



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, MARCH 21, 2017
7:30 P.M.**

The Meeting was called to order at 7:30 p.m. by Mayor Ackley.

Pledge of Allegiance led by Mayor Ackley.

Invocation led by Mayor Pro Tem Ambrose.

ROLL CALL: Mayor Ackley, Mayor Pro Tem Ambrose, Council Member Helke, Council Member Lublin, Council Member Loch, Council Member Owsinek, Council Member Robertson

ABSENT:

There being a quorum present, the meeting was declared in session.

OTHERS PRESENT: City Manager Whitt, Assistant City Manager Rodgers, Police Chief Shakinias, Fire Chief Coomer, Finance Director Coogan, and City Attorney Vanerian

REQUESTS FOR AGENDA CHANGES:

Mayor Ackley said she would like to table item #1 under unfinished business and item #1 and #2 under new business to give it chance to be on the next DDA agenda. She said she would like the DDA Board to have a chance to discuss it at their next meeting and then bring it back to council.

CM 03-02-17 MOTION TO TABLE ITEM #1 UNDER UNFINISHED BUSINESS AND ITEM #1 AND #1 UNDER NEW BUSINESS UNTIL DDA HAS HAD THE CHANCE TO REVIEW AND DISCUSS

Motion by Lublin, seconded by Ambrose, CARRIED: To table item #1 under unfinished business and item #1 and #2 under new business until DDA has had the chance to review and discuss.

APPROVAL OF THE MINUTES:

1. Regular Council Meeting of February 21, 2017

CM 03-03-17 APPROVAL OF THE FEBRUARY 21, 2017 REGULAR COUNCIL MINUTES

Motion by Lublin, seconded by Ambrose, CARRIED: To approve the March 21, 2017 Regular Council Minutes.

Council Member Helke explained that she has something to say about the minutes and that she again would like to object to the use of the word diatribe in the minutes because it is unnecessarily negative and disrespectful. Council Member Helke said that: "In Robert Rules for Dummies, Second Edition, it says, minutes are important because they are the only surviving record of what was said and done at the meeting... They can be dry and boring and in fact it is probably a good sign if they are." Council Member Helke requested to move that the word diatribe be stricken from minutes and replaced with said or stated.

City Manager Whitt suggest that the motion Council had on the table was to approve the minutes and that Council Member Helke had made a second motion, which if considered a motion to amend, then Council Member Helke needed a second to that motion.

Mayor Ackley confirmed that Council Member Helke moves to amend the minutes.

Council Member Helke said yes, she moves to amend the minutes.

**Motion fails due to lack of support*

Roll Call Vote:

Yes: (6)	Ambrose, Loch, Lublin, Owsinek, Robertson, Ackley
No: (1)	Helke
Absent: (0)	
Abstain: (0)	

(6-1) MOTION CARRIED

AUDIENCE PARTICIPATION:

Kenneth Kolke – 179 Spring Park - stated he submitted a request to the city, requesting a reason why his request to a meet with the Mayor and Mr. Whitt was declined and he would like to have that in writing. Mr. Kolke produced a document that he wanted to be notarized to submit to the city as an official document stating specifically that, "I Ken Kolke to not hold a retainer for an attorney against the City of Walled Lake so there should be no reason why we can't have this meeting." Mr. Kolke stated to Mr. Whitt, that he had a couple of license numbers registered with the state of Michigan with L A R A: 2102196534 and 2102179170 and told Mr. Whitt to "look into these two numbers specifically" as it "could help us out in this matter." Mr. Kolke said in the Zoning Ordinance, Section 14.03 paragraph G Storage facilities for building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies that would pertain to limited industrial. Mr. Kolke stated, "I think you understand where I would like this meeting to go" and "I would like to see this resolved behind doors."

Dennis Burks - 206 Spring Park – said, "apparently in 2013 the city was 10 million dollars in debt. Mr. Whitt our city manager came in 2010 and the city is still in 9 million dollars of debt yet

everybody thinks he is doing such a great job. Anything, nothing, okay.” Mr. Burks said the rails to trails program said they were not aware of the M-5 bridge and that he was under the impression that Walled Lake would be responsible for 1/3 of the cost of that and he finds out the DOT was “donating” that. Mr. Burks said, there were a lot of things he was not aware of but after the meeting he talked to Commerce, Novi and Wixom people they are yes, they withheld the information from him. Mr. Burks said Maher thing, to the minute’s keeper, “who proof reads these minutes.” Mr. Burks said there is something interesting from the Spinal Column, the city was caught lying back when the Walled Lake Police and the budget cuts. Mr. Burks opined that Ms. Colleen M. Coogan “Who is in over her head also and all of this, the Director on or about May 2nd about the police program Mr. Whitt was informed that negotiations were supposed to be with the POAM”. Mr. Burks opined that Mr. Whitt and Ms. Coogan were “all along with it, they lied to the press, they lied to other people according to this newspaper right here.”

Mr. Burks stated to Mr. Whitt, “When Mr. Casey denied the public’s right to speak at an assembly that is a federal offense. Anything. That is also blatant break of state law.”

Karen Kolke - 179 Spring Park – thanked the City Council for arranging to have a public meeting for the trailway because she was ready to go along with no. Mrs. Kolke said does not want more taxes. Mrs. Kolke said there was tremendous amount of information that came out of the hearing and it sounds like there is a lot of help and funds and volunteers. She said she knows that volunteers are not dependable from her past experience but it looks like things can be more organized and get groups of volunteers that are going to work on this.

Gabriel Costanzo – 815 Bluffton – said as a longtime resident of Walled Lake he must say at last week’s special meeting withdrawing from the trailway project was both very embarrassing and disturbing for the city. Mr. Costanzo said that over the past year, starting with resolution 2016-03 the city had three key people directly involved with this project Council Member Owsinek, the City Manager and the City Finance Director. Mr. Costanzo opined that, “It was obvious at last week’s meeting that the city has not done its research estimating ongoing expenses to the city to maintain the trailway and the options available to help offset the expenses. Some of the options not explored in depth include the grants, fundraising, sponsorships and incoming advertising avenue from the pylon located on the trail in Commerce Township. During the past year, our council and representatives have failed to ask the right questions involving this project, showing a lack of vision and foresight on it. In fact, the purchase had been completed last September but was delayed until February of this year. We essentially were granted over five-month extension on this project but sadly we did not explore this project more in depth. Mr. Costanzo opined that “This was a wasted opportunity and time.” Mr. Costanzo opined it was only after the trail was purchased, after the purchase was completed that the city considered pulling out of the project and discussing tax increase over a month ago. Mr. Costanzo opined that it looks like the city had no intention of following through on the project. Mr. Costanzo said he is requesting our city council stay in the trailway project it is good for the city. Mr. Costanzo said it is good for our resident and good for the community. Mr. Costanzo said that the council should do the hard work to obtain the funding through some of the options mentioned earlier and the others available that were talked about.

Mr. Costanzo opinioned that all Council and DDA meetings be video recorded and posted, and that the City should create a Walled Lake YouTube channel, stating there is serious lack of communication and transparency within our city and he is not comfortable with our city because there is a lack of transparency.

COUNCIL CONSIDERATION:

1. Oath of Office administered to Police Officer Brett Crick

Ceremonial Oath of Office provided by Deputy Clerk Rodgers.

2. Public Safety Campus Lighting

Finance Director Coogan said as council knows about stepping up the image and addressing the reinvention of Walled Lake. It began with the exterior of the public safety campus and the next step is the lighting. She said the lights needs to be put in before the landscaping and the trees can be put in. She went through five options for lights and going with LED lights. She said the way the city looks enhances the pride and respect in our community. She said the city is looking to put in fourteen (14) of ten (10) foot light poles around the campus, and there are some bollards. She said that bollards are the shorter lights used to light the walk ways for safety purposes. She said the library walkway and the police walkway will use the bollard lighting since they are heavier in traffic in the evenings. The lights start from traditional to modern with the pole color being either black or dark brown. She discussed the pricing between the five different poles. She said the pole height is ten feet and the light topper is two feet tall.

Council Member Helke asked for the custom color is it \$500 per pole.

Finance Director Coogan said no it is not. She said it is per order, the city orders two poles at a time. The city pays that when a head light breaks.

Council Member Lublin said the city is just looking at the poles for the public safety campus, the DDA is different and will be addressed at a later time. He said the luminaire company is from Farmington Hills.

Finance Director Coogan said other than the DDA, \$85,000 would be the maximum that it would cost for any one of the choices.

CM 03-04-17 MOTION TO APPROVE LUMECON COMPANY FOR THE TEN-FOOT LANTERN LUMINAIRE LIGHT POLES IN THE COLOR BLACK FOR THE PRICE LISTED

Motion by Lublin, seconded by Loch, CARRIED: To approve Lumecon Company for the ten-foot lantern luminaire light poles in the color black for the price listed.

Council Member Helke asked where the money is coming from again, can you just mention that. She said the city already spent \$780,000 to fix the parking lot and by the time we get this done

and landscaping it will be over a million dollars. I don't know how we can explain that to the taxpayers of our community.

Finance Director Coogan said this is coming from the general fund revenues. She said this is part of the city's infrastructure repairs, these are things that have not been handled in a long time. She said there are three different types of lights style going on the campus and two different light styles in the DDA. This is part of stepping up the look of the Walled Lake if you are going to fix it, the city is looking for a long-term solution.

Council Member Lublin said this is money the city has saved. He said the city is not borrowing money to finish this project.

Council Member Robertson said this is huge electrical savings for the city by going with the LED lights.

Mayor Ackley said there is a rebate by going with LED lights. She said there is a safety issue in the parking lot since it is not properly lit and it has to be addressed.

Finance Director Coogan agreed and the city has been in contact with DTE about the rebate. She said this was discussed in the beginning when discussions took place about re-doing the campus. The lights are the next phase and last is the landscaping. She said it is a prime time to do this when the city can get rebates from DTE.

Council Member Lublin said the savings will be 75% less electricity used and the bills will go down 75% and that is tremendous savings for the city every month.

Roll Call Vote:

Yes: (6)	Ambrose, Loch, Lublin, Owsinek, Robertson, Ackley
No: (1)	Helke
Absent: (0)	
Abstain: (0)	

(6-1) MOTION CARRIED

COUNCIL REPORT: None

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

- a. Police
- b. Fire
- c. Code Enforcement
- d. Finance -Warrant Report #3-2017

**CM 03-05-17 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL /
DIVISIONAL STATISTICAL REPORTS**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To receive and file the monthly Departmental / Divisional Statistical Reports.

City Manager Whitt said that Mayor has been in contact with the Mayor of Wixom and Supervisor of Commerce Township. He said there is discussion for the re-negotiation of the interlocal agreement. He said at the meeting the other communities were interested in putting together an equitable agreement. He said the agreement does hold Walled Lake more accountable than the one third of what they should be held accountable for, one-third of all costs or 11% of the population. To the extent that there was lack of transparency on this issue through the years, that is a fair argument. He said going back to the beginning when he got here seven years ago it was said it would be no cost to the taxpayers. Most of the work was done by somebody other than a trail manager. The trail manager is brand new. He said he came aboard in order to facilitate after the purchase, the purchase took an incredible amount of time and additional costs have come up which is a cost to the taxpayers. He said the biggest cost to the taxpayers is the engineering fees ranging from \$165,000 to \$300,000 and a vote of that board would make Walled Lake one-third responsible for that. He said that was not on the table those engineering fees were not discussed up until only recently, after the purchase took place. He said there has been some dissatisfaction not only by this Council which is in the record and has been talked about in recent years so if you have been to those meetings and came to council meetings or trail meetings early on, people would know that existed. He said he believes the other communities recognize that there are new leaders in both communities and that is why they are willing to work with Walled Lake and make it a more equitable agreement. He said he believes that when the Mayor meets with the other communities she will come out with a more equitable agreement that will save the taxpayers money for Walled Lake. He said had this Council not been vigilant the City would have been on the hook for much more money than where the City is now, they said no when they had to say no. He said the bridge was not free and all the taxpayers in this room are paying for that bridge. He said it was not discussed when it was no cost to the taxpayers, so the bridge is a substantial cost of several million dollars. It appears that Commerce spent \$200,000 and to quote the supervisor, "they put lipstick on the pig." He said Council can come away with a more equitable agreement and have a good trail. There was never any discussion about cancelling the trail, ever. He said that is a political misstatement, canceling of the trail. He said the City is on the hook for the trail no matter what, the question was do you let someone else spend Walled Lake taxpayer's money on a grandiose trail that you are not willing to fund. He said he looks forward to meeting with the Mayor of Wixom and Commerce Supervisor. He said for those interested in the trail they ought to go to the trailway meetings and look at the agenda.

City Manager Whitt said the State of the Lakes Address is coming up March 28th. He said all the other community's leaders will be there to talk about where their city stands.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

1. Confidential Attorney Client Communications – Status Report on Asmar v City of Walled Lake, et. al.

City Attorney Vanerian said Council has the packet of a written update with what is going on with this litigation and there is no Council action required at this time. This is just an update.

2. Memorandum Sign Ordinance Amendment

City Attorney Vanerian said the sign ordinance is over ten years old and it needs to be updated to keep current with the new law standards. He said he wants to bundle the text and legal together.

**CM 03-06-17 MOTION TO PROCEED WITH CITY ATTORNEY'S
RECOMMENDATION TO AMEND AND UPDATE THE SIGN
ORDINANCE**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To proceed with the City Attorney's recommendation to amend and update the sign ordinance.

UNFINISHED BUSINESS:

1. Second Reading C-330-17 Amendments to Downtown Development Authority Ordinance

Tabled by motion CM 03-02-17

NEW BUSINESS:

1. Boss Engineering – Stormwater evaluation engineering proposal

**CM 03-07-17 TO APPROVE BOSS ENGINEERING STORMWATER
EVALUATION PROPOSAL**

Motion by Owsinek, seconded by Lublin, CARRIED UNANIMOUSLY: To approve Boss Engineering evaluation proposal.

Finance Director Coogan said Council requested for proposal from Boss Engineering to coincide with the DDA storm water analysis and the proposal is attached. She said Boss will analyze the whole storm water for the entire City.

Council Member Helke asked where the money comes from. Finance Director Coogan said this comes from general fund revenues.

Council Member Lublin asked about the video surveillance, it is not in the proposal.

Finance Director Coogan said it is unclear on how much video is needed because the sewer video inspection is being done by waste water treatment plant. She said the city doesn't need that much video it all depends when we get down to catch basin they can use a flashlight and look in but if it's blocked they may need to use the video. She said the city won't know that until they get into the field. The DDA said they would do the downtown and wanted to make sure came to council and to expand the proposal for the entire city.

City Manager Whitt said this is about the bigger infrastructure issue. He said it begins with city hall. He said the savings that were not mentioned earlier was for years the plan was to build a new multi-million-dollar city hall facility somewhere else and this council decided some years ago, the majority of this Council still here, chose to rehabilitate this campus so they didn't go spend \$8 million dollars somewhere else. He said the proposal is still floating around and there were public meetings about the new \$8 million-dollar city hall. He said there is tremendous savings of dollars by rehabilitating this campus but if you are going to rehabilitate you have to do it right. Otherwise you end up with a decrepit facility and then you do go spend \$8 million dollars, so the city is saving money. All of it is infrastructure related. He said the proposal discussed earlier at the budget meeting was about rehabbing some of the low-lying areas of roads. He said the infrastructure has been ignored for a long time and it is easy to look another way. He said Council's job is to fix it but you can't keep saying no and administration's job is to put it on the table. He said we are doing it in an official way.

2. Proposed Resolution 2017-21 Rescind Separate HealthCare Fund

Finance Director Coogan said there was a resolution that Council passed that set up a retiree healthcare fund. She said it was a separate recording of the money. She explained the city has a roads fund, a drug forfeiture fund and the retiree health care fund. She said this fund was not set up by management of the Council but by a Public Act. She said after review by the City Attorney and City Manager it was explained she could eliminate that fund by resolution of Council. There is no money left, the City was contributing \$75 a paycheck for the employees but that money is all used up in that trust fund, it is just extra book keeping now. All money comes from general fund revenue.

**CM 03-08-17 TO APPROVE RESOLUTION 2017-21 A RESOLUTION TO
RESCIND RESOLUTION CM 02-12-2000 AND RESCIND THE
SEPARATE PUBLIC EMPLOYEE HEALTH CARE FUND FOR
TRACKING RETIREE HEALTH CARE BENEFIT
INVESTMENTS AND PAYMENTS**

Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2017-21 A Resolution to rescind Resolution CM 02-12-2000 and rescind the separate public employee health care fund for tracking retiree health care benefit investments and payments.

3. Proposed Resolution 2017-22 Charitable Gaming License for Lakes Area Community Foundation

CM 03-09-17 TO APPROVE RESOLUTION 2017-22 PROVIDING FOR APPROVAL OF A CHARITABLE GAMING LICENSE APPLICATION FOR THE LAKES AREA COMMUNITY FOUNDATION: PROVIDING LOCAL GOVERNMENT APPROVAL FOR A GAMING LICENSE AS AUTHORIZED BY MICHIGAN COMPILED LAWS, SECTION 432.103

Motion by Robertson, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve resolution 2017-22 providing for approval of a charitable gaming license application for the Lakes Area Community Foundation: providing local government approval for a gaming license as authorized by Michigan compiled laws, section 432.103.

4. Proposed Resolution 2017-23 C A R E

CM 03-10-17 TO APPROVE RESOLUTION 2017-23 CARE

Motion by Lublin, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2017-23 CARE.

MAYOR'S REPORT:


Mayor Ackley discussed the public hearing about the trailway and that it went well. She said contrary to some belief she thinks the trail council and what has been going on has been ongoing for quite some time at least when she came back on Council in 2009. Mr. Owsinek was the representative at that time and continued to come to back to Council reporting, which was public record. She said he would come back with his problems and concerns he had with the trail and the lack of transparency the way things were being operated. These concerns have been building up over time and have been discussed at meetings. She said Council has not been neglectful in discussing these issues. She said as new members came on council comments were made why doesn't the city get out of the trail but because the communities were still negotiating in purchasing the trail had Walled Lake tried to get out then there may have been more legal issues. She said granted Walled Lake was not spending money at that time but money was being spent and there was a lot of things done. The engineering study was one prime example, where the three members voted to hire the lowest bid engineer. Then, low and behold people in charge of the trail council hired a different engineering firm for more money and who took more time than what was planned by the original engineering firm that was awarded the bid. She said when Council proposed after the purchase of getting out of the trailway council it was not to abandon our section of the trail, that was never the thought. As she has said before, the other night her intention as Mayor and member of this city council was to see this trail completed whether Walled Lake did it on its own or stay with the trail council. She said a lot of things came out the other night that have never been brought out in the past. Sometimes when you bring something to a head, people come up with new ideas. The director of the trail council never mentioned anything about any of the fundraisers that are possible and all the support behind the trail. She said a lot of good things came out of that meeting that this Council is looking forward with a positive attitude. She said the comment made that the City Council has been neglectful in their

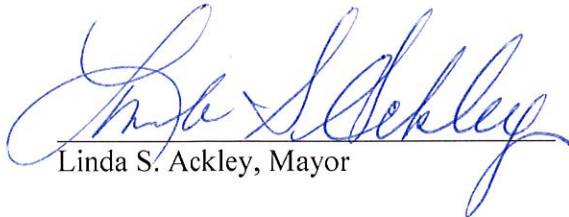
duty is very erroneous and anyone saying that has not been following what this Council has been doing, Council has acted responsibly and have been very transparent with the community and telling them what is going on. Until that purchase went through the City's hands were tied and once the purchase was final Walled Lake started to make some noise.

COUNCIL COMMENTS:

Mayor Pro Tem Ambrose said there is a committee to move forward with the beach party and market day with the fireworks. He said it is coming together. He said the committee meets weekly or bi-weekly and he will keep people informed on the progress.

Meeting adjourned at 8:34 p.m.


Chelsea Rodgers, Deputy City Clerk


Linda S. Ackley, Mayor

Approved
4.18.17