

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
April 11, 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

CM 4-1-11 – APPROVAL OF MINUTES –MARCH 28, 2010

Motion by Kivell, supported by Morelli

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

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

CM 4-2-11 – APPROVAL OF MONTHLY BILLS

Motion by Kivell, supported by Wedell

To approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

Mayor Wallace suggested that we move the executive session to after Council Comments.

CM 4-3-11 – APPROVAL OF THE AGENDA

Motion by Wedell, supported by Kivell

To approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Abigail Moore, Liz Raap, and Lilly White representing the Salem Cheerleading team who will be representing the community in Las Vegas in July invited the Council and the community to help with an upcoming fundraiser through Toarmino's Pizza Tuesday, April 12th.

OLD BUSINESS: None

NEW BUSINESS:

1. Volunteer Park Lease annual update

Ken Hamblin of 8325 N. Rushton Road stated that last year he cleared and farmed 13.75 acres of Volunteer Park. This year he does plan on doing the rest, but it is contingent upon whether he can get a root rake and he also needs to find out about the progress of the walking path. Council Member Kopkowski asked how many more acres. Mr. Hamblin stated that it would be 30-40 more acres.

Councilman Kivell asked if he would be planting more Pumpkins. Mr. Hamblin stated that he would not because he has enough other sites. Mayor Wallace discussed the contribution of pumpkins from Mr. Hamblin which were given to the Recreation Commission to raise additional funding.

The question was asked if his crops did well. Mr. Hamblin stated that it went very well.

2. Book & Trilogy Run

Chief Collins stated that this is one of the annual fundraisers for the Salem-South Lyon District Library. The suggested road closure is very brief. Only the westbound lane of Nine Mile will be closed from the middle school to the rail trail. The closure is only for approximately 15 minutes and can be accomplished with on-duty personnel. The program is from 9 a.m. until 12 noon. He is recommending approval.

Discussion was held on the proposed route.

CM 4-4-11 – ROAD CLOSURE – BOOK & TRILOGY RUN

Motion by Kopkowski, supported by Selden

To approve the closure of westbound Nine Mile Road from Millennium Middle School to the South Lyon Rail Trail from 9:00 a.m. to 9:15 a.m. on Saturday, May 21, 2011

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Fee Schedule

Chief Kennedy stated that the Fire Department receives regular requests from insurance companies and individuals for reports of previous fire incidents or relating to the sale of property, etc. The Fire Department did not have a FOIA policy in place when he started therefore he discussed it with the City Clerk and decided that although the City Clerk is the designated FOIA coordinator, Chief Collins is the coordinator specifically for the Police Department. He is looking for a similar situation for the Fire Department by appointing him as the coordinator for the Fire Department

Discussion was held on the different reporting. Chief Kennedy stated that all fire departments have to report to FEMA, which is also tied into our grant funding.

Councilman Kramer asked how the fees were set. Chief Kennedy stated that the Fire Department was doing some things informally and some of it was based on how the Police Department used for their fee schedule.

Councilman Kivell stated that he hoped that the entire fee schedule would not have been duplicated, but rather only the changes. Attorney Lee stated that Council should adopt the entire document.

CM 4-5-11 – AMENDMENT TO FEE SCHEDULE

Motion by Morelli, supported by Wedell

To approve the proposed revised Fee Schedule as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Appointment of Fire Department F.O.I.A. Coordinator

Chief Kennedy stated that it is a matter of efficiency to have him the Fire Department Coordinator rather than going through the City Clerk's office.

Council Member Kopkowski asked if some of the requests by-pass the City Clerk. City Clerk/Treasurer Zemke stated that they do not come through her office if they are for the Police or Fire Department. Council Member Kopkowski stated that she feels that all of the requests should come through the Clerk as the official record keeper. City Clerk/Treasurer Zemke stated that she does not have access to those records and given the limited time frame to respond to the request, it is a matter of efficiency for those two departments to handle their own. Attorney Lee stated that often as it relates to police records there is a discussion with his office as to what can be redacted, etc. Further discussion was held on time management. The question was asked how we are keeping track of the requests. Chief Collins stated that we save all of the requests. The question was asked if notice is given back to the City Clerk of the requests. Chief Collins stated that they do not report back to City Hall. He further explained the process of handling the requests. It was stated that if there is not a request handled satisfactorily, it would get reported back to the City Manager.

CM 4-6-11 – AMENDMENT TO FOIA POLICY

Motion by Kopkowski, supported by Kramer

To approve the amended City of South Lyon Freedom of Information Act Policy

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Receipt of Grants

Superintendent Renwick stated that he had previously applied for a grant for upgrading our decorative streetlights downtown using LED lighting, but was originally denied. After re-submittal we did receive a grant in the amount of \$340,750. The second grant for \$250,000 is for the wastewater treatment plant to reduce energy usage in the main process areas of the plant. He is asking Council's approval so that we can move forward.

Discussion was held the return on investments. The question was asked if this is negotiable. Superintendent Renwick stated that part of the process is authorizing MSA to look at our usage. Attorney Lee stated that it is a negotiated number. Superintendent Renwick stated that it is similar to our current contract and will be paid out of the savings.

Councilman Selden asked the projected savings. Superintendent Renwick stated that for the LED lighting roughly \$3,400 per year. At this time we are not clear on the savings at the wastewater treatment plant. Councilman Selden asked about the labor costs. Superintendent Renwick stated that right now it is about \$100 every time we go out and change a balists or light bulb.

Councilman Kivell asked if the motors are part of what they went through Superintendent Martin stated that it is, but the phase II assessment of the plant is yet to be conducted.

CM 4-7-11 – RECEIPT OF GRANTS

Motion by Wedell, supported by Kivell

To authorize the signing of the grant agreement by the City Clerk and the Mayor

VOTE:

MOTION CARRIED UNANIMOUSLY

6. MDOT Overpayment

City Manager Murphy stated that we entered into a contract with MDOT for the Phase II Streetscape project. The federal government was paying 65% and the City 35%. At that time it was thought that the City would receive approximately \$257,525, but that was not accurate. We went through and made payment requests from MDOT as we went through the process. In March 2010 we were contacted by Rose Grinage from the State indicating that the City had funds to be reimbursed and requesting that we submit for an additional \$128,346. But approximately 6 months later we received notification from MDOT's auditors that they over paid us \$88,991. It is a very complex issue and took several months for us to sort through. What it boiled down to is that we were using a number different than the actual participating costs.

Councilman Kivell asked the expectation of payback. City Manager Murphy stated that an invoice is not expected for 1-2 years. The question was asked if they have indicated that there would be any additional interest. City Manager Murphy stated that there will be no interest.

Councilman Kramer stated that he would like assurance that we can account for the extra money. There is no question that we received the money. Bookkeeper Mosier stated that we could put it in a separate bank account, but right now it is in a liability account. When it came in it was booked as a revenue, but when we were notified, it was put on our books as it needs to be paid back. She further stated that she discussed this with the auditors. Councilman Wedell stated that it was in our annual audit report. The auditors agreed with what was done.

Discussion was held on the construction costs. Bookkeeper Mosier stated that the total was \$437,199.

Council Member Kopkowski stated that we have known this since 2010 and it appears that we simply put it in a liability account to see if MDOT noticed. Bookkeeper Mosier stated that MDOT informed us we were over paid. City Manager Murphy stated that we appealed it and Rose Grinage was out for several months which added to the timing issue.

CM 4-8-11 – REPAYMENT TO MDOT

Motion by Wedell, supported by Kivell

To approve the repayment of \$88,991 to MDOT, when invoiced, based on the over payment for the DDA Streetscape Phase II Project as outlined in the MDOT Contract No. 07-5229

Councilman Kramer asked if we have developed a process to ensure something like this does not happen again. City Manager Murphy stated that we will keep a close eye on our projects.

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT:

City Manager Murphy stated that on May 21st we are going to have a clean-up day. Rod Rhodes from Oakpoint Church has kindly volunteered some of his congregation to come in and do some clean-up work. He further discussed the possible projects and volunteers.

COUNCIL COMMENTS:

Councilman Kramer stated that it was very nice to see residents out in the nice weather Sunday.

Councilman Kivell asked where we are with the well. Councilman Kramer read an email from Bob Martin updating Council on the project and indicating that they were able to get all of the casing out and grouted and will begin the testing of the well. Superintendent Martin explained the testing process.

Council Member Kopkowski stated that at the last meeting Councilman Kivell suggested that Council begin writing down some questions that may help evaluating the City Manager. She requested that Council receive a copy of the Manager's contract prior to that meeting.

Council Member Kopkowski asked why the Fire Department Excursion is being parked outside. Chief Kennedy stated that the new pick-up truck has become their primary medical response vehicle. He is trying to make it a more multi-functional vehicle. The Excursion has been taken off as an EMS vehicle and is being used as a staff vehicle. We are in negotiations with HVA and hope to get the bay back.

Council Member Kopkowski stated that in an era of transparent government and changes being instituted by Governor Snyder, she would like to see more on our website and make more available to our citizens. They are saying that the more transparent you are will relate into revenue sharing. City Manager Murphy stated that we are looking at completing the dashboard. The question was asked if the Governor has given a guideline as to what he wants. City Manager Murphy stated that he has and we will be completing these templates, but it is going to take a lot of work.

Councilman Selden thanked the water department for getting the well in so quickly. We are very fortunate.

Mayor Wallace stated that Easter egg hunt is scheduled for April 23rd at Volunteer Park. It has been a tradition for over 50 years.

EXECUTIVE SESSION: Update on Oakland 40 Lawsuit

CM 4-9-11 – ENTER INTO EXECUTIVE SESSION

Motion by Wedell, supported by Selden

To enter into executive session for the purpose of receiving an update on the Oakland 40 Lawsuit

VOTE: MOTION CARRIED UNANIMOUSLY

Council adjourned into Executive Session at 8:28 p.m.

Council reconvened the regular meeting at 10:03 p.m.

CM 4-10-11 – RECOMMENDATION TO THE PLANNING COMMISSION

Motion by Kramer, supported by Wedell

To recommend to the Planning Commission to review the zoning classification of the 40 acre IRO zoned property at the end of Mill Street for possible reclassification to an appropriate residential zoning

VOTE: MOTION CARRIED (2 opposed)

ADJOURNMENT:

CM 4-11-11 ADJOURNMENT

Motion by Wedell, supported by Morelli

To adjourn meeting at 10:04 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer