

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, JANUARY 9, 2024**

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: (None)

MINUTES:

CM-01-01-24: Moved and seconded by Councilmembers Smiley and Behrmann to approve the Regular City Council meeting minutes of December 12, 2023.

Vote:

Motion Carried

CM-01-02-24: Moved and seconded by Councilmembers Sharpe and Behrmann to approve the Regular City Council meeting minutes of December 19, 2023.

Vote:

Motion Carried

CORRESPONDENCE: (None)

CALL TO THE PUBLIC:

There were no comments made at this time.

CITY MANAGER REPORTS:

1.) Fire Monthly Report - December 2023

Councilmember Behrmann noticed we had three fires during the month and that seemed higher than normal. Chief Geistler explained that didn't mean it was a fire. Two of those were mutual aids to outside agencies. The one we had in Wixom was a small electrical fire.

2.) Police Monthly Report – December 2023

There were no comments or questions about this report.

CONSENT AGENDA:

CM-01-03-24: Motion and seconded made by Councilmembers Smiley and Sharpe to approve the Consent Agenda as presented which included:

- 1.) Recommendation to Authorize a Resolution to Adopt a Revised Policy Relative to the Review and Granting of Financial (Poverty) Hardship Exemptions by the City of Wixom Board of Review
- 2.) Recommendation to Remove Linda Halseth from the Senior Citizen Commission Due to Lack of Meeting Attendance and as Requested by the Commission

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

- 1.) **Recommendation to Confirm the Mayor's Reappointment of Jeffrey Isett to the Board of Review with a Term to Expire December 31, 2026 and the Reappointments of Kevin Hinkley and Robert Zwald to the Tax Abatement Review Committee with Terms to Expire December 31, 2026**

CM-01-04-24: Motion and seconded made by Councilmembers Behrmann and Gronlund-Fox to confirm the Mayor's reappointment of Jeffrey Isett to the Board of Review with a term to expire December 31, 2026 and the reappointment of Kevin Hinkley and Robert Zwald to the Tax Abatement Review Committee with Terms to Expire December 31, 2026.

Mayor Beagle said that all three individuals were reappointments.

CM-01-05-23: Motion and seconded made by Councilmembers Gottschall and Gronlund-Fox to vote individually on the reappointments.

**Roll Call Vote: (5) AYES – Beagle, Gottschall, Gronlund-Fox, Sharpe, Smiley
(2) NAYS – Behrmann, Rzeznik**

Motion Carried

The reappointment of Jeffrey Isett to the Board of Review with a term to expire December 31, 2026

Vote:

Motion Carried

The reappointment of Robert Zwald to the Tax Abatement Review Committee with a term to expire December 31, 2026

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

(1) NAY – Gottschall

Motion Carried

The reappointment of Kevin Hinkley to the Tax Abatement Review Committee with a term to expire December 31, 2026

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

Motion Carried

- 2.) Recommendation to Approve Sponsoring an Applicant Through the Oakland Police Academy with \$26,424 Charged as Follows - \$15,207 to Desk Aides Account #101-301-703.377, \$3,368 to Cadet Fringe Benefits Account #101-301-709.100, \$2,000 to Uniforms Account #101-301-956.372 and \$5,850 to Training – Police Account #101-301-955.372**

CM-01-06-24: Motion and seconded made by Councilmembers Gronlund-Fox and Smiley to approve sponsoring an applicant through the Oakland Police Academy with \$26,424 charged as follows - \$15,207 to Desk Aides Account #101-301-703.377, \$3,368 to Cadet Fringe Benefits Account #101-301-709.100, \$2,000 to Uniforms Account #101-301-956.372 and \$5,850 to Training – Police Account #101-301-955.372.

Chief Langmeyer stated that Sergeant Louie McKaig was retiring this week after 28 years of service to the Wixom Police Department. He was requesting approval to sponsor another recruit through the Police Academy to replace Sergeant McKaig. Two people have applied for the position. The last person that we sponsored through the Academy was Officer Luke Krzyzak and we received a large amount of money back from a grant through the State of Michigan. He anticipated that same grant being available for this candidate. We have a spot available at the Academy, which will start January 22, 2024.

Councilmember Behrmann asked if this was the third or fourth person we were sending to the Academy. Chief Langmeyer replied that this will be the fifth person during his tenure. All have been fabulous additions to the Department.

Councilmember Gronlund-Fox supported this and thought it was a great thing that we do. She asked if there were any other retirements or people leaving that we know of. Chief Langmeyer replied that he was not aware of anyone else leaving. This was the end of a big wave of retirements. Councilmember Gronlund-Fox asked if we have the candidate sign a letter saying that if they don't make it successfully, or if they leave within a certain period of time, they have to pay us back. Chief Langmeyer explained that the individual must stay for a minimum of four years or they would have to reimburse the City for the Academy's expenses.

Councilmember Smiley thanked Sergeant McKaig for all of his years at the City of Wixom.

Councilmember Sharpe thought it was good that no budget amendment was required. He assumed we planned for this retirement and we including the funding of a police aid for the Academy in the budget. Chief Langmeyer said that he asked

during the budget session to send one person, which was Luke Krzyzak. He was to replace the new Sergeant that we added to the Department at the beginning of the year. At the time he prepared his budget, he was not convinced that Sergeant McKaig was going to retire so he didn't ask for two people. He believed they had enough funding to cover these expenditures.

Mayor Beagle felt this was a real great program and he could support this too.

Vote:

Motion Carried

3.) Recommendation to Introduce an Amendatory Ordinance to the City of Wixom Code of Ordinances, Title 13 Public Services, Chapter 13.08 Sewer Services System, Article IV Wastewater Disposal Standards, Section 13.08.450 Abbreviations to Add PFAS, PFOA and PFOS; Section 13.08.460 Definitions to Amend Regulations Relating to PFAS, PFOA and PFOS; Section 13.08.520 Pretreatment of Wastewater Facilities to Amend Regulations Relating to PFOA and PFOS; and Add a New Section 13.08.538 PFAS Regulated under Local Limits, USEPA or the State of Michigan

CM-01-07-24: Motion and seconded made by Deputy Mayor Rzeznik and Councilmember Gronlund-Fox to introduce an amendatory Ordinance to the City of Wixom Code of Ordinances, Title 13 Public Services, Chapter 13.08 Sewer Services System, Article IV Wastewater Disposal Standards, Section 13.08.450 Abbreviations to add PFAS, PFOA and PFOS; Section 13.08.460 Definitions to amend regulations relating to PFAS, PFOA and PFOS; Section 13.08.520 Pretreatment of Wastewater Facilities to amend regulations relating to PFOA and PFOS; and add a new Section 13.08.538 PFAS Regulated under Local Limits, USEPA or the State of Michigan.

Mr. Sikma said that the Wastewater Treatment Plant was regulated through the State of Michigan under National Pollution Discharge Elimination System (NPDES) permit. We recently had updates to that permit in August. One of the items was to update our ordinance to include PFAS, PFOA and PFOS. Last spring, Fleis and VandenBrink did a study for our local limits and came up with a couple of amendments including PFOA and PFAS. The enactment of this ordinance would occur at the next Council meeting to make sure industrial users know about the change in regulations. These have been implemented in the IPP permits that are in Wixom already. We are just making this more of a local ordinance.

Deputy Mayor Rzeznik asked if we were already reporting the numbers from the last couple of years. Mr. Sikma replied yes. We have been monitoring the PFOS and PFOA since 2018. They have significantly dropped since then. We are under compliance as far as our discharges go and that was because of the pretreatment program. If we detect them in biosolids, for instance, we can go back and get assistance for cleanup. That was recommended by the State.

Councilmember Gottschall asked if Mr. Sikma recalled how many exceedances we had last year for PFAS. He replied that during this past year, we didn't have any violations with PFAS from our industrial users. We did have monitoring issues. A sample didn't get collected so that resulted in a violation. To his knowledge there

were no discharges that exceeded the limits. Councilmember Gottschall asked if there was anything in this ordinance that would penalize for missed tests. Mr. Sikma said that there were other federal regulations for metal finishing that were required and one of those was sampling. If they miss a sample, it is a violation notice automatically. They have to sample within a certain time period to gain compliance again. The industry that we have been working with has multiple things in place that prevent that from happening. Councilmember Gottschall asked if there was a penalty for the missed test violation for metal finishing. Mr. Sikma said that there is an enforcement plan that stipulates aggressive requirements. There is a notice of violation and then it goes to administrative compliance orders with fines and penalties after that. If they return to compliance prior to that, they don't have fines and penalties. If it happens more than two or three times within a three-month period, there is escalating enforcement policies in place.

Councilmember Gottschall commented that the paragraph in red on page 4 talks about the ability to collect for alternate disposal if we had issues. There was a notice of violation, then an administrative notice and then fines and penalties. We are talking about something so toxic and it was great that they have been in compliance, but he felt that this didn't go quite far enough. For any instance of exceedance or missed tests, we need to skip to a fine that shows we are not going to keep doing this. He thought it should be \$10,000+. That way it was a quick lesson that you don't miss a test. They shouldn't get a few warnings before fines. We could use that money for environmental or natural cleanup.

Skipping to the new Section 13.08.538, Councilmember Gottschall said it talks about the process for submitting plans for review. He asked if we had a permitting process in place to use these chemicals in the City. Mr. Sikma replied yes. To answer his first question regarding the biosolids piece, this was more stringent than the State's and Federal's regulations for elimination requirements. They didn't feel we would necessarily have enough teeth to be able to issue the fines and penalties. We are trying to just recover the costs that are associated with the disposal. That was how our attorneys have regulated it in the past. The PFAS company has been issued invoices to recover the cost that the City has incurred because of chromium and PFAS issues that have been presented. Secondly, in relation to the new Section, Mr. Sikma said that we are trying to follow the guidelines of the federal government. There are metal finishing rules that have to be applied and we are applying them with the best management practices for PFAS because that was how the State has been trying to regulate this. It has been very successful to have baseline monitoring. If they don't have a permit and we find a company that we don't know about that was using PFAS or PFOS, we can issue a cease and desist order to stop them from discharging. It takes 90 days to approve that process. It was not allowing them to violate for 90 days. It was stopping the process and allowing them to apply and be done with that application within 90 days. Councilmember Gottschall said that the permitting for current users all hold a permit that we know of and then we have the ability to revoke that permit if they reach a certain threshold of violations. We can tell them they cannot discharge period. Mr. Sikma said that was correct. There were other stipulations along with our local limits for that. We have already implied these limits in their permits for a number of years. This was an added limit so we don't get multiple industries coming in that all

want to discharge the same amount. That would keep us below the limits that we are regulated under the State.

Councilmember Gottschall appreciated all of the extra detail. He understood them reimbursing or covering the cost for cleanup or alternate disposal. It was one thing just to pay for the cost. He thought we needed to add in fines, especially for missed testing, which is a serious violation. He understood how it would be difficult to trace from our effluent who the user was, but was a little easier if you don't turn in the test. He knew we had to vote on this again, but he requested that we add in some structure for immediately penalizing things like that because it is so dangerous. The State has their standards and he hoped they have learned a lesson. He thought we had a duty to look out for our community and not just fall back on what the State wants. He didn't think that was stringent enough.

Mr. Benson asked Mr. Sikma if the penalties and the process was part of the NPDES permit. He questioned if we had the ability to update or make amendments to that outside of an ordinance process. Mr. Sikma replied that we do through our permitting process. It still has to be logical and agreed upon. The IPP portion is a contract. Water regulations as a whole start with the federal government, the EPA. Region 5 has authority that was given to the State of Michigan 30 years ago for regulating the NPDES permits. EPA regulates other states separately. Michigan has chosen to self-regulate. There are set guidelines for metal finishing. There is a whole categorical process of requirements for industrial users that do metal finishing. It goes back to the State and the State requires specific enforcement response plans that we have had in place since the 1980s. Those can be updated but each time it is updated, it goes through a rigorous process through our attorneys and the State attorneys. We did that with this ordinance. To amend that might set us back. He wouldn't recommend that at this point. He said the fines and penalties were part of a different ordinance.

Councilmember Gottschall understood not wanting to hold this up but these regulations were beneficial. It was better to get them in place. If this passes after the second vote, we know to reengage the State and have the discussion about adding penalties. Mr. Sikma said that this was a separate issue that was not covered in this ordinance. Mr. Brown further explained that we would initiate a discussion with the State that we had a Councilmember who inquired about the possibility of skipping through the step process when someone misses a sampling. He thought Mr. Sikma's point was that it was not relevant for this item. His conversation was relevant for the next step.

Councilmember Behrmann said that when we had the situation with the company that released chromium, through our ordinance we invoiced them for our costs. He asked if they reimbursed us. Mr. Sikma said that there were portions that they paid automatically and some were held up for more than six months. According to our ordinance, we can roll those into taxes. The City of Wixom was paid for all of the invoices through their taxes. Councilmember Behrmann asked if there were fines and penalties from the State and the federal government that they incurred due to that release. Mr. Sikma said that he had a discussion with an EAP representative this week regarding that and he indicated it was still under consideration. They may be fined. Councilmember Behrmann said that the moment that happened, we

issued a cease and desist to them and their entire plant was shut down. Economically, it cost them a lot of money from this situation. The penalty side may be coming from the State and federal government. Adding one from us would be another penalty. He wasn't opposed to it; he was more curious if they were levied a penalty yet and what it would cost them. Mr. Sikma said that they were under review, too. It has been a year and a half since the incident. They have come a long way and they have been in compliance for almost a year. Councilmember Behrmann said that it was not that they should have allowed what happened to have happened, but he wasn't sure if \$10,000 would be enough to prevent what happened. He assumed if they get a penalty from the State or federal government it would be more than \$10,000 and Mr. Sikma thought so.

Councilmember Gronlund-Fox agreed with Councilmember Gottschall. These were serious issues to our environment and our drinking water. She was confused about the process. Mr. Brown explained that there was a separate ordinance that addresses those kinds of violations and penalties. We will have to initiate a discussion with the regulators as to whether we can make those requested changes. Councilmember Gronlund-Fox said she supported that completely. We all have heard stories about businesses that do whatever they want to the environment and unless it gets them in the bottom line, it doesn't mean they will make changes.

Councilmember Smiley commented that if we do revisit this and eliminate a warning step, he would want to know how often it was tested. There might be some good reasons it gets missed. He would like to hear the other side of the story on this.

Vote:

Motion Carried

CALL TO THE PUBLIC: (None)

CITY MANAGER COMMENTS:

Mr. Brown commented that he recently completed the Michigan Infrastructure Council Asset Management Champion Program. This program was developed by the Michigan Infrastructure Council (MIC) which is made up of 9 appointees of the Governor and top Legislative leaders in Michigan and includes 9 self-paced online lessons and three 90-minute online, live discussion sessions with peers. The goal of the Program is to create leaders/experts in asset management through the study of best practices that become advocates for stronger asset management practices.

Mr. Benson commented that the DDA was starting their Wednesdays in Wixom Program. This was to encourage traffic during slower times in downtown. If you are caught dining in one of our restaurants in downtown Wixom, they may pay for your meal.

COUNCIL COMMENTS:

Councilmember Behrmann hoped everyone had a good holiday and a good new year. He noticed there were a lot of vacancies on various Boards and Commissions. If anyone was looking to get involved, the application was on our website.

Councilmember Gottschall thanked his DARE Officer, Louie McKaig, for his many years with the Wixom Police Department. He pointed out we have two Rules and Procedures packets at everyone's seats. One was the original that was put together by Mr. Dornan when he was the City Manager. The other one was from him with his thoughts. He encouraged the other Councilmembers to call him with any questions. He hoped to get this approved sometime in the future.

Councilmember Sharpe wished everyone a happy new year and said he looked forward to working with the Council and City Administration in 2024.

Councilmember Smiley wished everyone a happy new year. It has started off very well and he hoped the rest of the year goes well. He thanked Councilmember Gottschall for the homework. He said he responds well with due dates and wondered when he would like to accomplish that. Councilmember Gottschall said he hoped we would get this done by the end of next month. He knew his thoughts weren't necessarily going to align with everyone else's thoughts. Councilmember Smiley said he would put a due date of the February 13th meeting.

Councilmember Gronlund-Fox thanked those residents who were reappointed to the various Boards and Commissions. She congratulated Mr. Brown for getting through his program. She hoped everyone had a great rest of the week.

Deputy Mayor Rzeznik congratulated Sergeant Louie McKaig on his retirement. He has served this community very well and he has had a lot of great interactions with him over the years. He thanked those residents and business owners who have volunteered for Boards and Commissions. He noticed that over the last eight years, there has been some opposition on Council to business owners who are not residents in the City getting appointed to the Tax Abatement Review Committee. He recalled some years back that since 46% of the tax dollar went to the school district, we would have a representative from the Walled Lake Consolidated Schools also on that Committee. He looked back at his own situation. He pays about \$4,200 in taxes to the City of Wixom for his 2,400 square foot residence. He also pays the City of Novi \$170,000 in taxes for his properties there. That was about 2% to 98%. He asked if he had an invested interest in terms of tax raise, abatements and things of that sort, and he would say yes. He still supported the bylaws of that Committee that the majority should have some property in the City. So far, everyone on there was either a resident or a business owner.

Mayor Beagle thanked the business owners and residents for agreeing to be reappointed to the various Boards and Commissions. He thanked Sergeant McKaig for his years of service with the City. We will miss him.

ADJOURNMENT:

The meeting was adjourned at 7:52 p.m.

Catherine Buck
City Clerk

Approved 1-23-2024
