MINUTES OF THE LAKE ANGELUS CITY COUNCIL MEETING  
NOVEMBER 10, 2009

Present: Mayor Lee McNew; Councilmembers Bill Lembke, Jon Cabot, Karl Storrie, and David Haines; Treasurer, Julie Frakes; Attorney, Dan Christ; Planning Commission Chair, Forrest Milzow; Building Official, Brian Oppmann; Police Chief, Jim Prosser; Clerk, Rosalie Lake; Environmental Board Chair, Linda Daniels

Visitors: Sergeants Nelson and Ginther, Jim Cortez, Jeff Baker, Matthew Rouse, Lori Rouse

Mayor McNew called the meeting to order at 7 pm and the Pledge of Allegiance was recited. Minutes of the meeting of October 13, 2009 were approved as submitted.


The Clerk gave her report. The November election was successfully certified by the Canvassing Board. Special thanks were given to the volunteer corps of Election Inspectors. 73 residents voted in the City Council and Pontiac School Board election. The last two No-Haz events for this year were held in September and October and plans are being reviewed for next year’s events. Because costs of the program are a strain on some participating communities, ways to share and lower costs have been discussed at a recent county-level No-Haz meeting. Options are to eliminate e-waste and/or latex paint and/or to charge a fee to individual participants of the program as well as their home communities. Lake Angelus’ position will be to contribute to the discussion but to abstain from voting on the final resolution to allow greater weight to the larger communities for which the decision may determine participation.

A discussion of the use of the City’s listserv ensued. The rules established for the use of the listserv were reviewed. Attorney Christ identified the listserv as a limited public forum paid for by the City and, as such, possibly may not be able to have content restrictions. He wished to review the legal issues relating to free speech on a public forum. He will give an opinion at the next meeting. The mayor noted that residents may decide to remove their email listings if content is not restricted. Resident, Jeff Baker, expressed his hope that a way could be found to keep the restricted benefits of the listserv, but would opt out if not. Other similar opinions had been expressed in calls to councilmembers and the Clerk.
The Lake Angelus Police Department report was given by Chief Prosser who introduced the newly appointed Sergeants, Rob Ginther and Joyce Nelson. He indicated that the appointments were based on the needs of the Department. Both Officers are trainers at the Police Academy. Sgt. Nelson will be working on day to day issues that need attention and Sgt. Ginther will focus on computer technology. Sgt. Ginther will submit the payroll electronically in the future. Both of the officers expressed their pleasure in working for the City. Councilmember Cabot complemented the Chief on the quality of the officers working for the City. Councilmember Haines inquired about the process of selection which bypassed seniority in the Department. The Chief responded with his reasons for making the hiring decisions. He also explained turnover in the Department. Treasurer Frakes requested Council approval for $2 more per hour for the sergeant’s position. Councilmember Haines moved to budget for one full-time equivalent position of sergeant at $2 additional per hour. Councilmember Cabot seconded. Motion carried unanimously. The Chief described the services Officer McLellan provides for the City and indicated that he is paid for 8 hours of service per month. Questions about the deer hunt arose. Matthew Rouse, the brother of Lori Rouse, owner of the property at 355 Gray Woods Lane, has been hunting on the Incarnati/Rouse property. He has asked neighboring residents to be allowed to go onto their property to retrieve a deer and residents have had concerns. He may hunt on the private property of the Incarnati/Rouse family, but may not enter neighboring property without the property owners consent. Jim Cortez inquired about why crossbows were not permitted in the deer hunt as, he claimed, they were more accurate. The Council admitted little knowledge of the use of crossbows. Mr. Cortez explained the issue further. Councilmember Storrie withdrew his objection to crossbow hunting. The issue will be reconsidered next year. Mr. Cortez inquired whether a crossbow could be used on private property and it seemed as though it could. Chief Prosser reviewed the Department’s monthly report. He has found a mechanic with Oakland County to service the boat. Sgt. Nelson is working on the body armor issue. Some officers want to use it and some do not. The question is whether to make it mandatory, a decision the Chief would prefer. A grant will pay for 50% of the armor. The new police vehicle will be a Tahoe which comes with a police package. Mayor McNew discussed the decision of the Council in the past to present a gift to the Officers and Reserve Officers for the Holiday. Councilmember Cabot moved to maintain this tradition for this year. Councilmember Haines seconded. Motion carried unanimously. The Chief indicated that he, Sgt. Nelson, Sgt. Ginther and Officer McLellan are working on a three year plan for the Department. Councilmember Storrie suggested involving as much of the Department as possible in planning.

Councilmember Storrie presented his recommendations regarding oversight of the Police Department. He felt that whenever the Chief departs from the norm, using the appointment of two sergeants as example, the Chief’s decision should be reviewed by the Council. He noted that the Police Department is the single largest expense of the City. He felt that there should be a single point of oversight of the Police Department within City government and felt it should be a paid person. He suggested a City Manager to handle sensitive issues and direct oversight of the Police Department. Councilmember Cabot did not see the need for another layer of oversight.
Councilmember Haines questioned how much autonomy should be allowed a senior official of the City. Chief Prosser felt he had been authorized to choose the person(s) he wanted to serve as sergeant. Mr. Storrie felt that the Chief should have reviewed his choice with the Council, particularly in choosing two sergeants. He felt there was a process that the Chief should have followed in making his choices. Dr. Cabot and Mayor McNew felt the Chief had done what he should have done. Councilmember Lembke noted that the Chief has previously never reported his choices to the Council. Dr. Haines indicated that he was satisfied with the monthly updates provided by the Chief, but felt that a change in hiring practice should have been shared. He felt a policy should be written about this but also preferred that the primary reporting responsibility should be to the Council or to the Mayor rather than hiring another person to be involved in this responsibility. Mayor McNew noted that when there is a layer between the Council and the Chief, the Council is insulated from knowing about the activities of the Department. Mr. Storrie concluded that, in business, any decision would be reviewed by a higher authority and, in this case, it would have allowed the Chief to consult a point of authority.

Planning Commission: The question arose regarding the number of meetings required to be held. There have been so few meetings that the Commission members may feel out of touch. Building Official, Brian Oppmann suggested regular quarterly meetings. Planning Commission Chair, Forrest Milzow, felt it was pointless to have meetings with no business on the agenda. Vice Chair, Bill Lembke, agreed. Attorney Christ advised that the Planning Enabling Act requires that the Planning Commission meet at least four times a year. Councilmember Haines suggested that the Council, itself, serve as the Planning Commission, with advisory capacity when needed. Councilmember Cabot suggested selecting the second Tuesday of each quarter for the Council to review Planning Commission business. Attorney Christ recommended scheduling four quarterly meetings for the Planning Commission. Mr. Oppmann has communicated with Andy Greenlee by telephone and he seems to be attempting to cooperate with requirements and will submit something. Mr. Storrie felt that it must be something in writing. Mr. Oppmann has not seen any documents yet but thinks that Mr. Greenlee is consulting someone on the issues.

City Property: Bill Lembke reported that the 20’ Strip has been surveyed. Some neighbors appear to be claiming ownership. There is junk on the Strip, also. Some cement markers are in place. Bob Bailey has put in iron stakes on the west side. Councilmember Haines suggested sending a letter to all abutting property owners to inform them of what we are doing. One resident has a fence on the City’s property. Attorney Christ suggested that the City could require acknowledgement from that resident that the property belongs to the City or he could be given time to remove the fence. Mr. Lembke requested $45 for clearing the waterline from the Police Station to the tennis courts. Councilmember Cabot moved to approve the funds. Councilmember Haines seconded. Motion carried unanimously. Mr. Lembke had read the report from the Fire Department and had hired a tree service to clear where required and to remove a downed tree. Forrest Milzow discussed the work on the Barn. George Frisch has finished work on the roof. The floor joists in the northwest corner need support. A wall needs to
be put on the inside of the basement to accomplish this. The large hanging doors on the west end
have sunk 3” and on the east end 1”. There is serious rotting of the support beams. Leveling of
the frames and new doors are needed. On the west end, the suggestion is to rebuild the wall
allowing for an 8’ entrance and hang smaller doors than the present ones. It could be made to
look the same on the outside as it does now. On the east end, the mud sill is rotting underlying
wood which needs to be replaced. The doors could be replaced with 8’ doors. The cost to do all
of this is approximately $11,000, which could be a high estimate by $1-2,000. Councilmember
Cabot acknowledged that the building is a treasure and the work needs to be done.
Councilmember Storrie noted that the Barn is in much better shape now than it was before recent
repair work was completed.

Councilmember Cabot moved to extend the meeting by 15 minutes. Councilmember Storrie
seconded. Motion carried unanimously.

Councilmember Cabot moved to spend up to $11,000 for the proposed work on the Barn.
Councilmember Storrie seconded. Motion carried unanimously. Mr. Lembke indicated that the
grade at the building and at the road might be changed to improve vehicle access to the building.
Mr. Milzow noted that wood may need to be replaced and the foundation raised at some time.

Mayor McNew indicated that the large map of the City is being framed at not to exceed $450.
Councilmember Cabot moved to approve the funds. Councilmember Haines seconded. Motion
carried unanimously.

Councilmember Cabot reported on response to the question of whether the tennis courts should
be replaced. He received two emails recommending that the courts not be replaced.
Councilmember Haines noted that things have changed and not as many people are playing now.
There are other places to play and other ways to use $50,000. Mayor McNew will design a
survey of resident opinion and bring it to the next meeting.

Councilmember Haines moved to extend the meeting for 3 additional minutes. Councilmember
Cabot seconded. Motion carried unanimously.

Treasurer, Julie Frakes, gave her report. She reviewed the check register. Councilmember
Haines moved to approve the financial reports noting all warrants over $500. Councilmember
Cabot seconded. Motion carried.

#16039 to Motorola for $530
#16041 to James Prosser for $535.15
#16046 to Linda Burton for $1030
#16050 to Billington Serv for $1005
#16052 to Hafeli, Statan for $1531.53
#16040 to Billington Serv for $1320
#16045 to Billington Services for $900
#16049 to Waterford Fire for $47,489.47
#16051 to Valerie Pement for $500
#16054 to OC Sheriff for $1661.25
#16055 to OC Radio Comm for $919.65  #16056 to Motorola for $9860
#16058 to Colony Marine for $555.11  #16075 to Aquatic Services for $1500
#16079 to OC Clemis for $532.50  #16084 to Dell Marketing for $1990.54
#16098 to Code Enforcement for $1330  #16104 to Milzow Building for $5200

Mrs. Frakes shared a letter from the Deputy State Treasurer regarding the City’s fiscal score. She has applied for and received a credit card from Staples for City office supplies. Winter tax bills will be mailed by December 1st. The county is cutting back on services again and the Treasurer will now have to do the rounding on tax bills. The auditors had a few more questions to be answered, but have almost completed the audit. The Manaia issue has been heard by the tax tribunal and Mr. Manaia has 20 days to appeal the ruling.

Environmental Board Chair, Linda Daniels, announced that the final meeting of the Board this year will be held on November 17th.

There being no further business, Councilmember Cabot moved to adjourn the meeting. Councilmember Storrie seconded. Motion carried unanimously. The next regularly scheduled meeting will be held on December 8 at 7 pm.

Approved:             Respectfully submitted,

Lee McNew, Mayor       Rosalie Lake, Clerk