

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
NOVEMBER 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, Selden and Wedell
City Manager Murphy
City Clerk/Treasurer Zemke
Attorney Lee
Department Heads: Collins, Martin and Renwick

APPROVAL OF MINUTES:

CM 11-1-10 – APPROVAL OF MINUTES- OCTOBER 25, 2010

Motion by Kivell, supported by Morelli

To approve the minutes of the October 25, 2010 Regular Council meeting as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Council Member Kopkowski questioned the payment for the Cool Yule banners and indicated that she would like to see us use a local company for the banners.

Councilman Kramer questioned the payment to the City of Novi for inspection services and asked how that relationship was working. City Manager Murphy stated that has been working well. They receive 75% of the permit costs and the remainder we keep for administrative costs.

CM 11-2-10 – APPROVAL OF MONTHLY BILLS

Motion by Kivell supported by Wedell

To approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

CM 11-3-10 APPROVAL OF AGENDA

Motion by Wedell, supported by Kramer

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Mr. Tim McClorey of IBEX Insurance stated that when the City switched their insurance carriers a couple years ago, one of the reasons was that MMRMA had an asset redistribution program. After a couple years in the program, should they deem that they have enough assets, they distribute that back to the membership. This is the City's second renewal and he is pleased to deliver a check as part of that program in the amount of \$1,025.

CM 11-4-10 – ACCEPTANCE OF DISTRIBUTION CHECK – MMRMA

Motion by Wedell, supported by Selden

To accept the distribution check from MMRMA in the amount of \$1,025

VOTE:

MOTION CARRIED UNANIMOUSLY

Mr. Ed McLeod of 500 Willow and member of the Parks and Recreation Commission stated that he wanted to take this opportunity to publicly thank the people who made their pumpkin sales a big success. He thanked Ken Hamblin, the farmer who donated all of the pumpkins they were able to sell as well as Don Beagle who provided his truck to pick up and sell the pumpkins and Randy and Mary Clark who not only allowed them to use their parking lot, but also stayed after the parade to sell pumpkins. Discussion was held on the amount raised. Mr. McLeod stated that they will be meeting later this week to go through all of the details. Discussion was held on the farmer's donation.

OLD BUSINESS: None

NEW BUSINESS:

1. Public Hearing - 2010 CDBG (Community Development Block Grant) Application

Mayor Wallace opened the public hearing at 7:38 p.m. Hearing no comment, Mayor Wallace closed the public hearing at 7:39 p.m.

2. Resolution Approving 2010 CDBG Application

City Manager Murphy stated that Council decided to roll the funds over until next year when we will address the Whipple Street parking lot. Council will need to approve the resolution.

Council Member Kopkowski stated that she feels that the parking lot needs to be re-done. We have a contract with our engineers, but for a parking lot that already exists, \$24,000 for engineering fees seem very high.

CM 11-5-10 - RESOLUTION OF THE CITY OF SOUTH LYON 2011 CDBG APPLICATION

Motion by Wedell, supported by Kivell

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and

WHEREAS, Oakland County has request CDBG-eligible projects from participating community's for inclusion in the Action Plan, and

WHEREAS, the City of South Lyon has duly advertised and conducted a public hearing on November 8, 2010 for the purpose of receiving public comments regarding the proposed use of PY 2010 Community Development Block Grant funds (CDBG) in the approximate amount of \$29,935, and

WHEREAS, the City of South Lyon found that the following project meets the federal objectives of the CDBG program and prioritized by the community as high priority need:

Whipple Street Parking Lot Rehabilitation Alt. A in the amount of \$119,355

NOW, THEREFORE, BE IT RESOLVED, that the City of South Lyon CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and the Mayor is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Mike Csapo General Manager of RRRASOC – New Program

Mr. Mike Csapo, General Manager of the Resource Recovery and Recycling Authority of Southwest Oakland County stated that he is here to introduce a new program they are preparing to roll out into the community. They City has a very good comprehensive recycling curbside service program, which is one of the most cost effective programs in southeast Michigan. But they continually try to find ways to enhance the program. One of the trends in the marketplace is to move from a bin system to a cart system and move to single-stream collection system where all of the materials can mix together. Another trend is an incentive system where the resident is rewarded for participating. Participating is tracked and they earn coupons from both local vendors as well as national vendors. The local businesses can promote themselves and reward our residents. He further explained the system and the cost associated with the program. If the residents want to avail themselves of the cart system, they can do so on a subscription basis. There is no cost to the City, but the resident gets the benefit if they choose.

Dan Garmen from Rewards for Recycling stated that they started looking for ways to get people to recycle more. He stated that it is an internet system as well as multiple lines in their office to answer any questions they have. He explained some of the successes in other communities.

The question was asked what the economic incentive is for Duncan Disposal. Mr. Randy Duncan stated that they would not have to separate the recyclables and there would be a cost savings at the landfill.

Discussion was held on the self reporting.

Discussion was held on the cost of the service. Mr. Duncan stated that it would be \$2 per month and they would bill yearly. They will provide the container. The question was asked if the large containers are the only ones available. Mr. Duncan stated that they also have smaller ones available.

The question was asked if residents opt out of the new program, would they still be able to continue what they have been doing. Mr. Duncan stated that there would be no change for them.

CM 11-6-10 – APPROVAL OF REWARDS FOR RECYCLING PROGRAM

Motion by Kramer, supported by Kopkowski

To approve the Rewards for Recycling Program

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Cancellation of the December 27, 2009 City Council Meeting

CM 11-7-10 – CANCELLATION OF MEETING

Motion by Morelli, supported by Selden

To approve the cancellation of the second regular City Council Meeting of the month of December, which is December 27, 2010 and authorize the City Manager to schedule the

meeting if the need should arise

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Cool Yule Parade

Chief Collins stated that the Chamber of Commerce is looking once again to have the Holiday Parade. It has previously been known as the Lights Spectacular, etc. They would like to go down Pontiac Trail from Whipple Street to the Historic Village. We have not received the insurance certificate yet, but he would recommend the approval of the road closure contingent upon receiving that.

CM 11-8-10 – APPROVAL OF ROAD CLOSURE – COOL YULE

Motion by Kivell, supported by Wedell

Resolved That Julie Zemke, City Clerk/Treasurer is hereby authorized to make application to the Road Commission for Oakland County on behalf of the City of South Lyon in the County of Oakland, Michigan for the necessary permits to conduct the Cool Yule Parade on December 4, 2010 and the related road closures: Whipple St. between Warren and Lafayette, Lafayette between Whipple and Dorothy, Dorothy between Lafayette and McMunn.

and that the City of South Lyon in the County of Oakland, Michigan will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend and represent the Board against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permits as issued.

VOTE:

MOTION CARRIED UNANIMOUSLY

6. Purchase Request by the S.L.F.D. for a F-350 Utility/Grass Fire Truck

Chief Collins stated that he completed the paperwork in his capacity of Interim Fire Chief, but deferred to Captain Buers.

Council Member Kopkowski asked how many grass fires we have had in the last year. Captain Buers stated that we have had approximately six. Council Member Kopkowski stated that she is disappointed that it will be sitting outside. She further stated that there have been changes in the fire department and perhaps we should table this issue until we get a new chief and let him assess the needs.

Captain Buers stated that will also be used for not only grass fires, but also we have a trench rescue/confined space trailer and this will haul that trailer rather than our rescue. Also, in the event we have a big fire, they will be able to put hoses, etc. in the back of the truck to be brought back to the station.

Chief Collins stated that one issue of tabling it at this time is there is approximate four month lead time in getting the vehicle. The prices have gone up \$500 per vehicle, yet these bidders have agreed to honor the original price.

Councilman Selden asked if this is under State price. Captain Buers stated that it is. Discussion was held on the difference in bid prices. Captain Buers stated that Varsity Ford sells a lot of trucks for the State bid pricing.

Further discussion was held on the storing of the vehicle outside. Discussion was held on storing it out at the wastewater plant. Discussion was held on the emergency aspect of storing it at another location.

Councilman Wedell stated that this is a budgeted item, therefore they saw and recognized the need during budget time. It will not make any difference who the fire chief is.

Councilman Kivell stated that he does not see how this would effectively fight grass fires. He further questioned why the Excursion would not be capable of hauling the trailer. Captain Buers stated that the Excursion is not heavy enough. He stated that the trailer has a 750 pound tongue weight.

Discussion was held on the HVA contract. City Manager Murphy stated that it is a year-to-year contract that automatically renews. However, we are going to give them notice and try to work with Lyon Township. Chief Collins stated that right now they have two bays. He discussed the staffing and the location of the vehicles in other communities. We would like to negotiate to get the second bay back.

CM 11-9-10 – APPROVAL OF PURCHASE – F-350 UTILITY/GRASS FIRE TRUCK

Motion by Wedell, supported by Selden

To authorize the purchase of a 2011 Ford F-350 vehicle chassis and body per bid specifications from Varsity Ford in the amount of \$31,565

Mayor Wallace stated that this could also be useful for mutual aid.

VOTE:

MOTION CARRIED (2 opposed)

7. Energy Efficiency Work

Superintendent Renwick stated that earlier this year, the City received a grant in the amount of \$64,063 for lighting upgrades. The bids were put out by the Suburban Alliance who secured the grant. Based on some preliminary figures, we did scale back. The bids came in under the \$64,000 grant. The bid went out for both a supplier and the labor for installation. The low bid for labor was MacDonald Electric, which is a local company in the amount of \$31,600. The low bid for the supplier is McNaughton-McKay, which is a large supplier at a cost of \$19,155.65. Since the prices did come in so low, he would also ask that the City Manager be allowed to expand upon the pricing up to the amount of the grant.

Councilman Kivell asked if this grant is the monies that we pay back from the savings. Superintendent Renwick stated that it is. The question was asked what the pay back is. Superintendent Renwick stated that DPW alone was approximately \$25,000 per year, but he does not have the rest of the figures.

CM 11-10-10 – APPROVAL OF LIGHTING UPGRADE

Motion by Selden, supported by Kramer

To approve the bid from McNaughton-McKay as supplier at a cost of \$19,155.65 and MacDonald Electric, Inc. for labor at a cost of \$31,600 for the lighting upgrades for the Police, Fire, Police/Fire Administration, Public Works and portions of the Wastewater Treatment Plant and authorize the City Manager to expand upon the pricing up to the amount of the grant

VOTE:

MOTION CARRIED UNANIMOUSLY

8. Purchase of a Brine Unit

Superintendent Renwick stated that during budget talks, we talked about the purchase of a brine unit. During summer and fall, there were several shows that he attended and he had an opportunity to talk with a number of communities that are doing this. The GVM brine unit is the unit that all of the communities have gone with. They are one of the cheapest in the area. At this time he is asking for approval to purchase the brine maker and a 2100 gallon vertical storage unit and in the amount of \$14,069.

Mayor Wallace questioned the ability to sell brine to other communities. Superintendent Renwick stated that is a possibility.

Councilman Wedell asked if we need to waive the bidding process due to the large difference in pricing. Attorney Lee agreed.

Councilman Selden asked if this is under State contract. Superintendent Renwick stated that it is not.

Councilman Kivell asked the time frame in which to receive the unit with winter fast approaching. Superintendent Renwick stated that it would be approximately three weeks.

Councilman Wedell asked if this would complete the equipment needed for brining. Superintendent Renwick stated that it would for this year. He further stated that we can talk during budget time about whether we want to outfit any more vehicles.

CM 11-11-10 – WIAVER OF BIDDING PROCESS

Motion by Wedell, supported by Morelli

To waive the normal bidding process for the purchase of a brine unit due to the vast difference in pricing and the limited number of suppliers

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 11-12-10 – APPROVAL OF PUCHASE – BRINE UNIT

Motion by Wedell, supported by Kramer

To approve the purchase of GVM Brine Maker Model #ABS-1500 and 2100 Gallon Vertical Storage Tank from Cannon Equipment in the amount of \$14,069

Councilman Kivell asked that in the event that we decide to sell brine to other communities, do we need to set ourselves up for a business, etc. Attorney Lee stated that we are permitted to have Interlocal agreements.

VOTE:

MOTION CARRIED UNANIMOUSLY

9. Water and Sewer Utility Discussion

City Manager Murphy stated that this past year, Council had decided to take in the hydrants of approximately 24 private developments. Only 4 have approached us. Now the issue is upon us if the City is willing to take over the water and sewer mains. He stated that he has provided some information from HRC that shows length of the lines and the cost of replacing those lines. He discussed the lines also being an asset.

Mayor Wallace stated that he has always had the feeling that these private developments are paying water bills like everyone else as well as taxes therefore we should be taking them in.

Councilman Morelli stated that he feels we should have always owned them. There are a lot of things that need to be done and a lot of questions that need to be answered. In his opinion, we need to work toward eventually owning them.

Discussion was held on the need to have as-builts and what repairs have taken place. City Manager Murphy stated that he would suggest looking at this on a case by case basis.

Councilman Kramer stated that he would recommend having a special meeting. He would like to know the department heads' views. He has a lot of questions. We need to know what we are getting. If we are going to do this, we need to have the criteria set out. He discussed potential repairs. He would like to know the overall costs and how we are going to pay for it. We need to plan this out carefully.

Mayor Wallace stated that it would not be any different than other residents where they are still responsible from the water line to their house. Attorney Lee stated that the City always has the option of special assessment for repair of any line. Council should consider that as a possible policy in taking over these developments.

Councilman Selden stated that the sewer lines in Colonial Acres are a lot newer than many of the lines in the City. He further discussed an easement granted to the City in Colonial Acres for the development of the High School and Trotter's Pointe.

Council Member Kopkowski stated that she would agree that this is something we should make an ultimate goal. She further agreed to the need for a workshop session.

Councilman Morelli stated that he feels that there should be a time limit in getting this accomplished. Councilman Kivell stated that he disagrees with a time constraint. He further stated that we should have some vehicle to disallow certain aspects if we need to.

Councilman Kivell stated that he would like to see if HRC would have the ability of doing an assessment of those situations we do not have as-builts so that we can pre-identify potential problems. They should have been in the City and it should be the ultimate goal.

Councilman Selden stated that the private developments are being asked to do the work, yet they are paying the same taxes as everyone else. It was stated that we cannot do anything about what has happened in the past.

Attorney Lee stated that if HRC makes an inspection prior to Council's acceptance of dedication and you see substandard engineering or substandard construction, you can make the approval of a special assessment a contingency of acceptance.

Discussion was held on holding a special meeting.

Councilman Kramer stated that before these communities spend any money on as-builts, etc., we need to address what Council is going to do. Discussion was held on why we do not have those as-builts.

Margaret Kurtzweil acting as pro-bono attorney for Lafayette Woods, stated that she understands the Council's concern. She did have an opportunity to speak with other City Managers who were shocked that this situation exists in the City of South Lyon. There were a lot of reasons given to her as to why sewer and water should be under the direct control of the community. She stated that she is not sure why this was permitted, but other communities have been able to solve the problem. As to the fire hydrant issue, her client does not have as-builts. For whatever reason, it was not required by the City. She stated that she is not here to address the overall issue, but they would like to address the fire hydrant issue. One of the checklist issues is the requirement of the as-builts. Bob Martin has been to her client's property and went through the plans, in fact her client had a more updated site plan than the City. They provided those plans to the City. Bob Martin found the fire hydrants were in the same location that was indicated on the plan. Therefore she would ask Council to waive the requirement of the as-builts so that they can move forward and prepare the easements and legal descriptions for granting the City those easements for the fire hydrants only. Further, she stated that she does have a cost for as-builts for her client. In this economic climate, the next six months would be favorable to hire surveyors and engineers at rock bottom prices. There is a cost savings to her client if Council is going to permit a total acceptance of all water and sewer lines.

It was stated that the topic on the agenda tonight is a discussion, not an action item.

Discussion was held on scheduling a work shop meeting.

Councilman Kivell asked if it is safe to assume that the 4" and 6" mains are in the old part of the City. Superintendent Martin stated that we do not put in anything smaller than 8".

MANAGER'S REPORT:

City Manager Murphy stated that he would appreciate Council forwarding any questions for the workshop so that he can prepare prior to the meeting.

City Manager Murphy stated that at the next meeting he will be bringing to Council a suggested cost for clearing snow and ice from sidewalks after the approval of the snow ordinance at the last meeting. We are going to have to come up with something. We do not want anything outrageous, but we want to be high enough so that we do not become a snow removal service.

COUNCIL COMMENTS:

Councilman Kivell congratulated the victors in the election, particularly Phil Weipert. He thanked all those that came out to vote.

Councilman Selden stated that there will be a ceremony to honor veterans at the Veterans' Memorial Park at 11:11 a.m. on 11/11.

Councilman Morelli thanked everyone who came out to vote. He thanked everyone who worked the polls.

Councilman Kramer stated that he was sworn in a year ago and thanked everyone who voted him in. It has been an honor and he looks forward to the next year.

Mayor Wallace stated that November 9th is the Vision for Downtown South Lyon Town Hall Forum put on by the DDA and facilitated by the MSU Small Town Design Initiative Program. Residents' ideas are crucial to come up with a shared vision of downtown. This will be held at the Millennium Middle School with refreshments at 6 p.m. then the meeting at 7 p.m.

ADJOURNMENT:

CM 11-13-10 ADJOURNMENT

Motion by Morelli, supported by Kramer

To adjourn meeting at 8:50 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer