

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, APRIL 25, 2023**

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(Exc.)
P. Sharpe (Exc.)
R. Smiley

AGENDA CHANGES: (None)

MINUTES:

CM-04-64-23: Moved and seconded by Councilmembers Gottschall and Smiley to approve the Regular City Council meeting minutes of April 11, 2023 as amended.

Vote:

Motion Carried

CORRESPONDENCE:

- 1.) **Notice of Hearing for the Electric Customers of DTE Electric Company
Case No. U-21338**
- 2.) **Phil Carter's Letter of Resignation from the Planning Commission**

CALL TO THE PUBLIC:

There were no comments made at this time.

CITY MANAGER REPORTS:

- 1.) **Departmental Reports – March 2023**

Councilmember Behrmann wondered if there was an update on the Logistics Buildings. Mr. Benson said that Renaissance Global Logistics planned to take over Building C bringing their total to just over a million square feet. He added that Building D was still available. Councilmember Behrmann asked when they would be removing their temporary sign. Mr. Benson said they applied for a sign permit, but wanted to change it so they had to come back with their modifications. Councilmember Behrmann questioned the electronic gates that were being installed as he didn't recall that was part of their site plan. Additionally, he was concerned the trucks were not using the southern entrance as directed. Mr. Benson said the gates were approved administratively after the site plan based on how they wanted to use the site. He indicated that they haven't been given a final site plan approval, nor did they have a Certificate of Occupancy for Buildings A and B.

CONSENT AGENDA:

CM-04-65-23: Motion and seconded made by Deputy Mayor Rzeznik and Councilmember Behrmann to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a.) Parks & Recreation Commission Minutes – January 9, 2023

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

- 1.) **Recommendation to Award the Bid for the 2023 Sidewalk Improvement Project Along Pontiac Trail to Audia Concrete Construction, Inc. of Milford Township, MI for an Amount not to Exceed \$484,846, Authorize HRC Engineering to Perform Construction Engineering for the Project for an Amount not to Exceed \$54,810 and Authorize the Mayor to Sign the Agreement**

CM-04-66-23: Motion and seconded made by Councilmember Smiley and Deputy Mayor Rzeznik to award the bid for the 2023 Sidewalk Improvement Project along Pontiac Trail to Audia Concrete Construction, Inc. of Milford Township, MI for an amount not to exceed \$484,846, authorize HRC Engineering to perform construction engineering for the project for an amount not to exceed \$54,810 and authorize the Mayor to sign the agreement.

Mr. Sikma explained that a few years ago, they designed a sidewalk project along Pontiac Trail on the south side near the Klebba Building. At that time, they bid out the project but only received one bid so they postponed the project. Recently, they re-bid the project and again only received one bid; however, this time the cost came back greater than they planned. After talking with the bidder, they were able to bring down some of the cost. He explained that they emailed this project to 356 contractors but only 43 downloaded the information, and it was the same contractor that bid before that submitted the only bid. He noted that the DDA Board agreed to pay back the City for this project by making payments.

Mayor Beagle said the original bid came in at \$539,845 and was reduced to \$484,846. He thanked them for working hard to save money.

Deputy Mayor Rzeznik asked if they were going to be short changing themselves on some of these estimates for concrete paving projects. Mr. Sikma said they could be because they're still trying to determine the concrete rates. Deputy Mayor Rzeznik asked if they felt this bid was fair given that it was the only one. Mr. Sikma thought that it was and indicated that they were not getting bids for this kind of work because the concrete industry was so busy.

Councilmember Gottschall indicated that they recently sought after a grant for building out the West End Commons area. He questioned if they would get more

interest from contractors if they combined the two projects since they were adjacent to each other. Mr. Sikma said that he wasn't sure but did not think waiting was a good idea considering the potential cost could be more down the road.

Mr. Benson added they were not guaranteed to receive the Congressional Spending Grant so postponing this project didn't seem ideal.

Councilmember Gottschall asked when they would find out if they received the grant. Mr. Brown hadn't heard much but assumed sometime around August or September.

Councilmember Gottschall asked when they planned to start construction on this sidewalk project. Mr. Benson said soon as they planned for it to be finished by August 1st. Councilmember Gottschall imagined there would be concrete work with the West End Commons Project so it made sense to wait on the grant response to determine if they could add both projects together. He assumed one of the reasons they only received one bid was because the scope of the project was so small. He thought they would get better rates if they tied both projects together. Given that inflation was so high, he believed they needed to start combining projects together in order to obtain lower costs. He did not see any harm in waiting to see if the funding for the West End Commons Project comes through.

Mr. Benson explained that the West End Commons funding would be federal funding which added a number of requirements and regulations.

Councilmember Gottschall noticed over the last few projects, only one bid was submitted and it was exceedingly higher than what they anticipated. He did not want this to become the new normal or take on the attitude of completing their list of "wants" when costs were so high right now.

Councilmember Behrmann clarified that this sidewalk project was to replace the current brick sidewalk that was in front of the veterinary clinic, the Heath Building, the Klebba Building, the Wixom Bar and AutoOne and would not continue on to the West End Commons. Mr. Sikma agreed. Councilmember Behrmann walked this sidewalk the other day and noticed that it really needed to be repaired. Given the location of the sidewalk, he was concerned a contractor would come through and need to work on something and tear up the sidewalk. Mr. Sikma understood his concern. He noted that area was complex and had a lot of things going on. Councilmember Behrmann said the other side of the street had a beautiful sidewalk. He felt the sidewalk in front of PNC Bank was higher on his priority list. Mr. Sikma indicated that the DDA contemplated bringing all the electrical lines underground there. Before they did anything in that area, they wanted to confirm those projects were booked so all the project could be completed at once.

Mayor Beagle supported this project because the sidewalk was a safety hazard. He said whenever they kick the can down the road, the cost becomes significantly higher than what they anticipated. He didn't want this to be another example of that.

Vote:

Motion Carried

- 2.) Recommendation to Approve the Purchase of Roadway Deicing Salt from Detroit Salt of Detroit, Michigan through the Michigan Intergovernmental Trade Network for the 2023-2024 Winter Season for \$61.41 Per Ton the First Year with a Three Percent Increase Each Year for Four Additional One-Year Extensions with an Estimated Total Cost of \$87,816 the First Year Split Equally between Local Roads Account #203-441-963.090 and Major Roads Account #202-441-963.090**

CM-04-67-23: Motion and seconded made by Deputy Mayor Rzeznik and Councilmember Smiley to approve the purchase of roadway deicing salt from Detroit Salt of Detroit, Michigan through the Michigan Intergovernmental Trade Network for the 2023-2024 Winter Season for \$61.41 per ton the first year with a three percent increase each year for four additional one-year extensions with an estimated total cost of \$87,816 the first year split equally between Local Roads Account #203-441-963.090 and Major Roads Account #202-441-963.090.

Mr. Sikma said they worked with Oakland County through Farmington Hills to negotiate pricing for the salt. Several communities came together and determined how much salt they would need. The contract was based on a 30% plus or minus as to what they expected to use. At a minimum, we only have to purchase 70% of what we said we were going to use to remain in compliance with the contract. He wanted to be conservative and be sure they would be funded for the entire amount so he went with 130% in order to keep the salt prices the same. Mr. Sikma said of the three companies that applied, Detroit Salt was the lowest cost.

Deputy Mayor Rzeznik asked how much salt we currently had. Mr. Sikma said we have about 750-800 tons but could store another 400 tons and still be able to load and unload the salt inside the barn. It was his plan to purchase 400 tons of salt this summer and the rest throughout the winter as it was used. Deputy Mayor Rzeznik asked if they were using less salt than before. Mr. Sikma replied that 15 years ago, we were using 2,300 tons of salt a year and now we use 800-1,000 tons of salt a year.

Vote:

Motion Carried

- 3.) Recommendation to Authorize Professional Services from Fire & Failure Forensics, LLC of Wixom, MI at a Cost Not to Exceed \$20,000 from the Consultants & Personnel Account #101-172-801.121 and Approve the Associated Budget Amendment**

CM-04-68-23: Motion and seconded made by Deputy Mayor Rzeznik and Councilmember Behrmann to authorize professional services from Fire & Failure Forensics, LLC of Wixom, MI at a cost not to exceed \$20,000 from the Consultants

& Personnel Account #101-172-801.121 and approve the associated budget amendment.

Mr. Brown indicated that this was a proposal to continue an engagement that City Administration started with Fire & Failure Forensics. This is a Wixom business and a Wixom resident is the owner of the company. We were engaging with DTE Energy in the past on various electrical outage problems and we were successful in getting DTE to make improvements in some areas of repeated outages. However, on December 31st, there was another neighborhood that was heavily impacted by a power outage. This time, it went beyond the outage itself. There was also a lot of household damage that occurred in different houses. After not getting very far with DTE, we decided that we wanted to bring somebody else in. We have worked with Fire & Failure Forensics, which is a firm that specializes in these types of issues. Initially, Mr. Brown expected it to be under \$10,000 so he did not come to Council for approval. We were still substantially under \$10,000, but he had a feeling that before the engagement was finished, we would get over \$10,000. Mr. Herrick has been very helpful as he has a level of knowledge that goes beyond anybody we have on staff. We have a plan to take the electrical engineer, our electrical inspector that is contracted through SAFEbuilt, out to the field with various DTE representatives. They will evaluate a handful of houses in this affected area where we have identified the circuit that we think was the most problematic. They will evaluate the system from DTE's transformer to the underground primary lines to the home and the grounding rod that was at the home. That was scheduled twice and rescheduled for this week. The next set of work will probably put us in the ballpark of \$10,000, which was why Mr. Brown was bringing this before Council now. He added that he didn't think he would come close to spending the total of \$20,000 on this project.

Deputy Mayor Rzeznik commented that he has used Mr. Herrick's services in the past for his business. It was very effective and he was very professional. He did a great job and saved Deputy Mayor Rzeznik a lot of money. He was highly recommended for his expertise. He has been helpful already for some of the residents. Deputy Mayor Rzeznik said he supported this.

Councilmember Gottschall said he supported our residents with this issue and DTE's complete unwillingness to acknowledge that they are failing all Wixom residents that they serve. He asked why the City would be paying for this as opposed to DTE reimbursing us or paying for it themselves. He thought it was most likely an issue with their faulty equipment. Mr. Brown said that was something he could bring up after this was done, but he wouldn't expect that to go very far. Councilmember Gottschall asked how immediate was the expense. He wondered if we could table this and approach them about it. If it was found to be faulty on their end, they should fully reimburse the cost that we incurred. Mr. Brown said the Council could do whatever they wanted but he wouldn't expect anything from DTE based on his interactions with them. Councilmember Gottschall said he would be more in favor of at least trying that. He said we can't keep allowing them to skirt their obligations. They operate a monopoly that was sanctioned by the State. Now they are saying

the City should hire our own experts to tell them that they are horrible at customer service. No other business structure operates that way.

CM-04-69-23: Motion by Councilmember Gottschall to table the authorization of professional services from Fire & Failure Forensics, LLC of Wixom, MI at a cost not to exceed \$20,000 from the Consultants & Personnel Account #101-172-801.121 and approve the associated budget amendment until we get an answer on cost-sharing or reimbursement.

With no second, the motion died.

Councilmember Smiley confirmed that we would be asking DTE to pay for figuring out where they made mistakes. Mr. Brown said that would ultimately be the outcome. If we identify deficiencies in their network or areas that need further investment or reinvestment, that would be something where they would incur those costs to make that happen. That was what the goal of this engagement with the electrical engineer was. He thought having someone with additional knowledge in the field would help us and allow us to move it more quickly through the process to bring about relief to people who were affected. We have gone out to the public to ask for feedback on this and we received a little over 100 additional responses beyond the people who were affected by this power outage. This was a discretionary decision on Administration's part to try to move this along. Councilmember Smiley thought this was a tool to make our case that DTE has to do something. He couldn't see DTE helping out with that cost. He said he would like to ask them afterward to reimburse the City. Mr. Brown said that would happen.

Deputy Mayor Rzeknik stated that we had hundreds of residents that lost property and many of them submitted claims. They were all denied. There is another process to the Service Commission that could be tried once we get the data. The Public Service Commission doesn't answer to any legislative body so we don't know how that will come out.

Councilmember Behrmann didn't mind spending the money to advocate for our residents. He wasn't sure how much it would help. DTE didn't show up to the open houses where they were asked to attend. They denied all of the claims. Even if we get this report saying here are the mistakes and here is what needs to be fixed, are they even going to fix it? Mr. Brown said we are going to try to make that happen. He believed that we could identify what those shortcomings were. Councilmember Behrmann wasn't sold they will care one way or another.

Councilmember Gottschall said he was not advocating not spending the money. As the City Manager shared, right now he was working under the Charter cap of \$10,000, which was fine to him. He thought we needed to be fighting DTE tooth and nail for our residents. They were probably wading into lawsuit territory with a lot of residents, not just in Wixom but the entire State. DTE is horrible. He was not saying don't spend the money, but it didn't sound like we needed it tomorrow. He wanted to ask DTE if they would reimburse the City. If they say no, the Council can vote on it at the next meeting. At least we tried. It irked him a little bit that we

need to hire someone to tell DTE that their service is terrible. That was crazy to him.

Vote:

Motion Carried

CALL TO THE PUBLIC:

Mark Fields, 2065 Downham Drive in Wexford Mews, said he lived in one of the areas affected by poor infrastructure, voltage spike surges and destructive behavior of the electricity through his home. He thought the forensic electrical engineer would be an invaluable service to the City and the safety of the community. We are talking about voltage spikes where people have seen sparks coming out of their outlets. He was concerned, not only for his home, but for the residents throughout the community, especially in the local area with failing infrastructure. Due to the aged, somewhat compromised infrastructure of DTE, he thought it was a great idea to at least have Mr. Herrick looking into this. Perhaps it was some kind of leverage we could use against DTE. Sometimes they just throw it underneath the rug and hope it will go away. Maybe we can prove to them that this was not going to go away. There are problems throughout the system. His concern was for the future of the City of Wixom and our community. Every time you have a new housing development or you are working on a road, you are disturbing their infrastructure, how they integrate that together and make it proper. He wondered if DTE was watching over that. What really concerned him was that they can't take the data that they have on these highly technical boxes now and say yes, you had a voltage spike. They are claiming that they haven't seen any in the past several months. He said his lights are flickering in every room so he tested it in every room. He was curious as to why that would be. He reiterated that his main concern was for the safety of the public in the area.

County Commissioner Ajay Raman said it was great to see many of the Council this past weekend at the Air Line Trail Opening. He congratulated everyone and thought that was a huge accomplishment for our community. Oakland County recently recognized several area schools in the Green Schools Program through the County. Last week at the Detroit Zoo, there were a number of Walled Lake Consolidated School District schools recognized for taking steps toward green initiatives by accomplishing certain tasks. Some of the best schools of the 85 were Glengary Elementary School, Hickory Woods Elementary School, and Keith Elementary School. They received the Evergreen Status, which was the highest level of green achievement. In addition, Walled Lake Northern High School received the Emerald Status, which was the mid-level. Oakley Park Elementary, Pleasant Lake Elementary School and Sarah Banks Middle School all received green, as well. He congratulated all of them. He said that the 52-1 District Court had their Treatment Court Ceremony a few weeks ago. There were a lot of people who graduated from that program and he congratulated them. In terms of a couple updates from the County, he said there would be a broadband survey coming out within the next month. He knew there were a lot of scams and this was legitimate. The purpose was to try to get as much feedback from the community as possible to find out where gaps are right now. This was the first step of many in trying to get that information. He said he went to a SEMCOG meeting last week with the Michigan

Infrastructure Council. They are working very seriously on infrastructure coordination. This has been a big challenge. It seems like all of the roads are torn up at the same time and the left and right hands aren't speaking to each other. He wanted the Council to be aware that this was on the radar between the State and Counties. He hoped we would see benefits in the next few years. Lastly, in relation to transit issues, he said he has been working with the City Administration team on some of the updates and they have meetings scheduled in the next few weeks. The 2023 Interim Local Transportation Reimbursement Program is anticipated to be released on or around April 28th. This will allow us to submit an application for reimbursement for anything that is paid currently for the Transit Program. They are anticipating that this will be at least in two installments, one mid-year around July and at year-end in January 2024. He said they have done some great hiring in the Transit Department. Eli Cooper was brought on as the Manager of the Transit Program and they just hired a Transit Planner last week. They are anticipating that there will be stakeholder engagements in the next month or so. Closer to June they will open it up for public input and feedback.

CITY MANAGER COMMENTS:

Mr. Brown said there were four employees celebrating work anniversaries in the month of May. They range from one year to 20 years. He thanked and congratulated all of them.

Mr. Benson said that the City closed on 117 and 119 North Wixom Road today. The closing for 121 North Wixom Road was scheduled for next Monday, May 1. The Renton Redevelopment efforts were well underway. Council should expect to see some planning updates as we move forward.

COUNCIL COMMENTS:

Councilmember Gottschall had no comments.

Councilmember Smiley mentioned that the Ribbon Cutting for the Air Line Trail was well attended last Saturday. Many on Council and staff were in attendance, as well as the County Executive, Dave Coulter. The Trail generates a lot of passion and the residents love it. He thanked the Drafting Table for hosting this event.

Councilmember Behrmann also attended the Trail Opening. He thought it was a good event. His children were excited to enter the contest to name the trail around City Hall. He congratulated those who were recently promoted in the Fire Department - Captain Jason Breitmeyer, Lieutenant Mike Smith and Lieutenant Dave Stewart. He was glad to see we were moving people up to fill those roles and hiring was continuing. We are moving in the right direction.

Mr. Brown added that the news item was still up on the website if anyone would like to participate in the naming of the loop around City Hall.

Deputy Mayor Rzeznik said that he also attended the Ribbon Cutting of the Trail last Saturday and thought it was a great event. It was good to see all the excitement build around that. The first day they had 80° outside, the traffic on the

trail was amazing. He hoped he got a few more words in with the Road Commission for Oakland County regarding traffic calming for Pontiac Trail. The City hosted a group of German exchange students from Walled Lake Western. He said that the teacher from Germany was a student in the Exchange Program and now she is a teacher in Germany. She stayed with her old host family in Wixom. The students got a good view of local City government in the U.S. He thanked all of City staff who participated in that event. Deputy Mayor Rzeznik said that the FCC granted a joint waiver request this week for the use of connected vehicle technologies (CV2x) for public roadways. Things have been stalled for years pending concerns of interference in the 5.9 megahertz band with other radio communications. This would give a green light for the use of these vehicle safety technologies in transportation infrastructure programs.

Mayor Beagle thanked the four employees who were celebrating their work anniversaries. He congratulated Captain Jason Breitmeyer, Lieutenant Mike Smith and Lieutenant Dave Smith. He thought they were well-deserved promotions and he felt the Fire Department had done a 360-degree turnaround. He thanked Phil Carter for his years of service on the Planning Commission. There will be further recognition for him at a future Council meeting. He then asked the City Clerk for an update on the filing deadline for Council candidates.

Ms. Buck stated that the deadline to turn in petitions was today at 4:00 p.m. There was one candidate running for Mayor, four candidates running for three Council seats, two candidates running for two six-year terms on the Library Board and one candidate running for a partial four-year term on the Library Board.

ADJOURNMENT:

The meeting was adjourned at 7:55 p.m.

Catherine Buck
City Clerk

Approved 5-9-2023
