MINUTES OF THE LAKE ANGELUS CITY COUNCIL

JUNE 12, 2012

Present: Mayor, Lee McNew; Councilmembers Chuck Poploskie, David Haines, Jon Cabot, and Dan Jenaras; Attorney, Dan Christ; Treasurer, Julie Frakes; Police Chief, Jim Prosser, Building Official, Brian Oppmann; Planning Commission Chair, Bob Bailey; Road Commissioner, Karl Storrie; Clerk, Rosalie Lake

Visitors: Heidi Hoyles, Ray Siwiec, Dick Lund, Jim Cortez, Jim and Janice Lynch

Mayor McNew called the meeting to order at 7 pm and the Pledge of Allegiance was recited. The Minutes of the meeting of May 8, 2012 were approved as corrected.

Treasurer, Julie Frakes presented the proposed Budget for 2012-13. The tax rate is 9.9571 as it has been for many years. The amount indicated in the Budget for the fire contract is an adequate estimate as the contract has not been finalized yet. The Budget shows a deficit of $31,000 which may be covered by prior year funds, if necessary. The Mayor opened the Public Hearing on the Budget. As there were no questions or comments, the Hearing was closed. Councilmember Cabot moved to approve the Budget for 2012-13 as presented. Councilmember Jenaras seconded. Motion carried unanimously.

Clerk’s Report: Absentee Ballot Applications have been mailed to approximately 70 residents for the August 7th Primary Election. The capacity for electricity in the Barn has been questioned by users. The electricity has been upgraded and is fine for general use but is not adequate for superuse. Users need to consult their vendors regarding their requirements and make plans accordingly. Welcoming packets will be provided to renters of residential property, but history books will not be included.

Comments from Residents: Dick Lund brought up concerns about the grading on the Chase/Kresge properties. He was not objecting to the changes that have been made, but felt the process of approval was in conflict with the Ordinances. He felt the work should not have been approved without Zoning Board of Appeals consideration. He felt that the Ordinances should be upheld and, to be valid, the process should be appropriate. He explained his calculations. Planning Commission Chair, Bob Bailey, said that grade changes in the ordinance were met in the plans. Dr. Haines questioned the definition of grade in irregular topography. Mr. Bailey indicated that the benchmark is from a 7ft cut for a basement and then going to a 1:4 ratio. Mr. Lund felt that the grade on the property has been severely changed and sees the language of the ordinance differently than Mr. Bailey. He felt that an engineer should have been consulted to determine whether the provisions of the ordinance had been met. Dr. Haines felt the problem seemed to lie with the language of the ordinance. It is unlikely to undo work that has already been done and the work conforms to the existing Code as interpreted by the Planning Commission. He felt that an engineer needs to consult with the City to make the ordinance clear to all. Brian Oppmann indicated that the City’s engineering firm, Hubbel, Roth and Clark, has been consulted on all projects since the Biggers. They are relied upon for storm water control. They were not asked to review the plans for grading as the City does not have standards that the firm could review. Mr. Bailey indicated that no one at the PC meeting liked what was going to
be done but they could not do anything but begin at the basement to calculate 1:4. Dr. Haines recommended that the PC be charged with drafting a revised ordinance in consultation with the City engineer. Mrs. McNew felt that decisions have to be made about what is wanted in the ordinance. Mr. Oppmann said that property cannot be improved without a site plan. Dr. Haines felt that there should be something that limits the size of trees that can be cut. Mrs. McNew noted that tree ordinances are extremely complex. Mr. Lund made a final point that, although a neighboring resident agrees to an action, if the action is against the ordinances, the agreement should matter not.

Resident Comment: Heidi Hoyles requested use of the water ski course from 7am to 9am on weekdays, moving to and from the course at no-wake speed. Councilmember Haines moved to approve the use. Councilmember Cabot seconded. Motion carried unanimously.

Police Chief, Jim Prosser, gave the Department report. He noted weapons training, permitting qualification for all officers eventually. There are five new Reserve Officers. The Tahoe will be delivered soon. Residents need to trim accessways as summer growth has made police patrol difficult in some areas. There will be water rescue training for all officers and reserves on June 20th conducted by Officer Don McLellan. It was asked that the police boat be on the water until 8:30pm. The police vehicle has been advertised for sale. The highest bid received by the Clerk was $3120. Councilmember Haines moved to accept the bid. Councilmember Cabot seconded. Motion carried unanimously.

Councilmember Cabot moved to alter the order of the Agenda to allow Karl Storrie to present the Road report. Councilmember Haines seconded. Motion carried unanimously. Mr. Storrie indicated that the County had not gotten authority to do the super gravel job on the Pontiac portion of Gallogly Road. There were questions about what had been approved and provided to the County. Drainage at the Baks had been taken care of. Sprinkler heads had been taken out and compensation will be made. Regarding drainage at Lake Angelus Lane, RCOC said they were not able to do much about it. Dr. Haines felt the only solution was raising the level of the Lane. The crown is inadequate to get the water away. It collects on the side of the road. Mrs. Frakes asked whether supergraveling would be done by June 30th and Mr. Storrie said that it would be done. Mr. Lund indicated that the GIS shows that the City boundary goes along the south side of Gallogly Road. City Engineer, Randy Ford, thinks this is uncertain and needs a survey to be sure.

Fire Service: Councilmember Haines recognized the members of the Fire Service Committee. They have been a good mix of history and legal opinion. They met four months ago with the Waterford Fire Department. They asked for solid methodology for fire services. The WFD failed to give specifics as to how numbers were arrived at. The Committee made a draft counterproposal outlining some specifics. The WFD number had been $220,000. The Committee’s proposal was $45,000 quarterly or $180,000 based on an evaluation of expenditures. The hope is to achieve a fair and justifiable price for service. Escalator language needs to be worked out and tied to annual expenditures. Equipment the City purchased has been listed including the truck. While a contract is in effect, the equipment is owned and used by WFD. Any new capital expenditures belong to Waterford. Mr. Lund felt that expenses need to
be defined and listed in the agreement as there are many that do not relate to the City. An Annual Report will be requested on the activity of the Department as a whole and specifically for Lake Angelus. Attorney Christ’s concerns have been incorporated into the draft contract except for the possible creation of a fire authority. Dr. Haines requested authority to present the working draft proposal of a contract, as revised, to the Waterford Fire Department. Councilmember Cabot moved to grant the authority. Councilmember Poploskie seconded. Motion carried unanimously.

Planning Commission: Building Official, Brian Oppmann, has not yet received plans from the Chase family. Drainage is very difficult on the property as approximately 12 acres drain there. There are still ordinances needing to be discussed and resolved. The soil erosion audit was an extensive review of all permits and policies. Some ordinance updates will be needed. Mr. Oppmann will work with Mr. Christ on ordinance language. The person completing the audit will report to the City. Mr. Bailey will talk with Ken Zemke about the dam and will meet with the generator person.

City Property: Mr. Poploskie will get a quote to repair 3 rails of City fence along Baldwin. Councilmember Haines moved to approve $800 for the project. Councilmember Cabot seconded. Motion carried unanimously.

A request has been made by Tony Maher, whose home is the most easterly one on the south side of Gallogly Road, to straighten his driveway to enter directly onto Gallogly Road through the end of the Hulbert Wildlife Refuge. There is brush and a large dead tree, which he believes to be on City property, that inhibits his family’s safety entering the Road. The general feeling was that the City wishes to be a good neighbor and is willing to clear the brush and take down the tree if Mr. Maher and his neighbor agree that the tree is not on their property. If either of them has a survey, that would be helpful, but, if not, they would need to enter an agreement giving the City permission to take the tree down no matter whose property it is on. The City is not receptive to altering the driveway but wishes to make the entrance and exit safe for the resident. Janice Lynch noted that it would be best to take the dead branches off now, but take down the rest of the tree in the winter so as not to spread any disease the tree might have.

Councilmember Cabot moved to extend the meeting until 9:30pm. Councilmember Poploskie seconded. Councilmembers Cabot, Poploskie, Jenaras and McNew voted aye. Councilmember Haines abstained.

Treasurer, Julie Frakes, gave her report reviewing the funds and warrants. The balance is up $19,000 from last year. Projected expenditure was 91.7% and the actual was 85.8%. Outstanding invoices need to be gotten to Mrs. Frakes asap for payment before June 30. Councilmember Cabot moved to approve the Treasures report noting those warrants over $500. Councilmember Haines seconded. Motion carried unanimously.

#17809 to Billington Services for $610  #17826 to Berger Chevrolet for $29,969.65
#17832 to Hafeli, Staran for $1093.95  #17833 to Voyager Fleet for $1158.71
#17835 to Andax Ind for $712.65  #17838 to Code Enforcement for $1000
#17844 to OC Sheriff for $1803  #17863 to Brownell’s for $744.81

There has as yet been no news about the appeal to the Tax Tribunal.
Janz and Knight, the City’s accounting firm, has provided an Engagement Letter for services for the next three years at a rate of $5900/year. Councilmember Cabot moved to approve the Engagement Letter. Councilmember Poploskie seconded. Motion carried unanimously. The question of salary for police officers arose. A number of officers who work for the City for very few hours receive many hours of training. Mrs. Frakes will look at the number of hours officers work for a future meeting.

Environmental Board: Linda Daniels, Chair of the Environmental Board, has requested to purchase a piece of equipment for $1000 that the city is presently sharing with another community for its water quality testing. It is required for the Cooperative Lakes Monitoring Program that the City has joined this year. Councilmember Cabot moved to approve the purchase noting that Mrs. Daniels has personally paid for all of her own training and contributed much time to developing the program for the City. The City will also not be paying Bureau Veritas for the testing that is now being done by a group of trained volunteers under the auspices of the Cooperative Lakes Program. Councilmember Haines seconded. Motion carried unanimously.

Jim Lynch spoke of excessive weed growth, unusual for this time in the summer. There was some short term improvement from last year’s treatment, but then a return in a month or two. Dr. Cabot, Council liaison to the Environmental Board, said that there is general concern about chemicals in the Lake. The Board is doing a weed survey this year, but has not planned a weed treatment. A more extensive treatment can be undertaken but is very expensive, with a long period of no swimming and no grass/plant watering. Other solutions relate to septic systems, fertilizing, and buffer zones. Ray Siwiec advocated a sewer system. He felt many residents were seriously thinking about this. Mr. Lynch hoped we could analyze what weed growth we have and where it is located. Mrs. Lynch felt that we should become as educated as we can in understanding solutions.

Mrs. Lynch asked about the possibility of a bike trail from the Police Station to N. Lake Angelus Road. It may be able to be incorporated into a plan to make an access route for police vehicles to N. Lake Angelus Road, which has been discussed.

There being no further business, Councilmember Cabot moved to adjourn the meeting at 9:27pm. Councilmember Jenaras seconded. Motion carried unanimously. The next regularly scheduled meeting will be held on July 10, 2012 at 7pm.

Approved: Respectfully submitted,

Mayor, Lee McNew Rosalie lake, Clerk