

CITY OF SYLVAN LAKE
REGULAR MEETING
SEPTEMBER 20, 2006

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, September 20, 2006; opening at 7:32 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Lorenz, Eriksen, Hunger, Hungerman,
Absent: Conkey
Also Present: City Manager Martin, Clerk Clippert and City Attorney Bibeau

APPROVAL OF AGENDA

Martin requested item 12E, Resolution of Intent, be removed from the agenda and add in its place, consideration to adjourn to Executive Session to discuss pending litigation.

Moved by Hungerman, seconded Eriksen, to approve the City Council Agenda for September 20, 2006, as amended.

Yes: All
No: None

MOTION CARRIED

APPROVAL OF MINUTES

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

August 2, 2006, ZBA s, 2645 Orchard Lake Road, Cadillac Brick and 2451 OLR-Citgo
August 2, 2006, Regular Meeting
August 22, 2006, Study Session, ZBA 2451 OLR, Special Meeting

Yes: All
No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Hungerman seconded Hunger, to approve the voucher report for September totaling \$342,958.48.

July Payroll	\$ 49,380.75	Check #'s 10078-10115
Accts Pay-Aug-Sept	\$291,235.24	Check # s 41284-41437
Auto Debits	<u>2,342.49</u>	
	\$342,958.48	

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Lorenz received the City Attorney's and DPW reports for the month of August 2006 and the Police Department report for July 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.

Dave MacGillis, 1746 Woodland, discussed an incident from two weeks ago involving vehicle vandalism at the west end of the city. He asked if issues like this could be put in the newsletter when they are happening.

Lorenz added he has spoken with the Chief on this and he will be putting in the newsletter reminding residents to lock their cars because what they are doing is seeing these unlocked cars, making it easy for them to get into.

Bob Duschinske, 1756 Stratford, questioned the three proposals and the advisory question and asked if there would be a public forum on them. Mayor Lorenz informed him there have been several public meetings. It will be in the newsletter again and on Cable TV. Duschinske would like to know what he is getting for this money. He would like to have diagrams. Lorenz stated there will be a resident here tonight showing a video on this. There have been numerous meetings over the past two years where they have discussed the issue of what needs to be funded, how it will be funded and what the different areas of funding would cover. Duschinske asked if any further public meetings will be held or if some more detail will be provided in the newsletter. Lorenz stated there will be more discussion on this and more information provided before the election.

Roy Chestnut, 2398 Pontiac Drive, questioned the installation of the docks by his house and what the status is. Martin explained the location of proposed docks is on the parking lot side of the Community Center. Martin has nothing new to report from the DEQ.

Marlene Toby, 2412 Renfrew, announced copies of the video which will be shown tonight are available for residents. They are asking residents to hold meetings at their houses to view the video with others and ask questions.

Z-010-06

Stuart Bandalene, questioned if the new Zoning Board of Appeals will be the same night as it currently is. Martin stated he doesn't know yet. He is hoping it will be. Bandalene questioned what Citgo is proposing. Martin gave a brief history on the meetings and plans with Citgo. They are proposing a 4850 square foot building, with six pumps and three above ground storage

tanks. Bandalene asked if Martin felt this is doable. Martin responded there is still a lot of work left.

Russ Meskin, 2068 Garland, questioned if more competition is needed and why they need a 4800 square foot building. Martin stated those are the things City Council is trying to address right now.

Bob Duschinske, asked if the gas station and the pumps are owned by the same company. Lorenz explained, Citgo was purchased by the Yaldoo s with the Keego Energy people having the right to continue to operate the tank farm on a three-year ongoing lease. Martin clarified the above ground tanks are gasoline tanks with one above ground propane tank. Lorenz explained there is only so much City Council can do in terms of the special use. This property is zoned commerical and can be used for a gas station if they meet special use criteria. Legally they can't deny them without good cause. They are working with changing plans each meeting. Martin added, they are not encouraging the above ground tanks to stay.

Helen McAllister stated there are some trees at Memorial Park and also on the trail which may need to come down or be trimmed.

Alex James, 1880 Stratford, is concerned with the left turn onto Orchard Lake from Sherwood. He stated there is a bush there which needs trimming. He also questioned the left turn into Citgo and if there is a proposed left turn lane. Martin explained the Road Commission and Engineers are looking at this currently and possibly a deceleration lane. Lorenz questioned if these are items Citgo would have to pay for. Martin stated they will have to substantiate that it is a necessity and it would be something that is part of their site plan.

Eriksen reviewed the left turns and the intensity they will have and the degree of inconvenience noted in the traffic study.

Mike Schwanitz, 2419 Avondale West, asked if there was supposed to be a traffic light there for the bike path. Martin stated it is not a requirement. The City would have to fund it and get Road Commission approval.

Hunger stated he has spoken with the road commission regarding this and they look at it very differently. They look at it as wherever we put a light there is going to be more accidents. They look at it in terms as of cars. Hunger feels it would be very difficult to get a light approved there.

Eriksen continued discussion of Citgo and their site plan containing no reference to the sale of beer and wine in the building. It is his understanding if this is not included on the plan then they cannot sell it later on. Martin clarified it is allowed in that zoning district. Eriksen asked if Council could restrict them by resolution. Martin stated they cannot do that because it is an allowable use in that district. Eriksen discussed the Meijer Law where they have to maintain that size building for maintaining \$250,000 packaged liquor inventory. Eriksen asked if they can pass a moratorium, regulating zoning until the Master Plan is updated. Bibeau replied they wouldn't be able to for this because they are already working with them on this approval.

CC-012-06

Alex James made a presentation of a video he made addressing Sylvan Lake s history, needs and the proposals on the ballot for November. He explained copies of DVD s and VHS tapes are available to check out. Also the video will be shown on cable Channel 15, numerous times.

Jill Naeger asked if a link will be available on the website to view the video. Lorenz stated it will be continuously played at City Hall for everyone to view. He further explained they sent out an RFP to seven different architects for the Community Center and City Hall. They selected one from Lake Orion and for \$1 500 they are going to provide preliminary plans (floor plans and elevation drawings) for the Community Center and City Hall, with the understanding he will continue on the project and create final plans and construction plans if the bonds pass. They will be available soon at City Hall and they will present them at the October meeting also.

Jeff Dehke, 1896 Warwick, asked if the floor plans are the same as what is in the Master Plan. Lorenz replied, they have been some minor changes.

Eriksen explained how Council has worked together and understands how the money will be spent. There will be a construction liaison. Lorenz added, he hopes residents will understand why City Council chose not to spend \$40,000 for detail plans.

Sally Chestnut questioned how funds are released to the contractor. Martin explained the contractor doesn t have access to funds. They submit a bill to the construction manager and he approves them for City Hall to issue a check. It is then reviewed by City Hall prior to paying. Money goes into these accounts for these projects only. The millage will replace tags and fees and maintain the parks, recreation and facilities.

There were no other comments

Mayor Lorenz closed this portion opened to the public.

CITY MANAGER COMMENTS

ZBA Board

Z-011-06

Martin explained the split from City Council and the Zoning Board of Appeals. This takes effect October 1st and training is being provided beforehand. They will be setting their own bylaws, selecting a Chairman, secretary and setting a date in which they will hear cases. They will only meet on an as-needed basis.

Storm Water Management

WA-002-06

This law requires the City to create a watershed management plan. At the next meeting Martin will make a brief presentation. A resolution will need to be adopted acknowledging the creation of the plan, also ordinances regulating fertilizing, storm water management, lot coverage and impervious surfaces are being investigated.

Ditch Work

S-013-06

This is in reference to the street and drainage project. Costs have come in and City Hall will soon be billing those residents who signed to have additional work done.

DPW Garage

The garage will be painted in the near future before it gets too cold.

Trail

They will be working on the trail once the leaves come down.

Dock Advisory Question

Martin asked residents to call City Hall or City Council if they have a question regarding this issue. He asked them to not ask their neighbor as many are misinformed.

Tennis Court

Martin would like to address this issue at the Study Session.

CITY COUNCIL COMMENTS

Eriksen thanked Alex James for volunteering this video and his work on it. He thanked the lady who sent the email of concerns regarding Citgo. He also stated the road project is not finished yet. They are still struggling with the contractor.

Hunger shared it is nice to see the interest with long term residents and some new residents helping out. He is very pleased with everyone getting involved. He thanked James for his efforts and sharing of information. He asked residents to host meetings to discuss the proposals. Hunger thanked Lorenz for leading City Council. Also he is happy to see the split of City Council and the ZBA. He asked everyone to stay involved.

Hungerman also thanked James for his video presentation. He apologized for missing the Meet the Candidates night. He assured the residents with Citgo, City Council is on top of all the concerns they have. The tank farm is their primary concern.

Lorenz thanked James for the education, values and sharing both sides. He also apologized for missing the candidates night. He is happy to hear the DPW garage is going to be painted. He asked residents to take advantage of hosting the video presentation. He feels it is an important time to spend.

OLD BUSINESS

a. Proposed Dock Installation Near the Community Center

BD-012-06

Lorenz explained the city has applied to the DEQ for the 42 additional spaces, which is on the ballot as an advisory question. They had a survey done and submitted to the DEQ. There has

been many rumors going around on the number of spaces being added and the distance there will be between the Boat Club and city docks. There has been no determination yet from the DEQ. He is hoping to get an answer before the November Election. Eriksen recalled it wasn't going to be until November 18th.

- b. Community Center Discussion,
- c. Master Plan Update
- d. Right-of-Way Policy
- e. Security for Ferndale Park, Restroom and Boat Launch
- f. Amendment to the Zoning Ordinance Defining Maximum Lot Coverage of Structures
- g. Amendment to the Zoning Ordinance Defining Total Lot Coverage
- h. Amendment to the Zoning Ordinance Defining Residential Parking
- i. Amendment to the Zoning Ordinance defining attached garage location and dimensions
- j. Street and Drainage Project

There was nothing new to report on these agenda items.

- k. New Ordinance Regulating Rental Property

Eriksen proposed a registration only ordinance, with a fee, such as business licenses. Martin will try to get something together for the study session.

- l. City Entrance/Identification Signs
- m. City Managers Review

There was nothing new to report on these agenda items.

NEW BUSINESS

C3-001-06

- a. Consideration to Approve Expenditure from the Joint Venture Fund to the GWBCAB

Eriksen expressed his disappointment in cable not showing up for the Meet the Candidates. Clerk Clippert explained she spoke with Pauline at Channel 15, whom said it was a mix up on her calendar and she was out on a site the week the reminder came in. Chris Milia, Civic Center Media, was unaware of this happening and he promised to have Pauline setup a time to interview the candidates and get it on cable.

Albery asked for approval for the final phase of purchasing equipment. Funds would come out of the Cable Joint Venture Fund; Sylvan Lake's share is \$4,340.

Moved by Hungerman, seconded Eriksen, to approve the request from the GWBCAB for the expenditure from the joint venture fund as presented.

Yes: All
No: None

MOTION CARRIED

CA3-002-06 R2-008-06

b. Consideration to Approve Resolution- Remedies Procedures for the City s Cable Services Ordinance

Albery explained this ordinance designates the Cable Board to act on behalf of the city in all aspects of the enforcement process except the final step, the assessment of liquidated damages, which would be Comcast. Albery further explained there is only one franchise current (Comcast) who has asked to participate.

Moved by Eriksen, seconded Hunger, to adopt the resolution for remedies procedures for the City s cable services ordinance.

Yes: Eriksen, Hunger, Hungerman, Lorenz
No: None

RESOLUTION ADOPTED

R2-009-06

c. Consideration to Approve the Resolution to Manage Floodplain Development

Moved by Eriksen, seconded Hungerman, to adopt the Resolution to manage floodplain development.

Yes: Hunger, Hungerman, Lorenz, Eriksen
No: None

RESOLUTION ADOPTED

O-17-06

d. Consideration to Approve Ordinance 279 addressing Floodplain Management

Moved by Eriksen, seconded Hungerman, to adopt Ordinance 279, Floodplain Management.

Yes: Hungerman, Lorenz, Eriksen, Hunger
No: None

ORDINANCE ADOPTED

e. Consideration to Adjourn to Executive Session to discuss pending litigation

Moved by Eriksen, seconded Hunger, to adjourn to Executive Session after newsletter and cable input.

Yes: All
No: None

MOTION CARRIED

NEWSLETTER AND CABLE INPUT

Updates on crimes in city.

At 9:48 p.m. City Council adjourned to go into executive session. At 10:06 p.m. City Council reconvened the regular City Council meeting.

L2-001-06

Moved by Eriksen, seconded Hunger, to approve the expenditure of \$3000, to hire an appraisal for Norwick and Stein cases.

Yes: All
No: None

MOTION CARRIED

ADJOURNMENT

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

Yes: All
No: None

MOTION CARRIED

The meeting was adjourned at 10:10 p.m.

Dennise Clippert, City Clerk