



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
(ELECTRONIC MEETING PLATFORM)
TUESDAY, OCTOBER 19, 2021
7:30 P.M.**

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

ROLL CALL Mayor Ackley, Council Member Fernandes, Council Member Loch, Council Member Lublin, Council Member Owsinek, Council Member Woods

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

City Council members announcing their attendance for meeting this evening within Oakland County and Alpena, Michigan.

OTHERS PRESENT City Manager Whitt, Confidential Assistant Jaquays, Assistant City Manager Pesta, Police Chief Shakinias, Fire Chief Coomer, City Attorney Vanerian, Deputy City Clerk Gross, and City Clerk Stuart

CM 10-1-21 MOTION TO EXCUSE MAYOR PRO TEM AMBROSE FROM TONIGHT'S MEETING

Motion by Woods, seconded by Lublin, UNANIMOUSLY CARRIED: To excuse Mayor Pro Tem Ambrose from tonight's meeting.

REQUESTS FOR AGENDA CHANGES None

AUDIENCE PARTICIPATION None

APPROVAL OF THE MINUTES

1. Regular Council Meeting September 21, 2021

CM 10-2-21 MOTION TO APPROVE REGULAR COUNCIL MEETING MINUTES OF SEPTEMBER 21, 2021

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve regular council meeting minutes of September 21, 2021.

Roll Call Vote

Ayes (6) Fernandes, Loch, Lublin, Owsinek, Woods, Ackley
Nays (0)
Absent (1) Ambrose
Abstain (0)

COUNCIL REPORT None

CITY MANAGER REPORT

1. Departmental / Divisional Statistical Reports

- a. Police**
- b. Fire**
- c. Code Enforcement**
- d. Finance**
 - Warrant**

**CM 10-3-21 MOTION TO RECEIVE AND FILE THE
DEPARTMENTAL/ DIVISIONAL STATISTICAL
REPORTS**

Motion by Woods, seconded by Fernandes, UNANIMOUSLY CARRIED: To receive and file the departmental / divisional statistical reports.

Roll Call Vote

Ayes (6) Loch, Lublin, Owsinek, Woods, Fernandes, Ackley
Nays (0)
Absent (1) Ambrose
Abstain (0)

**2. Employee Evaluation pursuant to Employment Contract –
Closed Session requested by employee pursuant to Section 8(a) of the Open
Meetings Act (OMA)**

City Manager Whitt explained the employee is the Chief of Police, Paul Shakinas and he has requested a closed session.

**CM 10-4-21 MOTION TO ENTER INTO CLOSED SESSION FOR
EMPLOYEE EVALUATION PURSUANT TO
EMPLOYMENT CONTRACT PURSUANT TO SECTION
8(A) OF THE OPEN MEETINGS ACT (OMA) AND TO
INCLUDE ASSISTANT CITY MANAGER PESTA**

Motion by Owsinek, seconded by Lublin: UNANIMOUSLY CARRIED: To enter in closed session for employee evaluation pursuant to employment contract pursuant to section 8(a) of the Open Meetings Act (OMA) and to include Assistant City Manager Pesta.

Roll Call Vote

Ayes (6) Lublin, Owsinek, Woods, Fernandes, Loch, Ackley
Nays (0)
Absent (1) Ambrose
Abstain (0)

City Manager Whitt said he wanted to acknowledge DPW Team Lead Dan Ladd as he will be reporting on the City Manager's behalf for a few items including phase I of the Mercer Beach project.

DPW Team Lead Mr. Ladd explained there was a recent bid opening regarding Mercer Beach Phase 1, two bids were received. Mr. Ladd explained the bids were very close to other bids received last year regarding the same project however, one was lower. Mr. Ladd explained the proposed project includes removing the storm pipe out of the center of the beach, install new storm drains in front of the beach which moves the city forward in preparations for the new downtown storm sewers that will be going in. Mr. Ladd said these projects are good for Walled Lake. Mr. Ladd explained the work to be done will consist of five or six different construction companies to accomplish the improvements. Mr. Ladd explained the time frame is a concern, this is scheduled as a winter project, removing the storm drain, replacing curbs, and repaving in front of the beach, fence, and concrete work.

Mayor Ackley asked what the time frame is.

DPW Team Lead Mr. Ladd explained late November moving into December wrapping up in January. Mr. Ladd explained paving would be early spring, next year when the paving companies open back up. Mr. Ladd explained this project is not part of the grant funding, that will be phase II. Mr. Ladd explained the bids came from All Star Power Excavation, LLC at \$352,926.00 and the lowest bidder Gibraltar Construction Company at \$314,054.42. Mr. Ladd explained he and Assistant City Manager Pesta went through all the line items within the bids and there is a discrepancy with the city addition and the bid addition. Mr. Ladd explained we want to work with the low bidder, there is a discrepancy of \$4,000. Mr. Ladd said he is seeking council approval to move forward and award bid to Gibraltar Construction as the lowest bidder.

City Manager Whitt said the city has partnered with the Great Lakes Water Authority (GLWA), to do work rehabilitating the gate valves within the city.

DPW Team Lead Mr. Ladd said he reached out to GLWA who is also managing the work on the 14 Mile Road transmission line loop relocation. Mr. Ladd explained the job that is a year behind, and expressed the city's frustration with the delays and the residents being displaced with the traffic being shifted to Decker Rd and Leon Rd. Mr. Ladd said he and Assistant City Manager Pesta met with GLWA about these concerns and in acknowledgement of the situation, GLWA agreed to repair the city's downtown structures regarding all the gate valves along Angle, Walled Lake Drive and W. Maple Rd. Mr. Ladd explained GLWA has been out, and they have been rehabilitating all of the access points. Mr Ladd explained a total of 18 will be completed and of this afternoon 9 were already done. Mr. Ladd explained the work included several of the city's storm drains, including down by Welfare.

Council Member Lublin said he is thrilled projects are being done and asked how they are being funded.

DPW Team Lead Mr. Ladd said there is no cost for the gate valve work.

Mayor Ackley asked what the projected date was for completion of the 14 Mile project.

DPW Team Lead Mr. Ladd said they were told sometime in April of 2022. Mr. Ladd said the city is negotiating with GLWA regarding the 14 Mile loop project and the city has requested to have 14 Mile Road open as much as possible. Mr. Ladd said GLWA had planned to keep the road closed all winter and the city said no that is not in the best interest of the city. Mr. Ladd explained the traffic study engineer proposed possibly placing two lanes north of the project. Mr. Ladd explained the city also requested that with the city's upcoming federal project of the Decker Road rehabilitation, that GLWA be required to include paving north of 14 Mile during their loop transmission project.

City Manager Whitt asked DPW Team Lead Mr. Ladd for an update on the Decker Road sidewalk project that was funded by the DDA.

DPW Team Lead Mr. Ladd said it was a great project, Nagle paving did a fabulous job, they were great to work with. Mr. Ladd explained Nagle worked with him modifying the elevations. Mr. Ladd said Nagle had excellent traffic control during the project. Mr. Ladd said the landscape companies have been in and out even though at times it was challenging with all the rain. Mr. Ladd said all sidewalk inspections from density to breaking points passed.

City Manager Whitt asked DPW Team Lead Mr. Ladd for an update on the public safety campus.

DPW Team Lead Mr. Ladd explained the public safety campus expansion is a great project to see come together, it has grown. Mr. Ladd said the water main has been tapped, irrigation was installed, plantings of several trees near the entrance and along the

western border were placed, gravel was added, and grass is coming in and growing nicely.

City Manager Whitt said there will be further meetings to finalize the training facility plans and opening of the bridge to the trail. City Manager Whitt asked Farmer Market Master Ms. Jaquays for an update. City Manager Whitt said the market has had great success and will be even better come next year.

Ms. Jaquays said there are two more weeks remaining and it has been a terrific season. Ms. Jaquays explained earlier this month they their first harvest festival with great success. Ms. Jaquays thanked the DDA for their support of the Famers Market. Ms. Jaquays said there have been several events hosted this year and she is looking forward to more next year utilizing the city's multifunctional event field.

City Manager Whitt requested the Fire Chief to provide an update.

Fire Chief Coomer said the fire open house also utilized the multifunctional event field for their display and demonstration of the new equipment for vehicle extraction. Fire Chief Coomer said the public safety campus expansion committee is looking to meet next month for next year's plan. Fire Chief Coomer said this year has been a huge success. Fire Chief Coomer explained the new purchase of the 2021 E One Pumper truck. Fire Chief Coomer explained the department wishes to now sell the older and retired 1999 Seagrave pumper, putting it out for sale nationally.

**CM 10-5-21 MOTION TO MOVE FORWARD WITH
ADVERTISEMENT NATIONALLY FOR THE SALE OF
THE 1999 SEAGRAVE PUMPER TRUCK**

Motion by Loch, seconded by Woods, UNANIMOUSLY CARRIED: To move forward with advertisement nationally for the sale of the 1999 Seagrave Pumper Truck.

Roll Call Vote

Ayes (6) Owsinek, Woods, Fernandes, Loch, Lublin, Ackley
Nays (0)
Absent (1) Ambrose
Abstain (0)

CORRESPONDENCE None

CITY ATTORNEY REPORT

- 1. Confidential Attorney Client Communications Memo Status Report
Regarding City of Walled Lake v The Aqua Grill., et al.**

City Attorney Vanerian explained at the direction of council, he prepared documents for filing of a lawsuit and presented to council by way of confidential attorney client communications. City Attorney Vanerian explained he met with Oakland County Water Resource Commission (WRC) this week and their affidavit was signed. City Attorney Vanerian said the lawsuit will be filed later this week.

UNFINISHED BUSINESS

1. Second Reading C-359-21 Amendment to Chapter 34, Article V Illicit Stormwater Management

CM 10-6-21 MOTION TO APPROVE SECOND READING C-359-21 AN ORDINANCE TO AMEND CHAPTER 34 “ENVIRONMENT”, OF THE CITY OF WALLED LAKE CODE OF ORDINANCES ARTICLE V “ILLICIT STORM WATER DISCHARGES” TO ADOPT STORMWATER MANAGEMENT STANDARDS AND REGULATE ILLICIT DISCHARGES INTO THE CITY’S STORM WATER DRAINAGE SYSTEM

Motion by Owsinek, seconded by Loch, UNANIMOUSLY CARRIED: Motion to approve second reading C-359-21 an ordinance to amend Chapter 34 “Environment”, of the City of Walled Lake Code of Ordinances Article V “Illicit Storm Water Discharges” to adopt stormwater management standards and regulate illicit discharges into the city’s storm water drainage system.

Roll Call Vote

Ayes (6) Woods, Fernandes, Loch, Lublin, Owsinek, Ackley
Nays (0)
Absent (1) Ambrose
Abstain (0)

NEW BUSINESS

1. First Reading C-360-21 Amendment to Chapter 51, Section 51-21.13 Fence, Wall, and Privacy Screen Regulations

CM 10-7-21 MOTION TO APPROVE FIRST READING C-360-21 AN ORDINANCE TO AMEND CHAPTER 51, “ZONING”, OF TITLE V, “ZONING AND PLANNING”, THE CITY OF WALLED LAKE ZONING ORDINANCE TO AMEND ARTICLE 21.00 “GENERAL PROVISIONS”, SECTION 51-21.13 “FENCE, WALL AND PRIVACY SCREEN REGULATIONS” BY AMENDING RESIDENTIAL FENCE

**HEIGHT AND LOCATION REQUIREMENTS AS
PROVIDED BY THIS ORDINANCE**

Motion by Loch, seconded by Lublin: UNANIMOUSLY CARRIED: To approve first reading of C-360-21 an ordinance to amend Chapter 51, "Zoning", of Title V, "Zoning and Planning", the City of Walled Lake Zoning Ordinance to amend Article 21.00 "General Provisions", Section 51-21.13 "Fence, wall and privacy screen regulations" by amending residential fence height and location requirements as provided by this ordinance.

Discussion

Council Member Lublin said he understands it is worth while setting up the boundaries without hurting or blocking the views. Council Member Lublin said the six feet on the sides is too tall. Council Member Lublin said he has thought long and hard and even though he may not like the six-foot height because he prefers to keep communications open, this is what the residents want as this ordinance amendment was referred to the council by the Planning Commission and Zoning Board of Appeals who hear the cases of the public through their request for variances.

Roll Call Vote

Ayes (6) Fernandes, Loch, Lublin, Owsinek, Woods, Ackley
Nays (0)
Absent (1) Ambrose
Abstain (0)

2. Proposed Resolution 2021-82 Rescheduling of the Special Organizational Meeting following a City General Election

**CM 10-8-21 MOTION TO APPROVE RESOLUTION 2021-82 A
RESOLUTION RESCHEDULING THE
ORGANIZATIONAL SPECIAL COUNCIL MEETING TO
SWEAR INTO OFFICE THE CANDIDATES WHO ARE
ELECTED BY VOTERS FOLLOWING THE NOVEMBER 2,
2021 GENERAL ELECTION OF MONDAY, NOVEMBER 8,
2021 TO THE REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 9, 2021**

Motion by Woods, seconded by Loch, UNANIMOUSLY CARRIED: To approve resolution 2021-82 a resolution rescheduling the Organizational Special Council meeting to swear into office the candidates who are elected by voters following the November 2, 2021 General Election of Monday, November 8, 2021 to the Regular Council Meeting of Tuesday November 9, 2021

Roll Call Vote

Ayes (6) Fernandes, Loch, Lublin, Owsinek, Woods, Ackley
Nays (0)
Absent (1) Ambrose
Abstain (0)

3. Proposed Resolution 2021-83 Drain Special Assessments 2021 Winter Tax Bill

**CM 10-9-21 MOTION TO APPROVE RESOLUTION 2021-83 A
RESOLUTION APPROVING THE 2021 SPECIAL
ASSESSMENTS FOR REPAIR AND MAINTENANCE OF
THE GREENAWAY DRAIN, LEON DRAIN, NORTON
DRAIN AND TAYLOR -LADD DRAIN TO BE PLACED ON
THE DECEMBER 2021 TAX ROLL**

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve resolution 2021-83 a resolution approving the 2021 Special Assessments for repair and maintenance of the Greenaway Drain, Leon Drain, Norton Drain and Taylor-Ladd Drain to be placed on the December 2021 tax roll.

Roll Call Vote

Ayes (6) Loch, Lublin, Owsinek, Woods, Fernandes, Ackley
Nays (0)
Absent (1) Ambrose
Abstain (0)

4. Mercer Beach Improvements Phase I – Bid Result Discussion

City Manager Whitt explained this was discussed earlier in the meeting and Mr. Ladd covered it well. City Manager Whitt explained there is a motion needed from council to accept or reject the bids. City Manager Whitt said administration is recommending approval of the lowest bidder.

**CM 10-10-21 MOTION TO AWARD BID FOR THE MERCER BEACH
PHASE 1 PROJECT TO GIBRALTAR CONSTRUCTION
COMPANY NOTING THE ADDITION DISCREPANCY;
THE APPROVED AMOUNT IS \$314,901.42**

Motion by Owsinek, seconded by Lublin,

Discussion

Council Member Lublin asked if the city has worked with Gibraltar before.

DPW Team Lead Mr. Ladd said he has not worked with either one of the companies, but Boss Engineering will do a full vetting on the company.

Council Member Owsinek explained the contractors are prequalified as part of the bidding process.

DPW Team Lead Mr. Ladd said the contractors are prequalified and Boss Engineering will review all of this. Mr. Ladd explained there are a lot of moving parts within this project, Gibraltar may have four or five subcontractors doing work, the main thing is for the contractor to manage their team and with himself and Boss Engineering being involved, it will be successful.

Council Member Lublin said council is not awarding the contract until they are vetted but rather approving the ability for the team to move forward on the bid.

City Manager Whitt said if council awards the bid, the low bid gets it, contingent upon final vetting by the consulting engineer and administration. City Manager Whitt explained the best we can do is oversight with our consultant engineer Mr. Maki, DPW Team Lead Mr. Ladd and his team and city administration. City Manager Whitt said these contractors are licensed and if there are issues a redo will be done. City Manager Whitt explained if council rejects the bids, we have a delay in moving ahead. City Manager Whitt said this council is concerned about getting things done with infrastructure and he recommends moving forward.

**CM 10-11-21 AMEND MOTION TO AWARD BID FOR THE
MERCER BEACH PHASE 1 PROJECT TO GIBRALTAR
CONSTRUCTION COMPANY NOTING THE ADDITION
DISCREPANCY APPROVING THE AMOUNT OF
\$314,901.42 AND SUBJECT TO THE CITY MANAGER AND
CONSULTANT ENGINEER FINAL REVIEW AND
APPROVAL ON THE BID SPECIFICATIONS**

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To amend motion to award bid for the Mercer Beach Phase I project to Gibraltar Construction Company noting the addition discrepancy; approving the amount of \$314,901.42 and subject to the City Manager and Consultant Engineer final review and approval on the bid specifications.

Discussion

Council Woods asked when the beach parking area will be closed.

DPW Team Lead Mr. Ladd explained the beach is closed for use after Labor Day and reopens after Memorial Day every year. Mr. Ladd said the beach will be closed during the entire construction process until gravel is placed for parking. Mr. Ladd explained the first thing to go on is the storm drain and then gravel can be placed.

Roll Call Vote

Ayes (6) Lublin, Owsinek, Woods, Fernandes, Loch, Ackley
Nays (0)
Absent (1) Ambrose
Abstain (0)

COUNCIL COMMENTS

Council Member Owsinek said the Trunk-or-Treat is October 30th from noon to 3pm

Council Member Loch said she is looking forward to seeing everyone at the Trunk-or-Treat.

Council Member Fernandes said on October 23rd the Lakes Area Chamber of Commerce is hosting a medication take back event and she will see everyone at the Trunk-or-Treat.

Council Member Lublin said there is an election November 2 and included on the ballot are three charter amendments. Council Member Lublin said he commends Mr. Dan Ladd on his negotiations with WRC, we love the new sidewalks, and fire department open house was a big success, hats off to the fire department.

Council Member Woods said he agrees with Council Member Lublin and his comments regarding Mr. Ladd, great job. Same to Ms. Jaquays on the Farmers Market and the Harvest festival. Good job to Chief Coomer and his department on the open house.

MAYOR'S REPORT

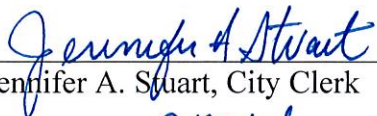
Mayor Ackley said she echoes Council Member Owsinek for the Trunk-or-Treat. Mayor Ackley said if anyone wishes to participate, please get in touch with her, Council Member Owsinek or the Green House, they want to make this bigger and better each year. Mayor Ackley said it is great to hear the good reports from each of the departments and to see Walled Lake looking great again.

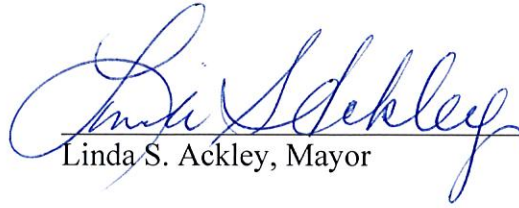
Council entered closed session 8:30 p.m.

Council arose from closed session and reconvened 8:43 p.m.

ADJOURNMENT

Meeting adjourned at 8:47 p.m.


Jennifer A. Stuart, City Clerk
approved
1/18/22


Linda S. Ackley, Mayor