

CITY OF SYLVAN LAKE
REGULAR MEETING
DECEMBER 12, 2007

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, December 12, 2007; opening at 7:30 p.m. Mayor Hungerman presided over the Pledge of Allegiance.

Present: Maurina, Lorenz, Wiegand, Hungerman
Absent-Excused: John Shepp, City Manager Martin
Also Present: Clerk Clippert and City Attorney Bibeau

Moved by Lorenz, seconded Maurina, to excuse Shepp absence.

Yes: All
No: None

MOTION CARRIED

APPROVAL OF AGENDA

Lorenz requested item 11A be removed from the agenda. This item will be discussed at a study session.

Moved by Lorenz, seconded Wiegand, to approve the City Council Agenda for December 12, 2007, as amended.

Yes: All
No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Lorenz, seconded Maurina, to approve the minutes of the following meetings as presented:

November 14, 2007, Public Hearing & Regular Meeting
November 27, 2007, Study Session

Yes: All
No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Wiegand, seconded Lorenz, to approve the voucher report for December totaling \$319,607.46.

Nov Payroll	\$ 69,044.28	Check #'s 10554-10577
Accts Pay-Nov-Dec	\$248,542.90	Check #'s 42410-42507
Auto Debits	\$ 2,020.28	
Totaling	\$319,607.46	

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Wiegand questioned the number of larcenies in October. Lorenz asked him to call Martin tomorrow to find out.

Mayor Hungerman received the DPW's and City Attorney's report for the month of November 2007, and the DPW and Police Department report for October 2007, and asked that they be placed on file.

COMMITTEE REPORTS

C3-004-07

Loren Maurina, GWBCAB, reported the dollar amount which is Sylvan Lake's portion is \$6,400. He got this amount from Dave Albery, who got it from West Bloomfield finance department. Maurina will ask Albery for details of why it is a lot less than thought. Maurina will report again next month.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

C4-009-07

Mike Barron expressed his concerns with DTE's increase of noise and activity. He stated they have gone to meetings with Bloomfield Twp and DTE and they assured them things were going to get better and they haven't. From 2:30-5:00 a.m. there is loud banging, trucks idling and beeping trucks backing up for over two minutes at a time. He asked what is being done.

Bibeau responded he understands a petition is being circulated and they should turn that in. DTE's attorney has been contacted and they are telling us they are doing everything they can, but there are emergency situations. Emails of complaints are being forwarded to Mike Palchesko. Martin met with Palchesko last week and told him we may have to start a lawsuit if the residents don't get some relief. Bibeau stated the next step would be a lawsuit. He reassured everyone that the City, Bloomfield Twp and DTE have all been communicating.

Hungerman added that Martin spoke with State Representative, Chuck Moss, to see if he could help in anyway. Hungerman stated, as a City, we are doing what we can do.

Lorenz supplied DTE had plans to put a wall up on the property line, but no plans have been submitted yet. Bibeau added those plans are on hold at the township and the city. Lorenz added this is because the city and township told them if they are going to ask for any variances then we were going to limit the number of trucks that they could have.

Maurina feels a date should be set for DTE to comply with the City requests. She feels this has gone on way to long.

Barron asked if DTE has plans to move. Lorenz replied, the City can not make them move. Bibeau stated based on them not moving forward with their plans, maybe they are looking to move. He shared if they start a lawsuit it will be 1-1 1/2 years before anything will be resolved.

Liz Zubrycki stated the situation and what is happening is unacceptable. Lorenz asked her if they have contacted the news media. He stated as private citizens they should do this. Zubrycki feels they need City Council's support. There are health deterrents with all the diesel trucks running. She expressed John Martin has been great, Eric Wiegand also.

Bibeau asked Zubrycki to get her petition to the City.

Mike Rammel questioned what the petition would do. Bibeau replied the City needs to know who is affected by this and get them to agree that they are going to cooperate, going to testify, and call them as witnesses. Liz Zubrycki thought the petition was because the council didn't believe it was an issue or just a few residents. Bibeau stated a lawsuit is not being thrown out. The police are suppose to be logging complaints.

Wiegand stated that all the neighbors should call the Police Department each time there is noise so a record can be used in a lawsuit and if the police don't respond then that should be noted too.

Lorenz stated the city has been working for the residents. It may have had a negative affect with telling them they can't expand their business and limiting the number of trucks. Now they aren't putting up the wall which probably would have helped with the problems. Hopefully they are saying this isn't the right site for them and they will move.

JoAnn Eberhardt asked who the general manager is of that facility. Mike Zubrycki stated Annette Forris was the General Manager; it used to be Nick Pfeffer. That was back in February 2007 when he met with them. Their comments were they only made a slight increase in the number of trucks. They asked how many and they wouldn't disclose that. Lorenz stated they have never shared the number of trucks they have, with the city.

Mike Zubrycki shared it looks like DTE has an overflow facility at M59 and I-75 with 15-20 bucket trucks. His point being they have made a material change to how that facility runs here. He reviewed the minutes from the October 23rd Special Meeting where it states homeowners along there bought their houses and knew what was there. Zubrycki stated the noise was not there when they bought the house. The diesel fumes are very intense now and are a health risk.

He feels this is a public issue.

Lorenz commented on DTE using the local streets, Inverness and Avondale, to return to their business. Bibeau stated a traffic control order would need to be passed.

Sarah Ykema stated there is a “no thru trucks” sign and DTE violates all the time. She stated she sent a list of concerns to John Martin and where things have increased within the last year. She shared her trouble she had with Consumers Energy and the quick results she got once she contacted her State Representative. She asked what more they can do to move forward with this issue. Lorenz agreed, contacting Chuck Moss is good and also the Energy Commission in Lansing. If the residents get names, he asked that they share them with the City and the City will do the same.

Russ Meskin suggested “No Commercial Traffic” from 11pm-6am.

Mitch Black reviewed the problems residents had with Powers Distributors. He stated the city leaned on them and aggressively enforced “no thru trucks”. He suggested making it hard on them so they will want to leave.

Mike Zubrycki discussed the vibration they are getting in their houses.

Mike Barron feels nothing has changed and is very frustrated.

Wiegand asked why the police can’t sit at Pontiac and Avondale, like they do for speeders and people running the stop sign. He asked why they can’t listen.

Mike Rammel feels the city needs to be more proactive. He doesn’t understand why the police have to be called all the time. Why they aren’t looking into this themselves. Residents are filing reports and no action is being taken.

Mitch Black suggested getting a time frame camera setup in that area. It would show the violations and record the noise also. He stated the city can rent one from a security company.

Russ Meskin asked what happen with the media. Mike Barron stated Carol Hopkins, Oakland Press, ran some pretty equal stories.

Mitch Black asked to be considered for the Boat Dock Committee. Patty Harrop asked also.

There were no other comments.

Mayor Hungerman closed this portion opened to the public.

CITY MANAGER COMMENTS

Holiday Lighting

Clerk Clippert reminded everyone to display their lights on Saturday from 6-9 pm. for the light judging.

Election

Clippert reminded everyone there would be a Presidential Primary Election, January 15, 2008. It is a closed Primary election, a party must be selected in order to vote.

Surgery

Clippert let everyone know that Susan Whittaker, up at City Hall, is having hip replacement surgery and will probably be out for the next six weeks.

CITY COUNCIL COMMENTS

Wiegand noted all the expired license plate cars being stored around the city.

Maurina congratulated Wiegand on being elected. She apologized for missing the last few meetings. She started a new job and feels she now has it worked out so she won't miss anymore meetings. She is concerns with the DTE issue. She would like to see some visible results.

Lorenz thanked residents for their comments on DTE. He asked if the "No thru traffic" sign is good enough for the police to issue tickets. He feels public pressure is best. He liked Mitch Black's idea of a camera. He suggested sending a letter to DTE asking them to pay for it. He would like to see the police writing tickets if they can. He wished everyone Happy Holidays.

Hungerman reassured everyone the city is not ignoring the issue. He stated Bloomfield Twp. sent their Master Plan to the city showing that area zoned as light industrial and the city asked them to change it to something more residential friendly. He will speak with Martin regarding the Police Department. He is not prepared to support a traffic control order at the spur of the moment. He stated it can cause problems down the road.

Hungerman feels the leaf program went well and they did a good job with it.

ACTION ITEMS

R2-019-07 A2-010-07

- a. Approval of Boat Dock Committee and Appointment of Five Committee Members

Mayor Hungerman discussed the boat dock committee that Council would like to appoint. He stated it would be a five member committee, term will be one year, they work under the City Manager, they will meet a minimum of quarterly and more if necessary, and all meetings will be posted and open to the public.

Moved by Lorenz, seconded Maurina, to approve the resolution forming a Boat Dock Committee as presented.

Yes: All
No: None

RESOLUTION ADOPTED

Moved by Lorenz, seconded Wiegand, to change the number of members to seven for the Boat Dock Committee.

Yes: All
No: None

MOTION CARRIED

Moved by Lorenz, seconded Wiegand, to appoint: Brad Conkey, Dick Pfeffer, Jim Bull, Rob Conkey, Rob Galacz, Mitch Black and Patty Harrop to the Boat Dock Committee for a one-year term, beginning immediately and ending December 31, 2008.

Yes: All
No: None

MOTION CARRIED

R2-020-07

b. Approval of Resolution - State Annual Permit for work on State Highways

Moved by Lorenz, seconded Maurina, to approve the Performance and Indemnification Resolution as required by the State of Michigan Department of Transportation authorizing the City Manager, Police Chief or City Clerk to apply for a State Highway permit if necessary.

Yes: All
No: None

MOTION CARRIED

F-003-07

c. Approval of Banking Institutions to be used for 2008

Clippert acknowledged the institutions on the list have signed agreements with the City to follow the City Investment Policy and all State laws.

Moved by Wiegand, seconded Lorenz, to approve the City's use of banking establishments as presented.

Yes: All
No: None

MOTION CARRIED

A2-011-07

d. . Appointment of Members to the Board of Review

Mayor Hungerman stated two residents have submitted a letter of interest and he spoke with the both of them and feels they are a good choice.

Moved by Lorenz, seconded Maurina, to appoint Jim Bull for a term to expire January 31, 2011; and Sean Kelly for term to expire January 31, 2010.

Yes: All

No: None

MOTION CARRIED

P1-009-07

Lorenz asked to discuss passing the traffic control order and so that police can enforce “no thru trucks”. Bibeau stated if the signs are already there they just have to enforce it. Lorenz asked if the sign needs to be posted on Avondale or at the entrance of the city.

Wiegand stated he noticed that Detroit Garden Works is doing the same thing, driving down Inverness to Avondale out to their place on Pontiac Drive. Bibeau stated a sign would need to be placed where the trucks are coming into the city. He added the Road Commission needs to be pressured to widen/lengthen the left turn lane on Orchard Lake Road.

Hungerman stated a traffic control order must be already in place if there are signs out there. He doesn't feel another order needs to be placed if one is already in place. Bibeau stated it depends on what the traffic control order says. Hungerman would like get a copy of it before doing anything further. Lorenz added, he would like to know what the fine is and increase it at the next meeting if it is not enough. He would like to see the Police Department monitor and enforce everything they can and make it painful for DTE to use our roads. He agreed with Hungerman on not passing something at the spur of the moment; it is never a good idea. He is still confused why Sylvan Lake Police can't write tickets for a noise complaint. He feels it would be a nuisance and a ticket should be issued.

Liz Zubrycki stated the Bloomfield Police officers have all been trained on noise decibels and when complaints of noise warrant a ticket to be issued. She stated when she speaks with a Sylvan Lake officer they don't know anything. She offered to share their decibel regulator to the Sylvan Lake Police Department temporary use.

Bibeau stated he is not sure why the Police Chief is saying they can't write tickets, but he will talk with him.

Bibeau discussed the January 22nd meeting Council is having with Lakeview residents. He feels they should limit the meeting to one hour. The scope of the meeting is for each side to make a presentation and clarify their respected positions. No dialogue should take place. Attorneys should handle the questions. Bibeau stated each of the Lakeview residents will be sent a letter regarding this meeting.

Lorenz asked to have the January Council meeting moved back a week.

C1-003-07

Moved by Lorenz, seconded Maurina, to change the January City Council meeting to January 16, 2008 at 7:30 p.m.

Yes: All

No: None

MOTION CARRIED

Clippert stated she has contacted the church regarding this change of date and changing the study sessions to the third Thursday each month, but has not heard back from them. If they change the study session day this will start in February. She will get a new schedule of meetings to everyone as soon as possible.

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
- g. Street and Drainage Project
- h. City Entrance/Identification Signs

There was nothing new to report on these agenda items.

NEWSLETTER AND CABLE INPUT

Lakeview Meeting.

ADJOURNMENT

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

Yes: All

No: None

MOTION CARRIED

The meeting was adjourned at 9:13 p.m.

Dennise Clippert, City Clerk