

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, NOVEMBER 15, 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:

Mayor Beagle added the Discussion Regarding the Charter Amendment Process after Correspondence.

MINUTES:

CM-11-144-22: Moved and seconded by Deputy Mayor Rzeznik and Councilmember Gronlund-Fox to approve the Regular City Council meeting minutes of October 25, 2022.

Vote:

Motion Carried

CORRESPONDENCE:

- 1.) Memo from Assistant City Manager Benson Regarding the Village Center Area Zoning Ordinance Amendments

DISCUSSION:

1.) Charter Amendment Process

Mayor Beagle indicated that there were three more items to talk about under the "Should Be Discussed" category.

He stated under Section 4.9, the Committee felt it may be appropriate to further expand on the duties and qualifications of the City Clerk position as somewhat similar to the City Manager's role in Chapter 5 of the Charter. The Committee also felt that it may be appropriate to move this Section to Chapter 6 to coincide with all of the other appointive officer descriptions since there are additional subsections within Chapter 6 which may also relate to the City Clerk position.

Councilmember Gottschall stated that most of the officer positions within the City have duties and qualifications outlined in the Charter and the Clerk really doesn't. There is a whole section about the City Manager with duties and qualifications so the Committee felt it might be appropriate to add a similar section for the City Clerk to detail that a bit more. Currently, there isn't anything other than stating the City Clerk reports to the City Council.

Councilmember Behrmann wondered if most of the responsibilities of the Clerk were defined by State law. He asked if we really needed to put this in our Charter. Councilmember Gottschall replied that this was not to fully dictate everything they are supposed to be doing. There are some responsibilities in the Charter but the City Manager position is mentioned in Chapter 5 and Chapter 5.1 is appointment qualifications and compensation. There was no appointment qualifications process for the City Clerk. This would establish what we would be looking for in a City Clerk position as we have outlined for the City Manager. Councilmember Behrmann asked if this needed to be done through a Charter amendment versus possibly a procedure or even developing a process when we need to find a Clerk. He was trying to understand why this needed to be a Charter amendment. Councilmember Gottschall said that not everything on the list needed to be a Charter amendment. As we were reviewing the Charter, these were the items that came up for discussion. It was not that the Committee was stating everything on this document needed to be a Charter amendment. There might be other ways to handle it. It was odd that there was a section for the appointment process and qualifications for the City Manager, but nothing for the City Clerk. The Committee felt that should be corrected or addressed.

Mayor Beagle thought the Council agreed that it was not necessarily a Charter amendment but we need to get those descriptions.

Moving on to Section 4.6, Councilmember Gottschall said this came from things that have been stated during numerous budget sessions. The current start time for adjustments to the salary paid to Councilmembers may be a bit obtuse or inefficient. It talked about how it has to take place after an election and how far before then. The Committee thought was to simplify it, stating that if any change was to be made, it would take effect at the start of the next fiscal year. He knew in the past he had recommended lowering it while other people had recommended increasing it. The discussion was always that we couldn't do anything for three years because of the next election. It has always been a conversation that leads nowhere. It was more that we want to simplify this in the Charter based on conversations that have been held during budget study sessions.

Mayor Beagle thought this might be one we may look at as a Charter amendment. He didn't think it was an important item for this Council, but it may be for future Councils.

The last item for discussion was General Note #1. Councilmember Gottschall stated that this came from the Committee's note document regarding pronoun usage within the Charter. Currently everything is stated in the masculine pronoun and the Committee felt it would be more appropriate to use more plural pronouns and female pronouns. The catchall section at the very end talked about masculine being inclusive of the neutered, which was an odd way of stating anything. The Committee wanted to recommend that language be amended to more accurately portray where society is now with everyone being included in the process.

Councilmember Smiley commented that we consulted with the attorney about this issue. It was going to require quite an effort to put the whole thing on the ballot to

have this fixed. Councilmember Gottschall said that we would just have to provide a copy of the Charter as it would be written so everyone could see the change in the language. We wouldn't have to have a committee review everything. We wouldn't have to bullet point every line and section that gets changed. We would just provide a current version and the redlined version. Councilmember Smiley wondered how we would tell voters what they were voting for. Councilmember Gottschall said that the City Attorney indicated correspondence was sent to the Attorney General's Office to ask if one Charter amendment to make the change from he to he, she or they throughout the City Charter would be permissible. The response was yes but the City Council is required to submit a document with its resolution for the ballot question which shows every proposed change throughout the Charter and a document that shows all the proposed changes. The Attorney noted that this type of Charter amendment was done in Royal Oak in 2015 and last year in Muskegon. When we send it for approval to the State, we have to show what it would look like. Similarly, we would have to post it on a board and on the website. According to the City Attorney, the ballot doesn't have to have every single instance written out. Councilmember Smiley thought that would be doable. It should be simple and easy for folks to digest. He said he liked it.

Councilmember Sharpe thought one of the difficult discussions was how complex it was going to be, but he thought it was very similar to some of the State proposals that we just saw on the ballot. There was just a summary and it didn't show thousands of pages of documents that were really behind the constitutional changes. If we can do something simply, he said he would support this.

Councilmember Gronlund-Fox supported this.

Councilmember Smiley supported this.

Councilmember Gottschall supported this.

Councilmember Behrmann said he supported the change for us being more inclusive. In his eyes, this was one of two or three things he would feel comfortable moving forward. He was not comfortable with us putting eight or nine proposals on the ballot. He wanted to move forward with just two or three ballot questions.

Deputy Mayor Rzeznik said that when he searched through the Charter, there were 34 instances where "he" was used exclusively. If we could simplify it, he'd be in support of this.

Mayor Beagle said he felt the same way.

He noted that this wrapped up the Charter amendment discussion. He asked the Councilmembers to email him their top three amendments and he would forward it to the Committee. We will get it going to be placed on the next ballot.

CALL TO THE PUBLIC:

There were no comments made at this time.

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

There were no questions or comments regarding this report.

2.) Police Monthly Report – September 2022

Councilmember Gronlund-Fox questioned the Crime Classification. Group A Crimes were compared from September 2022 to September 2021. There was also the All Arrested Subjects. She asked if that was the clearance rate. Chief Langmeyer said it was not the clearance rate. That line included all arrested individuals.

Deputy Mayor Rzeknik wondered if the catalytic converter crisis that has been going on in Southeast Michigan was still ongoing. Chief Langmeyer replied yes. We had an incident a couple of weeks ago where there were a number of them taken. It looks like it is an organized group. He said he was having the officers pay special attention, especially at night, in the industrial areas. He didn't see this issue going away because there was so much money involved.

CONSENT AGENDA:

CM-11-145-22: Motion and seconded made by Councilmembers Smiley and Gronlund-Fox to approve the Consent Agenda as presented which included:

- 1.) Recommendation to Set a Public Hearing for November 29, 2022 to Solicit Input Regarding the Utilization of the 2023 Community Development Block Grant Program Allocation in the Amount of \$49,363

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

- 1.) Recommendation to Approve an Amended Professional Services Agreement with SAFEbuilt Michigan, LLC to Extend the Term of the Agreement for Building Department Services for a Three-Year Period to Expire December 31, 2025 and Authorize the Mayor to Sign the Agreement**

CM-11-146-22: Motion and seconded made by Councilmember Smiley and Deputy Mayor Rzeknik to approve an amended Professional Services Agreement with SAFEbuilt Michigan, LLC to extend the term of the Agreement for Building Department Services for a three-year period to expire December 31, 2025 and authorize the Mayor to sign the Agreement.

Mayor Beagle mentioned that Building Official Ken Pike and Account Manager Kellie Lindsey (from SAFEbuilt) were in attendance.

Mr. Brown stated that this proposal was for a three-year period which was set to expire December 31, 2025. The terms of the contract would stay consistent with the last amendment. The City has been very pleased with the services that have

been provided by SAFEbuilt. A benefit he listed included prior practice. When you have someone on staff, there are expenses involved that would come into play. Our needs for individual contracts with individual inspectors would come into play and often times, those become problematic in terms of replacing them on a regular basis. This contract with SAFEbuilt was a clean solution for the City that he felt did very well by our standard of service that we provide. Since we are not looking at any changes in terms of the contract, he felt it was a fair extension offer and one that he recommended to Council for approval.

Councilmember Gronlund-Fox saw the breakdown of how the charges were as far as the 63.5% of the permit fees, but she didn't see anything that showed what the permit fees were to try to figure out what that cost was to the City. Mr. Brown explained that there was a whole schedule of those permit fees. He said he could provide that to Council at a later date. Councilmember Gronlund-Fox asked what the cost was to the City last year to SAFEbuilt for their services.

Deputy Mayor Rzeknik said the estimated actual 6/30/2022 was \$470,672 for the Building Official contract. Code Enforcement was approximately \$7,500 more than that. Mr. Brown explained that covered their portion of fees, the Building Official's rate and the Inspectors' rate. He believed our revenue from various permits was over \$1 million last year.

Councilmember Gronlund-Fox asked how many employees this covered. Mr. Pike said that we currently use five inspectors (three full-time and two part-time). When people are out (he had someone out on a medical leave for eight weeks), he called someone else in so there was no lapse in coverage.

Councilmember Gottschall looked back at the July 26th Council packet which had the June 2022 permits. The total collected in 2021/2022 permit fees was \$2,024,984, so 63.5% of that would be just under \$1.285 million. The numbers are a bit different. Mr. Pike replied that included sewer tap fees which SAFEbuilt does not receive. There were other fees that are locked into the City that are not shared with SAFEbuilt. He indicated that SAFEbuilt gets a portion of the building permit fees, a portion of plan review fees, and inspection fees if they are applicable. Councilmember Gottschall said that by backing out the residential and commercial sewer taps, it comes to \$1.294 million. Mr. Pike said that there were also administration fees that are kept, as well as an archiving fee for digital archiving of documents. The fees that SAFEbuilt gets a portion of are the line items for the Building Permit Fee and Plan Review Fees. There is an administration fee of \$39 on every application and \$50 on a plumbing permit. There is also a \$27 zoning fee that is usually applied to a building permit. SAFEbuilt does not get any of that. They just get a portion of two line items on the permit. Mr. Pike explained that when you look at the \$2.2 million, that was what came through the Department, but that was not what SAFEbuilt gets a portion of.

Councilmember Gottschall confirmed SAFEbuilt got a portion of the commercial-industrial, new builds, alterations/additions, repairs, demolition, electrical, mechanical, plumbing, communication towers, temporary tents/events, and signs. Mr. Pike said that was correct. There were administration fees that are always attached to every application.

Mr. Brown added that there are other fees that they charge for Code Enforcement inspections and court appearances at an hourly rate.

Mayor Beagle asked if someone could get the figure that was paid to SAFEbuilt last year. Mr. Brown replied that they could provide that number, as well as the number for the last several years.

Councilmember Sharpe asked how the \$54.75 per hour worked for Code Enforcement. He said that Mr. Pike might have gotten a note from him about an RV that was parked in someone's front yard on Charms Road. He assumed the City got charged \$54.75 an hour to look at that. He assumed the Code Enforcement Officer would then have to speak to the owner, tell him what the rules are and then follow up. He asked if that would be charged to the City. Mr. Pike replied yes. It is broken down into quarter increments. It is tracked in the Building Department's BS&A system. If it goes well, it could be one visit to the resident and you are done. If it continues and people don't cooperate, he has to return and it could eventually go to court. He added that he does ten to fifteen hours a month on Code Enforcement. Councilmember Sharpe said to look for a note from him regarding a boat that is hiding behind arborvitaes on Terra Court just off Wixom Road.

Councilmember Sharpe had a second question. He stated that one time he was pouring a pad of concrete, repairing his driveway, and he didn't know he needed a permit. Somebody patrolled and found that happening. He asked if that happened any more or if that was only at the \$54.75 rate if somebody mentioned it. Mr. Pike said that if the inspectors are out and they see somebody doing construction type work, we approach them and tell them they need to get a permit. That usually doesn't involve Code Enforcement unless we don't get a reaction from them. We would have to open a Code Enforcement so we can follow through with it. The Code Enforcement itself is on a complaint basis. He said he doesn't go out looking for violations. Somebody has to approach us. It can be an anonymous complaint. He added that if it results in a building permit, he usually doesn't charge.

Councilmember Behrmann stated that in dealing with several different Building Departments in different municipalities that are all employees of the City, sometimes you are waiting 90 days for them to review something. Two weeks later, you get an inspector out. He said he really appreciated that was not the way we do things here. He knew from personal experience how quick the turnaround was in getting permits. All of the inspectors that came to his house were extremely professional. If it didn't pass the first time because the contractor did something wrong, they explained why it wasn't passing. He has never had an issue and he appreciated that everyone was extremely professional.

Councilmember Gronlund-Fox said she was struggling with this and it had nothing to do with what they do or how they do it. She has never heard any complaints about SAFEbuilt or any of the employees. There was such a big discrepancy between the numbers that have been floating around so she had a hard time supporting this without seeing the actual numbers. She knew that the trades were extremely difficult to find now. She saw that in her day job. But without the numbers, she said she couldn't support this.

Mr. Brown said that he brought this to Council early enough, as the current contract does not expire until December 31st. If the Council would like some additional information and they would like to table this, it was not an issue.

Deputy Mayor Rzeznik commented that the numbers were in front of Council; they were part of the budget session packets. For reference, under General Fund Revenue, the proposed budget for 2022/2023, under the Building Permits and Fees column, there was \$475,000 approved. They estimated the revenue that would be coming in for those permits and fees which SAFEbuilt was compensated for. On the Expense side, there was \$308,747 for the proposed 2022/2023 budget, which was 65% of those fees. He said he had also questioned the number of inspectors that we use. He thought those 3 full time and 2 part time inspectors were also working in other communities. Mr. Pike said that was correct. Deputy Mayor Rzeznik said he had actually investigated in some of the cities in the past who did not renew their SAFEbuilt contract. The trades availability was a concern that many have. He thought it was fair to pay by the percentage of the permit fees and he was satisfied with this.

Councilmember Gottschall said that at a previous meeting, he had asked for an electronic version of the budget and he asked again. It would be very helpful. Not having the pages in front of him, he asked if those were the final figures from last fiscal year or if those were the numbers that were proposed for the current budget that Deputy Mayor Rzeznik was referring to. Deputy Mayor Rzeznik replied that the numbers were for this fiscal year. Councilmember Gottschall said he knew Ms. Stamper has told the Council in the past that those are guestimates, so it was not actual. He said that if Councilmember Gronlund-Fox would motion to table this, he would support the motion. As the City Manager said, it doesn't really hurt with the timeline. It is always nice to have all of the information instead of proposed for this year. There was some discrepancy between what gets reported to the Council and what was actually paid.

Councilmember Behrmann said that we had a proposed budget, but let's say the economy stops and people stop doing additions and stop new construction. Because SAFEbuilt was paid on a percentage base of those fees, what we are paying them will dramatically drop. What we paid in the past was not relevant because we don't know what next year is going to be. It will be a percentage of the business that comes in. By contracting it out, we are not going out to hire five employees that we have to pay regardless if business goes down. If business goes up, they have the extra employees to cover that. Yes, they are making more, but they are doing more work. To him, this was almost a no brainer that made financial sense to move forward with versus the alternative of bringing it back in-house.

Mayor Beagle agreed with Councilmember Behrmann. We are not at the point now to bring this back in-house. They are only getting paid a percentage of what comes in. We are running out of space and our building fees are going to go down. Pretty soon we will only have remodeling and fees of that nature. We won't have the big 400,000 square foot buildings that we have going on right now. He agreed that it made sense to approve this contract tonight.

Councilmember Gronlund-Fox said she would think about making a motion to table, but it sounded like it wouldn't pass. She said she couldn't support this without the numbers.

Ms. Lindsey explained that SAFEbuilt takes the hit when the economy goes down. Their fees are supported strictly from the permit revenue and that was generated by projects. Three years ago, she met with Mr. Brown about how deeply low their revenue was. They were considering having the conversation as to how we would continue the service levels. She said she did all the research that supported every year and how they were up and down and up and down. When we talk about full time and part time employees, it was a salary, a vehicle, insurance for the vehicle, health insurance, dental insurance, workers compensation, etc. As the City would hire the folks, we would give them a benefit package. That was what they offer their teammates. Inspectors today are worth more than they have ever been. What else do you get for what you see on a line item. She said they have a national recruiting team. All they do every day is look for credentialed individuals to add to their team so there was never a lapse. They continue to maintain the level that is needed in a City such as Wixom for the ebb and flow of projects. This year and last year were amazing; the year before was not so much. She said SAFEbuilt takes that hit, along with it are not just three full time and two part time employees. They are afforded all the equipment (including a company vehicle and cell phone) to do their jobs. She knew on a line item it could look like something, but it was much more than that. She thanked the Council for allowing her to elaborate on that.

Councilmember Smiley said he support this item. He thanked Deputy Mayor Rzeznik for having those numbers. Like Councilmember Behrmann said, it was a percentage and the numbers fluctuate wildly depending on what was going on in the world. He wasn't sure the alternative some folks were angling toward, but we looked into bringing this in-house a few years ago, and it was not a good idea. That may change in the future, but he was not interested in revisiting that. He was good with this as is.

Deputy Mayor Rzeznik noticed one of our revenue items was a rental review fee. He asked if that was tied to our ordinance on the rental properties and if SAFEbuilt actually did those inspections. Mr. Pike replied that they do a rental inspection, but he didn't know what the rental review fee was. He said they get a portion of the \$54.75 hourly fee (\$35.00) to look at the rental.

Councilmember Gronlund-Fox said she was not suggesting we should hire three full time or two part time employees. She was trying to focus on the numbers. She appreciated everyone having the numbers, but they didn't seem to add up to her. Again, she was not saying we should hire all these people to become staff on Wixom's payroll; she was just trying to figure out what we were getting in and what we were sending out.

Councilmember Gottschall remembered a conversation a few years ago about bringing this in-house or leaving it with a vendor. He thought maybe some Councilmembers were reading too much into a question about numbers and wanting more information. He didn't think it was appropriate. The Council was here to have all the information and make educated decisions based on that information.

He thought the Council would all want the same respect that if there were questions about missing information that you had a problem with everyone didn't just try to roll it over and say they were fine with it.

CM-11-147-22: Motion and seconded made by Councilmembers Gottschall and Gronlund-Fox to table the approval of an amended Professional Services Agreement with SAFEbuilt Michigan, LLC to extend the term of the Agreement for Building Department Services for a three-year period to expire December 31, 2025 and authorize the Mayor to sign the Agreement.

Councilmember Sharpe said he supported the motion to table this because he supported Council's request for additional data. He has frequently asked for data on things himself; sometimes he has gotten support and sometimes he hasn't. He wanted to show his support for Council if there was additional data. He told Ms. Lindsey that her presentation was very effective. He just wished she had the data with her.

Councilmember Behrmann asked what more information were we looking for that we didn't already have in our budget packet. He believed the Council had all the information of what the City paid SAFEbuilt for the last five, six, seven years in the budget packet that the Council reviews each year. If that was information we wanted tonight, he could've brought his budget book with him. He was not sure what more we were asking for.

Councilmember Gottschall said that our budgets don't go back five, six, seven years; they go back one and the Council votes on it prior to the end of the fiscal year we are in. The best we get is an estimated actual amount; we don't ever get the final figure. He didn't know that the Council has ever been given a document that has the final fiscal amount that we have paid to SAFEbuilt. He thought some of this was getting blown out of proportion, like it was an attack on SAFEbuilt, but it wasn't. He said he was very satisfied with them and he really appreciated Mr. Pike's responsiveness. He had requested the ordinance enforcement numbers and it was interesting to see how many unpermitted things that were going on. He said he would be hard-pressed to find any document that the Council has been given since July that had the final count on what was paid to SAFEbuilt.

Deputy Mayor Rzeznik commented that each budget cycle, the Council is given a budget book and it does give the actual from the prior year. We know that from the final resolutions at our May meeting. He said he has 14 budget binders and he can go back to look at those. Since Mayor Hinkley signed the SAFEbuilt contract in 2013, we've got the data. He said he was willing to vote on this.

Councilmember Smiley said he loves digging into things like this. When he was a new Councilmember, he sometimes felt like people didn't like his questions and he didn't want to be that guy. He said he would go so far as to support tabling this so everybody was satisfied.

Mr. Brown wanted to put a final point on the question before the Council. There was concern about what was the number this year versus that year, what was the number five years ago, what was the number two years ago, etc. The fact of the

matter was we know what the fees are. The fees are 63.5% of that permit fee schedule. If it was \$470,000 that was referenced earlier by Deputy Mayor Rzeznik, the revenue that would have been counted against would have been \$740,000 and change. Exercises about whether it will be this amount or what it was two years ago or what it was last year, he wanted to point out it will be 63.5% of whatever revenue we receive. If there was an issue with the percentage, then you have an issue with the percentage. If you don't have an issue with the percentage, then you don't have an issue with the percentage. It doesn't matter what the actual number was, it doesn't matter what the actual number is going to be. Whatever that number is or was will be applied at 63.5%. That is what their charge is. He understood having the benefit of what it was last year or the year ago might be interesting from an academic exercise, but the fact of the matter is, if it is \$1 million, it will cost you \$635,000. If it is \$500,000, it will cost you \$317,500, and so on and so forth. We can't project what the fees will be next year with a great deal of accuracy. We do take a guess at it, but they will be what they will be. That will be applied to that 63.5%. From his perspective, the decision point was whether the percentage was fair or not as opposed to the dollar amount.

Roll Call Vote: (4) AYES – Gottschall, Gronlund-Fox, Sharpe, Smiley

(3) NAYS – Beagle, Behrmann, Rzeznik

Motion Carried

2.) Recommendation to Accept a Proposal for Design Engineering and Construction Services for the 2023 West Maple Road Rehabilitation Project from Spalding DeDecker of Novi, MI for a Total Not to Exceed \$79,000 for Design Engineering and \$128,000 for Construction Engineering

CM-11-147-22: Motion and seconded made by Deputy Mayor Rzeznik and Councilmember Behrmann to accept a proposal for Design Engineering and Construction Services for the 2023 West Maple Road Rehabilitation Project from Spalding DeDecker of Novi, MI for a total not to exceed \$79,000 for Design Engineering and \$128,000 for Construction Engineering.

Mr. Sikma said Spalding DeDecker was the low bid on this and he has met with them. He introduced Jeremy Schrot from Spalding DeDecker who was here if the Council had questions. Mr. Sikma added that there were five different engineering companies that submitted proposals.

Councilmember Gottschall thought it was phenomenal that we got as many bids as we did. He asked if all of the firms bid the project the same way or if some bid it as mill and overlay while others bid it as a full reconstruct. The numbers vary quite a bit. Mr. Sikma replied that the way he put that proposal out was design and/or reconstruct depending on their opinion. In speaking with the different companies, he thought the high end was estimating on a full reconstruct and the two on the lower end were estimating on the mill and overlay. Our RFP asked for a 20-year road. He felt Spalding DeDecker could give us a 20-year road. They thought there were a number of areas where we could do a mill and overlay, which would depend on the core samples they will be doing before they finish their design. Councilmember Gottschall confirmed that no one has done samplings and we don't know

what the base looked like. If we start to pull a number of samples and it comes back that the road was pretty much fried and we need to do a full reconstruct, this potentially changes. Mr. Sikma said yes, but given what we feel is out there, he thought they would be able to support this. Councilmember Gottschall asked if it was not typical for an engineering firm to look at the base and sample it before making a bid so we wouldn't run into changes. Mr. Schrot said it was not typical for them to get geotechnical soil borings ahead of time. He explained that they do a field evaluation sweep. They run a number of road programs for communities across the State, including Novi and Canton. They are fairly familiar with what it looks like and what it needs from a rehab prospective. The way they bid this was more like portions of resurfacing and portions of reconstruct. They do that a lot as a best fit and they looked at the budget to see how much money was allocated for this project. We couldn't necessarily afford a full reconstruct without taking money from somewhere else. From a design prospective, a reconstruct was actually easier than what they are doing from a rehab. You have to find a lot of areas, tie them all together and make sure the slopes are right. The only thing that may increase is if you go to a full reconstruct, it may take longer for the contractor to construct it which would affect their construction number. Councilmember Gottschall said that when it comes to mill and overlay, we are talking about grounding down a substantial amount with the end result being a nice level road. Mr. Schrot said that would be the intent. There would be temporary ramps during construction until it was repaved.

Mr. Brown said that as discussed during the evaluation of the bids, there was a certain amount of time required for an engineering task of this sort. They factored in everything that Mr. Schrot saw based on his examination of the roadway to come up with a bid that they provided and he didn't expect to be far off from that bid. Mr. Schrot said that was correct. As part of their due diligence, they did visit the field and they did produce their own estimate. They looked at the budget and they broke that into the number of days for construction so they anticipate how long they think the contractor will take. They have a lot of evidence to support that, too. If it were to change to a full reconstruction, it might affect the number of inspection days and that might affect some of the costs.

Councilmember Behrmann thanked Mr. Sikma for going through the process of bidding this out. He knew often we seem to award a lot of our engineering to the firm who happened to be the highest bidder in this tabulation. He thought this spoke volumes that we really need to continue bidding these projects out because there this was \$140,000 in savings by bidding this out. He said he appreciated that.

Councilmember Sharpe asked if Mr. Schrot saw the tabulations and Mr. Schrot said that he did. Councilmember Sharpe asked if he was shocked by the difference. Mr. Schrot said that they see a lot of different numbers. He was not surprised where it ended up. He said that his firm competes a lot of times for low bid. They are not new to the area. Councilmember Sharpe noted Spalding DeDecker bid \$30,000 and the high bidder was \$80,000. He agreed with Councilmember Behrmann and he was happy with the number of bids that we received. He was happy that Mr. Sikma and his team vetted them and he supported the recommendation.

Vote:

Motion Carried

3.) Recommendation to Introduce an Amendatory Ordinance to the City of Wixom's Code of Ordinances, Title 13 "Public Services," Chapter 13.16, "Engineering Design Standards for Subdivision and Project Improvements," Section 13.16.20, "Generally," to Add Provisions Adopting the Updated Stormwater Design Standards of the Oakland County Water Resources Commissioner and Set a Public Hearing for November 29, 2022

CM-11-148-22: Motion and seconded made by Councilmembers Gottschall and Gronlund-Fox to introduce an amendatory ordinance to the City of Wixom's Code of Ordinances, Title 13 "Public Services," Chapter 13.16, "Engineering Design Standards for Subdivision and Project Improvements," Section 13.16.20, "Generally," to Add Provisions Adopting the Updated Stormwater Design Standards of the Oakland County Water Resources Commissioner and Set a Public Hearing for November 29, 2022.

Mr. Sikma said this was a change to our local ordinances for Engineering and Design Standards for Stormwater Maintenance. Back in 2003, the City had successfully battled with the State for requirements on design and engineering for stormwater management. Through that process, Oakland County worked on several different ways to have best management practices worked into the stormwater. Both in the Huron River Watershed and the Alliance for the Rouge Communities Watersheds that the stormwater goes to, we have developed a much better, defined program. Recently, our NPDES permit has changed and one of those changes was the requirement for better engineering standards. Through the years, Oakland County has developed a very good program and presented it last year around this time. It has been accepted in several of the communities already. Our proposal for ordinance changes are based specifically with Farmington Hills and different areas that recommend utilizing Oakland County's engineering standards for design. There are certain retention/detention basin requirements, depending on the size of the project that is completed and the drainage requirements that would also be calculated. Each one of those would be determined in the planning of a new project. He thought these standards were good and he thought they would promote stormwater management in the future.

Deputy Mayor Rzeznik said it was fascinating to read through this. He educated himself a lot in stormwater management and the hundred-year flows. He asked if this same standard would be adopted throughout the Oakland County communities. We have three river basins that we serve – Huron, Rouge and Clinton Rivers. Mr. Sikma replied that the plan was to have them adopted with all of them. That was one of the alliances we developed over the years with different communities. We took a regional approach. The State promoted that and moved forward with that. The best management was point source on a number of different areas for stormwater management. Some communities are going with utility based, but for our watersheds, we are planning on utilizing this package and the best management practices that are provided for us to do that.

Mr. Brown added that it was intended to go across the metro region.

Vote:

Motion Carried

- 4.) Recommendation and Request to Convene a Closed Session of the City Council, in Accordance with the Michigan Open Meetings Act, for the Purpose of Discussing the Periodic Personnel Evaluations of the City Clerk and the City Manager Pursuant to, and Authorized by, MCL 15.268(a)**

CM-11-149-22: Motion and seconded made by Councilmember Smiley and Deputy Mayor Rzeznik to convene a Closed Session of the City Council, in accordance with the Michigan Open Meetings Act, for the purpose of discussing the periodic personnel evaluations of the City Clerk and the City Manager pursuant to, and authorized by, MCL 15.268(a).

Roll Call Vote: (7) AYES – Beagle, Behrmann, Gottschall, Gronlund-Fox, Rzeznik, Sharpe, Smiley

(0) NAYS

Motion Carried

CALL TO THE PUBLIC:

Mike Smith, 1692 Norton Creek and member of the Wixom Firefighters Union, said it has been awhile since he spoke before the Council and he was usually here to criticize, condemn and complain about what has been going on. Tonight, he had the opposite. He said things were moving in an extremely positive direction at the Fire Department. With the leadership of our Interim Chief, we have our trainings. We used to only have a few guys show up for training on Wednesday nights and now almost every single guy is coming every single Wednesday. The guys are excited about coming to training and they are excited about what they are learning. He said he wasn't sure what was in the report, but people are banging down the doors applying and interviewing. In a matter of a few weeks, he thought they could double their current roster. He thought that spoke volumes to what the Chief has been doing and the City Manager has been doing. Things are streamlined and are moving very fast over the past few months. He thought the Fire Department was in a really good spot.

CITY MANAGER COMMENTS:

Mr. Brown said that he attended the Michigan Certified Assessing Technician training course on October 13-14, 2022 in Okemos and passed the exam on October 17th to receive his MCAT Certification. This certification provides a basic level of education in assessing which can be supplemented with two additional certification levels known as the Michigan Certified Assessing Officer (MCAO) and the Michigan Master Assessing Officer (MMAO). Sheryl Lucas and Drew Benson previously accomplished the MCAT Certification as well. He stated that we received a nice compliment from a resident regarding the Wixom Assembly Park project. The caller was pleased with the improvement to the appearance of this long vacant property. We also received a forward of a nice compliment by the Michigan Air Line Trail Manager John Hensler. A trail user emailed his appreciation for the design and construction of Phase Two of the Trail. Finally, he reported that a letter of appreciation from a resident was received thanking DPW employee Tom Martin for assisting with a lost wallet and thanking all the employees who helped put on the

Panther Hunt. Each one of those items have a lot of different people contributing to its success with nice compliments. He congratulated all the employees who had a hand in these items.

COUNCIL COMMENTS:

Councilmember Smiley wished everyone a Happy Thanksgiving next week. He said that over the past nine years, the Walled Lake Central and Walled Lake Northern football teams play each other in the Solute to Service game. This game honors our military and first responders and recognizes many local brave men and women who are serving or who have served, or have given their lives for our freedom and safety. The players in the game wear jerseys with the names of honored military and first responders. The jerseys are then presented to the honoree after the game. Wixom's own Interim Fire Chief Brad Geistler and Police Chief Phil Langmeyer were among those honored. Both men received their jerseys, as well as a Challenge Coin provided by the Heroes Operation. It was worth noting that proceeds from these sponsorships go to Military Families United whose mission was to honor the fallen and support those who fight and serve their families. Military Families United was run by Wixom residents, Debbie and John Ellsworth and a special thanks to them, as well. He thanked Chief Geistler and Chief Langmeyer for their service.

Councilmember Sharpe thanked City Clerk Cathy Buck and her team for another flawless Election Day coverage. They were out by 10:30 p.m., so no hand-counting here in Wixom. He also thanked Firefighter Mike Smith for his words. It felt good to hear and he thought the Council felt the same way over the course of the few reports they have received. It was good to hear from Mr. Smith that things were going well.

Councilmember Gottschall said that with the new HAWK signal on Wixom Road, he thought it was Councilmember Behrmann who commented that he ran into it and there wasn't an issue. He said his very first time crossing it the other day, someone driving stopped before the HAWK signal was red and he wanted to slam his head on the steering wheel. He said he would never understand how people don't get that. He thought we still had a lot of educating to do about both types of signals. He followed up with the City Manager and he wondered if there was any communication with the Road Commission about the hump they paved into the intersection of Beck Road and Pontiac Trail. Mr. Sikma said that he has spoken to them regarding the issues. He also spoke with some engineering people and there was not really much we can do at this point for the crown itself. If the vehicles run at posted speeds, they are safe. That is what you get on a mill and overlay. They are a little higher on the crown because of the way it is designed. He thought the bumps along the side would change over the course of the next year as we plow those roads. It will level out. Councilmember Gottschall said he would not be shocked if we had some equipment issues plowing Beck Road this year at Pontiac Trail. Even at posted speeds, it is a ramp. We can call it a mill and overlay but it was really a gentle grind in portions and an overlay. They didn't mill the middle of it and they put in a giant hump. It really isn't safe. Once the roads ice over, it will really be an issue. He wished they would grind down what they did and correct it, but he understood they don't want to do that. He hoped we could keep on them because he expected we would see more accidents there throughout the winter and

maybe some mechanical issues with our vehicles. Mr. Sikma said he would express his dissatisfaction. Councilmember Gottschall knew that the Council had the opportunity to review and comment on the first two buildings that went up at the Flint Development property and we really stressed that we wanted more glass to break things up. It looks like that was not carried on to the newest buildings. There was a marked difference in the number of windows in the new buildings. He didn't see they had any intention to go back and cut in for new windows. He asked where that fell apart in the process. Mr. Brown said that he could look at the site plans and verify that everything was accurate. He was looking at the different things that were done visually to break up the look of the building, like the entranceway with the color highlights, but he didn't notice the windows. If there were any issues, they can be addressed. Councilmember Gottschall said that the portion the Council talked about was the first phase so they might have said they had glass on the first section but tried to slide it through without the glass on the other one. In driving by and looking at the building that was already occupied, it almost seemed like a two-to-one count on the number of windows at the second level compared to the building they are working on now. That was something that struck him as not what he thought most of Council was expecting and not what he would have hoped would have slid under the radars. Mr. Brown said he had a couple of ideas about what might be going on there and he would take a look at it. Councilmember Gottschall congratulated Mr. Brown on his recent certification for Assessing. He thanked the City Clerk, Deputy Clerk and all of our Election workers for a smooth Election in the City. We didn't make the national news with any conspiracy theories so it must have been a good one. He asked if we got any feedback from the County about processing times. As he was watching City results, it took a little longer than normal. He wondered if that was high vote counting or if the County ran into any slowdowns. City Clerk Buck said there were all kinds of transmitting issues across the entire County. It took a long time for our four precincts to transmit results but they finally went through. She heard that Farmington Hills had seven precincts that would not transmit. She thought it was widespread throughout the County and felt Wixom was very fortunate that ours were able to transmit. Councilmember Gottschall said that as it was updating, compared to previous elections when we were doing it inhouse, it was dragging out. He knew we didn't want to keep staff here until 2 or 3 a.m., but he was just wondering about feedback from the County. City Clerk Buck said that the absentee ballots were finished prior to 8:00 p.m.

Councilmember Behrmann thought the Election process went smooth from his perspective. It seemed like we were very busy when he was voting, but it seemed voters were still moving through. He thanked Councilmember Smiley for putting his heart out there and running for County Commissioner. It didn't end up the way he wanted, but it meant a lot that he was willing to try to continue to represent our community. He appreciated that he made that effort. Also, he was excited we were starting to see something coming from the downtown VCA area. He was excited to see what the Planning Commission says about that. We have been waiting a little while for that so it was nice to see it was moving forward. Lastly, he felt some of our projects that we have been doing are getting off the ground running really well, but then there was some attention to detail in finishing them up at the end. For example, most of the sewer drains in his neighborhood still had the felt in it to stop dirt and debris from going down into the sewer. They have been done with the construction for months, but that still hasn't been removed. One of his neighbors

pointed out to him that when the snowplows start coming through, it will take one blade to grab that felt and it will be a huge open sewer drain that someone could fall into. He wasn't sure why those hadn't been removed, but he felt that should have been done before the leaves started falling. It really needs to be done before the snowplows hit the street. The second thing was Mack Park. He walked through that with his kids over the weekend. The trail is nice but the park looks horrible. There are construction signs everywhere there aren't getting used. If the vendor who put those signs there isn't going to pick them up, he hoped we could pick them up ourselves and put them at DPW. It was a trip hazard on the sidewalk. The Mack Park sign itself was laying on the ground. They removed a section of privacy fence and it was just piled next to the railroad tracks. It looks really bad for the amount of money we spent on this. Just a couple of hours for a couple of people to clean that up would really go a long way.

Councilmember Gronlund-Fox thanked and congratulated Mr. Brown for attending the Assessing course and passing it. She thanked the Fire Department for letting us know what was going on and for the positive comments. She was glad that things were moving along. That has to make everyone feel better and maybe not so exhausted. She thanked the City Clerk for the election. She wondered what the turnout rate was and the Clerk replied 58%. She also thanked Mr. Brown for sharing the compliments and positive comments. She agreed that when you work in the public sector, you hear complaints more than you hear the positive comments. Lastly, she wished everyone a Happy Thanksgiving.

Deputy Mayor Rzeznik congratulated Mr. Brown on his MCAT. To the City Clerk, Deputy Clerk and all the volunteers on the Election, it was amazing how much work and effort was put into that. It was not just a one-day event. The patience that they have to have with people who come in at ten minutes to eight wanting to register to vote, let alone cast a ballot, boggled his mind. They had a lot of patience and professionalism and that was really good to see. He echoed a lot of Councilmember Gottschall's comments about the Wixom Logistics Park. In addition to the windows and the setback of Building C, there was the bike trail that was supposed to be not so close to Wixom Road, and of course, the lane that was not complete all the way down to the freeway. There were quite a number of things that were missed from that meeting and he thought it was a shame. Also, the news on the Fire recruiting was very encouraging. That was good news as many Fire Departments across the country are struggling right now. Relative to the HAWK light, he said he had quite a bit of time to spend with John Hensler and Kristin from RCOC at the SOCMA Dinner and they talked about creative ways to educate the public on how they work. He noticed a sign large enough to read on the post with the HAWK signal in a number of communities. The sign can educate the driver as they are sitting still. He hoped we could get some educational pieces out there and people will eventually learn how to use it.

Mayor Beagle congratulated Mr. Brown on receiving his MCAT Certification. He thanked and congratulated the City Clerk and Deputy Clerk on a successful Election. He said he got to brag a little bit at the SOCMA Dinner the next day as the surrounding Mayors were saying their clerks got out at 3:00 a.m. or 12:00 midnight. He got to say Wixom's Clerk and Deputy Clerk were in bed by 11:00 p.m. Lastly, he wished everyone a Happy Thanksgiving.

The Council recessed at 8:35 p.m. They entered the Closed Session at 8:47 p.m. and reconvened at 9:38 p.m.

ADJOURNMENT:

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

Catherine Buck
City Clerk

Approved 11-29-2022
