

CITY OF SYLVAN LAKE
STUDY SESSION
SEPTEMBER 27, 2005

A Study Session of City Council was held on Tuesday, September 27, 2005, at Sylvan Lake City Hall, 1820 Inverness, at 7:05 p.m. with Mayor Conkey presiding.

Present: Eriksen, Hunger, Lorenz (7:14 p.m.), Maurina, Conkey
Absent: None
Also Present: City Manager Martin and Clerk Clippert

Restroom at Ferndale Park

PR-034-05

Eriksen reviewed they have a bid for \$15,000. Volunteers, Phil Sakalian to do the concrete work, Jack Hunger Sr. will tear it down and Brian Schulz is finishing work on the drawings.

Hunger knows some council members have concerns with the plan and dollars, but didn't think that was the decision they are making right now. They already decided to put some kind of a building there. He would like a consensus for the City Manager to move forward with tearing down the building. At the very worst it would end up with the lack of a building which isn't being used anyways. It would only be more green area.

Eriksen is supportive of tearing down because they have volunteers doing all the work. Hunger Sr. will tear it down and cap the electrical, Sakalian will tear up the concrete and S&B Plumbing will do the pipe work.

Conkey's concerns are if the restroom isn't built then it is a scar on the land. There is no landscaping now and it will just add to it. Then there would be a cost to seed it. No plans or costs have been submitted, just a concept. He feels it is premature to approve the building coming down. He believes if the volunteers can do it now then they would also volunteer in the spring.

Hunger would like to get a jump on it now before building in the spring. They can make sure it is clean, neat and tidy. They are not losing something that has real function. He understands the concerns with costs. He asked them to have faith in those volunteering.

Eriksen is concerned with waiting until next year because the volunteers may not be available. Sakalian isn't as busy now as he will be in the spring. The city is working on a RFP for plumbing and may not end up working with S&B Plumbing anymore, so in the spring we may not have them.

Conkey is still concerned with the financial end. It has already cost the city \$6,000 to have the pumps removed. They still need ADA plans, landscaping, cleaning and maintenance costs. He would like to see a regular cleaning company contracted to clean it everyday. He

is not sure if the city can afford park rangers next year. Someone has to assume the liability of the structure. He doesn't see a need to hurry it.

Hunger stated they have a \$25,000 bid and Patty is working on line itemizing it because there are volunteers to save money. He wants to keep the volunteers enthused.

Conkey can't see how taking down the building will effect getting plans for a new building.

Lorenz stated the \$14,000 bid is missing a lot of items. Eriksen interjected it is because of the volunteer work.

Maurina questioned why there isn't a plan. Harrop explained, it is volunteer efforts and you can't rush volunteers. She is getting people in line to do the project. She plans on having architectural plans for the next meeting showing elevations and the floor plan.

Maurina questioned where the porta johns would go if the building is down and they don't build next year. Harrop stated at the other end, by the other building.

Hunger wants council to start supporting the volunteers more.

Lorenz believes council has supported them. Planning Commission pushed the floor plan through in one meeting and City Council has approved in concept the foot print. They are arguing only over tearing down the building. He feels the building can be used for storage. He wants final detail of the work. They need to discuss the maintenance budget. He has done his own investigation on it. Currently the city pays about \$570 month for the porta johns at Ferndale. He spoke with a cleaning company on cleaning it seven days a week, once a day and they approximated it would cost \$1,000 a month. He thinks the architectural plans are the key to the final equation, along with the budget and maintenance costs.

Conkey would like to see a detailed plan with itemized costs at the next meeting.

Eriksen addressed using the building for storage. He stated it is unsafe. He would like a consensus, a majority of council's ok, for the City Manager to go ahead.

Conkey would like to vote on it at the next meeting.

Lorenz agreed with Conkey and reminded them at the last meeting Bibeau indicated it is a council decision and the council would have to vote on it. Martin agreed Bibeau did say that, but last week when they gathered for the special meeting, which was cancelled due to lack of quorum, they discussed consensus. If the majority agrees then it would be ok for Martin to go forward.

Martin discussed dollars saved up, usefulness of the building and a unisex bathroom. He reviewed the quote from the Wachler Group for a unisex bathroom. The worst case scenario is the building comes down, the pipe, concrete floor have to come out, and the roof has to come off anyway. There are volunteers to do all these things and the worst thing would be they would have to put up a unisex bathroom which would be less than \$25,000 they have collected.

Maurina feels the volunteers have done a wonderful job on raising funds. What council is asking for is financial responsibility to the city. She agrees they need a plan. She understands the advantages of doing this in the fall but would like to see a plan. If they can resolve this they will have more volunteers.

Lorenz agreed he would like to see a budget for maintenance and plans.

Conkey added, he would like a site plan, who the general contractor is going to be, landscaping, ADA requirements, cost for cleaning, liability responsibility during construction and what the security system will be for the doors.

Maurina asked if security is an issue right now. Conkey replied, it could be if it is a \$2,000 or \$3,000 system.

Harrop questioned if this was going to hold up the approval. She doesn't want to miss anything. She hadn't planned on landscaping. There isn't anything there now.

Martin asked Harrop talk to him regarding the fixtures.

Hunger asked Martin if he spoke with other communities on how they handle maintenance. Martin stated, Rochester has either one of their DPW or park workers go in and clean eight stalls, once a day. It takes around one hour to do.

Maurina questioned the ADA walkway. Harrop explained it has to go to the gravel road. The wood chips have been approved by the State.

Maurina stated she attended the Home and Garden Tour meeting last night and this discussion came up. She forwarded their request for a baby changing station in the men's room. Also they would like an outside washing stand.

Lorenz asked what the cost for water and sewer would be. Martin will calculate the cost. Eriksen confirmed it would be wholesale cost.

Maurina questioned the time frame it would be open. Martin felt that they could decide that down the line.

ROW Policy Discussion

S-009-05

Martin has not had time yet to list all the right of way issues and whether they have things installed wrong or not. About a month ago he did look at a portion of the city regarding gravel in the road right of way. He counted about 35 that are not in compliance. He will make a list of everything for each address and have it for council next week.

Maurina discussed the 20' setup for parking areas. She doesn't believe this is what Planning Commission was after. They will probably want to look at changing this.

Eriksen is concerned that no one is complying to it. He has concerns with concrete and asphalt drainage problems. Martin doesn't have a problem with the concrete or asphalt. He just wants to make them function right. Martin has a problem with boulders and gravel. Most parking areas are not going to comply if they have a two car driveway.

Hunger agrees there may be a problem with the ordinance when everyone is violating it.

Maurina feels it is an aesthetics issue. The drainage problem is where the Planning Commission came from.

Lorenz reviewed the history for the policy and why they looked at it again in 2004. Martin clarified, the idea was during the drainage project most of those that were non-compliant would be torn up anyways.

Lorenz stated he sees two issues, getting the row policy right so they have something that they are going to enforce and the second is how to enforce the policy after residents are thumbing their nose at the city and put in the concrete and asphalt even though it wasn't allowed. He asked Martin if letters went to residents that didn't follow the policy at that time. Martin stated, some got letters, most he told as he saw them installing it.

Eriksen would like to send it back to the Planning Commission for them to look at again. He agreed it is an aesthetics issue.

Lorenz feels City Council needs to take a stand to have the ordinance and to enforce it.

Maurina stated the Planning Commission considered how it came together at the end of the pavement. There were safety concerns. They felt that the parking areas were a part of Sylvan.

Hunger agreed Sylvan has different and unique homes. He asked Council to think about why are so many residents thumbing their noses at this and if a lot of residents are not calling and complaining about their neighbors doing this then maybe it needs to be looked at.

Maurina asked Martin if he looks at how this affects the drainage. Martin stated this is the main thing he looks at. There is only a handful out there where the drainage is bad. Martin informed council what happen with the three parking areas on Avondale. They came in and asked if they could put gravel in and when he drove by them there was a concrete truck dumping concrete on the third one. When he spoke to the homeowners they said the contractor told them it doesn't cost anymore for concrete than the gravel, so they put in the concrete. Eriksen asked how the drainage was. Martin confirmed it was fine. Lorenz reviewed the ordinance doesn't allow concrete or asphalt.

Conkey stated everyone is suppose to get a permit and they are not even doing that.

Lorenz would like to vote on this at the next council meeting and ask the City Manager to enforce this policy and if someone doesn't like it they can come for a variance, but city council can't keep allowing residents to do whatever they want.

Eriksen explained, in theory, the road right-of-way is designed for roads, drainage and utilities. He feels there has to be a diplomatic way to handle this. He believes the ones with a drainage issue should have to be corrected.

Maurina asked how many installed spaces without a permit. Martin estimated about 30. Maurina feels they need to take a stand and fine them. They are elected to do the right thing.

Hunger feels they need to define the policy first. There are many different issues and phases when non-compliance took place.

Maurina senses it is unlikely they will make them tear it up unless there is a drainage problem.

Hunger stated they have to enforce the policy to all, not partial.

Martin conveyed, at a minimum they should require they pull a permit and go before the zoning board if needed. They should add two inspections to the permit fee.

Hunger again stated they need to decide if concrete is the right decision.

Lorenz wants to stick to the policy as written and make sure it is enforced this day forward. He wants to give the City Manager the tool he needs.

Conkey likes the idea of having to go before the zoning board. Eriksen would like this stated in the ordinance.

Maurina isn't sure Planning Commission understood everything. She would like them to review this again.

Millage Discussion

F-004-05

Martin reminded them of their past discussion on the impact that the street/drainage and water/sewer projects had on the general fund. He handed out salaries and benefits for the past three years for each project. This will give them an idea of what will have to be spread back to general, water, sewer, streets and the garbage and rubbish funds.

He stated Clippert is working on getting information from other communities on budgets and working on a spreadsheet showing millage rates, population, taxable values, revenues and expenditures so council can do comparisons.

Lorenz asked when the millage funds ran out. Martin replied, technically they have five years to spend them.

Martin reminded them they can't charge salaries to these funds unless they are doing the work there.

Eriksen questioned the schedule of new houses and financial impact they will have. Martin estimated there are six new houses being build. He is not sure if they will all be completed by the year end.

Lorenz would like to see the City Manager have the time to start talking with Pontiac and West Bloomfield Twp, to get an RFP for development of the Edison and School properties. He is required to spend to much time doing other things.

Council discussed the deed restrictions on the school property. Eriksen felt the only deed restriction on it was that it would be residential or subject to the City of Sylvan Lake. Planning Commission and City Council can control the PUD. Martin stated his understanding is it would revert back to residential zoning.

Lorenz asked Martin if he spoke with West Bloomfield regarding a joint venture in developing. Martin stated he spoke with the Chairman of West Bloomfield Planning Commission. He feels he needs to go and meet with their planner.

Martin did talk with a developer who was interested in the school property and his last conversation with Pontiac was that they are not budging.

Lorenz stated they need to get their Master Plan done and send out a RFP. It will be a long term strategy. Hunger agrees the Master Plan is the key. They need to start discussing ideas of mix uses. Developers are looking for builder friendly properties.

Street and Drainage Project Update

S-010-05

Martin provided a punch list which he worked on, to go along with the prior ones. He drove around the city and wrote notes for each address. Oakland Excavating came in last Thursday and started working again. He is keeping an eye on it.

S&B Plumbing Work and Life Station

SW-004-05

Martin provided detail on the work S&B Plumbing is doing and on the lift station. He stated the old pumps aren't keeping up now because of the improved drainage. They have four new 6" three-phase pumps. They will need to remove the old pumps before they can install the new ones. The new ones will slide on rails. It will take a few days to install. Edison just got done with their work.

Conkey questioned if this would take care of the flooding problem on Avondale. Martin stated it would.

Hunger is concerned with the quote. It is not defined well. Conkey asked if it is a reasonable bid and how much would Smith Electric charge. Hunger replied there are some high end items. He needs the spec sheets to tell better. He added, if Martin is comfortable with it then he is not going against him. Martin is concerned with it after looking at it. Some other things are going to come of it that are not going to cost the city anything. It should be a pretty good wash.

Lorenz stated Council approved a bid not to exceed \$185,000 and it is not going to do any good beating him up now. Hunger and Eriksen didn't recall approving this. Eriksen's recollection was they were at a budget study session and there was the flooding and everyone agreed they needed to fix it. Martin stated his recollection is he informed them they needed a lift station down there, it was kind of an emergency situation they all thought, and it was going to cost \$185,000 and it was going to come out of the water/sewer project fund and council agreed to it. Eriksen questioned if this is on record. Martin stated it was a budget study session and there aren't minutes taken.

Martin said he learned he will not take something like this to city council and randomly ask if this is ok. He doesn't want to be put in the this position again. He will take the extra time and go out for bids. The only problem with that is it will cost extra for engineering drawings because no one is going to bid without them.

Hunger stated they may have gotten burned on this project. It is a lesson they learned. His is disappointed in S&B for taking advantage of our trust and he hopes they know it is not going

to happen anymore. Martin added, their relationship is now stressed because of this project and S&B knows it.

Eriksen questioned why Planning Commission wasn't involved in this. Martin stated it was a sewer issue. Martin asked him what he would like to see different down there with the building. Eriksen doesn't like anything about it. He would like Planning Commission to look at it. Martin informed him the building was made to look like the house next to it. That is what the neighbors wanted. Council all agreed they would like a lot of trees around it and landscaping.

Hunger feels it is after the fact to have Planning Commission look at it now. He is disappointed in how long it took S&B to get the specifications to them and how long it is taking.

Lorenz agreed they need to see time and material and hours on the jobs. They need detail.

Martin apologized for not going out to bid on this. He thought it was a time issue. Martin has been holding a \$32,000 check since May.

Martin is getting RFPs on regular sewer/plumbing work and emergency work. He is also working on getting bids for additional water/sewer project work.

Hunger will work on the questions he has for S&B and get them to Martin.

Eriksen would like to see a plan.

Conkey asked if they could get bids on landscaping it. Martin stated he will.

Lorenz questioned what they have to do to get the project done. Martin stated it is almost finished. Edison took forever to get the power to it, but it is completed now. They will install the pumps and clean it up.

Proposed Blight Ordinance

O-010-05

Martin stated McKenna came up with this ordinance after Planning Commission's input. Planning Commission looked at many other communities.

Eriksen is concerned with duplicating ordinances the city already has. This ordinance needs to be cleaned up.

Eriksen questioned what happened to the rental ordinance council sent to Planning Commission. Lorenz replied, Planning Commission threw it out. They wanted to look at a blight ordinance instead. Eriksen stated, they can't do that. Conkey added, they felt blight covered rentals too and it was a better thing to do. Maurina's understanding was the current ordinances didn't have enough teeth for the City Manager or police to enforce.

Hunger believes the rental ordinance and blight ordinance are two separate issues. It is two different reasons for two different approaches.

Maurina suggested City Council provide better communication/direction to Planning Commission. It wasn't presented to Planning Commission as a rental ordinance. Hunger agreed better communication is needed.

Maurina stated there is a benefit to having City Council attend the Planning Commission meetings on issues such as this.

Martin clarified, the property maintenance ordinance states the first thing after being issued a violation is to come before city council and his idea was to take council out of it.

Eriksen feels there are serious flaws in this ordinance.

Conkey asked council to study it and write down their issues with it.

Eriksen is disappointed that council couldn't communicate well when sending the rental ordinance to Planning Commission.

Conkey explained, Planning Commission discussed rental ordinances from other communities and conditions of homes and decided the problem was not rentals but the conditions of homes and they felt a blight ordinance was needed. Eriksen stated that is how Mayor Conkey felt and the minutes will reflect it, but it is not how all of council felt.

Lorenz explained how it evolved is they looked at what they were trying to enforce with the rental ordinance and that is the maintenance of these houses. It evolved from maintenance on rental houses to maintenance on all houses.

Eriksen explained a rental property is not a personally owned property. The city should know who and where all the rental houses are. We should have the right to inspect that property at any time to make sure it is safe.

Lorenz asked if they are going to say that people who have rental property have to meet all the current building codes. Eriksen thinks a reasonable enforcement code is what they would do. Lorenz reviewed what Eriksen would like to see is registration, right to inspect and reasonable maintenance.

Lorenz is all for a rental ordinance where it registers them with the city and there are penalties for not doing it. He will consider the right to inspect.

Lorenz believes a blight ordinance is as important as a rental ordinance.

Hunger reviewed, they will all look at the blight ordinance and write down their thoughts. He would like to work on better communication to Planning Commission. Conkey suggested they write an opinion to Planning Commission. Eriksen suggested copy of minutes so they can read what was discussed by Council.

Community Center Update

CC-018-05

Martin reported he got four bids to remediate the mold. All of them have been sent to Mary Dawson to put together a matrix so council can better study them.

Eriksen deviated and asked council to give consideration to making this council a seven person board instead of five.

Discussion of Ash Trees in the City

M-006-05

Mayor Conkey did some research and suggested doing an RFP to tree contractors for the removal of these infested trees. It would help residents with the financial burden. The state has a pre- approved vendor list which they use. The quote would be based on the diameter of the tree. Residents would have to call the contractor themselves and they would come in over a certain period and remove their trees.

Hunger asked if there is a point where they can require a resident to take down a tree. Martin stated if it is a safety issues, yes.

Conkey will work on this.

Eriksen asked the Mayor to call everyone for agenda items as discussed previously.

Adjournment

Moved by Hunger, support Lorenz, to adjourn the Study Session Meeting.

Yes: All

No: None

MOTION CARRIED

The study session adjourned at 10:12 p.m.

\

Dennise Clippert, City Clerk