

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
July 23, 2012**

Mayor Wallace called the meeting to order at 7:33 p.m.
Mayor Wallace led those present in the Pledge of Allegiance to the Flag

PRESENT: Mayor Wallace
Council Members: Dixon, Kivell, Kopkowski, Kramer, Rzyzi, and Wedell
City Manager Murphy
City Attorney Wilhelm
City Clerk/Treasurer Zemke
Department Heads: Collins, Kennedy, and Martin

APPROVAL OF AGENDA:

CM 7-1-12 APPROVAL OF AGENDA

Motion by Wedell, Supported by Kramer

To approve the agenda as presented

VOTE: **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF MINUTES:

Councilman Kivell stated that there was a motion to excuse the absence of Councilman Kramer.

Councilman Kivell requested that his request for the minutes from the Housing Commission on page 3 be noted.

CM 7-2-12 – APPROVAL OF MINUTES- JULY 9, 2012

Motion by Wedell, supported by Kopkowski

To approve the minutes of the July 9, 2012 Regular Council meeting as amended

VOTE: **MOTION CARRIED UNANIMOUSLY**

PUBLIC COMMENT: None

OLD BUSINESS:

1. Second Reading – Amendment to the Fence Ordinance

City Manager Murphy stated that this is additional fence materials. There has been no change since the first reading.

CM 7-3-12 – APPROVAL OF SECOND READING – FENCE ORDINANCE

Motion by Kivell, supported by Kramer

To approve the 2nd reading of the amendments to City of South Lyon Ordinance, Chapter 18, Article IV, Section 18-133 "Construction material" as presented.

VOTE: **MOTION CARRIED UNANIMOUSLY**

2. Second Reading – Donation Box Ordinance

Attorney Wilhelm stated that per Council comment he started looking at various ordinances and it became clear that it is more involved than originally anticipated. He stated that he feels that this issue should be referred back to the Planning Commission for further review. There are several factors that the Commission may want to consider. Attorney Wilhelm further discussed the screening of the companies that place the donation boxes.

Councilman Kivell stated that he had hoped that some of this would have been distilled before getting to us. He further discussed the sample ordinances from other communities

CM 7-4-12 – SECOND READING – DONATION BOX ORDINANCE – REFER TO PLANNING COMMISSION

Motion by Kivell, supported by Kopkowski

To refer the proposed amendments to City of South Lyon Ordinance, Chapter 102, Section 102-113 "Donation Boxes" back to the Planning Commission for further review.

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. Affirm appointment to the Arts and Cultural Commission

City Manager Murphy stated that the Commission met for the first time and reviewed four applications to fill the remaining seat on the Cultural Arts Commission. He further stated that the recommendation of the Commission was to appoint Cheryl Smith. He is asking Council to affirm that appointment.

CM 7-5-12 – AFFIRMATION OF APPOINTMENT – CULTURAL ARTS COMMISSION

Motion by Ryzvi, supported by Kramer

To affirm the City Manager's appointment of Cheryl Smith to the Arts and Cultural Commission

VOTE: MOTION CARRIED UNANIMOUSLY

2. DWRF Tentative Contract Approval

City Manager Murphy stated that this is the next step in the Milestone Schedule. Bids for construction were solicited and received July 16, 2012. This step requires Council to adopt a resolution of tentative contract award. Again this is tentative and does not tie us to anything yet and is still contingent upon successful financial arrangements with the DWRF. We will be coming back to Council at the next meeting with the Bond Resolution.

Councilman Kramer asked that if at the next meeting in August will that be the final decision. City Manager Murphy stated that it would.

Mr. Tom Collis, representing the Bond Attorney stated that we will come back to the Council with the Bond Resolution with that Resolution Council will be adopting an ordinance authorizing the issuance of the bonds.

Councilman Wedell stated that interest rates are going down and asked if the 2.5% is still the best rate. Mr. Collis stated that for this 20 year term, 2.5% is still the best rate.

Councilman Kramer asked if the water rate increases proposed for the full amount or are we basing it on the 50% forgiveness. Discussion was held on the rate increase expected. City Manager Murphy further discussed the water debt that will be coming off in 2016.

Mayor Wallace asked Mr. VanDeCreek if he has experience with the trenchless drilling. Mr. VanDeCreek explained his experience with trenchless drilling with other communities.

Mayor Wallace asked if you anticipate people being shut down for long periods of time. Mr. VanDeCreek stated that there will be some periods of outages.

Mayor Wallace asked if the bursting would cause calcium, etc. to be broken loose. Mr. VanDeCreek explained the process and stated that there should be minimal disturbance to individual systems.

Mayor Wallace stated that he is concerned that in some of the houses, their lines are just as bad as what we are replacing. Mayor Wallace asked the cost to the homeowner. Discussion was held on coordinating with the contractor for residence who need additional work completed.

Discussion was held on the cost increase for an average family of four.

Councilman Kramer asked the life span of this project. Mr. VanDeCreek stated that we are looking at 100 year time life and maybe beyond that. He further discussed the corrosive resistant product.

Discussion was held on the repair to sod, lawns, etc.

Discussion was held on temporary water service if needed.

Discussion was held on the rate comparison. Discussion was held on the Detroit water rates.

Discussion was held on the flow rates. Mr. VanDeCreek stated that the pressure rate and flow rate would be greatly improved.

Councilman Kivell stated that it would be a good idea to have an information chain so that a contractor can make any repairs at the same time as the work is being done. City Manager Murphy stated that these contractors are not going to go into someone's home and replace the plumbing. Further discussion was held on possible repairs to lines that the homeowner may be responsible for.

Discussion was held on the contractor providing the low bid. The question was asked of Mr. VanDeCreek if he has had experience with them. Mr. VanDeCreek stated that he has not personally, but his firm has. He stated that they are a municipal contractor and have worked with many different communities.

CM 7-6-12 – APPROVAL RESOLUTION

Motion by Kivell, supported by Wedell

Whereas, the City of South Lyon wishes to construct improvements to its existing water treatment and distribution system; and

Whereas, the water system improvements project formally adopted on April 27, 2009 will be funded through the State of Michigan's Drinking Water Revolving Loan Fund (DWRFL) program; and

Whereas, The City of South Lyon has sought and received construction bids for the proposed improvements and has received a low bid in the amount of \$3,695,575.00 from Bricco Excavating Co., LLC.; and

Whereas, the City's Engineer, Hubbell, Roth & Clark has recommended awarding the contract to the low bidder

Now, Therefore, be it resolved, that the City of South Lyon tentatively awards the contract for construction of the proposed water system improvements project to Bricco Excavating Co., LLC contingent upon successful financial arrangements with the DWRP.

VOTE:

MOTION CARRIED (5 yea/2 nay)

3. Planning Services Agreement

City Manager Murphy stated that the RFP committee met with Carmine Avantini and Brad Strader from LSL after the last Council meeting where Council expressed concerns about an agreement between CIB and LSL to utilize LSL's resources. City Manager Murphy further stated that the former City Attorney had expressed his opinion that the contract for planning services with LSL is valid and in place, even though it was not signed, therefore he is asking Council to terminate that agreement except for the Master Plan work.

Attorney Wilhelm stated that he has reviewed the agreement between CIB and LSL for day-to-day assistance of LSL Planning and technical support. There have been changes to the agreement between CIB and the City that references that document between CIB and LSL and the types of services that they will provide. It further provides that the City is to receive notice in the event that the agreement between CIB and LSL is terminated. He further stated that we are satisfied that the arrangements allows the City an opportunity to get out of the agreement with 30 day notice if the arrangement between CIB and LSL is terminated

Discussion was held on the billing. City Manager Murphy stated that LSL will be billing us for the Master Plan, but the daily functions will be billed by CIB.

Discussion was held on the Master Plan. City Manager Murphy stated that LSL will be doing the Master Plan work with the assistance of Mr. Avantini, however we do have an agreement with LSL.

Council Member Dixon stated that we are still dealing with two separate companies.

CM 7-5-12 – TERMINATE EXISTING AGREEMENT – PLANNING SERVICES

Motion by Kramer, supported by Kivell

To terminate the existing planning services agreement with LSL except as to the Master Plan Services work as approved by City Council on February 27, 2012

VOTE:

MOTION CARRIED (5 YEA. 2 NAY)

CM 7-7-12 – APPROVAL OF PLANNING SERVICES AGREEMENT

Motion by Kramer, supported by Kivell

To approve the three year contract between the City of South Lyon and CIB Planning Inc., for planning services

VOTE:

MOTION CARRIED (5 YEAM 2 NAY)

4. Closed Session – Manager Evaluation

MANAGER'S REPORT:

City Manager Murphy stated that Kristen Delaney resigned effective July 27th.

City Manager Murphy stated that the MML Convention is scheduled for October on Mackinaw Island. He asked Council if they would like him to attend and further stated that anyone else wishing to attend should contact the City Clerk.

COUNCIL COMMENTS:

Council Member Kopkowski stated that she would like to see the dead plants downtown removed. City Manager Murphy stated that they are working on the matter and will be taking action this week.

Councilman Kivell stated that we had a conversation about getting the farmer in Volunteer Park in to talk about recreating the paths. Mayor Wallace stated he has spoken to the farmer. Discussion was held on bringing this to Council in August. Councilman Kivell stated that he does not think that we need to meet with him. We just need to convey that to the farmer to get it done. Discussion was held on reviewing the contract with the farmer after the harvesting season.

Mayor Wallace stated that it is nice to hear that we are going to do something about the planters.

Mayor Wallace stated that the car show will be downtown this Wednesday. Also Saturday they will be holding the Brews, Blues and Brats where our local brewery will be hosting the beer tent, but there are other restaurants downtown as well. The question was asked if this will allow people to walk the streets with beer. Chief Collins stated that will have to stay within the confined area.

It was stated that Recfest will also be in McHattie Park 11 a.m. to 5 p.m. Saturday July 28th with games for the kids, food, etc.

CM 6-3-12 – ENTER INTO EXECUTIVE SESSION

Motion by Kramer, supported by Kivell

To enter into Executive Session for the purposes of discussing the City Manager Evaluation

VOTE:

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT:

CM 7-8-12 ADJOURNMENT

Motion by Kivell, supported by Kopkowski

To adjourn the meeting at 9:34 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,


Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer