

Regular City Council Meeting

September 22, 2014

Agenda

7:30 p.m. **Call to Order**
Pledge of Allegiance
Roll Call
Approval of Minutes: September 8, 2014
Approval of Bills
Approval of Agenda
Public Comment

I. Old Business

1. Dedication of Colonial Acres Utilities. Review current status and allow Representatives from Colonial Acres to come before Council to address this topic.

I. New Business

1. Consider Motion for the City to accept all water Mains and Fire Hydrants in Colonial Acres Phase 5 Provided HRC Confirms the recorded easements match the as built on file with the city.

II. Manager's Report

III. Council Comments

IV. Adjournment

The City of South Lyon
Regular City Council Meeting
September 8, 2014

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, Rzyzi, Wedell, Kramer and Dixon
Also Present: City Manager Ladner, Department Manager Martin, Chief Collins,
Chief Kennedy, Attorney Wilhelm and Clerk/Treasurer Deaton

MINUTES

Councilman Wedell stated he made the motion to adjourn the closed session to return to the regular Council Meeting, not to adjourn the regular Council Meeting. Councilman Kivell stated he motioned to adjourn the Council Meeting.

CM9-1-14 MOTION TO APPROVE MINUTES

Motion by Kramer, supported by Dixon
Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Discussion was held regarding the monthly bills

CM 9-2-14 MOTION TO APPROVE THE BILLS

Motion by Kivell, supported by Kramer
Motion to approve the bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

City Manager Ladner stated she sent everyone an amended agenda changing the wording on item 1. Councilman Rzyzi read the amended agenda as follows: Dedication of Colonial Acres utilities, review current status and allow representatives to come before Council to address this topic.

CM 9-3-14 MOTION TO APPROVE AGENDA

Motion by Rzyzi, supported by Kopkowski
 Motion to approve the agenda

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Carl Roberts of 390 Lenox stated a friend of his passed away last week, and he was truly an ambassador for our Community. He further stated his friend received great care at the South Lyon Rehabilitation Center and that is definitely a great asset to our community.

OLD BUSINESS- None

NEW BUSINESS

1. Dedication of Colonial Acres utilities, review current status and allow representatives to come before Council to address this topic.

Mayor Wallace stated Colonial Acres gave a presentation of their hard work and a packet of information from their attorney and this has been worked on for many years. He further stated he feels this should be reviewed by our engineers and attorney again, and bring this back on the agenda for the next meeting. He has not conversed with Council, but he feels it behooves us to look over all of the paperwork again and if anything is needed it can be resolved in the two weeks before the next meeting. Councilman Rzyzi stated this has been going on for many years, and it is a very important issue to our community and it needs to be addressed. He stated he would like to hear from the representative from Colonial Acres. He further stated this topic has been covered extensively and his preference is in some way this be addressed tonight. Councilman Kivell stated on March 14, 2011 there was a policy made to fulfill this very thing. He stated there are specific rules and benchmarks, and rules that are required for all of the private developments in the City that want to dedicate their utilities to the City. He further stated we just received the required as-builts last week and our attorney and engineers need to review them. Councilman Kivell stated Colonial Acres has been around for 40 years and it makes good sense for the community and the taxpayers for the City to have a good idea of what the condition of the pipes are underground. He stated this has been going on a long time, but not because of the City's resistance. Discussion was held regarding the as-builts. Councilman Kramer stated this has been an on-going issue since he ran for Council. He further stated the easements have now been filed with the County, and the biggest concern is the depth of some of the sewer lines. He is for this 100% and he wants this done, but he would also like to wait the two weeks for our attorney and engineers to review the paperwork that was recently turned over to the City. Councilman Rzyzi stated originally the City thought Colonial Acres

was responsible for phases 1-3, but later found out the City was responsible and he would like to hear from the representative for Colonial Acres. Councilman Wedell stated he is pleased to see the information we now have and it is more information than we have ever had on this issue, but he agrees our attorney and engineers need to assess everything.

Maggie Kurtzweil a business owner at 417 S Lafayette and attorney for Colonial Acres Phase 5 gave a presentation regarding the utilities at Colonial Acres Phase 5. She stated this is not any one persons' agenda, this is about good public policy. She stated it is good public policy for local governments to control the utilities. She stated there was clear intent from the beginning for all utilities in Colonial Acres Phase 5 to be dedicated to the City. Colonial Acres Phases 1-3 were dedicated to the City in 1981. The sitting Council at that time understood the importance of public owned utilities. The previous superintendent for the DPW and Water Department Linden Beebe stated it was always the intent for the City to accept the utilities in Colonial Acres. Discussion was held regarding the size of the easements. Ms. Kurtzweil stated there were quick claim deeds filed in 1987 for sewer easements from Colonial Acres to the City. She further stated she was unable to find a resolution that Council accepted the easements, because the minute book was missing. She further stated there was a break down between the City and the developer. A representative from the surveyor firm Colonial Acres used stated they prepared the drawings by the field measurements and not as-built, but they did have pieces of the as-built for Phase 5. Discussion was held regarding the drawings that were eventually found at the City, marked as field measurements. Councilman Ryzyi stated Colonial Acres has been told for 5 years that they need to supply documents and the city already had the drawings, and now we have plenty of documents and would like to move forward with accepting the utilities and easements.

CM 9-4-14 MOTION FOR THE CITY TO ACCEPT ALL WATER MAINS AND FIRE HYDRANTS IN COLONIAL ACRES PHASE 5 PROVIDED PRO CON FIRMS THE RECORDED EASEMENTS MATCH THE AS BUILTS ON FILE WITH THE CITY

Motion by Ryzyi, supported by Dixon

Councilman Kivell stated this is an irresponsible way of dealing with this. We need to be diligent to ensure all the questions are answered. This is an important issue for the long term stability of our resources.

CM 9-5-14 MOTION TO POSTPONE THE PREVIOUS MOTION UNTIL THE NEXT COUNCIL MEETING

Motion by Wedell, supported by Kivell

Discussion was held regarding the first motion and the intent of the motion. Councilman Ryzyi asked how much money Colonial Acres has spent on this issue. Ms. Kurtzweil stated \$17,000.00 and the previous Manager David Murphy's position was this would be a shared cost. Councilman Kramer stated this Council wants this to happen and get this done. He further stated most of the easements were

recorded in the last month or two. He stated we are just asking for the two weeks for our engineers and attorney to look over the documents. Attorney Wilhelm stated he would suggest it would be in the City's best interest to have legal review of the documents. More discussion was held regarding the documents that were found at City Hall. Mayor Wallace stated Councilman Rzyzi's motion will be on the next agenda. Ms. Kurtzweil continued with her presentation. Mayor Wallace stated he hopes this will be dealt with at the next meeting in two weeks and everyone will be happy.

ROLL CALL VOTE:

MOTION PASSED

- Dixson- No
- Kivell- Yes
- Kopkowski- No
- Kramer- Yes
- Rzyzi- No
- Wedell- Yes
- Wallace- Yes

2. Designate the Officer and Employee delegates to the MERS conference in Detroit on September 24-26th 2014

City Manager Ladner stated we need a delegate for the MERS meeting. Department Head Martin stated he and Lori Mosier have gone in the past. He stated it is a good meeting and very informational. Clerk Deaton stated in the past it has always been Lori Mosier for the employee delegate.

CM 9-6-14 MOTION TO APPOINT OFFICER AND EMPLOYEE DELEGATE TO THE MERS CONFERENCE

Motion by Kramer, supported by Kopkowski
Motion to appoint Bob Martin as Officer Delegate and Lori Mosier as employee Delegate for the MERS meeting on September 24-26th

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Identify and approve expenditure for registration for City attendees at the Michigan Municipal League Conference in Marquette October 15-17, 2014

Discussion was held regarding the MML conference in Marquette Michigan. City Manager Ladner stated the early bird registration deadline is the 19th of this month, if anyone is interested in going, we should get them registered soon. City Manager Ladner stated she will attend and Mayor Wallace stated he will tentatively agree to go as well.

MANAGERS REPORT

City Manager Ladner stated she will be attending the ICMA conference from September 15th –17th. City Manager Ladner stated she had a great time at the Witch's Hat Run.

COUNCIL COMMENTS

Councilman Wedell stated he feels badly about the disagreement that occurred, but he is glad we are going about the dedication of utilities for Phase 5 in the proper sequence by getting our legal and engineering team on the job to get their recommendation.

Councilman Rzyzi stated he attended Depot Day and it was a great time, and the Witches' Hat Run was a good event and attended by approximately 600 people.

Councilmember Kopkowski stated the Witches Hat Run was a nice community event and that was the first time she registered for such an event. She does a lot of hiking, but this was the first event she ever registered for.

Councilman Kivell stated he would like to thank Officer Wifrock and Sergeant Faught for the help they gave to someone to get their property back, and she was very thankful for that. He is very thankful the Officers took over the lead to help her out.

Mayor Wallace stated it was great to see all the kids having fun at Depot Day, and it was educational for them as well. He further stated the Witches' Hat Run is a good event that is organized by Scott Smith and he did a great job. Mayor Wallace stated he is hoping to complete the dedication of utilities to the City from Colonial Acres at the next meeting. Mayor Wallace stated he is sad to see the football games not being played on the City's cable channel after so many years.

CM 9-7-14 MOTION TO ADJOURN

Motion by Kopkowski, supported by Kivell
Motion to adjourn the meeting at 9:05 p.m.

Respectfully submitted,

Tedd Wallace, Mayor

Lisa Deaton Clerk/Treasurer

9/8/14