

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, September 17, 2014; opening at 7:30 p.m. Mayor Zubrzycki presided over the Pledge of Allegiance.

Present: Meskin, Cassar, Dzenko, Zubrzycki, Lorenz

Absent: None

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

APPROVAL OF AGENDA

Moved by Lorenz, seconded Dzenko, to approve the City Council Agenda for September 17, 2014, as presented.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Lorenz, seconded Dzenko, to approve the following minutes as submitted:

August 17, 2014 Regular Meeting

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Lorenz, seconded Dzenko, to approve the voucher report for September totaling \$206,415.05, as submitted.

Aug Payroll	\$ 51,058.67	Check #'s	11636-11647 DD2040-DD2060 EFT868-EFT876
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Accts Pay-Aug-Sept	<u>\$ 155,356.38</u>	Check #s	47820-47878
		EFT	805E-821E
Totaling	\$ 206,415.05	ACH	810A-814A

Yes: All

No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Zubrzycki received the City Attorney and DPW reports for August and asked that it be placed on file.

COMMITTEE REPORTS

Helen Jane Peters announced the Garden Club is meeting Friday at 1:00 p.m. at Marlene Toby's house, everyone is welcomed.

Zubrzycki reminded everyone the Parks & Recreation is holding their annual Road Rally, September 28th from 12-4 p.m. at the Community Center.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Jim Endres doesn't like the 30 day limit on allowing political signs out. Absentee ballots go out before this. He suggested 45 days.

Brian Etter asked if the School Board is a political position.

Attorney Schultz stated he will look into the political sign ordinance. **O-007-14**

Brad Conkey stated the Police did a good job this summer patrolling the street, especially on Ferndale. For the seawall he likes vinyl. He is glad the City Council has done their work in looking at everything. He feels the political sign ordinance was overridden by Federal Law.

MaryAnn Smith is exhausted with 2358 Garland. She feels it should be condemned and the City needs to do it now. It can't stay that way for the winter. The dirt is coming down. Smith also commented on the under-funding of retirement benefits. She feels Council needs to take a position by cutting benefits or funding it. She feels the city will be in bankruptcy if not addressed.

Helen Jane Peters thanked the DPW for putting up the new Way Side signs. They are ready for viewing.

M003-14

Steve Stein stated he received a letter reminding him he was late and it needed to be paid by August 31st. His wife went in today to pay it and was told there would be an additional \$100 on top of the \$400 fee. He feels the \$400 fee is too high if the lot isn't full anymore. He doesn't understand the late fee of \$100 on the RV storage lot when there is no wait list. Mayor Zubrzycki stated they receive an email about this today and they will look into it.

Preston Wertheimer asked why there is an unfunded pension obligation. Mayor Zubrzycki explained in the past the city only had to pay as you go. About six years ago the law was changed. The City does put money into it. City Council does discuss this each budget year. The city has a good credit rating. It is not as grim as some may think. It is on Council's list of Goals and Objectives.

Jim Schafer questioned the timing on road repairs. Martin stated they are scheduled to start this month.

Jim Endres introduced April Hernandez from Auburn Hills who is also running for the Pontiac School Board.

CITY MANAGER COMMENTS

Streets

Martin reported once again it's been a very busy month. Luckily there weren't any heavy weather events. City Hall is trying to get a lot of things done before leaves start falling. There will be some street work we're preparing for, trying to get more crack fill done, preparing our equipment, some mail box rack and some last minute restoration. In the office, we're still finishing up the annual audit, preparing for the election, water and tax bills and a lot of last minute zoning and building permits.

Police Training

Sgt. Zuehlk and Martin attended a Criminal Justice conference a couple weeks ago. It was very informative and was both exciting to see what is happening and a little daunting at the same time. Cyber security is a growing concern and we will be talking about that a lot in the future. The city has lost another part time officer and has recently hired two more. They are very green and are being trained now. Hopefully they will both work out. Unfortunately, the savings we have seen by utilizing part time employees no longer outweighs the cost to continually train and replace them. We are not the only department seeing this. There are many larger departments that are again hiring full time officers and hiring them away from departments like ours. The departments with part time officers are also increasing their salary to entice them to stay. We will be talking more about this in the future and coming up with a plan in the next several months.

Conference

Martin attended the American Water Works Association conference last week. It was also a very good conference and like the CJIS one, it was informational and very thought provoking. One of the big topics was Cyber security too. There will always be new monitoring guidelines and requirements. There will also be new cross connection inspection requirements coming in the next year. Martin is going to be working on a plan to deal with those and will be discussing it with City Council in the near future.

SAW Grant

SW-003-14

Martin met with the Engineers and the Spicer Group today about laser mapping the City. We are shooting to do that around the first of October if everything works well. In order to do it as completely and accurately as possible, we want to get it done before leaves fall. We will mark all of the utilities so the laser can pick up the data. We will also want everybody to have their cars parked off the street and road right of way. We will be sending out a cursory explanation soon followed up by a letter.

Trail

Sylvan Lake hosted the Friends of the Clinton River Trail meeting yesterday here and discussed the HAWK light, improvements to several parts of the trail in many communities and ongoing projects. The HAWK light has received rave reviews from the trail users. They are very happy that they can safely cross orchard Lake Road. The Annual Fall Classic fund raiser hosted by the Friends is next Saturday September 27. You can download the event brochure on our website or at clintonrivertrail.org

Planning Commission

There will be another public hearing and meeting on October 7. This will be for the map amendment which is the second and final part of the new lakefront setback overlay district.

Liquor License Application

Martin received a liquor license application from the owners of Pastries by Ellen, DBA Ellen's Bakery and Café. City Hall has begun the review and he will get that completed and on an agenda for Planning Commission and City Council consideration.

Ice Cream Social

The annual Ice Cream Social was well attended and received very positive feedback. It's always a great event. He thanked the Garden Club for their continued efforts.

Events

There are a number of things coming up in the next few weeks. Residents can always see them on our events calendar on the website. The Household Hazardous Waste collection is this Saturday the 20th from 9:00 to 2:00 at the West Bloomfield Township offices, the annual Road Rally hosted by the Sylvan Lake Parks and Recreation is Sunday the 28th at noon, the annual Pumpkin Patch will be Saturday October 12th beginning at noon and the Kid's Halloween Party will be Sunday October 26th. All here at the Community Center.

City's Credit Rating

F-007-14

Standard and Poor rates the city about every three years. In the past the rating was AA-, which is very high. They have now raised the city's rating to AA. They go over the city's books and the administration on how things are running. The city is in excellent financial health.

COUNCIL COMMENTS

Cassar thanked everyone for their comments and assured them they will be addressed.

Dzenko acknowledged April Hernandez and Jim Endres running for the Pontiac School Board and asked everyone to get behind them and support them. Dzenko stated the city did a great job on the storm clean up. He asked if a newsbyte could go out each month on how the hawk light works. Martin explained the newsbyte only goes to residents who have signed up. The video of the hawk signal is on the city website. Dzenko asked if the City Attorney could look into the political sign ordinance. Schultz stated he would. Dzenko addressed the Garland property, he thought they already had an approved plan. He was confused as to what they are changing. Martin explained they have to provide plan on how they are going to handle the mess they created such as the embankment, footings, etc.

Lorenz thanked everyone for expressing their views. He feels it is important and Council does discuss them seriously. The financial dashboard on the website is not quite a true picture, but the State requires the city to put it out there without any explanation why it is like that. On the Garland property he believes everyone is frustrated with it including the City Management, Bloomfield Building Dept. and the residents and City Council, but there are steps which have to be taken and it is a slow process. Everyone is doing their best on this. Bocce Ball league is self-funded and he congratulated Mike Grasser for handling this. Lorenz also thanked Helen Jane Peters on the signs.

Meskin will save comments for items on agenda.

Zubrzycki thanked Martin for picking up all the trees and debris. He noted it wasn't required but the City did it. He encouraged everyone to vote for Jim and April for the Pontiac School Board. He shared there are social media groups that is great venue for communicating. He stated the city is doing their best with the Garland house. The funding of Pension benefits, the city has been putting money away. It is just a matter of opinion on how much should be put away to be fully funded. The storage lot is priced to encourage people to pay so the city doesn't have to send time calling people to remind them to pay. They will look at the fees again. There is the Great Lakes Water Authority meeting tomorrow. It is a new authority that is being setup to manage Detroit City Water. The Planning Commission approved at the last meeting lakefront setback on Garland. The zoning map for these lakefront setbacks will be at Planning Commission Public Hearing in October.

ACTION ITEMS

- a. GWBCCC ó Application for Transfer of Control

C3-004-14

Dave Albery reiterated what he said last month. The cable name has changed since last month. It was Midwest Cable; it is now Great Land Connections. It is probably not the last name change. He reviewed the agreement Sylvan Lake has with Comcast will expire October 1, 2014. Back in June they sent the city a letter seeking the transfer, but they also say they don't need the city's permission. The Cable Board is going on the assumption they are seeking approval. The Board is recommending the cities extend the time line to 150 days which will take them to November. The extension will hopefully allow time for a more complete Resolution Granting Consent to the Cable Franchise Transfer to be presented at a future Council meeting.

Moved by Lorenz, seconded Meskin, to agree to the extension to November 17, 2014, for the City to complete its review and act upon the FCC form 394 Application for Consent to Assignment or Transfer of Control of Cable Television Franchise by Comcast, as granted and agreed to by Comcast and Midwest Cable in the September 11, 2014 letter by Klayton F. Fennell to the Assistant City Attorney, Gary L. Dovre.

Yes: All
No: None

MOTION CARRIED

b. DTE ó Discussion of Power Outages **M-004-14**

Mike Palchesko from DTE and Brian Kaufman, Manager of the Orchard Lake Road Service Center, addressed the more-than-frequent power outages in the City. Sylvan Lake is powered by Ivanhoe power station, there are two distribution circuits. He explained there are two types of outages, momentary-less than 5 minutes and sustained-over 5 minutes. Palchesko reviewed in 2013 DTE looked at reliability and moved forward on these recommendations in 2014. Sub transmission planning is one identifying momentary interruption. Address some high voltage lines. It is a work in progress to reduce power outages. They will continue to monitor the system and interruptions.

Zubrzycki asked what data they have. Palchesko explained they looked at three areas City Hall, pump station and one residential address for sustained outages. He has some information he can send to Martin. Zubrzycki would like to see that data. Palchesko will send information on the high voltage lines to Martin as well.

Dzenko is most interested in sustained outages. He called about his own house and he has had more than average in last few years. Dzenko asked about a program they should be on. Kaufman stated the vast majority of outages are related to trees. They are going to do some additional trimming. They are looking at how to minimize by installing additional fuses so impacts are to a smaller number of customers. Palchesko stated the program is for more than 4 outages in a twelve month period. The data is still coming in.

Lorenz asked, based on the data received, is Sylvan Lake more than normal in outages. Palchesko replied it is in DTE's best interest to reduce the number of outages. They are working on it.

Meskin tree trimming do by street only? Palchesko stated they are doing by community for Sylvan Lake. Meskin asked if residents should call if they feel their tree is too close to the wires and asked to get trimmed. Palchesko agreed that is a good idea. Typically they trim 10 feet away, but with the winds they are seeing trees 30 feet away are taking down the lines.

Steve Stein questioned the flags that pop down and if the fuses are out. He stated they are all along Garland and they should look at these.

Zubrzycki asked if residents can email pictures to report an incident. Palchesko stated that is a first for asking this. He will take it back to the office to look at that.

Jim Schafer thanked the Mayor, City Council and Martin for putting this on the agenda. He also thanked Palchesko for coming. Palchesko always addresses problems very truthful and it is a difficult time tracing issues. He stated electronics are used more today and could be part of the problem. When he asked about his outages he was told 16 in the last year. He asked if DTE has looked at underground utilities for Sylvan Lake. He stated there are a lot of old oak and hickory trees in Sylvan Lake; he knows it would be costly, but feels it needs to be done. Schafer shared DTE just restrung new lines in his back yard and know they will come down again with all the oak trees all around. Palchesko will follow up with Schafer's area. Schafer stated there are 72 homes on this circuit experiencing the same issue. Palchesko state this is all helpful information and he will take it back to the office.

Zubrzycki asked what is a reasonable time to get an explanation. Palchesko will try to get some answers and communicate them within the next week.

Brian Etter stated DTE needs to get on board with today's technology and implement better ways to deliver service. The system needs to be updated.

Palchesko stated if Sylvan Lake is going to do underground wiring then homeowners are going to have to bear some cost for the service lead. There are some negatives to underground too. Dzenko shared he is in the new part of Sylvan Lake and has underground wiring and he's still having the same problem as everyone else with outages.

Brad Conkey feels DTE is doing an excellent job responding to the outages. He warned everyone to watch what you wish for. He feels it is worth spending the money on a generator to keep the trees beautiful.

Zubrzycki shared he did some research on how DTE responses to outages. He asked if it is true if

generally it is the area with the most outages they respond to first. Kaufman replied that is correct.

Preston Wertheimer stated DTE came out and topped all the trees in his area. He noted some of these trees had the ash borer and were dead. He asked if crew should take down the dead trees. Kaufman stated they cannot do that if it is on private property. Palchesko added they will talk to the customer and ask if they want it taken out.

Zubrzycki asked about the smart meters. He stated DTE will call you right away if they are showing no reading. He asked if there is tracking on those when they stop service or something circumvents it.

Lorenz addressed DTE's storage area. He stated the city had an agreement with DTE. Now there are new racks there. Palchesko believes the attorneys are communicating and working with the City Manager to meet. Martin stated they are intending to turn in a plan. DTE's attorney and our City Attorney are working on it. Attorney Schultz added a complaint with Bloomfield Township and Sylvan Lake was filed to address the structures. Zubrzycki stated he is disappointed in DTE for installing these storage racks. He feels with DTE using an attorney to address this sends a poor message to Sylvan Lake. Palchesko stated DTE interpreted the agreement different than Sylvan Lake. Zubrzycki feels it is unethical how they handled this. Lorenz agreed they were not trying to be a good neighbor.

Sharon Maurina asked if they can make people trim trees. She knows there is an ordinance on the books to maintain property. She asked council to look at this ordinance closer. She shared the Garden Club has had discussions on replacing trees and which are better ones to plant. She felt this would be good information to give new residents.

c. Eliminating Odd-Year Elections

E-002-14

Brian Etter asked if this was just for City Council. Martin stated the city can still hold special elections. He added if one of the school districts wants to hold an election in the odd year they will have to pay for it.

Sharon Maurina asked council to consider 2 year terms.

Eric Wiegand asked if there are any limitations on terms. Zubrzycki stated there are not.

Jim Endres thought it was in the Charter regarding holding an election every year. Schultz explained State Election law supersedes the Charter. The Charter is always subject to State Law. Endres feels it is wrong to do this way.

Moved by Meskin, seconded Lorenz, to approve holding a public hearing October 8 during

the regular City Council meeting on the recommendation to eliminate odd-year elections.

Yes: All
No: None

MOTION CARRIED

d. Contract to Install Seawall

BD-010-14 CA-005-14

Cassar noted because of the different quotes he measured the area of seawall they are discussing. He measured 702 feet tonight.

Dzenko thanked Cassar on gathering all the information and work he has done. He stated Cassar researched every kind of wall available. Dzenko likes JZ's proposal, it is better how they install it and more cost effective.

Meskin feels vinyl has not been around long enough. He stated 90% of seawalls around the lake are steel. He wants a wall that will last 20 years minimal. He is not for vinyl, he likes galvanized steel.

Zubrzycki also thanked Cassar. He stated Cassar took him around the lake and showed him a number of vinyl seawalls on Sylvan Lake. Zubrzycki also spoke with the manufacturer. He is good with vinyl. It has a 50 year warranty. Since there is no data for this area he suggested a thicker product. He asked council to consider this. It would cost around \$6500 more.

Dzenko stated that is 2" deeper and 6" wider for 4.25 gage. Cassar stated to go heavier the cap cost would increase also. He discussed this already with JZ. It takes extra material for steel cap and bolts.

Meskin stated there was one company who refused to quote vinyl. He is skeptical about how long vinyl will last. He suggested having an engineer look at it and also to see if it should be thicker.

Dzenko replied there are areas where they have vinyl seawall; they have history and the contractor guarantees 10 year warranty and the material is 50 years.

Sharon Maurina reviewed first the engineers recommended longer deadman. She recalled 16" She asked if 12" is long enough. Martin reviewed the engineers said you could put a 12" cantilever wall in and not use tie backs. The contractors said 8-9 feet was good enough, but we requested 12". Maurina questioned when the engineers looked at the soil did they look at the force on the wall? Zubrzycki showed a design with fill to go behind the wall with drainage. They didn't specify what kind of force. Council intends to completely remove the wall. Cassar corrected him saying they will remove the top to allow fill and seed. They will remove some sections lower for the installation of dead men and the drainage system.

Preston Wertheimer asked where the money came from. Zubrzycki explained it is money set aside in the budget for capital projects. City Council has been discussing this for four years.

Brad Conkey stated ice chunks are what damages a seawall. There is little ice piling on Sylvan Lake, it is an inland lake.

Jim Endres shared plastic has been around since the 1920s. Cassar has done his research and they should go with this.

Preston Wertheimer still didn't understand where the money came from when a year ago the city had no money. Zubrzycki explained restricted funds and money from the 5 mills voted in for improvements. He asked Wertheimer to come to the budget study session next year.

Lorenz shared he looked at the manufacturer's website and they used army core of engineers standards. Vinyl is the best material to put in. He is good with vinyl. He is looking for a long term solution so it doesn't have to be replaced every 20 years. He further explained the 5 mills voted was for public safety and also for capital improvements to keep the city viable.

Moved by Cassar, seconded Lorenz, to approve entering into a contract with JZ Contracting to install up to 7500' of vinyl seawall as outline in their estimate #1040657 and to prime the custom channel cap (\$1,500) prior to installation at a cost not to exceed \$100,700, with the final cost to be determined by the linear feet of seawall and quantities of product installed. When the contract comes in it is to be reviewed by the City Manager and City Attorney.

- e. Dock Fees

Cassar asked to table this to the study session.

- f. Tri-City Fire

Meskin asked that this be table to the study session.

NON-ACTION ITEMS

- a. Security for Ferndale Park, Restroom and Boat Launch
- b. Community Center Storage and Furniture

There was nothing new for these items.

ADJOURNMENT

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

Yes: All

No: None

MOTION CARRIED

The meeting was adjourned at 9:38 p.m.

Dennise Dryden, City Clerk