

CITY OF SYLVAN LAKE
REGULAR MEETING
AUGUST 13, 2008

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, August 13, 2008; opening at 7:32 p.m. Mayor Hungerman presided over the Pledge of Allegiance.

Present: Maurina, Shepp, Wiegand, Hungerman

Absent: Lorenz (excused)

Also Present: City Manager Martin, Clerk Clippert and City Attorney Bibeau

Yes: All

No: None

MOTION CARRIED

APPROVAL OF AGENDA

Martin requested to add Item 11I, Adjourn to Executive Session to discuss pending litigation.

Moved by Wiegand, seconded Maurina, to approve the City Council Agenda for August 13, 2008, as amended.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Shepp, seconded Maurina, to approve the following minutes as presented:

July 9, 2008 Regular Meeting

July 15, 2008 Special Meeting

July 22, 2008 Special Meeting

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Wiegand, seconded Maurina, to approve the voucher report for August totaling \$345,472.60.

July Payroll \$ 56,915.99 Check #'s 10713-EFT127
Accts Pay-July-Aug \$288,556.61 Check #'s 43126-43204
Totaling \$345,472.60

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Hungerman received the DPW reports for June and July 2008, the City Attorney report for the month of July 2008, and the Police Department report for June 2008 and asked that they be placed on file.

COMMITTEE REPORTS

Helen McAllister reminded everyone to come to the Ice Cream Social and Community Center Dedication next Thursday at the Community Center.

At the October Garden Club meeting, 1:00 p.m, at the Community Center, they are going to have a speaker on composting. Also next March in the evening they are going to have a speaker on wild flowers and natural planting.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Russ Meskin asked for an update on the Lakeview case. Bibeau stated the Judge ruled that a \$200 fee was reasonable and the City has an obligation to maintain the shoreline, which includes the seawall. He stated the case is now closed.

Betty Delaney reviewed at the June meeting it was stated that 30 trees would be planted in the city. She suggested planting three or four on the property across from City Hall along the trail. She acknowledged Sharon Hughes did a nice job with some landscaping and mulch and stated she got help from DTE. Delaney complained about the trail not being cut. She stated she has located signs for the trail and asked when they would be put up. Martin stated not until a safe crossing on Orchard Lake Road is done. Delaney asked if City Council knew how to do State Department of Transportation grants. Lastly she announced on August 26th the Friends of the Clinton River Trail are holding a get together at Oakland University in the Gold Room.

Rodney Knudsen questioned why the cross walk markings were removed at Orchard Lake and Inverness. He feels it is unsafe without it. Martin responded it was the Road Commission's decision to do that. Martin will get Knudsen their email address.

Jack Hammons thought play structures were going to be on the agenda. He would like to know City Council's stand on this. Martin stated he didn't have all the information yet so it couldn't be placed on the agenda. Martin explained what is being looked at is whether a play

structure is an accessory structure or other type. Only one accessory structure is allowed. He is working with the planner and it will go to Planning Commission next and then to City Council.

CITY MANAGER COMMENTS

Trail

Martin is not sure why the trail on the south side of Orchard Lake Road didn't get cut. He spoke with the contractor and they will mow all of it by next week. The planting by the trail at Pontiac Drive was headed up by Sharon Hughes. She contacted DTE and they provided the mulch and they will plant arborvitae in the fall.

Ice Cream Social

Next Thursday will be the ice cream social and the dedication for the Community Center. Carpet was installed in the Community Center today.

CITY COUNCIL COMMENTS

Shepp invited everyone to the ice cream social and dedication. He is looking forward to opening the new center. A lot of time was devoted by everyone involved and he hopes everyone enjoys it.

Wiegand showed pictures of the trail and overgrowth. He stated there has been two vagrants behind Valero Gas Station.

Wiegand noted Verizon has covered up their window with signage. He thought no more 15% was allowed.

Wiegand thanked Sharon Maurina for her work on the Community Center and stated the carpeting is beautiful.

Maurina had no comment.

Hungerman thanked DTE and Sharon Hughes. He thanked Mike Grasser for the landscaping and irrigation at the Community Center. He stated it looks nice. Hungerman is looking forward to seeing everyone next Thursday.

ACTION ITEMS

- a. Discussion of Parks and Recreation Activities and Dates **PR-005-08**

Martin stated Mitch Black was going to be here to discuss this. Hungerman shared the Black's are holding a fundraiser September 6th to get a portable movie screen and skate rink. Tickets are \$45 through City Hall or through the Black's. This includes hors d'oeuvres and drinks.

Maurina added in the fall, soccer will be at Ferndale Park and to watch the newsletter for more information.

b. Consideration to Approve Fuel Surcharge for Richfield Equities **CA-002-08**

Martin stated most communities are doing this and there is a provision in the contract to raise fees. He reminded everyone the city is getting a great price on our contract. He noted the fuel charge is not set in stone and it will be reviewed every month.

Maurina inquired if we could offer less or would they be miffed if we do.

Shepp feels they are going to recoup the cost one way or another.

Hungerman reviewed two years ago they signed this contract and it saved the city \$50,000 and this included the leaf collection. He stated there is no arguing that fuel costs have gone up.

Maurina confirmed this is a monthly charge and it would be reviewed each month. Martin confirmed it would. She would like to ask for a lower fee.

Moved by Wiegand, seconded Maurina, to approve the additional fuel charge for Richfield Equities up to \$1.65 per unit, but try to lower it.

Yes: All

No: None

MOTION CARRIED

c. Discussion of Millage Proposal **E-003-08**

Martin announced this will be on the agenda for every meeting until the November election. He explained at the last meeting City Council approved to put on the ballot a proposal to levy 2.5 mills for 10 years. Several times over the next few months there will be special meetings to explain why, what and where we are heading if this doesn't pass.

Hungerman added they are working on a power point presentation and encourages everyone to come and ask questions.

Wiegand noted the city's operating millage is the seconded lowest in 13 communities within Oakland County that are comparable in size.

Shepp stated the city needs to be able to maintain city services. He asked residents to call him if they had questions.

d. Approval to Rescind Motion to Place Parks and Rec Millage question on the November Ballot
E-004-08

Moved by Maurina, seconded Wiegand, to rescind the motion to place the parks and recreation millage proposal on the November 2008 ballot.

Yes: All

No: None

MOTION CARRIED

Maurina explained they removed the proposal for the parks and recreation millage to be put on the ballot because they replaced it with the 2.5 millage for general operating. She stated none of City Council wants to ask for this increase, but explained the city has no options. This millage covers increases which have occurred over the years, fire department cost, the Community Center maintenance and other maintenance and capital expenses. She feels they have shaved everything they can out of the budget.

Tom Genn asked if the 2.5 mills covers enough for parks and recreation, fire and everything else that Maurina mentioned. Maurina stated it will cover it for a time frame. Shepp added it is a 10 year renewable millage. It should compensate and bring in enough money. The way he sees it is it will be on the high side at 5 years, but by the end of 10 years the city will be back to where we are right now. Hungerman stated they will visually show the residents all this at a number of information meetings. They are not prepared to do this tonight.

Russ Meskin asked if this millage passed when it would go on the tax bill. Martin stated next year 2009.

Joel Must suggested increasing the dock fees for more revenue.

Martin announced the website calendar is working again and to watch it because they will put all the dates of the informational meetings on it.

Mike Zubrycki agrees the presentations are a good thing city council is doing.

CA-003-08

e. Consideration to Approve Equalization Assistance Contract with Oakland County

Martin explained for the last six years equalization has not increased their contract fee. They are now asking for a 3% increase. Maurina asked if they have any options or if there is someone cheaper to use. Martin stated it is much cheaper for us to use them than the city doing it on our own.

Moved by Wiegand, seconded Shepp, to approve the Contract with Oakland County for Equalization Assistance Services.

Yes: None
No: All

MOTION CARRIED

CA-004-08

f. Consideration to Approve 2008/09 Winter Maintenance Agreement with the RCOC

Moved by Maurina, seconded Wiegand, to approve the Winter Maintenance Agreement with the Road Commission for Oakland County for the 2008/2009 season.

Yes: All
No: None

MOTION CARRIED

g. Consideration to Amend ROW Policy **S-001-08**

Martin explained there has some issues with the ROW policy and brick pavers. Some people have just put them in without knowing they can't, and told they had to take them out. Others have asked to put them in and found they weren't allowed. Martin has had discussion with some Planning Commission members and City Council members about going back to the original policy to allow them with restrictions.

Wiegand is for it as long as it is done properly. Hungerman is ok with it as long as drainage is maintained. Shepp doesn't have an issue with improving your property, but he does have an issue with people continually doing what they want and not following the policy or checking to see what the policy is. Maurina is concerned with winter maintenance when the road is grated. Martin stated unless they are sticking up or uneven it wouldn't be a problem and the city is not making them put them in. Maurina is ok with it if the city is not responsible for any damage.

Martin will work on amending the language of the policy and bring it back to City Council.

h. Brief Discussion of Fence Ordinance and Corner Lot Ordinance **O-005-08**

Martin stated this issue has been discussed a lot with Planning Commission and by City Council. He asked if council would be interested in amending the ordinance to allow a property owner to replace an existing nonconforming fence with restrictions. There are a number of people who want to upgrade from a chain link fence to something nicer, but can't because they are an existing nonconformance.

The corner lot ordinance has come up as a result of a variance request. The ordinance requires corner lots to have a 30' setback on the front, rear and side yards. Martin has spoken with the planner and they stated other communities are having this problem with upgrading older homes. Martin would like to know if council is interested in having him investigate amending these two ordinances or not. Both would have to go before Planning Commission.

Shepp is not interested in changing the fence ordinance. He feels they have discussed this enough. He is ok with looking at the corner lot ordinance. Wiegand is ok with both. Hungerman is not in favor of reopening the fence ordinance again. He feels if they let nonconforming fence owners improve, then others are going to want their fence like that. He is ok with looking at the corner lot ordinance. Maurina is ok with the corner lot. She feels the spirit of the fence ordinance was not to have the fence going all the way to the road. She doesn't feel it makes sense to not allow people to replace a chain link fence with something nicer. She feels they could set specific guidelines.

Hungerman agreed to have Martin to give these to Planning Commission to discuss.

L2-008-008

- i. Approval to Adjourn to Executive Session to Discuss Pending Litigation

Moved by Maurina, seconded Shepp, to adjourn to Executive Session to discuss pending litigation after agenda item 13.

Yes: All

No: None

MOTION CARRIED

NON-ACTION ITEMS

- a. Boat Docks and Marina License
- b. Amendment to the Zoning Ordinance Defining Maximum Lot Coverage of Structures
- c. Amendment to the Zoning Ordinance Defining Total Lot Coverage
- d. Amendment to the Zoning Ordinance Defining Residential Parking
- e. Amendment to the Zoning Ordinance defining attached garage location and dimensions
- f. Security for Ferndale Park, Restroom and Boat Launch
- h. City Entrance/Identification Signs

There was nothing new to report on these agenda items.

- g. Street and Drainage Project **S-002-08**

Mayor Hungerman asked if this was still on the agenda because it hasn't been finalized. Martin stated he is working with the engineers to get the final paperwork.

NEWSLETTER AND CABLE INPUT

Rodney Knudsen suggested setting up an email address for questions regarding the ballot proposal. This way City Council can be prepared at the meeting what residents are thinking.

At 8:38 City Council adjourned into Executive Session.

At 9:12 City Council reconvened the regular City Council meeting.

ADJOURNMENT

Moved by Maurina seconded Wiegand, to adjourn the regular City Council Meeting.

Yes: All

No: None

MOTION CARRIED

The meeting was adjourned at 9:12 p.m.

Dennise Clippert, City Clerk