

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
FEBRUARY 11, 2013

Mayor Pro Tem Wedell called the meeting to order at 7:30 p.m.

Mayor Pro Tem Wedell led those present in the Pledge of Allegiance to the Flag

PRESENT: Mayor Pro Tem Wedell
Council Members: Kivell, Kopkowski, Rzyzi, Wedell and Dixson
Also present: City Manager Murphy, City Attorney Wilhelm, Chief Kennedy,
Chief Collins, Department Head Martin, and Deputy Clerk/Treasurer
Lisa Deaton
Absent: Mayor Wallace

APPROVAL OF MINUTES JANUARY 28, 2013

Councilman Kramer stated on Page 4 it should state Councilman Kramer asked if there was a reason we did not attempt an ice rink this year, and it should state Councilman Kivell.

CM 2-1-13 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Kivell, supported by Kramer

To approve the minutes of the January 28, 2013 meeting as amended

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS

Some discussion was held on the monthly bills

CM 2-2-13 MOTION TO APPROVE MONTHLY BILLS

Motion by Kramer, supported by Kivell

To approve the payment of the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA

Mayor Pro Tem Wedell stated he would like to handle the Managers Report and Council Comments before the Closed Session meeting.

CM 2-3-13 MOTION TO APPROVE AGENDA

Motion by _____ supported by _____
 Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Doreen Hannon of the Salem South Lyon District Library stated she is here to invite council to their 20 years anniversary. There will be many activities happening all week, including a reward for the top 25 users of the library. She further stated she is here to give the Council Members a copy of the annual report.

Fire Chief Kennedy stated there was a garage fire and the fire fighters did a great job knocking it down very quickly. Everyone worked together and he is certain that within another 1 to 2 minutes, it would have spread to the house. Instead of a family being put out of their house in the middle of winter, the family is still able to sleep in their home. They did lose the garage, but the house is safe. He further stated they did a great job. He wanted to thank personally, Todd _____ Corey Armstrong, and Chad _____ for working together and doing a great job.

Carl Richards stated he has a list of items he would like to bring to the Councils attention. He stated the drains at the rail road crossing

Mr. Richards stated he believes we need more signage at the rail road crossing as well.

Mr. Richards stated he wanted to alert Council to the fact that over the summer, there were survey flags around the CSX property, and he thinks Council should be aware if they are going to be building something.

Mr. Richards pointed out that there are two drains on Reese in the Rail road's area, and CSX is responsible for one, but not sure who should take care of the other.

He further stated he would like the council to look into the feasibility of re opening the crossing at Pettibone that has been closed for 60 years. He stated it could be used for emergency vehicles.

He stated the last thing he wanted to mention was he believes Council should look into erecting a historical marker and a moral on the property near Reese Street prior to the 150 year anniversary, which is approximately 10 years ago.

OLD BUSINESS:

1. Second Reading of Ordinance Amendment Section 58-243 regarding the use of breathalyzers on minors.

Chief Collins stated this is a technical clean up of the City ordinance that stated we could require a minor suspected of consuming alcohol to take a breathalyzer. The stated and federal courts have ruled that it

is unconstitutional to require a minor suspected of alcohol consumption to submit to a breath test without a warrant. He further stated the amendment would remove the language that renders the ordinance unconstitutional.

CM 2-4-13 MOTION TO APPROVE THE SECOND READING OF THE AMENDEMNT TO CHAPTER 58, 243 (5) OF THE CITY CODE

Motion by Kramer, supported by
 Motion to approve the second reading the amendment to Chapter 25, 243 (5) regarding the issue of requiring a minor to take a breath test without a warrant. (See attached amendment as part of these minutes)

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Contract for Solid Waste Removal

City Manager Murphy stated our contract is up on June 30th. It has been 5 years since we started using Duncan Disposal, and we have an option for a 3 or 5 year renewal. If we sign the 5 year, Duncan will hold prices for the first year at what we are currently paying which will be a savings of \$14,000.00 in the first year. Councilman Kivell stated Duncan is a local company and they are very responsive and a high end service. Councilman Rzyzi stated he has a concern regarding what the cost will be after the first year. City Manager Murphy stated it will increase with the C.P.I, but will have a 3% cap. Councilman Rzyzi asked if it would be costly for the City to do an RFP, and if it wouldn't cost much, why wouldn't we. He stated he would like to see what other companies are charging. Some discussion was held regarding Duncan and the quality of service we get.

CM 2-5-13 MOTION TO APPROVE 5 YEAR CONTRACT WITH DUNCAN DISPOSAL

Motion by Kivell, supported by Kopkowski
 Motion to approve 5 year contract with Duncan Disposal Inc. as proposed

VOTE: MOTION CARRIED 1 OPPOSED

5- Yes

1- No

2. Farmers' Market- Use of Veterans Memorial Parking Lot

Debbie Nogle stated there has been an overwhelming response to moving the Farmers Market to Saturdays. She further stated they will be using both parking lots because we will have more vendors.

Council Member Kopkowski stated last year someone had stated how horrible that parking lot was and it was too dangerous to use for the market. Some discussion was held regarding the condition of the parking lot.

Stated this had been presented at one time, and it was thought we would not be able to get enough vendors because the surrounding areas have their markets on Saturdays. Ms. Nogle stated that will not be an issue.

CM 2-6-13 MOTION TO APPROVE THE USE OF THE VETERANS PARKING LOT AND THE PARKING LOT OFF PONTIAC TRAIL FOR THE FARMERS MARKET

Motion by Kopkowski, supported by Kramer

Motion to approve the use of the Veterans parking lot and the parking lot off Pontiac Trail and, North of W. Liberty Street on Saturday's from May 4, 2013 through October 26, 2013.

VOTE: MOTION CARRIED UNANIMOUSLY

3. Contract with CSX Railroad

Councilman Kramer stated he is concerned about the contract and the liability issue. Attorney Wilhelm, stated this is a one sided contract, but give the nature

CM 2-7-13 MOTION TO APPROVE THE PROPOSED FACILITY ENCROACHMENT AGREEMENT BETWEEN CSX RAILROAD AND THE CITY OF SOUTH LYON

Motion by Kivell, supported by Dixon to approve the proposed facility encroachment agreement between CSX Railroad and the City of South Lyon as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

MANAGERS REPORT: None

COUNCIL COMMENTS:

Councilman Kramer asked the question regarding the changes made with MERS regarding new employees. Attorney Wilhelm stated he has checked with MERS on how to have the changes are made, and they will walk us through the process. He will then bring it to Council.

Councilman Rzyzi stated a young man at a previous meeting discussed the north and south traffic on Pontiac Trail. He asked if Griswold would be paved in the future. City Manager Murphy stated the Township wants to pave the road, but as of right now RCOC knows nothing about it, so it probably will not be started anytime soon. Councilman Kivell stated the funding is there for 2014, but Lyon Township will have to spend the money up front.

Councilman Kivell stated the Department of Public Works did a great job during the last snow storm. Department Head Martin stated the guys have been very active putting the brine down, and it is a fraction of the cost of salt. Councilman Kivell asked if we have enough salt for the rest of the year, and Councilman Martin stated we have plenty left.

Mayor Pro Tem Wedell stated he would like to mention how fast the garage fire on Harvard was knocked down. He further stated following up on the retirement plan, we DC out of BC.

CM 2-8-13 MOTION TO ENTER INTO CLOSED SESSION TO DISCUSS LEGAL OPINION REGARDING UTILITIES PURSUANT TO SECTION 8 (H) OF THE OPEN MEETINGS ACT

Motion by Kramer, supported by Rzyzi

Motion to enter into closed session to discuss legal opinion regarding utilities pursuant to Section 8 (h) of the open meetings act at 8:20 p.m.

ROLL CALL VOTE: MOTION CARRIED UNANIMOUSLY

Council entered in to Executive Session at 8:25 p.m. and reconvened the regular session at 9:10 p.m.

ADJOURNMENT

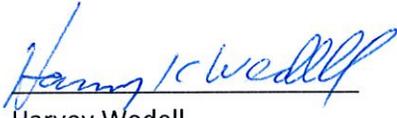
CM 2-9-13 MOTION TO ADJOURN COUNCIL MEETING

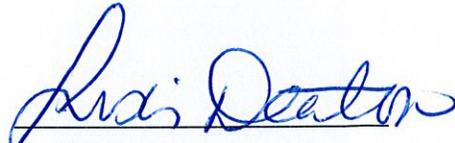
Motion by Kivell, supported by Kopkowski

Motion to adjourn the City Council meeting at 9:10 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,


Harvey Wedell
Mayor Pro Tem


Lisa Deaton
Deputy Clerk/Treasurer