

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
March 8, 2010**

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

Mayor Wallace led those present in the Pledge of Allegiance to the Flag

PRESENT: Mayor Wallace
Council Members: Kivell, Kopkowski, Kramer, Morelli, and Wedell
City Manager Murphy
City Clerk/Treasurer Zemke
Attorney Lee
Department Heads: Collins and Martin
ABSENT: Councilman Selden and Superintendent Renwick

CM 3-1-10 – EXCUSE ABSENCE

Motion by Kivell, supported by Kopkowski

To excuse absences

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

CM 3-2-10 – APPROVAL OF MINUTES- FEBRUARY 22, 2010

Motion by Kivell, supported by Wedell

To approve the minutes of the February 22, 2010 Regular Council meeting as written

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

CM 3-3-10 – APPROVAL OF MONTHLY BILLS

Motion by Morelli supported by Kivell

To approve the monthly bills as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

CM 3-4-10 APPROVAL OF AGENDA

Motion by Wedell, supported by Kramer

To approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Mr. Bruce Nussbaum of 525 Willow Drive read the following statement:

I would like to address the Council regarding the future and past meetings in which four council persons have voted to spend money for projects which are deemed necessary. You have been subject to very talented sales people who have coerced you by intimidation to spend vast amounts of money at a time when revenue has disappeared at a 40% rate in the past two years. You will have to use saved funds just to project your next budget. You are told that if you wait low interest rates will be gone and the cost of projects will increase. Isn't it odd that HRC came in just before assessments were made available and you could realize how drastic tax revenue would fall. People here are facing foreclosure and new building is at a standstill. Will you be able to face the voters in the future when this becomes the next California? In my opinion you lack either accounting skills or good old common sense when facing a good salesman.

You are not overstaffed and the vast cuts you need to make will not make up for lost revenue, only lost services to the residents you serve. HRC told the Council when asked by Councilmember Kramer that the drawings could be completed when funds were available but four of you were sold on the notion that this should be done now before costs increased. How much burden do you want to put on your friends and neighbors in the worst economy since the Great Depression of 1929? People are unemployed in this community and now you must consider raising water rates drastically to pay for this project. Once again you will be told that our rates are the lowest among the communities all around us. Perhaps this is true and I am sure that it probably is, but can you justify the future payments without considering the damage to the community.

When HRC asked for a few minutes at a recently held Council meeting it became a very long drawn out sales pitch. In my opinion it is now the time to not make hasty decisions but simply say no until we have a chance to weight the benefits and consequences of our actions. If the economy does not rebound in the next few years South Lyon will be broke and you will have to assume the blame and answer to the voters.

It is my opinion that this community has the people and the resources to do this assessment and evaluation prior to future monies being spent.

Mr. Ron Way of Livonia and fiancé Michelle Finzel were present to address Council about the Crossroads building. He stated that the owners of Crossroads are going to be going through bankruptcy and the liquor license will be held up. He has spoken to Liquor Control and they indicated that there is a liquor license available in South Lyon. He would like to ask if they could apply for that license to try and make that a successful business. He stated that he previously owned a bar in Midtown. He would like to make this business a family friendly atmosphere. He stated that he is big in sports and would like to get in touch with the community and are thinking about calling the business the "Sports Jungle Café" because of the High School. He further explained their ideas. He further stated that they are familiar with the history of the building. He stated that Liquor Control has indicated that the City could be in jeopardy of losing the license depending on the census. He stated that if the business was not to work they would be willing to give the license back to the City or sell it back for \$1. He would be willing to work to get some of the back taxes paid, etc. He further explained some of their ideas to make it family and kid friendly.

City Manager Murphy stated that he asked Mr. Way to come to a meeting to get a sense of Council. He stated that he did explain to Mr. Way some of the problems that we have had with previous businesses on that corner. Mr. Way stated that they are trying to get the building.

Discussion was held on the liquor license currently designated for that business. Attorney Lee stated that it is currently in escrow. Attorney Lee asked Mr. Way if the Liquor Control Commission has indicated that they would allow another liquor license at the same address. Mr. Way stated that in talking with Liquor Control he did explain the situation and they indicated that the City had an available license. Because the business no longer exists, they could bring in another liquor license. Attorney Lee explained the action Council took the last time the license transferred. He stated that Council indicated that under no circumstances would we

accept Malaka, Inc. or his people as a license holder in the City. Some default of the current license holder resulted in the license going back and we wrote a letter to Liquor Control that we wanted to make sure that our previous direction was upheld. He would be happy to do whatever is necessary to move that license along with the property, but he does have difficulty having two licenses issued to the same location.

Mr. Way stated that he would be willing to work with the City or enter into a contract with the City. He does not intend to get the liquor license and leave town. He further stated that he did attempt to get a management agreement with the previous business owner, but he intends to file bankruptcy which will hold up the process. Mayor Wallace stated that the entire community would be very excited about the prospect a new business and suggested to Mr. Way that he meet with the City Manager and the City Attorney to establish what needs to be done.

OLD BUSINESS: None

NEW BUSINESS:

1. Acceptance of Grant- South Lyon Fire Department

Chief Kaska stated that he is asking Council to accept the grant from the Department of Homeland Security through the 2009 Assistance to Firefighter's Grant in the amount of \$120,700. This will be for the purchase of 22 SCBA with mask and spare bottles as well as 2 RIT packs. There is a 5% match required which is \$6,035. He stated that he does have the money in the budget for the match.

CM 3-5-10 – ACCEPTANCE OF GRANT

Motion by Kivell, supported by Kopkowski

To accept the 2009 AFG grant from the DHS in the amount of \$120,700 with a 5% match of \$6,035 and the purchase of four additional masks at an approximate cost of \$900 each

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Contract with MDOT

City Manager Murphy stated that this is the contract with MDOT who will be acting as the agent for the Nine Mile Road project since this is Federal Stimulus money. This project will be Nine Mile from Pontiac Trail west to Dean Drive. The amount of stimulus money is \$509,000+.

Councilman Wedell asked if we would be using Tri-Party monies for this project. City Manager Murphy stated that we would not because this does not affect the County. We will be spending the Tri-Party funds on the trail project which should be done in 2011.

The question was asked where the funds would be coming from. City Manager Murphy stated that it would be from Capital Outlay which will be transferred to Major Streets.

Councilman Wedell asked Attorney Lee if he has read and is in agreement with the Contract. Attorney Lee stated that they will not let him change it. That is the price you pay when you accept federal money.

CM 3-6-10 – APPROVAL OF CONTRACT WITH MDOT – NINE MILE ROAD PROJECT

Motion by Wedell, supported by Morelli

To approve the contract submitted by MDOT for the Nine Mile Road Project as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Acceptance of Department of Energy, Labor and Economic Growth (DELEG) Grant

Mr. Conan Smith of the Suburbs Alliance was present. He stated that back in December we talked about the Energy Efficiency Block Grant program with the State. It was a competitive grant process and they invited the City of South Lyon to join the Southeast Michigan Regional Energy Office which is a collaborative of 19 cities. As part of that collaborative they wrote a grant on behalf of the City for approximately \$68,000 to conduct energy efficiency upgrades on five of the municipal buildings. We won that grant, and 100% of the grants that they wrote for communities were approved. As terms of the participation agreement with the City, the City will realize the \$2,500 of savings in the first seven years, but the total savings is approximately \$12,000 per year. For the first seven years, a portion of those savings are accrued back to the Energy Office for an endowment fund so that they can continue operations. The City will realize \$2,500 savings for the first seven years and then \$12,000 per year for the life of the project, which by their estimates is another 13 years for a total of \$175,000 in savings as a result of this grant. The Energy Office is coming along and just accepted a \$3 million grant from the Public Service Commission that will accrue into their endowment fund so that there will be a staff in place long term to help the City with its energy needs into the future. The next step is that the Warren Training Center will come in and work with Steve Renwick on commercial grade energy audits of those buildings. Those will be brought back to the City as well as an agreement that details the cost savings for each building post project and payment plan for the Energy Office.

Council Member Kopkowski asked what would happen if the project savings are not realized. Mr. Smith stated that there are some assumptions that go into their prediction including the fact that the use of the building will remain steady over the course of time. What they will be able to show in a commercial grade audit is a specifically calculated savings. The payback that they will bring to the City will be based upon those analysis, and it would be incumbent upon the City to maintain the use of those buildings at the same level.

Discussion was held on lighting upgrades including the replacement of incandescent lighting with LED and more efficient equipment.

Councilman Kramer asked for repayment would there have to be actual savings not based on the numbers calculated or would the City still owe the Energy Office that yearly amount. Mr. Smith stated that the City will commit to that yearly amount, but they will work with the City to ensure the behavioral modifications that the staff may need to make and other ways to ensure that the savings actually exceed the savings that they are predicting. They usually do a conservative estimate.

Councilman Morelli asked the cost of the upgrades. Mr. Smith stated that they will bring in a prediction. Because this is Federal Stimulus money through the State, all of those projects would have to be bid out competitively. He stated that they will not recommend that the City spend more than the \$68,000 that is coming from the State.

Councilman Kramer questioned the "other costs". Mr. Smith stated that these are contributions from the Energy Office from the Michigan Public Service grant. These are funds that they are going to use to conduct the commercial grade audits. Each of those are approximately \$3,500. There are in-kind hours contributions from Mr. Murphy and Mr. Renwick included in the grant. A portion of their time will be picked-up by the grant.

Councilman Kivell stated that his concern is that we have already taken on some measures of our own such as how we can make our motors more efficient at our wastewater treatment plant, etc. He does not want this packaged into something that we have to repay. Mr. Smith stated that Steve Renwick has already made them aware of the energy audits and plans in place for equipment upgrades. The energy audit that they provide will cover the scope of activities that might happen in any building, but the financial analysis will apply only to the things covered in this grant.

Discussion was held on technical issues. Mr. Smith stated that they can bring in the technical people to meet with Council after the audit.

Councilman Morelli asked over time how much will the City have to pay back. City Manager Murphy stated that it would be the entire grant paid with the savings. It was stated that this is not money coming out of our budget.

Mayor Wallace stated that this grant will be used for lighting upgrades and retro fitting at the Police, Fire, DPW and Wastewater Treatment buildings.

CM 3-7-10 – ACCEPTANCE OF GRANT – DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

Motion by Kivell, supported by Wedell

To accept the DELEG Multi-Purpose Block Grant in the amount of \$67,991

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Water/Sewer Rate Study

Mr. Brian Camiller from Plante Moran stated that since he was before Council two weeks ago, they have been busy working on getting the rate model updated. He received all of the accounting information as well as the units pumped information from the Water Department and entered that information into the model. He met with Mr. Murphy, Mr. Martin and Lori Mosier and made some minor modifications to their assumptions. The model calculates what the rates would be under the two different scenarios, either obtaining the DWRf loan or not. He discussed his letter to Council of March 2, 2010. The number one assumption that the model is based on is how many units of water and sewer are you going to sell and it is that number of units that you are spreading your fixed costs. In most communities in this area, you are seeing less activity in their water and sewer departments based on vacant houses and the fact that people are being more conservative. Because consumption has gone down, the cost automatically go up. He stated that the first scenario is if the DWRf does not occur. The City has already invested several hundred thousand on engineering and the various costs. That money was not budgeted in the original rate model so you have used up some of the water reserve. In order to replenish that reserve over several years and pay for the on-going operation of the system, the water rate would increase from \$1.68 to \$1.95 or 16% increase. Sewer would increase from \$3.44 to \$5.78 or 11.25% increase, which is not affected by the project. The overall increase would be 12.8%. To the average user, which is difficult to determine because of the various household makeup, would be an additional \$17 per quarter. This would be to recoup what has been spent and the on-going increased cost of operating the system. It has nothing to do with raising additional capital for future projects.

Councilman Morelli stated that last year we were told that it would normally go up 5-7%. Mr. Camiller stated that was their projection last year for water, sewer was 13% or an overall increase of 11.1%. If you look at the second scenario, if you discount the fact that you have spent your reserves and you are just looking at the on-going costs of running the system, that would be increasing the water rate from \$1.68 to \$1.89 and still the 11.25 % increase for sewer which is 11.7% which is within 1% of where we were a year ago. If the project does go forward and the DWRf loan is taken out at 2.5% over 20 years, you would pay more interest up front as the principal is paid down. With an increase of \$.85, it would generate \$351,676 per year. The other task was to run some numbers if Council chose to postpone the project and wanted to save money as a down payment. He has provided a schedule depending on how much you wanted to save before starting the project.

Discussion was held on the total amount to pay back the DWRf loan. Mr. Camiller stated that it would be \$5.1 million. Councilman Kramer asked if for the average user the additional cost is \$41 per quarter would that be for the 20 year period. Mr. Camiller stated that would be the cost for right now. Next year the costs will go up again. That \$41 does not factor in that one of the City's existing bonds falls off five years from

now, which would be \$.32 that would come off 2016. Councilman Kramer asked if the \$41 includes the normal increases for operation. Mr. Camiller stated that the \$41 includes operation increase.

Councilman Morelli asked Mr. Camiller asked if he considered the possibility of taking over hydrants and mains within private developments. Mr. Camiller stated that the figures were not available and are not included in these calculations. There are costs built in for future capital so some of that maintenance could come from there.

Councilman Kivell asked the typical rate for a project of this size. Mr. Camiller stated that Council would have to issue their own bonds. The bond rate right now is 4-5.5%. Councilman Kivell stated that saving for five years and going out for bonds would be a great deal more expensive.

Council Member Kopkowski stated that the concern is that it is not affordable right now for the community. Maybe in five years it may be more affordable. Even though it may cost more to do the project in five years, it may be more affordable to the residents. We do not know what the rates are going to be in the future. We need to look at what is right for our community right now.

Councilman Kramer asked Mr. Camiller what kind of decrease in water usage does he see looking into the future. Mr. Camiller stated that for the purposes of the model, they kept it at what we think 2010 will be. Based on what we are seeing, the usage should be 1% less by June 30, 2010 from what we saw June 30, 2009.

Councilman Morelli stated that if we do nothing we are looking at a 12.8% increase and possibly another 7% next year. He stated that he is not disputing the fact that this project is something that someday should be done, but he would agree that he does know if now is when we should do it.

Council Member Kopkowski stated that we are looking at all of these numbers, but we have not even seen a budget yet which makes it hard to make a decision. This is what we should have seen before we spent the money for a design. By doing this out of order has depleted our operations and whether we do the project or not we are going to have to raise the rate to replenish that.

Discussion was held on the increase in 2009. Superintendent Martin stated that we raised water 7% and sewer 13% for a total of 11.1%. We have looked at these numbers and water usage ties directly to our budget. We have to look at things more than just the economy such as seasonal weather, etc.

Councilman Wedell stated that the area that we are discussing continues to deteriorate. He stated that this is an enterprise fund and the changes do not affect the general fund.

Superintendent Martin stated that this was Phase I of the project due to the fact that the federal government felt that this is a green project to save money. In 2011 is when we can reapply for DWRP funds again. Phase II would address upgrades to the water plant, finding of a new well site, etc. We would still like to look at that in the future.

Councilman Morelli asked if it is possible to skip Phase I and go directly to Phase II. Mr. Jessee VanDeCreek of HRC stated that we can back out of Phase I any time. We have been moving forward to stay within the State's target milestones. He stated that the soonest we could apply for Phase II is May 2011 and we would go through the same process that we went through for Phase I. The federal government saw Phase I as a water loss issue. We have double digit water loss in the City. They saw this as a way to save perpetual waste of water resources. We can notify the State that we would like to pursue Phase II for next May. We would have to do all of the engineering on Phase II. He further stated that it is not necessarily fair to say that Phase II provides more benefit to the community. The distribution system is a vital part of the system and it is all connected. If we apply for Phase II then we compete with all 80 projects that were not approved in this round. The question was asked if we have to complete Phase I before Phase II. Mr. VanDeCreek stated that we would have to meet with the State to find out what their feelings are. It was stated that we did not make the first cut originally with Phase I. Mr. VanDeCreek stated that we made the

Priority List. City Manager Murphy stated that we eventually got on the approved list because others dropped off.

City Manager Murphy stated that he is not asking Council to approve the rate increase at this time, but rather if Council chooses, authorize him to send the draft user charge to the DEQ which keeps the process rolling. If Council does not want to proceed with the project, then we should drop out so that another community can get on the list. Councilman Kramer asked if we continue to incur costs with legal documents, etc. as we move through the process. City Manager Murphy stated that he would have to check with Miller Canfield to see how the charges are incurred.

Council Member Kopkowski asked what percentage we are with the completion of the design. Mr. VanDeCreek stated that we are over 90% complete. He stated that by March 15th they would have to get the drawings as well as the draft user charges to the DEQ. By May they would be required to submit final drawings.

Councilman Kivell stated that unless there is a majority that wants to move forward maybe we should withdraw and allow somebody else to have access to this money. He stated that he is not delighted by this, but it is necessary and we made a commitment to ½ million dollars in drawings to take advantage of the low interest rate.

Councilman Wedell stated that nobody has an appetite for raising water rates. However, he has been convinced from the beginning that this is a project that needs to be done. He is convinced that \$5.1 million at 2.5% interest is not going to become any cheaper and this is a long-term issue for the City. If we pass at this point then we are going to impose a larger cost per household in the future. This is one of the toughest decisions that Council is elected to make.

CM 3-8-10 – ACCEPTANCE OF REPORT – PLATE & MORAN – DRAFT USER CHARGE

Motion by Wedell, supported by Kivell

To accept the report from Plante & Moran and instruct the Manager to send the draft user charge to the DEQ to continue the DWRF process

Councilman Morelli stated that this project is essentially to replace mains in the oldest part of the City and these people have paid for years to support the water system for all of the new subdivisions, etc. Now it is their turn to see the benefit. The money is never going to be any cheaper and it is a tough choice. However, the majority of the community that do not have a problem with 4" lines is going to carry the burden of the increase. There are a lot of people with financial constraints so now is not a great time to do this even though it is something that needs to be done. The question is when is going to be a good time. Councilman Wedell stated that we also have to look at the fact that for most of our residents, their property taxes are going down.

Councilman Kramer stated that the majority of Council voted to complete the design on the basis that the design could be shelved and they would still be valid in ten years. He does not think that the majority voted to complete the plans with the assumption that we would move forward with the DWRF. Councilman Kivell stated that he voted to complete the plans to keep us in the queue in the event that we committed to the DWRF. Councilman Wedell stated that it was a safety net that the plans could be shelved, but some Council members thought that we would move forward.

Council Member Kopkowski stated that she was the minority voting not to complete the drawings. She stated that she understands the low interest rate, but if you offer somebody something at a low interest rate and they do not have a job, it is going to be difficult for that person. But in a few years they have a job and they have money in their bank account, it is not going to seem like a burden.

Councilman Kivell stated that with the loss of water from a leaky system, we are lucky that it has not failed any more severely. If failures start escalating, it is going to get very expensive.

Councilman Kramer discussed the current water bond. Councilman Kivell stated that at that time we were dealing with things that were being imposed on us by the State. Councilman Kramer stated that we were under obligation at that time, but we are under no obligation to move forward with this project. He stated that we are already faced with raising our rates to keep our normal operation budget the same and we are already paying on the original bond for another six years. He does not see the urgency in doing this right now. The system is not failing.

Superintendent Martin stated that what we are trying to accomplish is new volume, pressure, and going to an eight inch main to secure our system. Mr. VanDeCreek stated that we have 60 miles of main and approximately 5 miles is 4". Discussion was held on water loss. Mr. VanDeCreek stated that the water loss is approximately 11%. It was stated that possibly this is something that we should have looked at years ago. It was stated that when we do road projects we do replace the 4" mains so we have been addressing them.

ROLL CALL VOTE:

MOTION FAILED

Kivell – Yes
Kopkowski – No
Wallace – No
Wedell – Yes
Kramer – No
Morelli - Yes

5. Salt Purchase

City Manager Murphy stated that we are asking Council to approve a purchase commitment through the Farmington Hills Consortium, which we believe will be cheaper than State of Michigan. The anticipated cost savings is \$7.49 per ton from the current State price.

The question was asked if the Consortium has a solid rate. City Manager Murphy stated that this is the proposed rate. The State does not have a proposed rate yet.

CM 3-9-10 – APPROVAL OF PURCHASE COMMITMENT – SALT PURCHASE

Motion by Morelli, supported by Kopkowski

To approve the purchase commitment of salt from Farmington Hills Consortium

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT

City Manager Murphy stated that in the packet he included copies of the MDOT contract and the DELEG contract and asked if Council wished to have actual copies. These are available in the Clerk's Office if there were questions. Mayor Wallace stated that he agrees that it is not necessary to make everyone copies. Councilman Wedell stated that he just wants some assurance that the Attorney has reviewed them. Councilman Kivell stated that he agrees, especially those that we cannot manipulate anyway. Councilman Wedell stated that he would like this extended to grants as well. Councilman Kramer stated that as far as grants, he would like to see the budget information.

City Manager Murphy stated that included in the packet with regards to the water and sewer rates was a chart made by the City Clerk. He stated that regardless of how Council acted, it told a good story. He would also like to point out that the City's rates are very low in comparison. Mayor Wallace stated that it is a sellable point for the City. Council Member Kopkowski stated that we do not need to compare to other

communities. We have to do what is right for our community. City Manager Murphy stated that you also need to know what is going on around you.

COUNCIL COMMENTS:

Councilman Wedell stated that when he first started as a budget analyst, he was told that Commissioners liked pictures and graphs and he appreciates the graph that was provided.

Councilman Wedell stated that he was pleased to see the summons in the packet. He is pleased to see that it is ongoing and that we are pursuing it. Attorney Lee stated that this is for the property at Pontiac Trail and McHattie and the building that has been vacant for several years. We have two different lawsuits pending against the property. One is for exterior failures and the other is for fire hazard issues dealing with what is inside the building including things such as propane tanks, etc. that are a hazard and have no business being there. On two occasions the property owner has failed to appear once ticketed. The reason the process has taken so long is that he has paid the fines but the second half of the order was to make the repairs specified by the Building Inspector. The hearing on March 22nd will include why he should not be held in Contempt of Court for failing to obey the Judge's Order. Hopefully, the Judge will be stern and threaten or impose a jail sentence if he does not follow through.

Councilman Kivell stated that when he was researching trying to find a solution to the speed limit issue on Ten Mile he ran across some language that the Superintendent of Schools could make a request to the State to establish a speed zone, which was a concern for residents on Nine Mile. He had lost sight of the fact that Nine Mile is our road and we have the ability to impose that on ourselves. He would like that as a discussion item at our next meeting. Councilman Morelli stated that he asked the gentleman from Oakland County about that clause and he indicated that it had to be at least 15 mph over the 25 mph limit. Councilman Kivell stated that is if we are dealing with another agency.

Councilman Kivell stated that he was surprised to see that TIA would not be doing their study until at least two weeks after the signs have been changed. The Road Commission representative was adamant that if the State Police conducted the study, they would not do it until the signs have been removed to make sure there was no outside influence. The disparity seems puzzling and the study is supposed to reflect what people's conduct is to drive at a safe speed. When you have the 35 mph signs, to suggest that it has no influence seems naïve. Further he stated that in talking with the City Manager in trying to find solutions to the existing situation, the City Manager was reluctant to act on anything because it was his feeling that Council had established the route they wanted to go. He never heard anyone suggest that they thought that 25 mph was too slow but rather it was less of a threat to accept RCOC's recommendation. He was hoping that if there is no objection, he would like to give the City Manager the ability to research different angles to see if we can reach a different solution and re-establish 25 mph. Council Member Kopkowski asked if the Road Commission will only accept the State Police study. Councilman Kivell stated that is not the point, but rather if there is a solution to the situation, if we can pursue something he would like to take advantage of that rather than "handcuffing" the City Manager. Council Member Kopkowski stated that we need to make sure that he is not just "spinning his wheels". Councilman Kivell stated that the Road Commission is not the only one with a say. His suggestion would be to ask our State Representative to ask the Attorney General for a legal opinion. There is a number of things that can be looked at. It is not as though every moment of the City Manager's day is consumed. In a couple of weeks the budget will be done.

Attorney Lee stated that he did follow up with Ann Arbor who indicated that they are basically giving up and putting their faith in an amendment to the Motor Vehicle Act. Councilman Kivell stated that had to do with only one scenario, but they were able to prevail on another section. Further discussion was held on Ann Arbor's experience. Attorney Lee stated that the Motor Vehicle Code would have to be amended to strike Section 606 and give the community back the right to set speed limits in residential areas. That power was taken from the legislature. Councilman Kivell stated that there are things outside of the prima facie criteria that do have an impact on the final decision. We need to avail ourselves of every opportunity. Councilman Kivell again asked if there is no objection he would like to give the City Manager some leeway to try to work to protect the community.

Councilman Kramer stated that Council is being asked to take action on an item not on the agenda. Councilman Kivell stated that he is asking Council to not restrain the City Manager from doing his job.

Council Member Kopkowski stated that she is pleased to see that the budget will be done in a couple of weeks. City Manager Murphy stated that he is hoping to have it done within the next two weeks. Council Member Kopkowski asked if we will schedule a budget workshop. City Manager Murphy stated that we will. We have two union contracts that we have been negotiating and we have two that we have re-opened. We are also working on some numbers for insurance. All of these pieces fall into the entire budget.

Mayor Wallace stated that snow shoveling is supposed to be done within 24 hours after the snow stops. We have had certain areas that have not been done. City Manager Murphy stated that they do get cited for not shoveling. Council Member Kopkowski asked who now has to shovel Crossroads now that it is closed. City Manager Murphy stated that the citation would go to the property owner. If Council wants those shoveled, then Council needs to change the ordinance to say that if it is not done within 24 hours, then we will go in and do it and apply the cost to the tax roll. Mayor Wallace stated that we do have handicap residents that ride their electric wheel chairs to get to stores, etc. and we have had some that have had to go down the street. As a business person, if there is an area not shoveled, you would think that you would want people to get to your establishment and if nothing else, step in and clean some of it up yourself even though it is not your area. He does not see that it is the City's obligation. The neighboring businesses need to take care of it.

Mayor Wallace stated that in January, he talked about trees and would remind the City Manager that we need to get some of those trees replaced when the time is right, possibly within the next few weeks. We need to complete the streetscape that has never really been completed.

ADJOURNMENT:

CM 3-10-10 ADJOURNMENT

Motion by Kivell, supported by Kopkowski

To adjourn meeting at 9:06 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer