

CITY OF SYLVAN LAKE  
REGULAR MEETING  
NOVEMBER 15, 2006

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, November 8, 2006; opening at 7:30 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Hungerman, Lorenz, Conkey, Eriksen, Hunger

Absent: None

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

APPROVAL OF AGENDA

Eriksen requested item 12A1 Park and Rec Millage Proposal for Ballot, item 12A2 City Hall Addition, and 12H Adjournment to Executive Session for Pending Litigation.

Moved by Eriksen, seconded Hungerman, to approve the City Council Agenda for November 8, 2006, as amended.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Eriksen, seconded Hunger, to approve the following minutes as submitted:

October 11, 2006, Regular Meeting

October 4, 2006, Study Session

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Eriksen seconded Hunger, to approve the voucher report for November totaling \$183,614.11.

|                   |                 |                       |
|-------------------|-----------------|-----------------------|
| Oct Payroll       | \$ 42,560.77    | Check #'s 10151-10190 |
| Accts Pay-Oct-Nov | \$138,890.54    | Check # s 41487-41572 |
| Auto Debits       | <u>2,162.80</u> |                       |
|                   | \$ 183,614.11   |                       |

Yes: All

No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

**A3-001-06**

Attorney Bibeau reported an extension has been filed for the Norwick and Stein appeals for valuation disclosure. This gives our appraiser additional time to do the appraisal work. On the Elliot case parties must exchange Valuation Disclosures on or before February 23, 2007 and must exchange and file Prehearing Statements on or before March 2, 2007.

Bibeau also reported a summons and complaint has been filed by Citgo. They are alleging the City has imposed unreasonable conditions on their special use approval. Also inverse condemnation, violation of the Open Meetings Act, and violation of procedural due process. Martin added they are alleging the City didn't invite them to the meetings. Bibeau stated the city isn't obligated to give them special notice of a meeting. All meetings are posted as a rule.

Mayor Lorenz received the City Attorney's and DPW reports for the month of October 2006 and the Police Department report for September 2006 and asked that they be placed on file.

COMMITTEE REPORTS

There were no committee reports.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Mayor Lorenz opened the meeting to the public.

Helen McAllister, 1896 Lakeland, stated she attended the Planning Commission meeting last night and one of the board members said there is something wrong with ten people showing up in support of something. She stated, people should be able to discuss anything during public comment. She asked that the board be informed on how a meeting should be run.

Nancy Hunger asked if there are any plans for anymore no parking signs to be installed so people will know where and where not to park. Martin stated he will look into it.

**CC-013-06**

Steve Wilen, 2215 Garland, asked Council if the design that has been presented is locked in. He was wondering if Council would be willing to consider other designs and what options they are open to. He has a design that he is working on, on his own time and at his own cost.

Eriksen feels they have an obligation to the voters to build what they saw. Lorenz suggested he give the plans to the five-person committee.

Nicole Menuck, 2475 Pontiac Drive, questioned what the plan is for the area across from City Hall where leaves are being dumped. She thought a berm was suppose to be going in there. Martin informed her the leaves are there only temporarily and they will be gone as soon as the leaf program is over. The berm that was proposed there was apart of a site plan that was approved and that is only if a new development goes in.

Menuck also commented on the five member committee and where they came from and how this design came about. She asked who is making all the decisions. Lorenz stated the five person committee has been spoken about for a long time. It will consist of two City Council members, the City Manager and two volunteers from the City. An official letter has not been sent out asking for volunteers. How the plan came about was ideas from the last four years. RFP s were sent out to eight architects. One was chosen and council directed them on the size and cost and what they felt added value to the city.

Martin asked what happens when someone comes in wanting to submit an idea for a plan. Lorenz didn t think there were going to be plans submitted after all this. Eriksen added, he feels they have a duty now, to stay within this dollar amount. He understands there will be changes, but not radical changes.

Menuck didn t feel they were voting on a design but an amount. Lorenz stated there will be residents who feel they did vote on this design.

There were no other comments

Mayor Lorenz closed this portion opened to the public.

#### CITY MANAGER COMMENTS

Martin shared along the fence line and the canal and tennis court area has had major clean up and it looks great. He asked Council to look at it.

#### Trail

He is working on getting some proposals for work on the trail, for regrading the low areas.

#### Bridge

Martin is getting some quotes for the bridge work. He stated sandstone is the ideal material to use. Mike Grasser is working with his mason to get a quote.

#### ZBA

The new Zoning Board had their first hearing last week. They did a good job and stuck to the ordinance. Both variances were denied. At Planning Commission both variances were discussed at length. They are going to be looking at possible ordinance changes and suggestions on how this might alleviate some of these problems in the future. It was just preliminary discussion. The thought was something that would allow grandfather non-conforming structures, to be able to be improved or replaced.

#### Planning Commission

The final draft of the Master Plan was approved last night. That will be coming to City Council next month for their input and then it gets sent to all the neighboring committees for their input.

They are trying hard now to get this done. They have been working on it for a year now.

The next phase would be possible amendments to the zoning ordinance.

#### Caroling

Martin reviewed a resident with A Capella Choir is going to be performing at Carnegie Hall. They are going to be caroling at Memorial Park on December 23<sup>rd</sup> from 1:00-2:30 p.m. Food and drinks will be provided. There is no charge. They are asking for donations. This will be posted in the newsletter and on the website.

#### Commercial Business

Preliminary plans for Cactus Willie s, going into the Lodge, are being looked at. They are working on obtaining a beer/wine license. The police are looking at it now and it will be coming before City Council. A site plan will need to be approved.

#### DEQ-Docks

#### **BD-013-06**

Martin received a letter from the DEQ denying the additional dock spaces.

#### Election

Martin announced the election results. He stated the results are unofficial until the election is certified.

### CITY COUNCIL COMMENTS

Hungerman thanked the new members of the Zoning Board of Appeals. He congratulated all three candidates and stated campaigning is hard work. He added his number one priority for the Community Center is keeping at or below budget. He knows residents have their doubt and he wants to assure them this is his goal.

Conkey also thanked the three candidates and welcomed Maurina and Shepp. He stated it was a close race and hopes MacGillis will run again. Conkey thanked Eriksen and Hunger for their service to the City and stated it has been good working with them. He is sure they will stay involved.

Conkey asked if Richfield has permission to store the leaves across the street. Martin stated they do. Also he asked if the road that use to go to the old pump house was going to be removed. He feels it encourages people to drive on it. Martin stated they plan to fix it in the spring with grass.

Hunger shared some things he learned while on City Council. He stated Martin and Clippert are incredible people who love what they do. He sees Martin taking more heat than Council members do. He thanked Martin and Clippert and asked everyone to appreciate them.

He was happy to see the Community Center passed. He envisions the Community Center as being the Heart of the City. He is glad the City Council could come together and agree on a

plan. He has learned it is not an easy job to do. He asked residents to remember to partake in the ideas. It is not about personalities; it is about discussing those ideas and finding something that is acceptable for most everybody and that can make the city grow as a community. He thanked Council and wished good luck to the new members.

Eriksen also thanked Martin and Clippert. He stated he has learned a lot about government. He respects Martin and how he handles all the work and keeps the residents informed. He stated Clippert is also there willing to work.

Eriksen thanked those who had the courage to run for council. He wished good wishes to those who won. He feels Council does have an obligation to go to the voters from time to time and ask their opinion. He used the dock issue as an example. He feels they have a responsibility to build the Community Center similar to what was shown, similar square feet and with a basement. He believes there are 10 people in the City who will be providing discounted costs for materials and free labor.

He thanked his fellow council members and City Attorney for their patience and working with them. He feels they have made good solid progress and thanked everyone for being able to work together.

Lorenz congratulated Maurina and Shepp and thanked MacGillis for running; he knows he was out on the street working hard for quite a few days. He also thanked the 20 volunteers who helped hand out the flyers and sample ballots. Lorenz thanked the election officials and the new volunteers for the Zoning Board of Appeals.

Lorenz is pleased the Community Center passed. He shared, back when this issue started he wanted to turn that area into a park and put the Community Center up at City Hall, but they worked together and found common ground and came up with something that served the population. He thanked Brian Schulz for his help. It was his advise that told them to figure out what adds value to the City and let the residents vote on it.

Lorenz thanked Eriksen and Hunger for their service to the City. It has been a learning experience for them; learning to get along and put your feelings aside sometimes and come to a productive decision. He feels the city owes Hunger and Eriksen a great deal of thanks because they got everyone together and they helped get the Community Center.

## OLD BUSINESS

### a. Proposed Dock Installation Near the Community Center

Martin stated the DEQ sent a letter denying the permit for the additional dock spaces. City Council was planning on withdrawing their application, but the DEQ's letter came right after the election.

Hunger believes this was an idea that needed to be discussed and it will always be an issue and something they will have to continue to look at.

Moved by Hungerman, seconded Eriksen, to removed this item from the agenda.

Yes: All  
No: None

MOTION CARRIED

b. Master Plan Update

Martin reminded City Council they will get final approval of the Master Plan.

c. Right-of-Way Policy

Martin stated the current policy is grass to the street. City Council needs to finalize this. Martin is still getting a lot of questions on it especially on corners.

Hunger shared his take on it is safety and functionality with drainage. Eriksen agreed that is consistent with what they wanted.

Lorenz addressed reflectors; he is in favor of them because of people who can't stay on the road.

d. Amendment to the Zoning Ordinance Defining Maximum Lot Coverage of Structures

e. Amendment to the Zoning Ordinance Defining Total Lot Coverage

f. Amendment to the Zoning Ordinance Defining Residential Parking

g. Amendment to the Zoning Ordinance defining attached garage location and dimensions

There was nothing new to report on these agenda items.

h. Street and Drainage Project

**S-014-06**

Martin stated there have been additional checks written for repairs and replacement work. This is being deducted from the contractor's retainer in addition to the \$71,000 in liquidated damages. They are still not done; shoulders are still an issue. Martin would like to have the engineers come to a study session and explain their concept and design and why they allowed what they did. He suggested the city maybe should hire someone to finish what needs to be done.

Eriksen likes this idea. He discussed the engineers concept of flat spots.

Lorenz asked Eriksen if he would provide a copy of the contract with his cliff notes and notes on which pages are worthy of looking at again, and to share this with City Council. Eriksen stated he would be happy to.

i. City Entrance/Identification Signs

**S-015-06**

Martin reported the DPW has taken down the two small City signs and they will be replaced. Maurina is working on getting quotes and a design for a new one on Orchard Lake Road. This will be coming before City Council soon.

j. City Managers Review

There was nothing new to report on this agenda item.

NEW BUSINESS

a. Community Center Demolition

**CC-014-06**

Martin stated he is getting a lot of questions now that this has passed; questions on if it will be demolished now or in the spring or waiting til there is a firm idea/plan so they know where the building is going to be. He did contact the low bidder who had submitted a bid to demolish, for \$7800. They said that bid is still good. Martin has spoken with Mike Grasser and he gave him a quote of \$14,000 which would be the second low bid and he questioned why the first bid is so low. Eriksen shared this low bidder tore down his house and they have been around for many, many years.

Moved by Eriksen, seconded Hunger, to hire the low bidder to demolish the Community Center.

Hunger asked what the architects would have to say. Lorenz stated they haven't met yet and they won't have plans until January.

Hungerman asked about the hole that would be in the ground and the liability. Martin informed him, they will take the high side and push it in so it ends up a swale.

Conkey feels there is no reason to demolish it now. He would like to wait until they have a set plan in place. He feels to pay to have the dirt hauled in and back out again is a waste of money.

Hunger suggested giving the City Manager the authority to make the decision, after discussing this with the architects and committee people.

Moved by Eriksen, seconded Hunger, to amend the motion, subject to the City Manager's discretion as to timing.

Conkey would still like to hold off and approve it after the plans are set. Eriksen is concerned with how long the bidder will hold this bid amount. Conkey is concerned with starting out right

and staying within the budget and not throwing away money. Eriksen stated the funds would come out of the street/drainage fund. Conkey doesn't believe demolition is under street/drainage. Lorenz stated he is for waiting, but he is sure the City Manager's decision would be fine.

Yes: Hungerman, Eriksen, Hunger, Lorenz  
No: Conkey

MOTION CARRIED

a.1. Discussion of Parks & Recreation Millage for the February Ballot

**E-003-06 PR-013-06**

Eriksen believes the ballot was so encumbered with so many different things that the details didn't get the attention it needed. He doesn't think the residents understood half of the money for the millage they were also spending on beach tags and registration fees. He feels once they understand it better they will vote for it.

Hunger feels residents still have a hard time with any kind of a charter millage increase. He has heard people would have voted for it if it didn't go on forever. He senses it would pass if it was a renewable circumstance. Eriksen suggest a 10 year renewal millage.

Lorenz asked when they will be going through the budget, to understand where they are at. Martin stated the budget will start in house very soon, something very preliminary will be to City Council by the end of January. Lorenz would like to defer this to the next council members coming in.

Eriksen feels they have worked on this and this millage is needed since the building proposal passed. Eriksen stated he is pushing this because he doesn't want residents saying they shouldn't have built the center without money to maintain it. He feels residents didn't understand this.

Hungerman stated he has a problem voting on putting something on the next ballot when this election hasn't even been certified. He would like preliminary numbers on the budget first.

Conkey concurs with Hungerman and feels the two new members should have a say in this. He shared he is in favor of the millage.

Hunger's understanding is that Hungerman, Conkey and Lorenz are on board with the millage and he is comfortable with them getting it on for the May Election.

a.2. Discussion for Millage for City Hall

Eriksen feels it was a shame that voters couldn't pass this millage when Keego Harbor residents approved a \$2 Million City Hall. He feels it didn't get explained enough.

Lorenz agreed with Eriksen on this. Lorenz stated it won't be forgotten.

b. RFP for Construction Contractor for Community Center

Discussed with item 12a.

**C3-003-06**

c. Consideration to Approve Request from the GWBCAB Funding to Support the MML

Chris Milia stated Dave Albery was called away on a family emergency. Milia explained the Board is requesting each community to contribute to support the MML, MTA and PROTEC in advocating for fair and equitable telecommunications legislation in the State of Michigan. Sylvan Lake's share would be \$196.

Hunger would feel more comfortable having the new board understanding these issues and making these decisions. To better serve the city, they need to discuss this and better understand what is going on.

Eriksen stated they would be paying a lobbyist, protecting them from legislation. His understanding is if the legislation passes they can come into our city and give service to half the city and not to the other half of the city.

Lorenz asked about the lowering of the franchise fee from 7% to 2% and who is behind it. Milia said that is in the State legislature in the bill they are trying to pass. This money will go toward protecting the interest of the communities and for a voice to be heard.

Martin informed council the city is a part of the Michigan Municipal League and they are already fighting on our behalf. He stated they are also a member of PROTEC. They are for right-of-way protection. Martin feels what they are doing is good. He questioned what the \$7,000 is for. Milia replied, over the past few years other communities have been financing this and now they are asking all the cities to participate and contribute.

Conkey doesn't feel the city should be funding any political action committee.

Moved by Eriksen, seconded by Hungerman, to approve the expenditure of \$196 from the Sylvan Lake's Cable Joint Venture Fund, to support the MML, MTA and PROTEC.

Yes: Lorenz, Eriksen, Hunger, Hungerman

No: Conkey

**MOTION CARRIED**

**C3-004-06**

d. Consideration to Approve the GWBCAB 2007 Budget

Hunger stated the dynamics are changing with cable and technologies and competition and it would behoove the Council, as leaders of the city, to pay attention to this and understand these issues.

Eriksen suggested they invite the two City representatives to a study session to make a presentation and let the residents know they can complain to them or Albery about their cable. He also suggested checking the line coming in because the squirrels are eating the orange cable.

Moved by Eriksen, seconded Hunger, to approve the GWBCAB 2007 Budget as submitted.

Yes: All  
No: None

MOTION CARRIED

**B-008-06**

e. Approval of Budget Amendment for Codification of Ordinances

Moved by Eriksen, seconded Hunger, to approve the budget amendment to the Clerk s budget for codification as presented.

Yes: All  
No: None

MOTION CARRIED

**A2-008-06**

f. Consideration to Appoint Alternate to the Zoning Board of Appeals

Moved by Eriksen, seconded Conkey, to appoint Patty Harrop as the alternate to the Zoning Board of Appeals, with a term to expire in two years, September 30, 2008.

Yes: All  
No: None

MOTION CARRIED

Martin informed City Council he will be setting up additional training. All the Zoning Board members stated they would be interested in more training.

g. Approval to purchase New Patrol Vehicle **P1-007-06**

Conkey asked what the typical mileage is on a police vehicle. Chief Silver explained they are going to be selling three of the five vehicles they have. He stated the typical mileage is 50,000, after that they nickel and dime the city on maintenance.

Hungerman confirmed if the fleet would consist of three cars. Chief Silver agreed there would be three, two Impalas and one Charger.

Conkey shared he contacted the Oakland County Sheriff to see what they run their vehicle to which was 80,000 miles and the State of Michigan runs them to 70,000 miles.

Hunger stated one of the things they have to consider is the Sheriff and State may have 400 cars and they enjoy the luxury of their own garages and maintenance staff. He feels Conkey's comparison is not apples to apples. The City's officers are going 15 miles an hour with frequent stops and turning.

Conkey feels as budgets are getting tighter, everyone is extending their miles on their cars and he feels the city should also.

Eriksen shared he learned this on the Fire Board, when cars are not being run enough and running down, they cost a lot more in maintenance.

Lorenz questioned the insurance. Martin explained the city is covered for everything. The increase for a new vehicle would be minor. Lorenz feels the maintenance with running them to a 100,000 miles would be costly.

Chief Silver stated he is concerned with the safety.

Conkey commented on the different looks of the cars. He feels they need to be consistent. Eriksen didn't agree. He doesn't believe the city has an obligation to announce themselves before someone who is violating the law. The Chief stated they have come along way since seven years ago when they outfitted the car with Keego Hardware decals. They are more professional now.

Eriksen questioned the warranty. Chief Silver stated a lot of the departments are going with the extended warranty of 7 years, 70,000 miles. It is better for resale also.

Lorenz asked which package they are going with. Chief Silver stated the police package.

Conkey stated the Sheriff wasn't impressed with the Chargers and probably won't be getting anymore. Chief countered there were some problems when they first came out and their problem with them when he spoke with them is with the retro fitting and the time it takes. Silver has a place that will outfit them. They have experience with Keego and other departments already.

Lorenz asked if this item has been budgeted. Martin replied, \$15,000 has been budgeted and with the sale of the three cars this will cover the remaining cost.

Moved by Eriksen, seconded Hunger, to approve the purchase of a new patrol vehicle with a cost not to exceed \$23,000 and amend the Police Department budget for a new vehicle to \$23,000.

Yes: Eriksen, Hunger, Hungerman, Lorenz  
No: Conkey

MOTION CARRIED

h. Adjourn to Executive Session to Discuss Pending Litigation

Moved by Eriksen, seconded Hunger, to adjourn to executive session.

Yes: All  
No: None

MOTION CARRIED

The meeting adjourned to executive session at 9:30 p.m.

City Council came out of executive session at 10:33 p.m.

**A3-02-06**

Moved by Eriksen, seconded Conkey, to direct the City Manager to meet with the City Attorney and Butzel, Long and any other Co-Counsel, and Councilmen Eriksen to discuss the Citgo case and report to Council of the meeting.

Yes: All  
No: None

MOTION CARRIED

**PR-014-06**

Lorenz discussed the boat docks and the DEQ's letter addressing the review for application for the 167 existing docks. He is concerned with boxing ourselves in for the future. He would like to get someone to counsel them on what they should do.

Eriksen stated they should do nothing. He stated the DEQ told Pat Howell to do nothing with the current spaces. They have acknowledged they have existed. They have not stated they must apply.

Conkey will ask his friend who works in this area.

NEWSLETTER AND CABLE INPUT

A Cappella Choir caroling at Memorial Park

ADJOURNMENT

Moved by Hunger, seconded Hungerman, to adjourn the regular City Council Meeting.

Yes: All

No: None

MOTION CARRIED

The meeting was adjourned at 11:00 p.m.

---

Dennise Clippert, City Clerk