

CITY OF FENTON COUNCIL PROCEEDINGS
Monday, May 23, 2005
City Hall Council Chambers
301 South Leroy Street

Meeting was called to order by Mayor Pro Tem Hammond at 7:30 P.M.

The invocation for the evening was the Lord's Prayer, followed by the Pledge of Allegiance.

Present: Angeluski, Hammond, King, Medor, North, Rauch.

Absent: Osborn was excused.

Others Present: Michael Senyko, City Manager; Christopher Wren, Assistant City Manager; Stephen Schultz, Legal Counsel; Les Bland, Director of Public Works; Brad Hissong, Zoning Administrator.

PRESENTATION

Senyko presented Bland with an award from the American Public Works Association, establishing him as one of the Top Ten Public Works Leaders of the Year, and delivered a message from the APWA president congratulating Bland. Pat Lockwood presented Bland with a certificate of achievement from Governor Granholm. Bill Squires, a representative of the Fenton Lions Club, expressed his congratulations to Bland on behalf of the club. Bland introduced his family that was present and expressed his gratitude. Hammond and King congratulated Bland and expressed their gratitude for all of his years of service and an outstanding performance in his field.

INTRODUCTION

Hissong introduced the City's new Building Inspector, Dale Girard, and reviewed his history and qualifications for the position.

MINUTES

Moved by Rauch, seconded by Medor to approve the minutes of the May 2, 2005 Work Session and the May 9, 2005 regular meeting as corrected. Motion carried by voice vote.

ACCOUNTS PAYABLE

North had several questions about accounts payable that were answered to her satisfaction, as well as a request to remove a billing from Ayres, Lewis, Norris, and May, for a topographical survey completed for the Fenton Community Center because it should be the responsibility of the DDA to pay for this expense. Moved by Medor, seconded by Rauch to authorize payment of invoices in the amount of \$143,477.42, excluding the billing from Ayres Lewis, Norris, and May.

YEAS: Angeluski, Hammond, King, Medor, North, Rauch.

NAYS:None.

ABSENT: Osborn. Motion carried.

CORRESPONDENCE, MINUTES & REPORTS

Moved by Rauch, seconded by North to place on file the following correspondence, minutes and reports:

- Minutes of the February 17, 2005 regular meeting of the Local Development Finance Authority.
- Minutes of the March 21, 2005 regular meeting of the Brownfield Redevelopment Authority.
- Minutes of the April 14, 2005 regular meeting of the Oakwood Cemetery Board.
- Minutes of the April 19, 2005 regular meeting of the Downtown Development Authority.
- March report for G.R.A.C.E. Inc.

Motion carried by voice vote.

CITIZENS COMMENTS - None.

CDBG SIGNATURE RESOLUTION

Wren delivered information about the CDBG Signature Resolution, stating that it was merely a housekeeping item that needed to be addressed for the County in order to continue receiving CDBG funding. North, King, and Wren held a small discussion about what CDBG funds could be used for in the Fenton Community, and Wren explained the possible designations for such monies.

A motion was made by Rauch and seconded by North to adopt Resolution No. 05-14 designating Michael Senyko, Christopher Wren, and Melinda Carrier to request reimbursement through the CDBG Program.

YEAS: Hammond, King, Medor, North, Rauch, Angeluski.

NAYS:None.

ABSENT: Osborn. Resolution declared adopted.

SIDEWALK SPECIAL ASSESSMENT PROCESS

Senyko delivered information about the Sidewalk Special Assessment Roll. North questioned whether or not there was money budgeted in 2005 for this, and Senyko affirmed that there was money budgeted in 2005 and in 2006 as well.

A motion was made by King and seconded by Rauch to adopt Resolution No. 05-15, which sets a public hearing to review the special assessment roll on June 27, 2005. Motion carried by voice vote. Resolution declared adopted.

STORMWATER MANAGEMENT

Senyko addressed the Council and stated that this resolution should have been completed some time ago, and as a result, the County needs to have the necessary paperwork on file in order for the City of Fenton to participate in the stormwater management contract with Genesee County. King stated that it will cost the City \$12,000 annually and Senyko followed up by stating that the City will be billed quarterly for this service. Bland stated that by entering into this contract, it will only cost the City a third

of what it would pay if the City managed this on its own.

A motion was made by Rauch and seconded by Hammond to adopt Resolution No. 05-16, which authorizes the City of Fenton's participation in a stormwater management contract with Genesee County. Motion carried by voice vote. Resolution declared adopted.

LARRY ROBBINS RETIREMENT REQUEST

Senyko addressed the Council with some background information about the retirement of Larry Robbins and the purchase of a service credit for his retirement. North questioned the resolution that was already passed in January for this purpose and Schultz stated that the prior Resolution, which authorized the purchase of a six month service credit was never utilized due to Robbins wishing to delay his retirement status for health reasons. Schultz stated that the new Resolution will actually be a greater cost savings to the City and still allow Robbins to enter into retirement.

A motion was made by Rauch and seconded by North to adopt Resolution No. 05-17, which grants Larry Robbins the status of retirement after many years of service to the City. Motion carried by voice vote. Resolution declared adopted.

SALE OF PROPERTY

Senyko delivered the background and information about the negotiations with, and potential sale of property to Consumers Energy pending the achievement of specific items that were previously discussed. Kevin Keen, Consumers Energy Manager for Genesee and Lapeer Counties, was on hand to answer questions from the Council.

Angeluski asked Keen to provide some explanation about the safety of EMF levels that will be generated by this sub-station. Keen stated that the levels of EMF emission measured at the perimeter of the fence boundary can not be differentiated from other fields located across the world, in short, the levels diminish to a safe level at a rapid rate as soon as you begin to proceed away from the source. Keen stated that after 25 years of study, there is no evidence to corroborate any adverse health effects befalling humans because of the emissions. Angelsuki asked how much it generates, and Keen answered that it generated less EMF than the can opener on your counter top, at its perimeter.

King shared some of the research she had acquired about EMF's, and she concluded that there can be adverse effects for humans if they are exposed to large amounts. King asked Keen what would happen if the transformer blew and Ken explained the process for containment.

North asked to hear the opinion of the audience, if anyone was present to express their opinion on the topic.

Cheryl O'Neil, of 15054 Roberts Drive, expressed her concerns about the station being constructed in such proximity to a residential neighborhood. She realizes that this area is in desperate need of another station, and stated that she was impressed with Senyko and Angeluski when she inquired about it. O'Neil feels that the best solution is to try and find another location, but she offered some suggestions for the Council if they choose to go with the current location.

Pat Carmody, Treasurer of Fenton Township, expressed his apologies that the Township is not adequately informed about this issue, and asked the Council to consider the residents of Fenton Township when they make their decision as well.

Bonnie Mathis, Fenton Township Supervisor, stated that she did not have enough information about this topic to bring it to the Township Board. Mathis realizes the great need for another sub-

station, especially for her community concerning the pumps for Lake Ponemah. Mathis encouraged the Council to seek out another location for this endeavor.

Hammond stated that he is hearing some discrepancies from the Township and was mistakenly under the impression the Fenton Township was informed about this project by Consumers. A motion was made by Hammond and seconded by Angeluski to table this matter and take it back to a work session for further discussion. Motion carried by voice vote, with North dissenting.

Medor stated that it is very difficult to find suitable locations for sub-stations in this area. Medor stated that they can't increase service without being somewhat close to residents, therefore it is a huge challenge to provide service especially in an area which has experienced so much growth.

North stated that she did not feel that a 25 year study was old enough to support its claims about child Leukemia. North feels that any risk of this danger is too much of a risk for anyone's child.

FEE ADJUSTMENT

Schultz reviewed the request of Foster, Swift, Collins, and Smith, to raise the cap on the charge for their services, which was previously discussed at length at a work session. Schultz reminded the Council that the firm has not requested a rate increase since 2001, and is only doing so now to offset their own costs.

A motion was made by King and seconded by Rauch to approve the raise of the cap on charges for services, incurred by Foster, Swift, Collins, and Smith, to \$175 per hour, effective June 1, 2005.

YEAS: King, Medor, North, Rauch, Angeluski, Hammond.

NAYS:None.

ABSENT: Osborn. Motion carried.

STATE BIDS FOR MOWING EQUIPMENT

Bland delivered information to the Council regarding a state bid project which would allow the City to purchase mowing equipment at a cost savings of \$20,000 to the City below what was budgeted for the equipment. King questioned the age of the current mowers and how often they are used, and Bland's response was to her satisfaction.

A motion was made by King and seconded by Rauch to purchase mowing equipment through State Bid Contract #071B1001610 at a cost not to exceed \$26,132.00. Motion carried by voice vote.

WASTE SERVICES CONTRACT

Wren delivered the background information about the selection the Solid Waste Committee made for the contractor for waste services. Wren discussed the qualifications of Waste Management, as well as, introduced a letter from Barbieri discussing the potential problems with contracting with Richfield, the low bidder. Joe Denzik, of Waste Management, was introduced to take any questions from the Council.

King addressed her concerns with Denzik about the training of new employees and how they should handle the waste program in the City of Fenton. King further explained that improper collection

results in a loss of revenue for the City, which is how the bill for waste services gets paid. Denzik stated that, after conversations with Wren, it was decided that quarterly service audits would be conducted to test efficiency and quality of the workers.

Medor questioned Schultz about the liability the City could incur if they were to contract with Richfield, given the position they are in with their landfill. Schultz stated that there is a slight chance of the City having some exposure in a potential law suit, but it is not likely. Medor expressed that this exposure is the same with any vendor, and Schultz agreed but stated that there would be an elevated risk with Richfield due to their multiple issues with the DEQ. Medor and Schultz discussed an indemnification clause in the contracts.

Medor stated his point that this is the first opportunity that the Council has to save a considerable amount of money on a performance contract. Medor stated that he has no emotional attachment to either bid, however he sees a big chance to save the City a lot of money. Medor contacted Kurt Soper, of Davison Township, who has entered into contract with Richfield, and Soper is very pleased with their performance and cost savings. Medor stated that even if for some reason Richfield can't honor their contract, the City is entitled to select another vendor who can fulfil the need. Medor feels that, after looking at the cost for employee health care, the Council needs to look at this issue very closely.

King expressed her concern about the consent judgement. Fred Hambleton, of Richfield Equities, addressed the Council about their concerns and assured them that capacity issues at the landfill were not going to be a problem because the current landfill will have space for the duration of this contract and they are trying to acquire another landfill in addition to it.

Angeluski stated that the committee was set up to recommend their decision and the Council should follow their recommendation. Rauch stated that the decision reached by the committee was based on facts and a lot of hard work completed by Wren. North stated that the committee spent a lot of time reviewing this and decided that they needed to be cautious because there were too many red flags from Richfield. North also stated that with the new Waste Management contract, the City would still be saving money. Hammond stated that the Council was faced with the same decision 30 years ago and the result was a disaster. Hammond agrees with the recommendation of the Committee. Medor continued to assert his position about saving the City more money and stated that his own concerns were eased when he spoke to Davison Township about the service they were receiving from Richfield. Wren felt that it was important to mention that this contract will have no cost impact on the bag and tag program for citizens, as well as the fact that the committee did not make their decision on the question of service, the decision was made on the basis of the issues with the landfill.

Hambleton addressed the council about their issue with the landfill. Hambleton stated that all issues concerned with the DEQ have been met except for one, and that will be addressed shortly. Hambleton projected the ethical nature of his company as wanting to provide the best service for the best price, and that liability will be a non-issue for the City of Fenton.

A motion was made by Rauch and seconded by North to award the bid for waste services to Waste Management for a three year contract for a monthly fee not to exceed \$33,323.40 in 2005, \$34,178.76 in 2006, and \$35,034.12 in 2007.

YEAS: North, Rauch, Angeluski, Hammond, King.

NAYS: Medor.

ABSENT: Osborn. Motion carried.

TASTE OF FENTON

A motion was made by North and seconded by Medor to approve the request of the Fenton area Chamber of Commerce to close South Leroy Street between Silver Lake Road and South River Street from 8:00 AM to 10:00 PM to host “A Taste of Fenton” which will be held in conjunction with “Art at the Center”, on Saturday, August 20, 2005. Motion carried by voice vote.

FREEDOM FESTIVAL PARADE

A motion was made by North and seconded by Rauch to approve the request of the Fenton Freedom Festival Committee to conduct the Independence Day Parade in the City of Fenton on Monday July 4, 2005 beginning at 10:00 AM. Motion carried by voice vote.

FENTON VILLAGE PLAYERS BANNER REQUEST

A motion was made by King and seconded by North to approve the request of the Fenton Village Players to hang a banner over 1001 Silver Lake Road from July 11, 2005 to July 25, 2005, pending permission granted from the utility company and discussed specifications. Motion carried by voice vote.

TRI-COUNTY SOCCER BANNER REQUEST

A motion was made by King and seconded by North to approve the request of the Fenton Area Chamber of Commerce to hang a banner over Owen Road from June 2, 2005 to June 16, 2005, pending approval from the utility company and discussed specifications. Motion carried by voice vote.

PUSHCART LICENSE

A motion was made by King and supported by North to approve the request of Ray Durant, Uncle Ray’s Dairyland, to operate a pushcart in the City of Fenton, and authorize the City Clerk to sign and issue any necessary documents. Motion carried by voice vote.

TRAFFIC CONTROL ORDERS

A motion was made by Rauch and seconded by King to officially approve Traffic Control Order No. 05-01 placing a “One Hour Parking” sign 60 feet south of the “No Parking” sign on South Leroy Street south of Elizabeth, facing north, and No. 05-02 which places a “No Turn on Red” sign at northbound Leroy Street and North Road. Motion carried by voice vote.

CALL TO AUDIENCE

Dave Hawcroft, of 3302 Ponemah Drive, expressed his concern about the method of weed control the City will use for the Millpond this year, because he feels it has a direct impact on Lake Ponemah, where he resides. Hammond, Rauch, and Senyko explained that the City is obligated to follow the direction of the DEQ as for how to proceed with water treatment, and are not always necessarily allowed to treat the weeds chemically. Medor stated that there must be some common

resource that the Council can question about these methods because it appears that the City is causing a problem for Lake Ponemah by solving its weed problem with the Mill Pond. Hammond stated that the DEQ is the authority on this matter and the City is obligated to conform to their guidelines.

Joe Denzik, of Waste Management, thanked the Council for their confidence when choosing the contractor for waste services and committed better service from Waste Management.

CITY MANAGER'S REPORT - None.

COUNCIL MEMBER COMMENTS

Medor stated that Phase I of the Bush Park Drainage Project has been completed. North stated that Beautification was out over the weekend doing quite a bit of planting. Rauch stated his appreciation for all of Medor's work on Bush Park.

King questioned when the roof at City Hall will be complete, and Wren stated that it was nearly 90% finished at this point in time.

LEGAL COUNSEL REPORT

Schultz stated that on May 20, 2005, BKG filed a cross appeal in the annexation case. Schultz also stated that the hearing for the Unit Clarification Petition from Teamsters has been rescheduled for October 4, 2005.

MAYOR'S COMMENTS

Hammond congratulated the Council on a good meeting. Angeluski stated that Hammond did an excellent job as well.

Meeting adjourned at 9:55 PM.

Mayor Pro Tem Carl Hammond

Deputy City Clerk, Jennifer Wills