

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, November 9, 2016 opening at 7:30 p.m. Mayor Dzenko presided over the Pledge of Allegiance.

Present: Zubrzycki, Cassar, Dzenko, Meskin

Absent: Lorenz

Also Present: City Manager Martin, Clerk Dryden and Attorney Schultz

APPROVAL OF AGENDA

Moved by Cassar, seconded Meskin, to approve the City Council Agenda for November 9, 2016, as submitted.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Meskin, seconded Zubrzycki, to approve the regular meeting minutes of October 19, 2016, as submitted.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Zubrzycki, seconded Cassar, to approve the voucher report for November totaling \$136,357.77, as submitted.

Oct Payroll	\$ 55,933.06	Check #'s	11834-11838 DD2781-DD2806 EFT1093-EFT1099 STUB71-STUB73
Accts Pay-Oct-Nov	<u>\$ 80,424.71</u>	Check #'s	49136-49195
		EFT	1308-1311, 1316-1324 (E)
Totaling	\$136,357.77	ACH	1312-1315 (A)

Yes: All

No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Dzenko received the reports for the DPW, Police and the City Attorney reports for October and asked that they be placed on file.

COMMITTEE REPORTS

Jim Endres reported there is nothing new to report.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

U-004-16

Nicole Menuck expressed her shock in the low resident turnout after all the talk on social media that all these people were going to show up at the meeting about the water bills, very disappointing. She asked if someone could explain the Charter Amendment that passed and why State Law supersedes it. Menuck commented on the election of the Mayor. She stated it should not be that each council member takes a turn, there is much more to it than that. It should be based on ability.

Brad Conkey agreed with Menuck and added the Mayor's position is a big responsibility and anyone just elected to City Council should not have the Mayor's position right after being elected. They need to learn the ropes for a couple of years. Conkey thanked Cassar for his years of service of City Council. Conkey was the one who pushed Cassar to run back in 2012. Cassar has provided his expertise on a number of projects and put the city first in his decisions.

Jim Smith also thanked Cassar and expressed his appreciation for probably saving the city a lot of money.

CITY MANAGER COMMENTS

Martin stated it is nice to see everybody. He also was hoping for a bigger turnout from all the chatter on social media, but is not surprised.

Events

We always have a lot happening in our little City. The Harvest Wine Tasting will be November 18 from 7:00 to 10:00 and is always a popular event. He recalls there were 50 wines to taste last year. The annual Holiday cookie exchange and Santa visit is planned for December 11 from noon to 3:00. A big thank you to the Parks and Rec Committee for all of their hard work and donated time planning and holding all of these wonderful events.

Paving Repairs

S-001-16

There are several areas in city where the sections of the street have been removed and are being repaved. This repair project was delayed due to weather and should have been done today. Midwest Paving is doing the repair work. Unfortunately, their paver broke and is being repaired right now. The project should be completed by the end of the week. He provided a quick explanation about what is being done. Instead of waiting for the streets to become so deteriorated they have to all be replaced we are removing and replacing the worst sections each year. This will add to the life of our roads substantially. It will have a "patched" look, but will be in very good shape. Some people have asked why we don't do all of the streets at once. The

answer is very simple. The majority of the streets do not need to be paved. With the exception of a few cracks, they are wearing very well. It would be very wasteful to spend a couple million dollars repaving the entire City when the vast majority does not need it. We are being very prudent with the City's funds.

Garbage Collection

CA-013-16

Rizzo is our waste hauling contractor and has been for a few years now. We are very happy with their service and their prices. We aren't anticipating any changes with them. However, they were purchased a while ago and there will be a change in identity for them. They will be changing their name and colors to a bright light green. That's going to take a couple years to complete though.

Election

E-002-16

We're all pretty tired after a very long day Monday setting up for the election and then a more than 16-hour day yesterday working the election. Voter turnout was great but a little less than we expected for the city, at about 80.7%. That included 793 voters at the polls and 384 voting absentee. The local questions were for City Council and the Charter Amendment proposal. Sadly, the Charter amendment passed. Martin guessed mainly because people thought it was proposed by our City Council. He'll have Attorney Schultz explained this later.

The results of the City Council contest were actually pretty close with the following votes received; Jim Endres - 649, Aron Lorenz -584, Russell Meskin - 561, Bob Dzenko -527 and Luke Cassar - 460. He first congratulated Jim Endres and Aron Lorenz for garnering the most votes and being elected to City Council for a four-year term, and congratulated Russell Meskin and Bob Dzenko for being elected to a two-year term. It was very nice having an election where all five candidates were good people with the City's well-being at heart. Martin is looking forward to seeing what the next few years has in store for the City of Sylvan Lake.

Martin is sure everybody is very happy that the Nation Election is over even if some are unhappy with the results of that Election. He believes we can all agree that life will go on and we as individuals will decide what we make of that life.

Social Media

U-005-16

Martin talked about Social Media for a few minutes. The two most used sites, Next Door and What's happening in Sylvan Lake on Facebook, are generally good information and well used. Unfortunately, it also allows people to put inaccurate information, lies, misinformation or not the whole truth and very hurtful and spiteful comments that are not true. Many times, they complain about the "City" other times they complain about City Hall or even employees by name and title. He finds it very interesting that people will get on social media and make an incorrect statement or ask a question without going to the source, which is City Hall, and ask that question. Or even better check the web site and see if there's any information.

There have been an awful lot of nasty comments on social media about water and sewer rates. We have now gone over the how and why of our rates for about a year now. There is nothing on the agenda tonight because there is nothing new. Martin said he will answer a couple questions that were posted on social media and correct a few of the inaccuracies that were so nicely stated. First he addressed a comment about having to go to study sessions because that's where the decisions are

made. That is not true. There is a lot of discussion at Study Sessions but there is no action taken. That is done at regular City Council meetings.

Martin stated there were a few more vocal residents on social media. He read their posts: Margarita Garcia “called City Hall and they will charge me to inspect the meter as well as pay for the meter if it is faulty. Martin stated that is incorrect. Residents will only pay for the inspection if it is found to be not defective. If it is faulty we will pay for it. He continued reading some posts: “Why is sewer around \$200 for everyone. Martin corrected it isn’t; it is based on water use. “City Hall told me there had been another increase, sneaky.” Martin corrected that has not been another increase. “I also suspect mismanagement and residents are paying for their incompetence. Like the sewage bill that was never paid.” Martin thanked Nicole Menuck for her post responding to this statement. The sewer bill was not paid because we were not billed. The city did put away the money. When Pontiac finally calculated the bill after two years, it was over \$1 million dollars. Martin got it down to half that. He feels it is unfortunate that people can just slander. Statements were made about high bills, high usage, not knowing what’s happened, wanting and demanding an explanation. Martin discussed meters and their accuracy. 99.9% of the meters are not inaccurate, in favor of the city. They will not read higher. Anything we have tested and found to be inaccurate has been in favor of the resident. The concept of payment is very simple. If you use water, you pay for it and that same usage for sewage. For people that say, “it is impossible, I didn’t use that much so you need to give me a break,” are really saying they want the rest of the residents to pay for their bill because they don’t want to. If you have a leak, you pay for the water and sewer. If it was an accident, you still pay for the water and sewer. It would be like if you accidentally left your heat set at 80 in the middle of winter and left your windows and doors open. Would you have a high gas bill? You bet! Would Consumers Energy say we’ll give you a break because it was an accident? They would not. You have to look at your usage. Martin read more inaccurate media postings. “Study sessions are where all the decisions are made.” Martin clarified that he remembered Councilman Cassars comment about study sessions. Cassar said a lot of discussions are at the study session, decisions are made at the City Council meeting. He read Jane Patera’s post: “I had to get a plumber to check for a leak if nothing was found I would have to pay City Hall to check my meter.” “Again, my bills were high, one for the sprinkler and pool which I turned off a month ago. Martin stated again how checking meter worked and who is responsible for the cost. Martin reminded everybody that the city bills quarterly so there was two months of use that she would still need to pay for. She has a second meter and that meter is not charged sewage fees. That was all explained to her at City Hall.

Martin asked how many are signed up for the Sylvan Lake newsbytes. He recommended if they are not, to sign up right away. This can be done off the website home page. He shared some newsbytes that were sent out over the past 11 months discussing and explaining water/sewer rates. They would have answered most of the questions.

Martin has been to many Government Finance conferences, Michigan Municipal League Conferences, Michigan Association of Planning Conferences and American Water Works Association Conferences. One of the main topics is always water and sewer infrastructure and the lack of funding and how most water and sewer rates are too low. This is not just a Sylvan Lake issue.

It's huge. Municipalities aren't planning for the near future, let alone several years out. Sylvan Lake is planning for the future, because we're fiscally responsible. You can expect to see increases in Water and Sewer rates quite regularly. The Great Lakes Water Authority increased our water rate another 4% right after Sylvan Lake adopted our rates. That has not been incorporated into our resident's rates. Oakland Water Resources Commission is estimating a minimum increase of about 18% for sewer this spring. In addition to that, the State and the EPA continue to add regulations for testing our drinking water increasing the cost of service.

We will be reviewing the status of the water and sewer departments in December and January. Martin stated he is planning on making a presentation to explain where we are in those departments and explain all of this in great detail the first of the year. Martin shared his frustration with all of the negative comments. He knows one thing for sure. City Council, Martin and City Hall employees have the best interest of the City at heart even though at times it is very difficult. Very seldom has someone left Martin's office without an understanding of why we do what we do, be it planning, zoning, police, or water and sewer rates. Martin has no problem explaining them. People forget all the great things here and instead find something to dwell on that is unpleasant.

Mel Kosti asked if each community is charged differently for water and sewer. Martin stated they are. Kosti asked what is the basis for the water cost. Martin explained for municipalities that purchase water from Detroit, there is a very specific formula by law. There are average uses, peak demands and minimum monthly fees. Then each City has to pay for maintenance of their system, which includes wages and benefits of employees working in that department, maintenance, repair and improvements. He explained the sewer cost has always been a battle with Pontiac. The Oakland County Water Resources has taken over for Pontiac and the relationship with them is better. There is a meter with Pontiac. The city is charged by volume sent to their system. They need to recoup the cost of their treatment plant. If they do anything with bonds, Sylvan Lake is paying for a portion of that bond based on the volume we send there. Both Detroit and Pontiac have increased their monthly base fee. We also calculate for depreciation, which is putting money away in order to fix things in the future. Revenue from water and sewer fees is only used for water and sewer department activities.

Kosti stated she works for Oakland County and sees a lot of forgiveness of debt to Pontiac residents. She asked if we are paying for that. Martin was not sure. Kosti stated she can go to that department to find out. Martin stated he would like to go with her and find that out too.

Charter Amendment Voted In

E-003-16

Attorney Schultz explained to his knowledge, the city has never used civic asset forfeitures. Generally civic asset forfeiture rules State and Federal law allow law enforcement agencies to take, keep, use, sell or dispose of things; usually money, cars, jewelry that appear to be related to criminal activity. Under State and Federal law, you don't have to be convicted of some crime in order for that to happen. There are all sorts of procedures, clear and convincing evidence that it is related to criminal activity, etc and the property is forfeited rather than give it back to the people who have been arrested. This Charter Amendment adds some limitations that don't exist in State and Federal law,

there are limitations on what it can be used for-it says roads, which is not permitted under State law. City Council was obligated to put this on the ballot. Most won't be used because they never have this situation, but if they were to stumble into one, the Charter would now govern how you use it; State and Federal law applies. There would be some reporting requirements.

Nicole Menuck asked if there is someplace on the website that explained why the rates increased. Martin replied, that would be in the minutes. Menuck suggested a link to those minutes under the water/sewer.

COUNCIL COMMENTS

Zubrzycki welcomed everybody. He thanked everyone who ran for City Council and thanked Cassar for his years in working with him. Zubrzycki agreed the study sessions are great place for discussion and they will be discussing the water/sewer rates again. He asked if there is a citizen's awareness committee that can petition or lobby for fair treatment from Detroit or Oakland County. He stated he likes "Next Door" social media. He thanked Nicole Menuck for putting the election results out there. Zubrzycki is looking forward to the Harvest Wine. It is a great event. He thanked Martin for his comments and explanation with the water/sewer rates.

Cassar thanked everyone for coming. He concurred with Martin on the water meters working in favor of the home owner and running correctly. He has a number of commercial properties and does personal water checks on all them annually. He always finds water running when he inspects them. He had one bill \$2,000 for the quarter because of a leak. It does climb fast. He knows there are people who don't agree with increase; they had to do it. We are paying out what we are being charged. We have to be able to maintain the system as it is. Some want to subsidize it by taking it out of tax money instead of having the homeowner paying for it individually. That is wrong. He would rather lower the millage rate. The water and sewer funds must be self-sustained.

Cassar thanked Brad Conkey for convincing him to run for City Council four years ago. He congratulated the other candidates and stated his time on City Council has been a learning and rewarding time, working with the other council members, John Martin, Dennise Dryden and City Attorneys and the office staff has given him a great appreciation for all they do to maintain and keep improving the living environment of the residents of this great little city. During his time on Council he brought items which he felt needed to be looked at and if need be act on changing policy. Items which were changed benefited all the residents of city fairly. His prayers and wishes are to continue on that path and not keep the policies which don't service residents as a whole evenly and fairly. The city should continue for the good of all not the a select few. He is proud to have been able to serve with each City Council member. He thanked the residents for the opportunity to service as City Council member.

Meskin asked the attorney if another petition could force the city to put on the ballot next year. Attorney Schultz explained it would be the next regular election the city holds which is now in the even years. He noted the current water/sewer rates are not on the bill. He asked if the rates are the

website. Martin confirmed they are. The city is using up the old stock and next cards will say go to the website for rates. Meskin thanked everyone who voted and for voting him in. He applauded Dryden for the tireless work and making the election seem to run very smoothly.

Dzenko thanked everyone for coming and thanked those who elected him. He reiterated that the study session is where they discuss a lot of things and it is open to the public. He thanked Cassar for his time on City Council; he has been instrumental with the work on the seawall.

ACTION ITEMS

ZP-003-16 T-002-16

- a. Lot Split/Combination – 2174 Ferndale, Parcel Identification Number's (PIN) 84-13-36-477-23 and 477-035

Martin explained this was discussed at the Planning Commission and was unanimously approved to recommend City Council approve this request. Because the two proposed lots meet the minimum zoning requirements for lot size, this is actually just a formality. He further noted he has working with Attorney Schultz and they will be proposing to amend the ordinance to make lot splits an administrative review and approval, when they meet all the zoning requirements.

Eric Wiegand asked if the split is allowing bigger houses. Martin replied technically yes, but not as much lot coverage as three houses. They will still have to build within the zoning ordinance.

Moved by Meskin, seconded Cassar, to approve the lot split for 2174 Ferndale and the property adjacent know as Parcel Identification Number 84-13-36-477-023 and 477-035, to create two lots of equal size, being 73 feet wide by 150 deep and 10,950 square feet.

Zubrzycki asked if the houses don't come down would this lot split still happen. Martin stated it would not. Meskin and Cassar agreed to amend the motion to include that the buildings must be taken down in order for the lot split to be approved and recorded.

Yes: Dzenko, Meskin, Zubrzycki, Cassar

No: None

MOTION CARRIED

- b. Change Water/Sewer Billing to monthly **U-006-16**

Martin explained this will triple the workload, but he and Dryden have discussed this and feel this should be done for a couple of reasons, lessen the cost per bill, lessen the "unknown" of how much water they used and it will allow someone to see if they have an issue, leaky toilet for example, much quicker with less water loss. This will also push us to hire an additional employee for City Hall that was already approved by Council. This will require an ordinance amendment to put into place.

Cassar feels the city may see an increase in late fees in doing monthly billing. Meskin doesn't feel monthly billing is needed when residents can setup payment agreements with City Hall. He doesn't want to hire another person to handle monthly bills. Zubrzycki feels is a good suggestion and they should discuss it with the new rates discussion.

Jim Endres likes the idea. It may be more work, but that's the job and he is fine with hiring another person if necessary.

Zubrzycki asked if the auto debits could be set up as a monthly payment. Dryden stated it can't. She would have to manually do each one, each month. It pulls the amount due from the account.

Martin clarified the hiring of another person is not only for the water billing. It is for extra help because we are under staffed and that was approved already. The discussion of the payment plan is a whole another thing. It is more work, especially if a lot of residents did this.

Dzenko agreed to table it for now and discuss at the study session.

NON-ACTION ITEMS

- a. ROW Policy – Parking direction, maintaining gravel spaces, material
S-002-16

Martin noted the Planning Commission did discuss these issues and other ROW issues. They recommended City Council approve an ordinance restricting vehicles from being parked facing traffic when parked in the ROW. They also recommended amending the policy to "require" property owners to maintain approved gravel parking areas in the ROW.

Dzenko asked that this be put on the study session agenda.

- b. Boat Dock Policy
BD-003-16

Martin has been working on loosening up some of the dock policy rules. He will forward a marked-up document soon.

- c. Security for Ferndale Park, Restroom and Boat Launch
d. Weed Control
e. Fire Department
f. Seawall – Replace section of Ferndale wall

Dryden shared the study session is the Tuesday before Thanksgiving. She stated she will be gone and unable to attend this meeting. She asked if City Council all be available or would they

like to move it back a week. Council agreed to move the study session back a week to Tuesday, November 29th at 6:00 p.m.

ADJOURNMENT

Moved by Meskin, seconded Cassar, to adjourn the regular City Council Meeting.

Yes: All
No: None

MOTION CARRIED

The meeting adjourned at 8:31 p.m.

Dennise Dryden, City Clerk