

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
REGULAR CITY COUNCIL MEETING MINUTES  
TUESDAY, AUGUST 9, 2022**

Mayor Beagle called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**Present:**

**Mayor:** P. Beagle  
**Deputy Mayor:** T. Rzeznik  
**Councilmembers:** P. Behrmann  
K. Gottschall  
T. Gronlund-Fox  
P. Sharpe  
R. Smiley

**AGENDA CHANGES:**

Councilmember Gottschall added New Business #4 - Discussion Surrounding the County Potential Upcoming Vote Related to a County-Wide Forced Transportation. He also added New Business #5 – Discussion About the Use of Carcinogens and Toxic Chemicals on Manufacturing and Industrial Settings Within the City Limits.

**PRESENTATION:**

**1.) Nancy Dingeldey Proclamation**

Mayor Beagle stated that Nancy Dingeldey has been a long time Wixom resident. She has probably done more and knows more about this City than any other person in this City. He read a Proclamation and presented it to her.

Nancy said through the years Wixom has meant so much to her. Not only through her volunteerism, but with the wonderful City staff, we were able to accomplish what we have today, which was something to be grateful for. She said she hoped people enjoyed living here because in 1965 this City didn't look like this. She said she was honored by this recognition. She said she got a clear bill of health yesterday and thought she would be around for a few more years.

The Mayor presented her with flowers and told her there would be a brick with her name on it placed near the fountain.

The Council recessed at 7:08 p.m. and reconvened at 7:21 p.m.

Councilmember Smiley said that Nancy has an amazing list of accomplishments. She is an inspiration and she set a high bar for everyone here. He thanked her for her many years of service. God bless you, Nancy.

Deputy Mayor Rzeznik enjoyed all these years working with Nancy. It started when he and his wife moved back from Germany. He was a Birkenstock-wearing, German-speaking guy who got on the Parks and Recreation Commission. He and Nancy had the pleasure of being on the Committee for the Gibson House and they met Francis Gibson. They went through the inventory in the barns. Then the Habitat came, along with the sidewalk project. He thought without Nancy's vision of the

land acquisition, a lot of what we have in the City today wouldn't be here. He thanked her and hoped he had a few more years of working together.

## **2.) Tribar Untreated Discharge to the Wixom Wastewater Treatment Plant – Informational Update**

Mr. Brown reviewed the facts as to what happened when Tribar discharged up to 10,000 gallons of what was perceived to be untreated wastewater known to contain Hexavalent Chromium [Cr(VI)], which is a known carcinogenic to the City's Wastewater Treatment Plant. That discharge began sometime over the previous weekend. We were notified at about 4:00 p.m. on August 1<sup>st</sup>. At about the same time, Tribar also notified various different people at the State level, regulators at the Department of Environment Great Lakes and Energy (EGLE). Also, on August 1<sup>st</sup>, the City immediately went on to inform EGLE ourselves about Tribar's discharge into the Wastewater Treatment Plant. At the same time, the City immediately issued a cease and desist order to require Tribar stop any further discharges from their industrial operations at their Plant #5, which is still in place. On that same day, employees began to begin mitigation and containment of that discharge to our Wastewater Treatment Plant. We diverted the Wastewater Treatment Plant discharge to a holding tank and later to a ditch on the property until it was filled. We also borrowed equipment from a neighboring community that was necessary to double-batch the wastewater that we had. It was our understanding that we would have a better impact of reducing the amount of contamination that would be passed into the Huron River Watershed. He stated that on August 2<sup>nd</sup>, the City began to submit samples to outside testing agencies to get a handle on the nature and extent of the contamination of those samples. EGLE and the Michigan Department of Health and Human Services (DHHS) published a notice for Huron River water between N. Wixom Road and Kensington Road with instructions to avoid contact with Huron River water, avoid using Huron River water on plants or lawns and avoid eating fish from Huron River waters (which was already in place because of the PFAS issue that happened in 2018). The City initiated a Police Department inquiry with Tribar as to the cause of the discharge. On August 3<sup>rd</sup>, the Police agreed to transfer the Tribar investigation to the State. The first two samples (one each from Norton Creek and the Huron River) that were processed by EGLE tested as non-detect for hexavalent chromium.

Rich Grant, professional engineer with FVOP, said he has been working in wastewater treatment since 1984. The release from Tribar, electroplater using hard chrome plating which uses hexavalent chromium, used to be more common. Since then, there have been many different improvements in wastewater treatment and containment and control. Human error is rare but still does occur. That release was originally estimated to be many more pounds than it was later found to be. After the discharge, there was a low oxygen condition in the sewer as the wastewater goes downhill to a pump station. It is then pumped up to the Treatment Plant. During that time, the vast majority of the hexavalent chromium was converted to trivalent chromium. The significance of this is the hexavalent one has a high toxicity and carcinogenic nature while trivalent chromium does not. This was actually one of the first treatment processes that Tribar normally completes at their place. This happened in the sewer system and in the pump station where there is a low oxygen environment and sulfite present. It then went into the screening and the oxidation

ditch. At that time, one oxidation ditch was inactive and the other was under construction for some normal repairs and upgrades. There was a large open tank, as well as an open equalization tank. We had some assets at the time. He indicated that the staff noticed on Monday morning that the wastewater was different. They collected samples and it was low pH and had a bit of tint to it; neither one was normal. They started making immediate changes to the process. It then went to the clarifiers where the solids are separated. It turned out the hexavalent chromium was gone and we were then dealing with trivalent chrome. That adhered to the biosolids. The clear water that exits in the clarifiers was very low in chrome at that point. The staff was able to remove the vast majority of the chrome in the standard equipment. They ended up double-treating it. They pumped it back around for a second treatment because the chromium tends to sort to the surface of the biosolids. It was then filtered, UV disinfected, and then flowed out to the creek. He felt the operations did a great job in stopping any kind of removal of the solids from the facility. The solids remain there since the incident. He said that was a quick description of what happened upstream to downstream.

Mr. Brown noted that Teresa Siedel from EGLE was participating remotely in case there was anything that needed to be clarified as we proceed.

Mr. Brown stated that the initial release into the internal drain at Tribar was estimated at 8,000 pounds of hexavalent chromium that would potentially be discharged to the Wastewater Treatment Plant. That was based on the understanding there was a hexavalent chromium of about 15% in that tank and we assumed the tank was slow. Subsequent to that, Tribar and EGLE revised that estimate because of additional information that came to light. The new estimate of the amount dropped to 4,200 pounds because they learned there was a 5% concentration in that liquid. He continued by saying of that 4,200 pounds of hexavalent chromium, Tribar's internal treatment system was estimated to have collected at least 3,800 pounds. The vast majority of the hexavalent chromium coming out of the discharge was trapped in the Granulated Activated Carbon (GAC) unit. They are doing testing on that GAC unit now to determine what the concentration was there. He was warned by EGLE that the testing of that GAC material was far different than a typical watery solution like we were dealing with before then. The results could come as early as one day (which would be today), but it was likely it would take longer because of what we are dealing with. As of now, we don't have that result. The understanding is the vast majority was trapped in the GAC unit. After it was reduced to 400 pounds, it came to the Wastewater Treatment Plant. Our processes did a great job of trapping still more hexavalent chromium within the holding tanks and the ditch at the Plant. He said there was influent that comes into the Plant, so when the discharge came from Tribar, that was influent. Once it has gone through our treatment processes, the effluent (the water discharged to the Huron River Watershed) has been tested. We have solid information that the amount of chromium was reduced to around 20 pounds. So, we started with an estimate of 8,000 pounds; it was reduced to 4,200 pounds; now we have testing results that indicate the amount that was discharged to the Huron River Watershed was 20 pounds. The exposure to the Watershed is very small. He said that over 99% of that total chromium was contained prior to reaching the Watershed. That is good news. He noted that we have 144 tests done throughout the Watershed and all but three registered non-detectable levels of chromium. The

three that were not non-detectable were well within water quality standards. We don't feel there will be any information that would indicate that will change. We are doing additional testing, but we feel like we have solid information that the exposure we thought we were dealing with, we are not dealing with; it is far less than that. We will continue to get additional test results coming in from various sources over the next several days and weeks. The next set of test sampling that will be done will be focused downstream on the Huron River Watershed.

Deputy Mayor Rzeznik asked if GAC filters needed to be replaced or rebuilt after having contained quite a bit of the hexavalent chromium before it actually went into the influent to the Wastewater Treat Plant. Mr. Grant replied that the GAC was regularly replaced. Deputy Mayor Rzeznik asked if the biosolids that the chromium adhered to in the Treatment Plant had to go through a special disposal process. Mr. Grant said that they have samples of that into the lab now to evaluate if the chrome would stay contained on the biosolids and can go to the normal landfill disposal or if it had to go to a special landfill.

Councilmember Smiley asked how long our facility might be dealing with getting back to normal. Mr. Grant said we will receive the sample at end of this week that will determine how permanently the chrome is adhered to the biosolids. As we have found in other plants historically, we should be able to work carefully but with normal procedures without any interruptions to treatment or other services in the City.

Councilmember Gottschall asked what failure within Tribar allowed this to happen. Mr. Brown said that we did not get the opportunity to interview anybody before the State took over the investigation. We don't have any information about the status of that investigation. Councilmember Gottschall asked if we expected an update on the investigation and Mr. Brown expected to be updated as things came to light. Councilmember Gottschall clarified that Tribar did not share any information at any point about how this may have happened. Mr. Brown said he has heard rumors and guesses but not direct information from anybody as to what caused it. Councilmember Gottschall asked if Tribar was still operating with these chemicals and processes in other plants in Wixom. Mr. Brown replied yes. The only plant that is not operating is Plant 5, the one that was the source of the issue. There is another operation that is utilizing the materials that were present in Plant 5. Councilmember Gottschall asked if anyone had investigated the other plant since the cease and desist order was put into place. Mr. Brown said there was an industrial pre-treatment process (IPP) in place for all of those facilities. We don't know what caused the breakdown in Plant 5, but the other IPP provisions should be in place at those plants. Councilmember Gottschall said it was odd that they can have a process in place and not follow it. You would think someone, either EGLE or us, would attempt to have a look at the other plants. Mr. Brown noted that we don't know what happened at Plant 5 so it is hard to say they weren't following the process until we get more information.

Councilmember Behrmann clarified that Mr. Grant said hexavalent chromium was not as popular or being used nowadays, and that most manufacturers have moved away from it. Mr. Grant said that was true. Hard chrome plating is demanded by some manufacturers and assembly plants. Some people still accomplish hard

chrome plating with hexavalent chromium. It is complicated to accomplish that. Tribar is one of those that can do it. Mr. Brown added that part of the reason it is not as prevalent anymore is because the manufacturing is not being done in the United States. Mr. Grant said that when he first started in this industry in 1986, these kinds of biosolid contaminations were happening on a weekly basis. This is the first time he recalled this happening in Wixom and Tribar has been here for some time. There is less manufacturing and more people are doing trivalent chrome plating. The foam, now known as PFAS, is part of the containment of the hexavalent chromium. These two are related. Councilmember Behrmann asked if a manufacturer could still accomplish what they are doing without using this chrome and the PFAS. Mr. Grant replied that the manufacturer would have to talk to their customers and convince them to use a different quality of part. The hardness of the material is key to some wear and tear issues, yet there are more expensive things out there that their customers could change to. Councilmember Behrmann commented that it sounded like there were other alternatives that could be safer.

Mayor Beagle asked about the expense of hauling away those solids. Mr. Grant said that they were being dewatered with a press and it was being hauled to the landfill already. We hope that will continue at the same landfill and the same cost. If it doesn't go that way and becomes a hazardous waste because the chrome is so great in content that it leaches off of the biosolids, there is a different landfill and the cost is four-fold or five-fold more.

#### **MINUTES:**

**CM-08-107-22:** Moved and seconded by Deputy Mayor Rzeknik and Councilmember Smiley to approve the Regular City Council meeting minutes of July 26, 2022.

**Vote:**

**Motion Carried**

**CORRESPONDENCE:** (None)

#### **CALL TO THE PUBLIC:**

Diane Kruliski, 2301 Charms Road, Milford Township, said she was on Norton Creek about an eighth of a mile away from the Wastewater Treatment Plant. She said the Plant knew about the issue. They were taking steps to minimize it, yet the effluent still got released to Norton Creek. She asked why. She also asked what the parts per million that was acceptable at Hubbell Pond on the three samples that made it all the way to Milford. Mr. Brown said the only information we had was that it started over the weekend. We weren't informed of it until the end of the day on Monday. It had already been released. Once we became aware of it, we took steps. The treatment process is not a five-minute process; it goes through many steps. When we were made aware of it, we stopped the discharge and we did trap some of it that was still in the process at the system level and kept it in those holding tanks. We exhausted that storage and we began discharging again when we no longer had storage available. That was long after Tribar had ceased the discharge of the hexavalent chromium. There was a period of time before we were notified and then we took steps to contain it for a period of time. Ms. Kruliski clarified that it was not all trivalent chromium that was released. There was some hexavalent chromium also released. Mr. Brown said that was right. As for the parts per million,

Councilmember Gottschall thought the highest was 11, which was right at the limit. Mr. Sikma added that was still less than drinking water standards. Ms. Kruliski asked if anyone was testing the soil. Mr. Sikma said EGLE has representatives sampling sediments within Norton Creek and we would expect results coming soon. Ms. Kruliski asked if she had to worry about her well. Mr. Sikma said we don't feel there was any issue with the wells at this time. When there is heavy concentration of a very specific area that are able to leach into the soils, that could be an issue but that hasn't happened. The Health Department is looking at those kinds of things. All indications now show those are all within the standards. Ms. Kruliski asked if he would advise testing her well four months or six months down the road. Mr. Sikma said that if they are finding water quality standards in the creeks and the Watershed, there would be no way to get it all the way down through the well. Ms. Kruliski commented that she was told not to even go out on her back deck because it was a contaminate in the air also. Mr. Sikma said hexavalent chromium is but it was downgraded to trivalent. She was assured it was okay to breath the air in her backyard.

Mr. Grant wanted to be perfectly clear on the trivalent and hexavalent part. The precautions that were given were good because at that time, we didn't know where the hexavalent chromium went. We have since learned that the samples in the environment are non-detect for hexavalent chromium. They measure total chrome to include both but they also sample and measure for hexavalent chrome. Sample after sample was non-detectable in the environment.

Dan Aubrey, 3569 Barberry, asked if the Norton Creek discharge area with issues from Tribar was connected directly to Norton Creek at Wixom Road and Charms Road. Mr. Sikma replied yes. Wixom Road and Charms Road is upstream. Concerning the GAC, Mr. Aubrey said the GAC was not viable to remove either of the chromium levels, at least in the drinking water aspect. He asked why they used a product that was not good for water filtration. Mr. Brown explained that the GAC unit was not there to filter for hexavalent chromium. It just served to do that in this circumstance. It was there for the PFAS. That was the substance used to keep the dust from the hexavalent chromium down for the employees in the work area. That was the prior issue with the Watershed. We didn't know about PFAS until testing methodology was improved to the point where we could determine the levels that were problematic. The GAC unit was put into place to contain the PFAS but it did serve us well with the hexavalent chromium.

Jimmy Maher, 2835 King Ranch Drive in Milford, said he owns acreage on the west side of Norton Creek and he has a lot of concerns. He said he has a deep love for Wixom. He was a Wixom resident for 15 years and a member of the Planning Commission for 13 or 14 years. He thought it seemed we were getting beaten up over Norton Creek between the PFAS and this new contaminate. He was concerned about what this looked like. He was concerned about the long-term and short-term affects. He said he didn't know what 20 pounds of this product looked like versus 8,000 pounds. He said no one knows what is going on with Norton Creek. There have been issues with the wildlife in the area and the DNR has been involved. He is questioning his well water as well. He was concerned about the impacts of the future and if there are contaminants out there. His property is the first property past the discharge and he wanted to make sure this was addressed and reviewed

thoroughly. He hoped whoever polluted this takes full responsibility and make it right so their properties are safe.

Mr. Brown mentioned that we are having daily meetings with a variety of agencies (state, local, EGLE, Department of Health and Human Services, EPA, etc.). There is a daily call to stay on top of the situation with information as it develops.

Roy Thorsell, 3207 Potter Road, made a few phone calls to figure out the story. Everybody was very responsive and he was pretty happy with how people were dealing with it. He found out that through Oakland County, he can get normal water testing done which he was doing. They focus mostly on taste and smell. They don't do anything with chromium. He said he called EGLE in Lansing and they can do drinking water samples, but it doesn't cover chromium either. They do chromium testing for environmental situations but not in their inhouse lab. His first question was if there was a relationship that the City or the State or the County had with a private lab where everybody in Wixom can work through one lab to streamline, or get a bulk deal, on testing drinking water for chromium. He was on a well so he was sensitive to that. Mr. Brown indicated that we do not have that set up yet but he anticipates that would be discussed during the daily calls with the various agencies. Wells that are done properly would not have an issue. If something changes, he will provide information on it. Mr. Thorsell wondered about the condition of the retention ponds. We have had tons of rain and he wondered if that risked leaching out of those pools and getting down into the groundwater. Mr. Sikma stated that all of the tanks at the Treatment Plant are concrete and are lined with a cold tar epoxy. The consistency and the chemistry of chrome wouldn't allow that to leach through the concrete.

Dick Russell, resident of Highland Township, said he was here as Chairman of the Chief Pontiac Program's Committee. They are a non-profit 501c3 since 1953. They have been doing a backpacking hiking program with a relationship with Heavner's Canoe Rental. When they heard they couldn't go into Kent Lake, particularly under I-96 and into the end at Kensington Road, it impacted their special Lakes Program at Island Lake. They had a special event scheduled for the end of August and all of that has been put on hold. They were fortunate last weekend to have their first test unit only go upstream. It was the only thing they could offer to their youth. He asked what criteria would be used to allow them to enter into Kensington or Kent Lake for programs safe enough in the water. Over the years, they typically have 500-800 people using their program. He has 12 years of history that tells him he needs to ask questions for those future users. Mr. Brown stated that the notice that was put into place was issued by the Department of Environment, Energy and Great Lakes, as well as the Department of Health and Human Services at the State level to suggest you stay out of the water until further notice. He couldn't speak for them, but based on the results they were seeing, he guessed it would be something that would have to be reviewed based on a comfort level as more results that come in. Mr. Russell indicated that they have basically curtailed their program through the entire year. He said he would keep vigilant in those aspects but it could be a real shake up for 64 years of history.

Allan Heavner, of Heavner Canoe Rental, said he hasn't heard much regarding the immediate impact that this has had on the public using the Huron River both above

and below Wixom Road. He said they have been trying to spread the story that above the Norton Drain and up into Proud Lake is not affected by this. The problem is the public is not being informed. The whole Huron River has been condemned basically. The sooner the better that we get some clarification on this. His business last weekend was down about 80%. They've been in business for 70 years now and he has never seen anything like this before. He wanted it to be known that it was affecting not just the Heavner customers but the paddling public that was hurting now because they are afraid to get on the river.

Steve Pooley, 2537 Charms Road in Milford, said he was aware of the PFAS spill of 2018 and 2020, and now hexavalent chromium. It seemed to him that if he was trying to sell his property, someone would say something about the toxic waste spills. He has had no notice from the City. He saw some signs at the parks and he saw you can't water your grass or have his dogs out there. The back of his property is Norton Creek. We went from 10,000 gallons to 20 pounds. He wondered if we were now saying it was okay to swim in the water since it was down to 20 pounds. He keeps seeing news reports that he shouldn't touch the grass until further notice. He didn't know what was going on with the deer population or the turkeys, minks, groundhogs, squirrels, etc. It is going on down the stream and he goes to the river to look. Now he can't get his feet wet because we don't know. He believed the guy has been working for the sewer department since 1985 and he is an expert. Hexavalent chromium or PFAS or the next thing that flushes down the river, does it sink or float downstream. They track PFAS from Ann Arbor right back to Norton Creek where it made a right turn and went right past his house. He asked what was going on. Somebody at Tribar fell asleep or whatever, he didn't care. Maybe he was drunk. Where are the safeguards. We are just putting it in a ditch until it overflows right past everybody's house. That is his house and his neighbors and his community. He grew up in Walled Lake and has been in this area for his whole life. There was a nice PowerPoint presentation that shows how we are filtering it out, but he didn't believe that. He thought this was just throwing darts at it to say everybody should feel good about it. No one was saying that he could go swim in the river right now. Poor Mr. Heavner was losing his business. He still sees people going in the river on Wixom Road because of the lack of information. He went down to Powers Beach where there was a notice on a pole at the end and one at the outhouse telling people to stay out of the water. It is a shame. If someone isn't watching the news, they are going in the water. He asked if 20 pounds of hexavalent chromium was an acceptable level and if it floated or sunk. Does it stay there forever? Mr. Brown replied that the notice stays in place for now. You are being advised to stay out of the water for now.

Melissa Pittel, 2015 Windingway Drive, commented that Tribar has five locations in Wixom. She thought this was Plant 5. They were already responsible for the PFAS. We couldn't get the fish from Kensington and that was a concern in 2018. Then we had the air issue with the metal during the fall of last year. Now this. We got three strikes. Everybody knows Wixom as the pollutants. She asked if they paid taxes or had a tax abatement, and if they would be fined. She wasn't against industry or manufacturing. We brought them all in because of the Ford Plant. Mayor Beagle said that they do pay taxes. We have no idea how the State will proceed regarding fines. Mr. Benson added that Tribar was not an existing recipient of any tax abatements.

**CITY MANAGER REPORTS:****1.) Fire Monthly Report – June 2022**

There were no comments at this time.

**2.) Police Monthly Report – June 2022**

There were no comments at this time.

**CONSENT AGENDA:**

**CM-08-108-22:** Motion and seconded made by Councilmembers Gronlund-Fox and Sharpe to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
  - a.) Special Planning Commission Minutes – June 15, 2022
  - b.) Planning Commission Minutes – June 27, 2022
  - c.) Planning Commission Minutes – July 25, 2022

**Vote:**

**Motion Carried**

**UNFINISHED BUSINESS:** (None)

**NEW BUSINESS:****1.) Recommendation to Award a Three-Year Agreement to Anderson, Eckstein and Westrick, Inc. of Shelby Township, Michigan to Provide Geographic Information Systems Management Services for the City of Wixom and Authorize the City Manager to Sign the Agreement**

**CM-08-109-22:** Motion and seconded made by Councilmembers Smiley and Gronlund-Fox to award a three-year agreement to Anderson, Eckstein and Westrick, Inc. of Shelby Township, Michigan to provide Geographic Information Systems Management Services for the City of Wixom and authorize the City Manager to sign the agreement.

Mr. Benson stated that we worked historically with MSU to provide GIS services for the City. Their contract was coming to an end and we put this service out for bid. He explained that we manage our own internal database and bring in data from other sources, including Oakland County and BS&A systems. We use this primarily within our Public Works Department and our Construction and Development Services Department. We can look at properties from an economic development standpoint, tracking vacant properties, as well as tracking our roads, sidewalks and rights-of-ways. Given this was a fresh opportunity to really evaluate service providers, we put this out for bid and received five different proposals. Of those five, four were local and met all of the minimum criteria to be considered. Those four were interviewed and after a robust process, AEW stood out. He explained that this was more of a relationship that was being established and that was why the three-year term was established. He stated that we set the budget for the amount of money we want to expend and they provide the work within that budget. He

indicated that this was a decrease from the budgeted amount for the total year of \$49,500, which was based on our previous service provider.

Deputy Mayor Rzeznik noticed in the proposal they included a GIS mobile application. We talked previously about the Sidewalk Replacement Program where staff could put the geo location of the cracked 5-foot by 5-foot panel in the sidewalk into the system. He wondered if that was going to be expandable to other uses as well. We have talked about private wells and septic tanks which could be very valuable data points. Mr. Benson replied yes. We may not make that publicly available for individual private citizens to record that data and send to us, but it is possible. We already utilize the handheld system for data collection. We could do so more robustly and we hope that through the plan we will be able to work with AEW to be in a better position to utilize that kind of technology. Deputy Mayor Rzeznik asked if they would house it and if the hardware would be on site. Mr. Benson replied that the hardware would continue to be on site. We maintain most of our data, except for the part that comes from Oakland County.

**Vote:**

**Motion Carried**

**2.) Recommendation to Award a Change Order for the 2022 Road Maintenance Program for the Courts of Highgate to F. Allied Construction of Clarkston, MI in the Amount of \$677,772.32, Award Construction Engineering to Hubbell, Roth and Clark of Bloomfield Township, MI for a Cost Not to Exceed \$62,000 and Approve the Associated Budget Amendment**

**CM-08-110-22:** Motion and seconded made by Councilmembers Gottschall and Behrmann to award a change order for the 2022 Road Maintenance Program for the Courts of Highgate to F. Allied Construction of Clarkston, MI in the amount of \$677,772.32, award construction engineering to Hubbell, Roth and Clark of Bloomfield Township, MI for a cost not to exceed \$62,000 and approve the associated budget amendment.

Mr. Sikma said this year we had planned to complete the Maple Run Subdivision and we put out bids in the early spring for completing that road project. The secondary was planned for 2023. He asked the contractor who won the bid for the Maple Run project to extend the bid tabs and the associated requirements for what would be needed for the Courts of Highgate. They agreed to the same prices. He explained that when they put the initial budget together, those were previous year's numbers and costs have gone up over the last year. He felt this was the right time to do this and that if we waited until the spring, the cost would go up.

Councilmember Gronlund-Fox understood why he would ask the contractor we are using now, but she felt \$227,000 was a big increase. She asked if it wouldn't be worth it to bid that piece. Mr. Sikma explained that it was based on quantities.

Councilmember Behrmann said that he is living through this project since he lives in the Maple Run Subdivision. He had nothing but good interactions with all the contractors from Allied Construction. The staff from HRC has been great at keeping the residents informed by going door-to-door. The cost for his subdivision was

around \$400,000, so it was approximately \$10,000 per house. The Courts of Highgate has 60+ houses and the cost was in the same ballpark per house. He said he was in favor of this.

Councilmember Sharpe said he drove on the Courts last night to check them out. He supported the fact that they needed to be redone. He wondered how this related to the Maple Run quote that they were successful at winning. Mr. Sikma said it came in at what he expected it to be. Their quantities were more for the Courts, so the cost would be more. The cost for the actual bid tab item was the same.

**Vote:**

**Motion Carried**

**3.) Recommendation to Authorize the Retention of Plante & Moran, PLLC of Detroit, Michigan as the City's Auditors for a One-Year Period Covering the Audit of Fiscal Year 2021-2022 at a Cost Not to Exceed \$65,897**

**CM-08-111-22:** Motion and seconded made by Deputy Mayor Rzeznik and Councilmember Gronlund-Fox to authorize the retention of Plante & Moran, PLLC of Detroit, Michigan as the City's auditors for a one-year period covering the audit of fiscal year 2021-2022 at a cost not to exceed \$65,897.

Ms. Stamper said this was a request to retain Plante and Moran for the 2021-2022 audit. This year's total cost would be \$65,897, which reflects an increase of \$4,597 over last year. The City's portion will be approximately \$53,035 and the remainder of \$12,862 will be paid by our Water and Sewer Contractor, F&V. The budget does contain sufficient funding for the expense out of the various accounts that pay for the audit annually. This year's audit is proposed to be done on a hybrid basis with more of the work being done on site since that is more beneficial.

**Vote:**

**Motion Carried**

**4.) Discussion Surrounding the County Potential Upcoming Vote Related to a County-Wide Forced Transportation**

Councilmember Gottschall said this was brought about by an email from our State Senator Jim Runestad sharing some details about a vote that the County Commission is expected to take soon. Essentially, they are trying to bypass a transportation agreement that has been voted down repeatedly by residents in multiple counties by forming an Oakland County Transportation Authority. They would not allow any communities to opt-out of this program. Wixom currently opts out of other agreements because our residents don't really use the program and we wouldn't expect the ridership to go up dramatically. There are just over one million people living in the County and it costs about \$115 per person to operate. The current system runs at a massive deficit. It costs just shy of \$150 million to operate SMART and it collects \$4 million in fares. Most of us wouldn't be spending that kind of money if it wasn't in our pocketbooks. He didn't think that the County government should get in the habit of trying to pass something that largely isn't going to be beneficial to the majority of the residents. The current system isn't used by most residents now and it isn't going to change if you start to force taxpayers to

pay for things. The millage rate maximum would be 0.95 mills for the next ten years without an opt-out option. That is a burden on taxpayers at a time when inflation is high. He invited others to chime in and perhaps make a motion on a resolution calling on all of the County Commissioners to oppose forced taxation on useless programs.

Councilmember Smiley supported Councilmember Gottschall's comments. The SMART millage was expiring and the Board of Commissioners was proposing something to take its place. Not being able to opt-out is the big problem. He felt they rushed it. He was at the meeting when they proposed the language. Our current County Commissioner, Phil Weipert, saw it for the first time that day. He indicated that the Commissioners would be voting on whether or not to put this on the ballot tomorrow at 4:30 p.m. There was really no plan attached to it or there is a lack of transparency because there are no details as to what the communities are getting with this new transit system. He noted that the Commerce Township Supervisor and the Milford Township Supervisor were at the meeting last week and they both opposed it. The .95 mills would mean \$1 million for Milford. They take care of their own system for \$100,000 and he wondered where the other \$900,000 would go. Councilmember Smiley stated that .95 mills would be \$845,000 and our transit needs cost \$30,000 in Wixom. What will they do with the other \$815,000? He was not too happy about doing this either and would support some sort of document opposing this. He said he would go to the meeting tomorrow to voice his concern.

Councilmember Behrmann added that to put numbers on it, if you take a \$300,000 house in Wixom, we would be giving them a \$150 tax increase if this were to pass. We are taking care of this for a lot less. Not sure why we, as a municipality, would support this.

Councilmember Gronlund-Fox asked what our options were. Councilmember Gottschall replied that we would show, as a municipality in the County, that we are displeased that they would even entertaining this. They will vote however they want to vote and then it goes on the ballot. Hopefully everyone votes again how they have in the past and says "no thank you." This would be elected representatives within the City telling them that we have zero interest in that.

Mr. Brown suggested some sort of action by the Council indicating their support or lack of support for the proposal. He said we could mention the tax impacts, the service and concerns for that tax impact, or whatever we want to convey our opinion.

Mayor Beagle asked if it would be possible to get something written for Councilmember Smiley to take to the meeting tomorrow to read into the minutes on behalf of the City of Wixom. Mr. Brown said that the Council could take an action indicating the lack of support.

Deputy Mayor Rzeknik said he was also opposed to this. We should do a resolution or a letter. He asked what was the expiring SMART mileage. Mr. Brown didn't think it was much different than the current proposal. Deputy Mayor Rzeknik confirmed that we take advantage of the SMART credits for the senior transportation. Mr.

Brown explained that there were Community Credits and Municipal Credits for opt-in communities and then one for opt-out communities. We take our credits that come from SMART and use it for the Peoples Express service, which is \$30,000. It is \$30,000 vs. \$800,000.

**CM-08-112-22:** Motion and seconded made by Councilmembers Gottschall and Gronlund Fox to adopt the following Resolution:

**Resolution 2022-42**

Be it resolved that the City Council of Wixom hereby calls on all Oakland County Commissioners to oppose the proposed transit plan that would force taxation upon residents without retaining a municipality's right to opt-out of such a program.

Councilmember Sharpe said he didn't really know what we were talking about and he didn't like surprises at the dais. He said he would not be supporting this. We are talking about numbers that are guesses. He indicated that he couldn't do business this way.

Mr. Brown responded that he wished we had more time to make a more educated and thorough review of this. The news broke at 1:00 in the afternoon yesterday that this was being considered by the County Commission.

Mayor Beagle added that he got an email from Senator Runestad last night and he copied everyone this morning. Councilmember Sharpe said that he got that email but he didn't know we would be talking about this tonight. It was added to the agenda at 7:05 p.m.

Deputy Mayor Rzeznik said that this could still make the ballot independent of what we say. He thought the Resolution from the Wixom Council was appropriate.

**Roll Call Vote: (6) AYES – Beagle, Behrmann, Gottschall, Gronlund-Fox,  
Rzeznik, Smiley  
(1) NAY - Sharpe**

**Motion Carried**

**5.) Discussion Regarding the Use of Carcinogens and Toxic Chemicals on Manufacturing and Industrial Settings Within the City Limits**

Councilmember Gottschall said he wanted to have the discussion, not specifically about a particular recent incident, but more in a broader sense because what has happened should not be glossed over despite a lesser environmental impact that was initially anticipated and broadcasted. He didn't think it was good news any way we cut it that what happened was remotely possible. He thought it was extremely dangerous to our residents, to our environment and to our neighbors. He didn't want to be that City at all. We need to be looking out for the wider area. To him, this is an opportunity for the Council to discuss beyond what happened, maybe steps we can take to make sure it doesn't happen again with any business. Maybe the City investigating whether there are any other companies that are using similar chemicals in their processes or other toxic chemicals. If there is a permitting

process at any function of government, does any company have to say they are still using this toxic chemical. He wondered if there was a permitting process for that and if there was an inspection process. If there isn't at any other level of government, to him he felt that was something we shouldn't be investigating on our side at local government. There was talk about differences between manufacturing processes between hexavalent and trivalent chromium. Hexavalent chromium is banned in all of Europe. He wanted to open this up for discussion on how we can learn from it and make sure it doesn't happen with any other company within the City limits in the future.

Mayor Beagle asked if the Fire Department had a list of what chemicals were used in these businesses. Fire Lieutenant Jason Breitmeyer replied that this was all part of the annual inspection for business licenses. There is a general form that goes to all businesses for them to list all hazardous chemicals.

Mr. Sikma added that the Wastewater Treatment Plant is regulated by EGLE and EGLE is regulated by EPA. EPA came out with pre-treatment standards back in the 1970s and 1980s that regulate this type of process. There are federal categorical standards for metal finishing that we are following. There are 800+ industries in the City of Wixom and they are primarily not regulated because they don't discharge industrial wastewater into the Treatment Plant. The ones that do are inspected. We get a list of companies as they come in and our operators look at the types of disposal that they have. If it is considered significant, they issue industrial permits for that. We have had temporary industrial permits that would do a one-time discharge if someone would like to discharge 500 gallons of something. We have it tested at that point. After it is tested and we figure out what is in it, it is allowed to discharge at a certain rate and concentration. With this particular one, there was a complete process that they didn't follow. Tribar does have five industries; only two of them discharge industrial waste to the system. The other ones have zero discharge of industrial waste that is needed to be regulated. We have local limits; we have state guidelines; and we have federal guidelines that we are all trying to follow. There are certain criteria for each of those that we are checking off the boxes.

Mayor Beagle asked if he was saying even if we imposed a local level, EGLE could supersede that. Mr. Sikma said the federal guidelines are established based on criteria, specifically for treatment plants and receiving streams. EGLE can impose stricter guidelines if required. They have to be substantially based so that the companies can investigate and be able to treat to a certain standard. The local limits can be even stricter than that. Yes, we may be able to make them more stringent. They need to be certified by a certain process. We have to look at our receiving streams for that piece. We also have to hold public hearings. We also have to rationalize that in a specific way to make it fair and equitable for everyone. There are a lot of different things involved.

Councilmember Gottschall asked if anyone was actually going into the plants to look at their system. Mr. Sikma replied yes. The pre-treatment program requires that if it is a categorical industrial user, annual inspections at a minimum are done. Our Wastewater Treatment operators do that. Also, they are required to do systematic sampling. This particular one was doing weekly sampling for PFAS. The Wastewater

Treatment Plant was also doing samplings on a program that is unknown to the industrial user. We can go in at any time to sample their treatment systems.

Mr. Brown explained that the industrial user is expected to process that waste before it comes to the Wastewater Treatment Plant. There was an IPP in place with Tribar and for some reason, a portion of the waste that should have been treated through that IPP process was not. Councilmember Gottschall said that there are no standards in the systems aside from saying you can do it but you have to follow these other processes and we have to rely on them doing what they say they are going to do. There is no shut-off or block-out to say there was no chance of that stuff making it here directly or indirectly.

Mayor Beagle asked if there was some kind of backflow if that system gets shut down. Mr. Sikma replied that the industrial side of that is that there are sequences of PLCs that monitors that. There is a valve that goes through the system. There are processes in place that should have prevented it. We are still looking at all of that.

Deputy Mayor Rzeknik added that with IPP plans in place, it is more of a process failure where perhaps F&V could assist in reviewing an individual industrial user their process and looking for a way to say this cannot happen. He thought that would be more appropriate in doing some of those process reviews. Mr. Sikma said that we continue to do that and we are working with the State and EPA. We review local limits every five years as required.

Mr. Brown said that just like industrial processes, you are still stuck where they have to comply with the processes on their site. When we have been made aware of fats, oils and grease violations, we go in and reevaluate what they are doing and what the breakdown is. That is similar to the industrial process. It is not foolproof to keep it from happening.

Councilmember Behrmann assumed that we are going to learn from this process and develop some new protocols to prevent something like this from happening again. Mr. Sikma said that was already in the works. Councilmember Behrmann said he appreciate that and all the work that he did.

Councilmember Gronlund-Fox said Mr. Sikma indicated we know what is involved with the industrial systems and we can go in at any time to check out those systems. She asked if we had a method by which we go in every so often. Mr. Sikma said yes. We have an enforcement response plan that we follow for that. That particular plan was within our ordinance. We also have local limits involved in that. We work with EGLE to make sure they continue to be updated.

Councilmember Gottschall thought this was good direction. The news was concerning to all of us. Unfortunately, there is no action we can take. Despite whatever news comes out on the test results, it is something we need to pursue.

**CALL TO THE PUBLIC:**

Nancy Dingeldey, 2220 West Euna, thanked everyone for the wonderful comments, the flowers, the cakes and all the goodies. She truly appreciated it. It brought back

memories. It was ironic that tonight was the transit issue. Having been at the County and suffered through any number of conversations, she hoped she understood the discussion. She was nodding her head saying to opt-out. You have to balance the whole County and the transportation issue to the amount of money generated by your own community, measuring that to the service that you get. She thanked everyone so very much for thinking of her and the wonderful time she had tonight.

Director Ron Moore said that this was his last Council meeting as an employee of the great City of Wixom. When he was an intern, a cadet and a young police officer for the Wixom Police Department, he didn't think he could have told you who the Mayor was, much less named a single member of the City Council. He viewed the Council as an almost mythological and ambiguous entity that existed on the perimeter of the City's operations. As a middle manager, a sergeant and lieutenant, he became more aware of this body. His uninformed and immature view of the Mayor and Council was one of an entity that often supported the Police Department, but was sometimes adversarial toward the Department's mission. And then, he became the Chief and Director. The young kid who started out here as an intern was now in charge of Public Safety and was now expected to enter into a working relationship with the Mayor and Councilmembers. Over the years, many conversations have been had. Philosophies and ideologies have been batted back and forth. Relationships have been developed. And eventually, he realized two things. The first was that each of the Councilmembers, much like him, has the City's best interest at heart. The second was that he actually liked the Councilmembers. He thanked each of them for the many years of friendship and partnership in trying to make the City even better. He won't say he'll miss being in this room every second and fourth Tuesday of the month. That would be a lie and he has never lied to them. He will miss seeing them on a regular basis. He asked them to take care of themselves and thanked them for everything. May God bless the great City of Wixom.

Lori Rich, 50140 Helfer Blvd., said that the Council has to do a better job of speaking louder. She had a very hard time hearing some of the comments and some of Mr. Sikma's comments. She was an opt-out girl. She was on the dais previously when that decision was before the Council previously. She thanked the Council for the Tribar discussion. She thanked the DPW and the City Administration for all of the efforts put in to protect the citizens. We have to remember that many of our residents during the pandemic had their income impacted. Many lost their jobs, many had their hours reduced, some sold cars to try to pay bills. It will take years for those families to get solid footing. Anything the City can do to help keep the rising cost down on them, like this opt-out millage, would be appreciated. She said she was really here about Grand River. She lives in Leisure Coop. She has had a similar discussion with the City Manager and Mr. Sikma and they have been most helpful. The Council has the opportunity in many ways to network with other political people. She wanted them to hear the pain they were experiencing at Leisure Coop. She was not convinced that the pain would get better when the Grand River project was completed. The volume of traffic is horrendous. It is much worse now because of other factors, like the freeway project. That was not the driving problem though. The driving problem was the continuous expansion of development to the west. The volume of Amazon trucks is like ticking seconds on a

clock. It is not a road that is well-designed for that volume of traffic. The City developed over time in such a way that its only senior development is stuck outside of the residential planning for the City in an almost a commercial area abutting this main road. We can't do much about the volume of traffic, but we can take note of the more vulnerable population. The senior community is trying to maneuver that road multiple times a day, somethings not successfully. We need to have it at the forefront of our minds always of how do we keep them safer. One of the problems we are dramatically experiencing is the noise volume and that is something that can help to be mitigated down the road. She was happy there and her neighbors have expressed serious concerns as well. She hoped the Council would keep that thought in their minds. The Twelve Mile Road project is also an issue. When Novi put in the sidewalk that goes down Twelve Mile on the south side, her development is the only one that can't access it. Yet they have a street that ends on Twelve Mile and they are facing an emergency easement access to Catholic Central property. They have to crawl through bushes to get to the sidewalk. She thought there might be a way for Novi to be a good partner with the City and facilitate some sort of safer means of accessing the sidewalk. Her last point was about bike paths. She hoped the gaps in the sidewalk along Wixom Road would be filled in, as that would help her a lot. She also wondered when the audit results would be presented to Council. Ms. Stamper said that would happen at the beginning of December.

Derick Hulet, 477 Fletcher, wanted to express his family's heartfelt gratitude toward Public Safety Ron on Facebook. He is leaving some big shoes for the incoming Police Chief and he hoped the Administration continues its presence on social media because it has been very helpful to his family as well as other residents to stay connected with what is going on. He congratulated Ron on becoming Mr. Mom.

Dan Aubrey, 3569 Barberry, asked how long it could have been for the spill to be detected if Tribar would not have informed the City. Would they have found it at the Wastewater Treatment Plant before it got down stream? Mr. Brown said it was mentioned during the presentation that staff at the Wastewater Treatment Plant did notice the pH levels were different with the system as well as the coloring being off. Mr. Aubrey said that the potential is for any industrial plant in Wixom, if they do not contact the City because they don't know of the spill yet or they want to hide it, it could potentially do a lot of damage before it gets to the Wastewater Treatment Plant. Mr. Grant said that the team noted the spill at 8:00 a.m. and they took a sample right away. There are eyes on all the time. Wastewater Treatment Plants around the world are dealing with this very issue. Human mistakes happen and they supersede in this case two levels of safeguards that were in place. Perhaps a third level of safeguard is sometimes warranted. He noted that the Treatment Plant is robust.

**CITY MANAGER COMMENTS:**

Mr. Brown provided an update on the Michigan Air Line Trail construction in his report. We had conversations regarding the original commitment to have synchronization between the Hawk and the traffic light at Pontiac Trail and Wixom Road. That is still the intent and it will be incorporated with the new Trail extension of Phase 2. Things are proceeding in the downtown area with paving in front of the businesses.

**COUNCIL COMMENTS:**

**Councilmember Gronlund-Fox** had no comments.

**Councilmember Sharpe** had no comments.

**Councilmember Behrmann** appreciated the commitment that Nancy Dingeldey has had to the City of Wixom. From the proclamation, she has given a great deal of time to the community and he did appreciate that. In regards to the Airline Trail and where the Hawk light is going to be, the approaches have been poured and people are using them non-stop. Someone is going to get killed. We don't have a crosswalk there yet. We need to put some barricades up. The fact that the concrete is open and we didn't put some construction barricades up, we are asking for someone to get killed. We need to put some signs to direct people to use the crosswalks we have. His feeling was when someone gets hurt, that will be on us. He has talked about this previously. It is disappointing to see those approaches open with no barricades. He hoped that the continuing testing and results from the testing can be updated on a daily basis on our website to our residents so people can see we are still testing and it is still coming back (hopefully) negative. If it isn't negative, people need to know and we are being completely transparent with that information. Lastly, he sincerely appreciated Ron Moore. Not one person at this City has reached out to me at the same level as Ron since he joined the Council. He is always available by phone and he took the time to take him through the Police Department. He sincerely appreciated the time and commitment he put into this community and to him. He will miss Director Moore.

**Councilmember Smiley** said it was wonderful seeing Nancy get that recognition. He learned a lot from Nancy and she is an amazing lady. Mr. Brown, Mr. Sikma and staff jumped on this issue last week. He knew they put in extra hours. They were great with updates to the community and the Council. It is ongoing and nothing is wrapped up yet, but he was very happy with how they handled this.

**Councilmember Gottschall** wished Director Moore well on his retirement and his new career as an educator. He will miss his friendship and his help to Wixom over the years. He knows Director Moore worked to keep Wixom safe and always had our residents' best interest at heart. Social media has been a great way to bridge the divide at times. It has been very nice that he has been one of the local leaders on that front. He thought Wixom is a better City for all of the work he has done. Wixom is a place where everyone thinks we are relative low crime or crime-free because of his leadership. He wished him well and thanked him for everything he has done.

**Deputy Mayor Rzeznik** thanked Nancy again. He had a lot of fun on the projects over the years. Nancy made his daughter's wedding at Gibson Park very special by keeping up the grounds. He said he would miss Director Moore. He has always been very informative with the personal contact and the use of the phone. He has been honest and open with the communication. The community has benefited from that. He wished him luck in his next endeavor. He thanked the public for attending this meeting and speaking your mind. It is always refreshing to see government by the people for the people.

**Mayor Beagle** thanked the City Administration and Mr. Sikma and staff at F&V for all their hard work this past week keeping the Council updated on this. Kudos for them to see something was going wrong before we got notified by Tribar. He congratulated Nancy for all of the things she has done for the City and he was glad the City could do something for her finally. He thanked Sheryl Lucas for putting all the work in on the resolution. He said he has been friends with Ron Moore for a long time and that will continue.

**ADJOURNMENT:**

The meeting was adjourned at 9:39 p.m.

Catherine Buck  
City Clerk

Approved 8-23-2022
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