

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
MARCH 14, 2011**

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, Kennedy, Martin and Renwick

ABSENT: Superintendent Martin

CM 3-1-11 – APPROVAL OF MINUTES –FEBRUARY 28, 2010

Motion by Kramer, supported by Morelli

To approve the minutes of the Regular City Council meeting of February 28, 2011 as written

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

CM 3-2-11 – 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 3-3-11 – APPROVAL OF THE AGENDA

Motion by Wedell, supported by Kopkowski

To approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Nancy Kern of 450 W. Liberty Street stated that she did not attend the last Council meeting but had questions about the wells. The question was asked about the funding. She asked who is going to be paying for the well. Mayor Wallace stated that there are funds put aside. She asked the total cost. Mayor Wallace stated that it will be approximately \$80,000, but originally we thought it would be much more. She asked where the funds

come from. It was stated that it would be from tap fees. It was stated that the funds are also invested. It was stated that well #6 will replace well #3. Ms. Kern stated that she understands that well #3 was dedicated to the Tube Mill. It was stated that it is untreated water. Further discussion was held on the usage of water by the Mill. It was stated that although the Mill is the primary user, it is not dedicated to them. It is plumbed into the water system and is auxiliary back for the City system. Discussion was held on where the water goes including the Yerkes Drain, etc.

Councilman Kramer stated that we had two meeting on this issue Ms. Kern stated that she feels that as a taxpayer she is entitled to this information. Ms. Kern stated that she feels that the Tube Mill that is making millions of dollars should pay for the well. Ms. Kern stated that she is concerned that with 146 million gallons per year going to Michigan Seamless Tube, it will deplete our aquifer. Attorney Lee stated that this is paid for through a proprietary fund that is used to replace the equipment when it breaks down. The water users, not the taxpayers are paying for it. Ms. Kern stated that she does not see why her water bill should subsidize the Tube Mill. Discussion was held on the amount the Mill pays for the untreated water. Mayor Wallace stated that the Tube Mill has been very generous over the years, including the donation of McHattie Park, which is where our wells are located. Ms. Kern stated that it is good that they have been generous, but there is still work being done regarding environmental contamination where contamination has been going into private wells, which is being monitored. Mayor Wallace stated that they have been diligent in monitoring that as well.

City Manager Murphy stated that he would be happy to meet with Ms. Kern to answer any questions that she may have.

Maureen Bender of 59540 Ten Mile stated that she is a volunteer at Guardian Angel Rescue They have taken on a lot more animals than normal and taken on a lot with medical costs and housing costs. She is proposing a dog walk fundraiser to help off-set some of those costs. They have a 1 and 2 mile walk that they are proposing along the City's trail and sidewalks. She discussed the proposed route and stated that they would like to cross Pontiac Trail to go past the senior care center and would like some assistance from the Police Department. She would like to have Council's support as well as participation. The walk is Saturday, May 14th beginning at 9:00 a.m.

Discussion was held on permits. Chief Collins stated that a permit would have to be obtained from the Clerk's office for the use of McHattie Park. He would be happy to work with the group for the street crossing. He further stated that he does know that they are being responsible in regards to the picking up of droppings as well as the leash law.

Discussion was held on the \$20 donation that would go to a very good cause.

Carl Richards of 390 Lennox stated that Active Faith wanted the City to know that neither they nor the District Library would be using their court appointed community service people. He suggested that the City look into using these individuals for various duties to try and save some money. There is a time limit to apply.

Mr. Richards stated that it should be noted that the Tube Mill hired 12 college people for summer help last year. Possibly we could save some money by hiring some temporary help as well.

OLD BUSINESS: None

NEW BUSINESS:

1. Dispatch/lock-up Service Agreement

Mayor Wallace stated that this is our contract with Novi for dispatch and lock-up services. Chief Collins stated that this is a renewal of our agreement that we have had with the City of Novi for many years. Included with this agreement is dispatching services for both Police and Fire, the reverse 911, and an important part of this agreement is the lock-up services. The lock-up services saves us 1 ½-2 hour round trip to the Oakland County Jail. They are proposing a 2% increase per year of the agreement, which is a three-year agreement. Our first year of our contract would be \$105,315. This is far less than what we could do on our own. Furthermore, if we were to use Oakland County dispatch, the cost would be \$105,498 the first year, which does not include the reverse 911 and the lock up. Based on that, he would recommend approval of the agreement with Novi.

Councilman Kivell stated that this is much more controlled than what they had eluded to during the last contract.

Councilman Kramer stated that it is his understanding that for the next renewal period that there will be some language changes. Chief Collins stated that the Novi City Attorney agreed to the suggestions made by Councilman Kramer. However, their only concern was that the agreement had already been approved by their Council. The meaning of the contract would not change, but just the language. Attorney Lee stated that we do have an "out" clause if there is some unforeseen problem. His only problem is that the agreement itself does not include the lock-up provision, but it is within their proposal.

Councilman Wedell asked if Novi does dispatching for any other communities. Chief Collins stated that they do provide services to other communities as well.

CM 3-4-11 – APPROVAL OF AGREEMENT – DISPATCH/LOCK-UP SERVICE

Motion by Wedell, supported by Selden

To approve the three-year agreement with the City of Novi to provide dispatch and lock-up services for the South Lyon Police and Fire Departments

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Sponsors for movies in the park

Kristen Delaney, Community and Economic Development Director stated that when Councilman Kivell brought up the idea, she did create a sponsorship form. Now is the perfect time to start this. We are also soliciting for sponsorship of the Concerts in the Park and the Farmer's Market as well. If Council agrees, we will proceed.

Discussion was held on the recognition of the business. Discussion was held on the name of the sponsoring business projected onto the screen. Ms. Delaney stated that she is not sure how they will do it, but they will work out the details.

CM 3-5-11 – SOLICITATION OF SPONSORS – MOVIES IN THE PARK

Motion by Kivell, supported by Morelli

To approve the staff soliciting sponsors for movies in the park

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Policy for the dedication of private utilities

City Manager Murphy stated that Council had asked that he work with the City Attorney, engineers, and department heads to develop the language to take in the utilities from private developments. We have made some changes and putting it to Council for their approval. We are proposing that we take over only the mains. The leads would still be the responsibility of the property owner. We are going to take a look at each case individually because they are so different. The newer developments will, of course, be much easier. This policy does give us some leeway and each development would still be brought to Council for approval. Attached is also a copy of the checklist. He further stated that it should be noted that Superintendent Martin had not been in favor of this as well as Superintendent Renwick and the City Attorney, but his opinion does differ.

Councilman Kramer, referring to the paragraph about the submission of electronic as-built information as required by the City's Standard Engineering Specifications, asked which standards would this be. Attorney Lee stated that it would be as of the date of dedication. Attorney Lee stated that it would also give us the option of determining to what extent the City wishes to impose today's standards. Councilman Kramer asked that we include the language "as of the date of the dedication" in order to eliminate any confusion. Attorney Lee stated that he does not have a problem with the added language.

Council Member Kopkowski asked if this includes sewer pipes. Attorney Lee stated that those are already ours when we accept dedication of the roads. It was stated that with condominiums the roads are not dedicated. If they chose to have the roads dedicated, they would have to bring them up to standards.

Council Member Kopkowski asked that for the site condominiums, would the documents already recorded with Oakland County showing easements be considered proper dedication. Attorney Lee stated that we were trying to leave that at the engineering company's discretion.

Councilman Kivell asked what drove the decision to require the property owner be responsible for restoration of a site after repairs, etc. Superintendent Renwick stated that part of that issue is that we do not have dedication of the streets. We try and keep the mains out of the road way, but in the private developments they run them anywhere. Superintendent Renwick stated that possibly we could use the fact that where there is a structure, we do not accept dedication. Attorney Lee stated that is why we were trying to tie it into the engineering standards. Councilman Kivell asked if we can preclude certain portions of a line. Attorney Lee stated that what we are trying to do is to say that if there is some kind of difficulty we have the ability to not accept dedication, but we do not want to make a universal statement. If there is going to be a substantial difficulty, before we accept dedication, we can require certain changes. He stated that he wants to leave us enough "outs".

Councilman Kramer asked if we can have an "either/or" statement saying that you either change things or you accept the responsibility of any damages to a private road or structure that may be in the way of a repair. Attorney Lee stated that we are trying to give ourselves enough flexibility.

City Manager Murphy stated that there is a typo error in the last paragraph

CM 3-6-11 – APPROVAL OF POLICY – DEDICATION OF PRIVATE UTILITIES

Motion by Kramer, supported by Wedell

To approve the private utility policy as amended

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Salt Requisition for 2011-2012 Season

Superintendent Renwick stated that we do have the option of purchasing our salt through the State or through the consortium of cities that we have participated with the past several years. They are in the process of negotiating for a two year period rather than just the one year. With that two year agreement, if in the first year we are unable to use 70% of our order, then we will be able to carry that over to the second year. The cost through the State this year is \$53.94 and the cost through the consortium is \$42.98. He would recommend staying with the consortium.

Council Member Kopkowski asked if we used less salt this year because of the brine. Superintendent Renwick stated that we did use less because of the brine, but more due to the weather.

Superintendent Renwick stated that the Detroit Salt Mine has been sold and they have had some headway in getting a two year contract.

CM 3-7-11 – SALT REQUISITION

Motion by Kopkowski, supported by Kivell

To approve the purchase of salt through the Farmington Hills Consortium for the 2011-2012 Winter Season

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT:

City Manager Murphy stated that he included the annual report from RRRASOC in the Council's packet. If Council wishes, he could ask Mr. Csapo to come in and give a presentation as he did last year. Council concurred that the report was sufficient.

City Manager Murphy stated that Superintendent Martin has indicated that they have dug the new well 65 feet as of today.

City Manager Murphy stated that he will be off for a funeral tomorrow.

City Manager Murphy stated that the RCOC meeting will be on Monday, May 16th at 3:00 p.m.

City Manager Murphy stated that the committee met last week about the engineering RFQ and have narrowed it down to three firms. We will be interviewing in the next two weeks.

City Manager Murphy stated that he is continuing negotiations with the Fire Union. He further stated that he is also negotiating with HVA. It looks as though we will be getting one of our bays back and possibly some compensation for them using the other bay. Mayor Wallace stated that we are looking at getting the bay back due to the fact that we have more equipment, but asked how we are going to maintain the service. City Manager Murphy stated that they do have a vehicle that roams around the area. They are looking at buying property in Lyon Township as well.

Mayor Wallace asked if there is anything to report regarding the last Historical Commission meeting. City Manager Murphy stated that they were using a gardener, who he thought was too expensive. They are going

to try and get some volunteers and also hire someone. Also, their basement has been leaking and will be looking at getting that fixed.

COUNCIL COMMENTS:

Councilman Selden stated that when the Pumpkinfest had their dog show, everyone enjoyed it. The See Spot Run Event should be very well received.

Council Member Kopkowski stated that in looking through her packets, she could not find a contract review and performance review of the City Manager for last year. She stated that she does not feel that it is in the best interest of the taxpayers or Mr. Murphy if we do not schedule his review. She stated that it does not matter whether it is before or after the budget. Mayor Wallace suggested that it be before June. Council Member Kopkowski suggested the April 11th meeting or if after the budget, the July 11th meeting. Councilman Wedell suggested the end of June to coincide with the anniversary date of the contract. Councilman Kivell stated that if we talk about it before then, we can put it in the budget. Consensus of Council was to hold the City Manager review at the April 25th.

Councilman Kivell asked why the well could not have been put closer to the building. City Manager Murphy stated that is the closest they could get, but he is not sure why they could not get closer.

Councilman Kramer stated that there were some nice photos of Council in the paper last week.

Councilman Morelli stated that the home at 8 Mile and Laser where we were dealing with the easement for the project is for sale. City Manager Murphy stated that it has been for sale for years. Councilman Morelli stated that he just wants to make sure that whoever buys it does not come back to us and say there should be trees. City Manager Murphy stated that RCOC already has the easement. Attorney Lee stated that is precisely why we did not tie the purchase of trees to the easement itself.

Mayor Wallace congratulated DPW worker Terry Jones who completed 33 years of service to the City of South Lyon. He retired last week and we wish him the best in his retirement.

Mayor Wallace thanked Carl Richards for his suggestions.

ADJOURNMENT:

CM 3-8-11 ADJOURNMENT

Motion by Selden, supported by Kopkowski

To adjourn meeting at 8:33 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer