



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, JULY 17, 2018
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 Owsinek.

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

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

OTHERS PRESENT: City Manager Whitt, Assistant City Manager Pesta, Police Chief Shakinis, Fire Chief Coomer, Finance Director Coogan, Treasurer Barlass, City Attorney Vanerian, and City Clerk Stuart

REQUESTS FOR AGENDA CHANGES:

Mayor Ackley explained that Mr. Tim McClorey from Michigan Municipal Risk Management Authority (MMRMA) will provide a presentation and then a presentation would be made by Mr. Joe Ketchum the West Bloomfield Parks Superintendent discussing the West Bloomfield trailway path and maintenance.

Mayor Ackley requested to add a board members resignation letter for Council to “receive and file” and two nominations under Mayor’s Report.

Council Member Robertson requested an Agenda change under Unfinished Business, requesting items 1 and 2 be switched in order of discussion.

Council Member Costanzo requested to add discussion on the pension and health care benefits under unfinished business because the discussion is a carryover from the budget workshop sessions.

City Manager Whitt explained to Council Member Costanzo that his request would not be unfinished business because the city budget was completed and unanimously passed. City Manager Whitt explained to Council member Costanzo that he may bring up the matter under council comments.

Mr. McClorey from MMRMA began his presentation explaining MMRMA is the City's risk management company, a group of self-insured governmental entities pooled together for insurance purposes. Mr. McClorey presented the City with two dividend checks totaling \$31,260. Mr. McClorey complimented the city administration for proactive measures with risk management.

Mr. Joe Ketchum, Superintendent of West Bloomfield Parks explained the West Bloomfield trailway system and its utilization of crushed limestone on its pathways. Mr. Ketchum explained the pathway is designed to the Department of Transportation (DOT) standards and it was placed 22 years ago. Mr. Ketchum explained West Bloomfield did not choose pavement because of elevation differences as the trails are rural. Mr. Ketchum said they also utilized Community Development Grant (CDBG) funds. The trail connects West Bloomfield to Sylvan Lake and Keego Harbor. The trail is mowed one to two times a month, no winter attention is provided, and the trail is not plowed or salted. Mr. Ketchum expressed his support of the trailway and explained the benefit to the Great Lake-to-Lake attraction putting it on a map showing the connection to all the communities. Mr. Ketchum explained the trail has been a great conservation piece, the residents love it, and aided in developing strong business partnerships.

Council Member Ambrose asked about the maintenance of the crushed limestone versus asphalt. Mr. Ketchum explained the crushed limestone is more cost effective however, there is dust in the summer and some wear and tear from bikers can create mud areas.

Mr. Ketchum explained roller blades and skaters are limited in participation and there are schools near the trail about four or five and they use the trails in winter for cross country team training.

Mayor Ackley asked about equipment utilized to maintain the trail and if it was owned by the community. Mr. Ketchum explained if it is heavy duty work they rent the equipment.

APPROVAL OF THE MINUTES:

1. Regular Council Meeting and Public Hearing Minutes of June 19, 2018

CM 7-1-18 TO APPROVE THE JUNE 19, 2018 REGULAR COUNCIL MEETING MINUTES

Motion by Robertson, seconded by Lublin,

Discussion

Council Member Costanzo explained page 6 of the minutes does not accurately reflect what he asked during his point of inquiry and Council Member Costanzo explained what he asked.

City Manager Whitt stated that Council Member Costanzo' explanation was distinction without a difference and stated that Council Member Costanzo does not know the difference but maybe now he does now because it was explained to him.

City Manager Whitt stated to the Mayor that the minutes can be changed but Council Member Costanzo wants the minutes to read better, so he looks better, but Council Member Costanzo clearly understands and that's what the clerk wrote.

Council Member Costanzo made a motion to amend the minutes to reflect the question he asked.

CM 7-2-18 MOTION TO AMEND PAGE 5 OF THE JUNE 19, 2018 MINUTES TO READ "COUNCIL MEMBER COSTANZO ASKED WHAT EXACTLY IS THE CONSULTANT EXPENSE TO THE CITY FOR IN THE CITY MANAGER'S REPORT ON THE CHECK DISBURSEMENT REPORT"

Motion by Costanzo, seconded by Ambrose: MOTION FAILED: To amend the June 19, 2018 minutes to read "Council Member Costanzo asked what exactly is the consultant expense to the City for in the City Manager's Report on the Check Disbursement Report".

Roll Call Vote

Yes (3)	Costanzo, Loch, Ambrose
No (4)	Lublin, Owsinek, Robertson, Ackley
Absent (0)	
Abstain (0)	

(3-4 MOTION FAILED)

Mayor Pro Tem Owsinek explained on page 8 of the June minutes, Council Member Costanzo's statements about the trail, "the City has the most between the three communities of the Trailway Council" is a fabrication and an outright lie.

Mr. Costanzo requested the record to reflect the personal affront from Mayor Pro Tem Owsinek stating Mr. Costanzo lied.

Mayor Ackley requested further discussion be held on this topic be discussed during council comments.

Council Member Costanzo explained motion 6-8-18 on page 10 of the minute was the motion made to draft a millage resolution which is what is in today's packet, not a resolution to address the City's withdrawal from the trail.

City Manager Whitt that is the way it was understood by administration because that it what was drafted.

Council Member Ambrose explained the motion was to draft a millage proposal resolution.

City Manager Whitt recommended a motion by city council instructing the Clerk to review for clarification the recording and amend the minutes necessary.

CM 7-3-18 MOTION TO CHECK RECORDING OF THE JUNE 19, 2018 MEETING FOR COUNCIL MOTION PRESENTED AND VERIFY IT STATED RESOLUTION TO DRAFT A RESOLUTION FOR A TRAILWAY MILLAGE BALLOT INITIATIVE

Motion by Costanzo, seconded by Ambrose: UNANIMOUSLY CARRIED: Motion to check audio of the June 19, 2018 meeting for council motion presented and verify it stated resolution to draft a resolution for a trailway millage ballot initiative.

Roll Call Vote

Yes (7) Loch, Lublin, Owsinek, Robertson, Ambrose, Costanzo, Ackley
No (0)
Absent (0)
Abstain (0)

City Manager Whitt explained administration did what the councilman suggested, the attorney drafted a resolution for a millage. Council has a proposed resolution there was no misunderstanding, there may be typos based on all the stuff written at the time Council made the motion.

Council Member Costanzo explained on page 6 of the council minutes motions 6-5, 6-6, and 6-7 were done after council motion 6-8 on page 10 of our packets, the motions were done outside of the agenda order.

Manager Whitt recommended tabling the minutes.

CM 7-4-18 MOTION TO TABLE THE JUNE 19, 2018 MINUTE APPROVAL

Motion by Robertson, seconded by Owsinek: UNANIMOUSLY CARRIED: To table the June 19, 2018 minute approval.

Roll Call Vote

Yes (7) Lublin, Owsinek, Robertson, Ambrose, Costanzo, Loch, Ackley
No (0)
Absent (0)
Abstain (0)

CM 7-5-18 MOTION TO APPROVE THE JUNE 19, 2018 PUBLIC HEARING MEETING MINUTES

Motion by Robertson, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve the June 19, 2018 public hearing meeting minutes,

Roll Call Vote

Yes (7) Owsinek, Robertson, Ambrose, Costanzo, Loch, Lublin, Ackley
No (0)
Absent (0)
Abstain (0)

AUDIENCE PARTICIPATION:

Fred Schumack, 340 Arvida – said he was here to discuss the Pulte PUD project proposed on Leon Road and council has heard from all the citizens that we are saying no. The lots that the developer wants to change into roads or an access or retaining pond or grassy knolls, the residents are saying no they do not want this to happen. Mr. Schumack explained he is seeing a repeat of the East Bay development. Mr. Schumack said the people are saying no and he wanted to make sure the City Council understand the people are saying no they don't want this development. Mr. Schumack explained he has spoken with land development attorney's and he understands the options on what to do in case council passes approval on the PUD. Mr. Schumack said he will be coming after City Council. Mr. Schumack explained there were others that felt this way and the residents are not going to roll over and let this happen.

Kim Creech, Woods Court – explained her association would like to understand why the front of their complex between Maple Road and the sidewalk why the entrance to Woods Court is overgrown. Ms. Creech explained she would like to see if the city can clean it up. Ms. Creech explained the subdivision is having an issue with the dance studio complex behind them because the trees that line the properties are falling onto Woods Court properties because of dry rot. Ms. Creech explained her neighbor had a tree branch fall onto her fence and broke the fence. The neighbor contacted the dance studio and was told their insurance does not cover damage to someone else's property. Ms. Creech asked if Council could assist them with any of these concerns.

Manager Whitt explained its code enforcement issues and will be addressed however, the civil issues will have to be addressed between the two parties.

John Henehan, 1545 Leon – said the meeting minutes that council keeps referring to, generally there is an order of business that happens. At the last meeting in June the council discussed the PUD. Conversation moved from the PUD to the trail and at the end of the meeting council discussed a public hearing at the next meeting, which is today's meeting. Mr. Henehan explained the City Attorney addressed how the public needed to be notified and he was expecting to receive a notice in the mail around the 4th of July about today's meeting being a public hearing but when discovering the whole plan, the city attorney realized that probably the Planning Commission went too far, and they did not cover all their steps. Mr. Henehan explained he understood the PUD proposal may have to go back to the Planning Commission because certain steps were not taken by having government agencies that have a say over how this property is done having them give their seal of approval. Mr. Henehan said it seems to him there is a lot of failure on the basics steps of getting through this project and this is a reminder to Council there is a Master Plan in the City and it reads that it should always be the principle source of information

in the evaluation of the zoning change request. Mr. Henehan said this project is placing homes on quarter acres properties when everything else around it is a half-acre or more. The Master Plan calls out capability with the adjacent uses of the land. Mr. Henehan said there are grants available to make parks. Mr. Henehan said people vote, that is how council gets their positions, and the residents are paying attention.

Darlene Ciampa said she is a 23-year resident of Walled Lake and explained her support for the trailway project and is not for any proposals to pull out and not for any accusations of other communities that they are going to pull out of it and leave the City holding the bag. Ms. Ciampa said the money has already been set aside, the grants have already purchased the land.

Karen Wilmont, 518 Winwood Circle – explained her support of the trailway development as presented by West Bloomfield. She expressed the trail will create a health and wellness resource for the community and helps with the development of the depot building, it will be a great asset to the City and the trailway.

Karen Kolke, 179 Spring Park – explained there is construction along Spring Park and N. Pontiac Trail. Ms. Kolke asked who is watching the sites under construction. Ms. Kolke explained there are open holes that are being left open. The construction site is pumping water from the hole down Spring Park into the ditch, no filters, nothing. Ms. Kolke asked if this was legal. Ms. Kolke asked if the section of the sidewalk that is closed along Pontiac Trail will it remain closed. What about the handicap people who use scooters? How will people access the area?

Manager Whitt said Mr. Maher's project has been approved and is in compliance with permits as of today. Manager Whitt further explained when there is construction there are holes dug and the City is not aware of any violations right now if the project has any violations at any time the City will put a stop to the work. Manager Whitt opined the dispute with the neighbors along Spring Park and Mr. Maher has been going on for years there is nothing at this point to cause the project to be stopped and the project is in compliance at this time.

Manager Whitt introduced Mr. Steve Brown, City Manager from City of Wixom who was spoke on behalf of agenda item pertaining to the cost-participation agreement. Manager Brown said Mr. John Hensler, the trail manager is in attendance as well. They are available to answer any questions on the council's trailway agenda items. Mr. Brown explained the cost participation agreement, item number 5 includes how the money would be administered. Manager Brown explained council members should have received a letter today that the funding source for the \$1.3 million did come through for Phase I. The additional \$900,000 for Phase 2 involving the City of Wixom and Milford Township has also been acquired. Mr. Brown explained this is good news for the trail. Mr. Brown said he and other members of the trail appreciate Walled Lake's participation with the trail. He is very pleased with how far along they are in the process.

Mayor Ackley said the donation has been approved but nothing is in writing or signed at this point by the donor. Manager Brown explained the funding source has been identified and an agreement will be prepared for the trailway council to accept the donation.

Mayor Pro Tem Owsinek explained the date for the agreement to be signed is not until August 1, 2018 and up until that point the donation funding is not confirmed. Manager Brown explained that is the date to get the documents executed and there is a commitment letter that has been provided.

Council Member Lublin asked about the \$900,000, is this funding just for Milford and Wixom only and is it the same donor. Mr. Brown said yes, it is for Phase 2 which is an additional piece of the trail. The current airline trail project that the 3 communities are handling ends at Wixom Road in the City of Wixom. Phase 2 is referred to as the unfinished mile, it is in a portion of Wixom and Milford Township. Right now, the trail ends in Wixom, it will connect along Pontiac Trail and use the existing sidewalk to get through downtown Wixom and then people would connect to the existing trail beyond there.

Randy Champe, 1275 Leon – expressed his objection to the PUD condo proposal. Mr. Champe requested council to respect the Master Plan and its analysis and goals as the council will be held accountable to the citizens they are supposed to represent. Mr. Champe explained his family owner property for over 70 years. Mr. Champe explained his lack of support for the PUD and referenced specific sections of the Master Plan 3.5, 7.3, 10.1, 12.4, 13.4. The development does not fit the established goals of the Master Plan.

Steve Atwell, 902 N Pontiac Trail, owner of Erin Industries – complimented the Fire Department on the emergency service they provided at his shop to one of his employees. Mr. Atwell said council has heard a lot from some of the community about the airline trail. He has owned his property along the trail for over 42 years it is almost 2,000 linear feet along the railway. Mr. Atwell expressed he has a different view about the spending. Mr. Atwell said council should get a vote from the people for the railway millage and give the choice to the voters instead of just the people who come to the meetings. Mr. Atwell explained he sees very few people on the trail, he saw 14 people last month and he is at his shop every day including the weekends. Mr. Atwell explained even as the trail exists now people use it, he saw a biker with a child carrier. Mr. Atwell explained his opposition to paving the trail and placing the financial burden on the tax payers.

COUNCIL REPORT:

None

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

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

-Warrant Report #7-2018

**CM 7-6-18 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL /
DIVISIONAL STATISTICAL REPORTS**

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

Discussion

Council Member Costanzo questioned page 40 of the check disbursement, it shows \$1,056 and some charges to Mutts & Mitts. Mr. Costanzo asked what is Mutts & Mitts? Assistant City Manager Pesta explained to Council Member Costanzo that “Mutts & Mitts” is used in the parks for removal of the dog’s droppings.

Council Member Costanzo questioned the page 41, \$1,500 for trees. Where are we plantings these trees at?

Finance Director Coogan explained to Council Member Costanzo that trees were planted along the Legato development on Wellsboro with some being covered by grant money and the developer.

Council Member Costanzo questioned page 43 a vehicle purchase for \$8,844. What vehicle would that be? Did we purchase a vehicle or is it parts?

Finance Director Coogan explained to Council Member Costanzo that the expense was for Canfield Equipment which is the vendor that outfits the city’s police vehicles.

Roll Call Vote:

Yes (7) Robertson, Ambrose, Costanzo, Loch, Lublin, Owsinek, Ackley
No (0)
Absent (0)
Abstain (0)

City Manager Whitt explained the published budget was presented this evening and it is quite comprehensive. Manager Whitt explained the budget documents had been posted on the city website. Manager Whitt explained the City Finance Director along with other members of the staff prepared a budget document that met the requirements for the Distinguished Budget Presentation Award from the Government Finance Officers Association.

Manager Whitt thanked Finance and Budget Director, Colleen Coogan. Manager Whitt explained Ms. Colleen Coogan worked very hard on the document presentation and this Budget Award had not been received by the City Administration for many years. Manager Whitt explained that his budget message is at the beginning of the document and that the council majority had given him budget direction as early as 2010 and the plan has come to fruition, most if not all those requirements have been met. Manager Whitt explained that because of the council

majority's direction the city's \$18 million debt has been cut in half. City Manager Whitt requested council to "receive and file" the 2019-2020 published budget document.

CM 7-7-18 RECEIVE AND FILE THE 2019-2020 BUDGET DOCUMENT

Motion by Owsinek, seconded by Loch, UNANIMOUSLY CARRIED: To receive and file the 2019-2020 published budget document.

Roll Call Vote

Yes (7) Ambrose, Costanzo, Loch, Lublin, Owsinek, Robertson, Ackley
No (0)
Absent (0)
Abstain (0)

City Manager Whitt said the City received a resignation letter from the Code Enforcement Officer as he has taken a full-time job in another city and wished him well. Manager Whitt said code enforcement had been assigned to work under the police department. Manager Whitt explained he will be meeting with the Police Chief and Fire Chief to evaluate the code enforcement position. Manager Whitt explained the police department will enforce the political signage ordinance as there is an upcoming election August 7, 2018. Manager Whitt explained one candidate used the City's property to showcase their signs using the city monument lights to shine on his sign and this is a violation of law and misuse of city resources. This will not be tolerated in this election cycle or the future.

City Manager Whitt said the City also received a resignation letter from Finance Director Coogan and he expressed his heartfelt thanks. Manager Whitt said Ms. Coogan serves on various boards representing the City including as the city's representative on the trailway council. Manager Whitt explained when he first began with the trailway council there was not a budget and the finances were a mess. Manager Whitt opined that some of the new folks of the current trailway council did not know that prior, the financing was handled directly through Commerce Township's finance offices. Manager Whitt opined that there is a dispute about the spending and he opined that the community does not know what the trailway is costing taxpayers. Manager Whitt explained when he began 8 years ago it was promoted as a no cost trail project and today the cost is in the millions. Manager Whitt said Mr. Brown is now on the trailway council and he understands this. Manager Whitt explained he attended the last meeting of the trailway council in place of Ms. Coogan.

Finance Director Coogan expressed her appreciation for the all the opportunities provided by Manager Whitt and City Council. Ms. Coogan explained she is very proud of what City Manager Whitt and City Council has accomplished. Ms. Coogan explained City Council majority did everything thing in their power to control the pension debt and it is an enormous burden to the tax payers. Ms. Coogan explained city finances are like home finances, if a homeowner has a roof falling apart, you don't go on vacation, there is a limited amount of funding to work with and the money needs to be placed where it does the most good. Ms.

Coogan explained the trail is a great venue and there is no one on Council who is against the trail but explained further this is a question of limited amounts of money. Ms. Coogan explained almost 1/3 of the city revenue goes to pension debt. Therefore, the City does not have a lot of money to work with. Ms. Coogan explained the City had a ten-year plan and the trail activity came sooner than what the City originally planned for, it was a unique opportunity that received a donation for engineering services. The Council has stuck with the plan and Council did not add any new debt to the tax payers. Ms. Coogan expressed that his Council majority has been an impressive group to work with.

City Manager Whitt advised Mr. Michael Maurer submitted his resignation from the Downtown Development Authority and Planning Commission. He recommended Council make a motion to receive and file Mr. Maurer's resignation.

ATTORNEY'S REPORT:

1. Draft Template Development Agreement for Proposed Beachwood Planned Unit Development (PUD)

City Attorney Vanerian explained the draft template Beachwood PUD agreement is in draft form and his covering memo outlines the PUD process and what the current status of the proposed PUD is. There is still an additional approval that is required at the Planning Commission level before the Council hosts the public hearing and takes formal action on the PUD application and agreement itself. The draft PUD agreement has not gone before the applicant.

Council Member Costanzo asked on page 57 of the council packet the draft PUD document, it reads on June 19th City Council preliminarily reviewed the proposed PUD concept. Mr. Costanzo opined that at that meeting there were no plans presented to Council as far as what the layout of the development would be, nor any discussion about those plans, and nothing was presented to Council. Mr. Costanzo explained as he interprets the draft PUD document that Council actually reviewed the document and he thinks that may be why there's a little bit of confusion with the public out there.

Mayor Pro Tem Owsinek explained this is just a conceptual plan.

Mayor Ackley explained Council was told at that time they were not approving anything it was the concept being presented to them.

Council Member Costanzo explained that is why there's confusion with the public out there on this project when they open up their newspaper a week later and it shows in the headlines that Council approved the PUD.

City Attorney Vanerian explained for purposes of clarification the PUD process. Mr. Vanerian explained part of that process requires a public hearing before City Council, the Council accepts the comments during the public hearing and it is at that time after doing the public hearing that it does the actual review of the PUD application and plans itself. We are not at that step in the process yet. What happened was there are two approvals that required at the Planning

Commission level. The preliminary approval which was granted at the June meeting by the Planning Commission. The Planning Commission then made a motion to refer the concept to the City Council for a preliminary review of the concept. That is all Council did at the last council meeting. There was no action on the PUD application itself. There was no formal plan review, no preview of the application, no review of the findings from the Planning Commission. It was simply a preliminary review of a general concept, a presentation by the developer explaining what they would like to do. It has to go back before the Planning Commission, there is an additional step at the Planning Commission level that needs to be taken. After that step is completed and after that point it will come back before the City Council for a public hearing. After the public hearing that is when Council will take formal action.

City Manager Whitt explained that Council Member Costanzo had not made a fair statement, "that Council did not review the concept plan". The Spinal Column put a picture of the plan in the paper. Manager Whitt stated that a plan was submitted. Manager Whitt explained in 1974, when land planning started that was what a land use plan was, it was a map. If Council recalls the discussion the latest rendition of that schematic was a concept plan and the Planning Commission forwarded to Council as soon as possible in the interest of transparency. Even then questions were asked why Council is just now seeing this. Manager Whitt explained he did not read the article in the paper, but Council has rejected a proposal before. Mr. Whitt said that Council Member Loch killed one before in its track, but Council has to take this project further along. Mr. Whitt stated there has not been anything approved, the plan is conceptual and even the template is conceptual, so the people see it ahead of time of what's going on because of what happened before. Manager Whitt said the process is going better than it had before. Mr. Whitt stated it is not correct and not fair to say there was no plan, however they only have a conceptual drawing which is certainly not enough to vote on. Manager Whitt explained if the applicant does not bring back all the things they need to the Planning Commission, there will be a "no" vote. Manager Whitt opined he is a sitting member on the Planning Commission and he will vote no if items are not addressed and the developer Mr. Schafer knows this.

Council Member Ambrose said the review is preliminary, the initial concept plan was reviewed for the density of homes which was decreased from 40 something to 36 and the detention pond was modified to a retention pond to hold two consecutive 100- year rains. All these things went through discussion to get to where the developer could have some direction in regard to completing the rest of the plan which is yet to be submitted. This plan is conceptual to move the concept forward.

2. Confidential Attorney Client Communication – Michigan Association of Public Employees (MAPE)

City Attorney Vanerian explained there is no action necessary it is an update. Council acknowledged communication.

3. Confidential Attorney Client Communication – Janine Feinberg

City Attorney Vanerian explained there is no action necessary it is an update. Council acknowledged communication.

UNFINISHED BUSINESS:

Mayor Ackley explained as requested agenda items 1 and 2 were switched for discussion.

2. Proposed Resolution 2018-34 Trailway Millage Ballot Language

City Attorney Vanerian explained as directed by City Council he prepared proposed millage ballot language. Attorney Vanerian explained if the resolution is approved by Council tonight the proposal is then sent to the County for review and placed on the November ballot to the voters of Walled Lake voters would decide if an additional millage should be passed and assessed to help fund the cost of the trail.

Mayor Pro Tem Owsinek said there is no dollar amounts or timing listed in the resolution.

City Manager Whitt explained his support for putting the vote to the public. Manager Whitt explained this action is not to vote down the trail, this millage proposal is to obtain more funding. Manager Whitt explained some supporters of the trail have peddled the millage proposal was created to kill the trail that is not true, certain supporters of the trail want the City to spend tax payer dollars on the trail and not on critical City infrastructure issues. Manager Whitt explained if the voters support the millage this gives the City opportunity to fund other City projects such as Decker Road and Ladd Road repairs. If it fails, the City is still obligated with the \$420,000 and this has already been set aside.

Mayor Ackley said she would like to ask a question for clarification, the City is committed to the \$420,000 and there is now a donor for the \$1.3 million, however, the donor has not signed the agreement. City Manager Whitt said yes.

City Manager Whitt explained the City of Wixom has an exploding tax base and three times the population as Walled Lake and Commerce Township has six times the population, the City of Walled Lake does not have these populations. Manager Whitt said his priorities are for the City of Walled Lake and they are different than Manager Brown or Supervisor Scott. Manager Whitt explained the trail costs are going to increase and will continue for a long time. Manager Whitt explained the committed \$420,000 does not address the restoration of the depot building and its perpetual maintenance.

Treasurer Barlass explained the definition of a millage; a mill is 1/1,000 of a dollar. For each one (1) mill it would cost \$1.00 for every \$1,000 taxable value. For example, a home with a taxable value of \$100,000 and if it was one (1) mill levied against your property it would be \$100 or if \$50,000 taxable value it would be \$50. Treasurer Barlass explained she has numbers for Council but it depends on what Council is looking for concerning anticipated revenue and the timeline. If Council were to levy a half a mill it would take six years to bring in revenue of around \$600,000 and if it were one (1) mill it would take three years. Ms. Barlass provided a handout with multiple scenarios and calculations to select from once Council decides what they want to cover with the millage.

City Manager Whitt explained if Council decided on a millage proposal, the second step is the timing 10, 20 or 30-year millage. He asked how much Council is looking for. He asked Council if they wished to recover the \$420,000, or cover the perpetual maintenance of the trail, or the restoration of the depot building, or all of it. Manager Whitt explained any one of the railway council members can remove themselves from the Council, if that is done, the City is still responsible for the water, painting, electrical, etc. for the depot building.

Trailway Manager Hensler explained the Trailway Council plans on fund raising and applying for grants for the restoration of the depot building. Mr. Hensler said the trailway council does not plan on asking for any money from any of the city councils or township boards to pay for the depot they plan on doing it through fundraising and grants. They will be applying next Spring for a Department of Natural Resources (DNR) Trust Fund Grant they can request up to \$300,000. Mr. Hensler explained they have an application for a small grant into State Farm for \$25,000. Mr. Hensler explained his support of grants and this is a good project. There are no estimates right now for the cost of the rehabilitation for the depot building. Oakland County has a group of historic preservation architects that are studying the building right now and will provide a report.

Council Member Lublin asked if the millage is approved by the voters and donations are obtained can the City stop the millage collection.

Mayor Pro Tem Owsinek explained the report would be to late, the millage deadline is fast approaching for the November ballot. He said the City is still required to maintain the trail for its entire existence on an annual basis.

Council Member Robertson asked if there are assurances the depot building is restorable. Mr. Hensler explained he was told the structure is solid, but the report will provide further information.

Mr. Hensler explained the money that comes in for the billboard next to the new bridge is up to \$25,000 but that money goes to the trail council not to Commerce Township and it will be spread out amongst the three trailway council communities for maintenance. If the full \$25,000 is not used for that year he wants to place it in endowment fund, so it keeps growing over time to address future needs.

Mayor Pro Tem Owsinek explained at any point in time according to the memorandum of understanding (MOU) that this trail council can be dissolved so each community would go their own way and at that point time the maintenance of the City's portion and depot building would be incumbent upon the City only.

Mr. Hensler said yes, it is his understanding if one community leaves the trail council the other two can still stay in the trail council. It would take two to leave to dissolve the trail council.

Mayor Ackley said the City discussed a year ago, if the other two trailway council communities were to leave the trailway council, the three communities would agree to maintain the depot

building, this was never decided upon. Mayor Ackley explained she is seeking a commitment from both communities to maintain the depot building.

Mr. Hensler said he would place this on the agenda for the next meeting.

Council Member Lublin explained this needs to be put to the vote of the people to maintain and fund the trail. Mayor Ackley agreed and explained the City has already committed to the \$420,000 and explained the trail will be there no matter what the outcome.

City Manager Whitt explained as Mr. Hensler said there is no plan right now, it is only a hope of grant approvals and positive fundraising efforts.

Finance Director Coogan explained the participation agreement also commits the City to 30% of any cost overruns of the project in addition to the committed \$420,000. The cost overruns cannot be completely determined at this time.

Council Member Costanzo opined the proposed ballot initiative at last month's meeting was in case the unnamed donor did not come through for this project, the donor has come forward. Mr. Costanzo opined a tax millage should be the last thing Council enacts before Council explores other options. Mr. Costanzo explained the trail will be brand new there is not going to be any maintenance for a long time for at least a year other than maybe cutting back shrubbery back. It will be a paved multi use trail with minimal maintenance required on it. The trailway council is going to be contributing to their budget annually which can be saved for future use of maintenance. Mr. Costanzo opined Council should be starting now trying to find alternative funding methods like sponsorships and through donations before taxing the residents. Mr. Costanzo expressed he would rather wait and unleash the fundraising power.

Mayor Ackley explained Council is taking almost half a million dollars out of the operating budget for the trail, even if the City obtains donations to fix the depot or something that happens to the trail that is not going to replace the money already taken out of the operating budget that the City does not have. Council Member Ambrose made his motion, his motion was to put on the ballot to see if the citizens of Walled Lake wanted to pay towards this trail. It wasn't to see what happens down the road.

Manager Whitt explained to Council Member Costanzo that the City does not have revenue to fund the trail. Manager Whitt said the costs for this trail needs to go to the vote of people if they want to fund the trail. Manager Whitt stated to Council Member Costanzo that he has somehow made it appear that, we, administration, do not know how to fund the trail. Mr. Whitt stated to Council Member Costanzo about the funding of the trail, "Tell me where we go to get that check councilman".

CM 7-8-18

MOTION TO APPROVE RESOLUTION 2018-34 A RESOLUTION TO APPROVE BALLOT LANGUAGE FOR A TRAILWAY MILLAGE PROPOSAL

Motion by Ambrose, seconded by Robertson,

Discussion

City Manager Whitt explained Council must select an option to place within the millage resolution then proceed with approving the main motion of approving the resolution.

**CM 7-9-18 MOTION TO AMEND TO MAIN MOTION TO FILL IN THE
BLANKS ON RESOLUTION 2018-34 WITH MILLAGE OPTION
OF HALF A MILL FOR A PERIOD OF SIX (6) YEARS**

Motion by Ambrose, seconded by Loch, MOTION CARRIED: Motion to amend main motion to fill in the blanks on resolution 2018-34 with millage option of half a mill for a period of six (6) years.

Roll Call Vote

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

(6-1 MOTION CARRIED)

Main Motion

CM 7-8-18 Motion by Ambrose, seconded by Robertson, MOTION CARRIED: To approve resolution 2018-34 a resolution to approve ballot language for a railway millage proposal.

Roll Call Vote

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

(6-1 MOTION CARRIED)

1. Proposed Resolution 2018-33 Railway Cost Participation Agreement

Council Member Robertson asked if this resolution was already approved, is Council reapproving the same item.

Council Member Ambrose asked what happens to the City if the \$1.3 million-dollar donation falters.

Manager Mr. Steve Brown explained item #5 of the MDOT Tap Grant, does not commit the City of Walled Lake to the \$1.3 million it means other sources for the \$1.3 million must be found. Manager Brown explained the \$1.3 million-dollar donation has been found subject to paperwork

and does not feel the procurement of these funds will be an issue. Manager Brown explained the creation of the cost participation agreement is to protect the City of Wixom because they are the grant applicant and will front the full cost of the grant, but the City of Wixom reserves the right to dictate the time to return of the fronted funds.

Council Member Ambrose asked what the anticipated timeframe is for Wixom to request the funds be paid back. Manager Brown explained whenever the construction begins. Manager Brown said the Michigan Department of Transportation (MDOT) will be driving this process going forward once the TAP funds have been certified. MDOT will dictate the timeline for construction to begin spring of 2019. Manager Brown explained item #5 of the MDOT Tap Grant, the \$1.3 million has been donated. MDOT will be placing and vetting the RFP's for construction to begin spring of 2019.

City Manager Brown explained the current plan is asphalt for the trail versus crushed limestone. Manager Brown explained Mr. Whitt explains it as the Cadillac version and he does not disagree, but this was the vote of the trailway council and information gathered through surveys.

Council Member Lublin explained the agreement makes sense minus item #3, the additional cost factor. Manager Brown explained this is due to the MDOT TAP grant requirements.

Council Member Lublin asked why this is moving forward so fast before the millage is put before the voters. City Manager Whitt said there are grant application deadlines. City Manager Brown said the City of Wixom will be expending the funds for the TAP grant applicant and they will be requiring certification of funds. The cost participation agreement is for the City of Walled Lake to agree to repay Wixom within a certain timeframe.

City Manager Whitt explained there are two different issues. The millage is for the City the trailway council is not affected. Mr. Whitt reminded Council to take into account for the possibility of an extra 10% in fees. If the trail council takes a vote and one member says I'm not spending the money, it has a whole other affect, one voting trailway council member could kill it.

Manager Brown explained the time is coming for the certification of the Tap grant and funds will have to be accepted. The \$1.3 million shortfall has been addressed. The City of Wixom is the applicant for the Tap grant and the recipient of the TAP grant but once signed on the dotted line to certify the funds the City of Wixom has accepted that responsibility for taking that money and committing to match the money that's coming from the locals and if the City of Wixom does not have an agreement to get that covered, he was not comfortable moving forward.

Council Member Lublin clarified the paving of the parking lot and drainage is included in the grant. Mr. Brown said yes.

City Manager Whitt said the depot building is not included in the grant application. Mr. Whitt explained if the millage proposal is approved by the voters, the depot building restoration can probably move forward.

CM 7-10-18 MOTION TO APPROVE RESOLUTION 2018-33 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALLED LAKE APPROVING THE TRAILWAY COST PARTICIPATION AGREEMENT BETWEEN THE CITY OF WALLED LAKE, CITY OF WIXOM, AND COMMERCE TOWNSHIP

Motion by Costanzo, seconded by Loch, MOTION CARRIED: To approve resolution 2018-33 a resolution of the City Council of the City of Walled Lake approving the trailway cost participation agreement between the City of Walled Lake, City of Wixom, and Commerce Township.

Roll Call Vote

Yes (4) Ambrose, Costanzo, Loch, Ackley
No (3) Lublin, Owsinek, Roberson
Absent (0)
Abstain (0)

(4-3 MOTION CARRIED)

3. Second Reading C-339-18 Zoning Ordinance Amendment Regarding Expiration of Variances

CM 7-11-18 TO APPROVE SECOND READING OF C-339-18 AN ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE V, "ZONING AND PLANNING", THE CITY OF WALLED LAKE ZONING ORDINANCE, ARTICLE 23.00 "ZONING BOARD OF APPEALS", SECTION 23.05 "DECISIONS BY THE ZONING BOARD OF APPEALS" TO ALIGN EXPIRATION OF VARIANCES WITH EXPIRATION OF SITE PLANS, COMMERCIAL PLANNED DEVELOPMENTS AND PLANNED UNIT DEVELOPMENTS

Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: To approve second reading of C-339-18 an ordinance to amend Chapter 51, "Zoning", of Title V, "Zoning and Planning", the City of Walled Lake Zoning Ordinance, Article 23.00 "Zoning Board of Appeals", Section 23.05 "decisions by the zoning board of appeals" to align expiration of variances with expiration of site plans, commercial planned developments and planned unit developments.

Roll Call Vote

Yes (7) Owsinek, Robertson, Ambrose, Costanzo, Loch, Lublin, Ackley
No (0)
Absent (0)
Abstain (0)

NEW BUSINESS:

1. Project Status Update and Timeline – Tri A Neighborhood Infrastructure

Presentation provided by Boss Engineering Bradd Maki and Brent LaVanway. Mr. Maki the project will be replacing the entire system. Mr. Maki explained there will be open house meetings and the quantity of open house meetings is up to Council. Mr. Maki explained the open house meetings will have representatives there to answer any public questions or concerns and they will be informal meeting at the fire hall. Mr. Maki explained at the next council meeting Boss Engineering will provide financial figures on all four options provided this evening. A time line was provided with being able to get the bids out by February 2019 with construction to begin May 2019. The project would include fire hydrant replacement, road, and drainage infrastructure redesign.

Council Member Robertson asked will curb and gutter remove the ditches. Mr. Maki said mostly but some may exist in Area H.

Mayor Pro Tem Owsinek asked what the time frame for funding is and how it will be done with the project. Mr. Maki deferred to Treasurer Barlass. Treasurer Barlass said public hearings are required for the proposed improvements itself with the project then the second public hearing is for the special assessment itself for the roll. It will take a couple of meetings. The August meeting will have the cost estimates. There are 100 parcels in the neighborhood who will be affected.

Mr. Maki asked Council which options they wanted pricing for. Council requested pricing for all the options.

2. Decker Road Survey Design Services Proposal by Boss Engineering

Manager Whitt explained this proposal is a proactive approach to be prepared to apply for grant monies to receive federal funding through the Oakland County Federal Aid Committee (FAC). Mr. Maki reviewed the scope of the project.

**CM 7-12-18 MOTION TO APPROVE PROPOSAL FOR CIVIL ENGINEERING
AND SURVEYING SERVICES FOR DECKER ROAD IN THE
AMOUNT OF \$93,500 AND PROPOSAL FOR CIVIL
ENGINEERING AND SURVEYING SERVICES FOR LADD ROAD
IN THE AMOUNT OF \$30,000**

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve civil engineering and surveying services for Decker Road in the amount of \$93,500 and proposal for civil engineering and surveying services for Ladd Road in the amount of \$30,000.

Roll Call Vote

Yes (7) Ambrose, Costanzo, Loch, Lublin, Owsinek, Robertson, Ackley
No (0)
Absent (0)
Abstain (0)

Finance Director Coogan explained every major road within the City has been addressed during the City Manager's tenure without any debt on the tax payers.

3. Ladd Road Survey Design Services Proposal by Boss Engineering

Motion made under agenda #2 of New Business.

COUNCIL COMMENTS:

Council Member Loch thanked everyone for staying it is a late meeting and comments are appreciated. Ms. Loch said it was a pleasure working with Ms. Coogan and thanked her.

Council Member Lublin concurred with Council Member Loch and added that the beach party was great.

Council Member Robertson said Ms. Coogan has done an excellent job and she will be missed.

Council Member Costanzo asked for a breakdown of the pensions cost and liabilities. He asked for who is getting what and who is collecting the benefits. He asked who is collecting healthcare benefits and what the future legacy benefits are. Where the costs are going, and he would like to try to find solutions as a group.

Finance Director Coogan explained Council has already found all the solutions as possible. Ms. Coogan explained the liabilities are not broken down by persons it is broken down by divisions. Ms. Coogan explained the piece that is broken down by person is the retiree healthcare obligations. Ms. Coogan explained the \$10 million liability cannot be broken down in this fashion.

City Manager Whitt said the MERS reports are available assuming the information can be distilled.

Finance Director Coogan further explained the employee benefits that have been promised cannot be changed. The only item that can be modified is what the current cost or normal cost is, which the majority of Council addressed years ago. The normal cost of the pension is the lowest it has ever been in the City's history. The big problem is the promises that were already made. The Council took all the collective bargaining agreements and successfully negotiated and reduced the normal cost every year.

Council Member Ambrose thanked Ms. Coogan for her services.

Mayor Pro Tem Owsinek explained the city was hemorrhaging money and with the City Manager and the assistance of Ms. Coogan, the hemorrhaging has stopped.

Mayor Ackley thanked Ms. Coogan for her services.

MAYOR'S REPORT:

1. Receive and file the resignation letter from Michael Maurer

CM 7-13-18 MOTION TO RECEIVE AND FILE THE RESIGNATION LETTER FROM MICHAEL MAURER

Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: To receive and file the resignation letter from Michael Maurer.

Roll Call Vote

Yes (7) Costanzo, Loch, Lublin, Owsinek, Robertson, Ambrose, Ackley
No (0)
Absent (0)
Abstain (0)

2. Proposed resolution 2018-35 Mayor's nomination of Steve Atwell to the Downtown Development Authority Board

CM 7-14-18 MOTION TO APPROVE RESOLUTION 2018-35 A RESOLUTION ACCEPTING THE MAYOR'S NOMINATION TO FILL A VACANCY ON THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD (DDA) PURSUANT TO THE REQUIREMENTS OF THE CITY CHARTER; MAKING AN APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD FOR AN UNEXPIRED TERM

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To motion to approve resolution 2018-35 a resolution accepting the Mayor's nomination to fill a vacancy on the Downtown Development Authority board (DDA) pursuant to the requirements of the City Charter; making an appointment to the Downtown Development Authority Board for an unexpired term

Roll Call Vote

Yes (7) Loch, Lublin, Owsinek, Robertson, Ambrose, Costanzo, Ackley
No (0)
Absent (0)
Abstain (0)

3. Proposed resolution 2018-36 Mayor's nomination to Lakes Area Community Foundation

CM 7-15-18 MOTION TO APPROVE RESOLUTION 2018-36 A RESOLUTION ACCEPTING THE MAYOR'S NOMINATION TO FILL A VACANCY ON THE LAKES AREA COMMUNITY FOUNDATION PURSUANT TO THE REQUIREMENTS OF THE BYLAWS; MAKING AN APPOINTMENT TO THE LAKES AREA COMMUNITY FOUNDATION

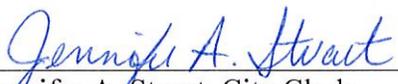
Motion by Loch, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve resolution 2018-36 a resolution accepting the Mayor's nomination to fill a vacancy on the Lakes Area Community Foundation pursuant to the requirements of the bylaws making an appointment to the Lakes Area Community Foundation.

Roll Call Vote

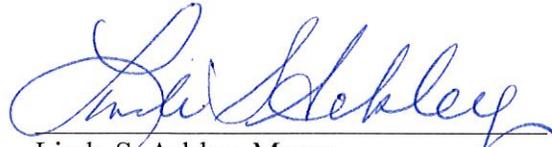
Yes (6) Owsinek, Robertson, Ambrose, Costanzo, Loch, Ackley
No (0)
Absent (0)
Abstain (1) Lublin

ADJOURNMENT

Meeting adjourned at 10:45 p.m.



Jennifer A. Stuart, City Clerk



Linda S. Ackley, Mayor

approved
8-21-18