- None

MANAGER'S REPORT

City Manager Zelenak stated we are still waiting for information from ARPA for allowable uses for the federal funds. We will have a presentation when we get more information. He then explained we have a public informational meeting for the road improvement program tomorrow at city hall from 4pm to 7pm. We also have one scheduled for Saturday July 23rd from 11am to 2pm. He is also scheduling meetings with homeowner associations. We've had 4 out of the planned 13 social media posts informing residents of the road plan and the ballot proposal. He then reminded Council if they are interested in introducing any of the bands for the Concerts in the Park to email him with the dates that are available. City Manager Zelenak stated based upon communications in the past as well as today, he has informed department heads that in the future, Council's packet will need to include all the bidders and their bid information, not just the lowest bid for Council to review. Councilmember Dilg asked if we are reaching out to the homeowner's association. City Manager Zelenak stated he is putting the information on social media, and one homeowner association reached out to him. We don't have contact information for all of them. Councilmember Kurtzweil stated she has been out speaking with people about the road bond, and homeowner's people are very positive about it and many people are taking a look and realizing it is time to get the roads fixed. And people are saying they should have been dealt with years ago, but they weren't which is why it is a good thing we have the team here that we do now. We are solving problems of the past; we should have had a funded road plan years ago. She then stated she is concerned about the dumping that happened at 948 Stratford. She further stated regardless of what was dumped into the storm drain, we have an ordinance against dumping into storm drains and she hopes the city will issue that contractor a citation, this is not an issue to educate them. Our water supply and storm drains are very important. Most contractors bring a tub with a lid and take their water with them. There is too much money spent on infrastructure for someone to dump in our storm drains. She then stated years ago, someone was dumping oil on Dixboro near 9 Mile, people set up trail cams. You could see it on the water, and this is not a dumping ground. Councilmember Kivell asked if we are putting the road bond issue on the cable channel. City Manager Zelenak stated he will look into that. Councilmember Kivell stated he hopes we really start pushing that unless your cool with the roads, we need to get in the right direction. Councilmember Hansen stated we budgeted for replacing trees, and he hopes this can be looked into now, because the best time for planting is fall. He then asked if the pot holes will be fixed at the Wells St parking lot, or are we waiting until the construction is done. City Manager Zelenak stated he will contact the DPW and find out. Councilmember Kennedy stated there is a need to push the information out about the road bond, and a lot of the absentee ballots have been returned and he hopes we get the information to the folks in the upcoming weeks. Councilmember Hansen asked if there is a mailer going out to the absentee voters informing them about the road bond. City Manager Zelenak stated added something to the water bill that recently went out, social media sites, as well as our website. We did not spend tens of thousands of dollars doing mailings, most is word of mouth.

COUNCIL COMMENTS

Councilmember Dilg congratulated the organizers of the South Lyon Pride Event. It was very successful and over 500 people attended the event. There were over 30 booths and she appreciated the support of the local businesses, Venue, Julie Paquette, a local lawyer, Spun Sugar, and the Unitarian Church. There were a lot of people there and it was a fun family friendly event. And she appreciates the community's

positiveness towards it. She stated it was great to see Nate and Councilmember Kivell there and she appreciated the low-key presence of our police department.

Councilmember Hansen stated this will be the 10th annual Fury for a Feast by the Witches Hat Brewing for Gleaners, and Blessings in a Backpack, on August 20th, 2022. They collect food and it's a fundraiser. They have helped to raise over \$93,000 and gather almost 10,000 pounds of food. They are hoping it will put them over the \$100,000.00 number. People are still struggling and they want people to have an opportunity to hear some good music, have some great beer and food, but also a way to pool some money and food for charities that will keep the funds in our community.

Councilmember Kurtzweil stated on July 8th she attended a memorial service for Michael Krol who was a police officer shot and killed by a sniper while he was on duty and protecting protestors at an anti-police brutality march in Dallas Texas in 2016 and it was well publicized. She stated the service was held in South Lyon and it was very well attended. Prior to accepting a position with the Dallas Police Department, he was a deputy at the Wayne County Police Department. She thanked everyone that attended, and all the law enforcement that came in from around the country to our wonderful city. She then thanked members of the Wayne County Sheriff's Department, the Wayne County Color Guard, members of the Dallas Police Department, elected officials and members of the public and most importantly South Lyon Police Chief Chris Sovik. He was publicly recognized for being in attendance at this event and he was so well received by his fellow law enforcement officers. She thanked Chief Sovik for giving South Lyon a very good look and she thanked him for sending his condolences to a mother who lost her son to a sniper while protecting protestors. Her heart was broken and as she sat through that service she looked around and asked herself if she would ever take a profession where she would offer her life up for another individual, and she looked around the church and saw all the law enforcement officers from all over the country, she doesn't think so, but she knows every one of them would. She again thanked Chief Sovik for extending his condolences and she stated all the divisiveness that is out there today in regards to Police, needs to stop. Councilmember Kurtzweil thanked the sponsors for the E Lake Cruise In, which was E Lake Dental, Shadow Rods, The Corner Social, and Stone Depot. Everyone should support our local businesses.

Councilmember Kivell stated Elissa Slotkin went to the War Dog Memorial with the Secretary of the VA and it was a remarkable thing that someone on the Cabinet would end up being in our backyard to see the War Dog Memorial, and it gives you some understanding of the honor and the importance of these animals. It was cool to see Elissa again at the Pride event and that event was delightful. It was well attended with wonderful weather and Thad Bogart had his new gear out there and it was really great music and nice and clear and people that were making speeches to the public, were heard nice and clear. He thanked him for bringing out all his equipment.

Councilmember Mosier stated the Pride Event was very successful as well as the Farmers Market. They were so busy and it is so nice seeing everyone out and about. She hopes everyone comes out for Motorfest as well and she hopes everyone visits all of our local shops.

Councilmember Kennedy congratulated the Kensington Valley Civitan Club on their second Youth Entrepreneur Market that took place on July 9th. They had some very talented individuals there with some great products for sale. If you haven't had the chance to visit yet, he encourages everyone to do so and help support these folks and their foray into the business world. The event is held in the grassy area between Biggy Coffee and Lucas Coney Island. The next event will be held on Saturday, August 13th from 10am-3pm, so mark your calendars now. He then reminded everyone that Furry Friends Rescue will be at the Farmer's Market on Saturday, July 30th collecting returnable bottles and cans to help fund their

efforts. So, remember to drop by, and drop off your bags of returnables to help this organization as they work to find permanent, loving homes for pets.

ADJOURNMENT

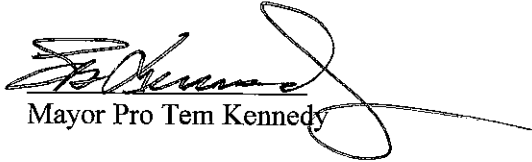
CM 7-12-22 MOTION TO ADJOURN

Motion by Kurtzweil

Motion to adjourn meeting at 8:46 p.m.

MOTION CARRIED

Respectfully submitted,


Mayor Pro Tem Kennedy


City Clerk/Treasurer Lisa Deaton