



CITY OF AUBURN HILLS

Regular City Council Meeting Minutes

July 20, 2020

CALL TO ORDER: Mayor Pro Tem Burmeister at 7:00 p.m.
LOCATION: City Council Chamber, 1827 N. Squirrel Rd, Auburn Hills, MI 48326
Present: Mayor Pro Tem Burmeister, Council Members Kittle, Knight, Marzolf, Moniz and Verbeke
Absent: Mayor McDaniel
Also Present: City Manager Tanghe, Assistant City Manager Grice, City Attorney Beckerleg, City Clerk Pierce, Police Chief Baker, City Planner Keenan, Recreation Director Hegdal, DPS Director Melchert, Mgr of Public Utilities Deman, Mgr of Fleet & Roads Michling, City Engineer Juidici, Management Intern Hagge

5 Guests

4. APPROVAL OF MINUTES

4a. City Council Meeting Minutes, July 6, 2020

Moved by Knight, Seconded by Moniz.

RESOLVED: To approve the City Council Meeting Minutes of July 6, 2020 as presented.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, Moniz, Verbeke

No: None

Resolution No. 20.07.88

Motion Carried (6 - 0)

5. APPOINTMENTS AND PRESENTATIONS

5a. Motion – To confirm the appointment of a new member to the Zoning Board of Appeals - Raymond Saelens.

Mr. Saelens shared that he was a member of boards while living in Chesterfield Township and looks forward to serving in Auburn Hills.

Moved by Kittle, Seconded by Verbeke.

RESOLVED: To confirm the appointment of Raymond Saelens to the Zoning Board of Appeals for a term ending on July 31, 2022.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, Moniz, Verbeke

No: None

Resolution No. 20.07.89

Motion Carried (6 - 0)

5b. Motion – To confirm the reappointment of Planning Commission members – Sam Beidoun and Laura Ochs.

Moved by Verbeke, Seconded by Marzolf.

RESOLVED: To confirm the reappointments of Sam Beidoun and Laura Ochs to the Planning Commission, each for an additional three-year term ending on July 31, 2023.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, Moniz, Verbeke

No: None

Resolution No. 20.07.90

Motion Carried (6 - 0)

6. PUBLIC COMMENT

There was no public comment.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Election Commission, July 9, 2020

RESOLVED: To receive and file the Board and Commission Minutes.

Moved by Knight, Seconded by Kittle.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, Moniz, Verbeke

No: None

Resolution No. 20.07.91

Motion Carried (6 - 0)

8. OLD BUSINESS

9. NEW BUSINESS

9a. Motion – To award the contract for professional services for the Oakland Heights Development (OHD) Landfill Oversight of Groundwater Monitoring Program.

Mr. Keenan shared that the contract with Environmental Consulting Solutions expired at the end of 2019. He shared that it was determined that the Environmental Consulting Solutions was the most qualified. The length of contract will be extended from three years to five years with a five year extension.

Mr. Foerge of Environmental Consulting Solutions was present.

Mr. Kittle questioned the reasoning behind the five year extension and feels a five year extension is excessive, as opposed to a year to year extension. City Attorney Beckerleg stated that should there be a problem, the contract has a termination clause of 60 days with a written notice for any reason.

Moved by Kittle, Seconded by Verbeke.

RESOLVED: To award the contract for professional services for the oversight of the Oakland Heights Development Landfill Groundwater Monitoring Program to Environmental Consulting Solutions.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, Moniz, Verbeke

No: None

Resolution No. 20.07.92

Motion Carried (6 - 0)

9b. Motion – To accept the Third and Fourth Quarter 2019 Monitoring Network Review Summaries, the 2019 Annual Monitoring Network Review Summary, the 2019 PFAS Sampling Summary, and the First Quarter 2020 Monitoring Network Review Summary of the Oakland Heights Development Landfill Reports.

Mr. Foerge shared that the landfill is looking good and that the completion of the landfill is based on Republic Services. He stated that one of the wells was abandoned, per the necessary requirements, and a new one was installed. He also shared that the liner had a leak but it has been fixed.

Mr. Rob Moore of Republic Services was present. He shared that the estimated closure will take place in 2024.

Mr. Kittle asked for clarification of PFAS. Mr. Foerge shared that it is a chemical that was designed for waterproofing and can be found in many items. He shared that recently toxicity studies have been

performed and that the State of Michigan is at the forefront of making sure the PFAS reporting numbers are as low as possible. Sampling has been completed for the Oakland Heights Development and the reports show that the reporting numbers for PFAS are below the numbers that are concerning. Mr. Foerge stated that the PFAS numbers are not a current risk but something to keep an eye on.

Ms. Verbeke pointed out ~~There was discussion~~ that the smell from the landfill seems to be worse at times. Mr. Moore of Republic Services, shared that there were a couple of issues that were resolved that was contributing to the smell but he does not notice anything out of the ordinary. He shared that there are odor neutralizing systems in place. Mr. Moore stated that some of the smell could be coming from the trucks that are carrying the garbage to the landfill. He stated that if the air is heavier, the smell can linger. Ms. Verbeke stated that she would like a follow up report on the smell issues. Mr. Moore offered a tour of the landfill to Council. Mr. Keenan will coordinate the tour.

Moved by Verbeke, Seconded by Moniz.

RESOLVED: To accept the Third and Fourth Quarter 2019 Monitoring Network Review Summaries, the 2019 Annual Monitoring Network Review Summary, the 2019 PFAS Sampling Summary, and the First Quarter 2020 Monitoring Network Review Summary prepared by Environmental Consulting Solutions of the Oakland Heights Development Landfill Reports.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, Moniz, Verbeke

No: None

Resolution No. 20.07.93

Motion Carried (6 - 0)

9c. Public Hearing/Motion – To accept the second reading and adopt an ordinance amendment regarding the consumption of alcoholic beverages at certain city approved events and other functions in city parks and city facilities and to add the Alcoholic Beverage Permit of \$25 per resident and \$50 regular to the fee schedule.

Ms. Hegdal presented the second reading for the ordinance amending Section 50-3 (b) and Section 50-5. She reported that there has been no negative reports regarding the issue of alcoholic beverages in the park. She stated that this amendment is specific to beer, wine and champagne. She explained the permit process. It was stated that the permit does not include the Community Center due to multiple events taking place and the difficulty of monitoring the guests.

There were concerns regarding the rental times, liability, clear understanding of contract, and proper signage. It was discussed that the contract states the noise level will be decreased at 10:00PM, with a place on the application for initials regarding the proper understanding of the rules. The contract excludes the City from any issues of liability. A map will be given to those renting the facility showing where the boundary lines are regarding alcohol. It was discussed that the Police Department will have 72 hours to approve or deny the background check of the renter. If it does not pass their approval, it goes no further.

City Attorney Beckerleg clarified that the ordinance states; "city parks, city facilities or the recreational grounds" and also Hawk Woods. There are no new areas added. There was discussion regarding the process and it was stated that if issues arise, with alcohol at the scheduled events, then rules can be changed at that time.

Mr. Tanghe shared from the original ordinance and stated the only difference is adding Hawk Woods. He also clarified that the rental price for Hawk Woods includes a staff member to monitor the use of the facility.

Mayor Pro Tem Burmeister opened the Public Hearing at 7:56 PM.

Hearing no public comment, the Mayor Pro Tem closed the Public Hearing at 7:57 PM.

Ms. Verbeke shared that she has concerns but will support this because Hawk Woods is the only change that is occurring here.

Moved by Moniz, Seconded by Kittle.

RESOLVED: To accept the second reading of an Ordinance to amend Subsection (b) of Section 50-3. – Regulations governing city parks and city recreational grounds and Subsection (a) of Section 50-5. – Regulations governing cabin rental and camping at E. Dale Fisk Hawk Woods Nature Center, of Chapter 50, Parks and Recreation, of the Auburn Hills City Code, as amended, authorizing the City Manager and/or his/her designee to allow the consumption of alcoholic beverages at certain city approved events and other functions in city parks and city facilities. And to accept the fee schedule for the Alcoholic Beverage Permit of \$25 per resident and \$50 regular. (Attachment A)

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, Moniz, Verbeke

No: None

Resolution No. 20.07.94

Motion Carried (6 - 0)

9d. Motion – To approve the OHM Advisors Scope of Design Services and G2 Geotechnical Services for the Bald Mountain Road Reconstruction Project.

Mr. Michling shared this will be a complete road reconstruction and is scheduled to begin in 2021. The road reconstruction project will consist of crushing the existing asphalt and using additional aggregate as needed, along with proper ditch work for drainage. Mr. Michling shared that an amendment to the budget is needed in the amount of \$52,500.00.

Ms. Verbeke voiced ~~There was concern shared~~ regarding the road project being started with the pending development of Ridgewood Villas and the potential damage to the new road. Mr. Juidici shared that this motion is for the scope of services and not the road specifically. He clarified that the plans will remain unchanged and will stay as is until the road is constructed. He also stated that the development agreement states that there will be a center turn lane constructed and right turn lane to be constructed on Dutton. This road will be a Class A road and will be able to handle the truck traffic of the development when it begins.

Mr. Kittle shared his concern that this project is 52% over what was budgeted. Mr. Michling shared that the amount is over what was budgeted because the design was completed this year and he didn't expect to expend the money this year. It was shared that this project is a \$2.2 million project and is in the budget for 2021.

Mr. Moniz asked if the project was to include the design with Bald Mountain and Lapeer. Mr. Juidici shared that this design is not included however, there is discussion with MDOT with plans for the Lapeer connector that would be a separate project.

Moved by Knight, Seconded by Moniz.

RESOLVED: To approve the OHM Advisors design scope of services associated with the Bald Mountain Road Reconstruction Project for the not to exceed amount of \$145,000 and the estimated \$7,500 for geotechnical services provided by G2, with an amendment to increase the 2020 budget account #203-453-973.000 in the amount of \$52,500.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, Moniz, Verbeke

No: None

Resolution No. 20.07.95

Motion Carried (6 - 0)

9e. Motion – To approve the MDOT contract for Auburn Road Rehabilitation and Water Main Replacement.

Mr. Deman shared the resolution to approve the contract with MDOT for the reconstruction of Auburn Road and the water main replacement on Auburn Road. This project is broken into two sections; between Churchill and Opdyke and Cherryland and Adams. The existing water mains will be upgraded from 12" to 16". Once completed the road will be resurfaced with millings, and new asphalt top layer. He shared that the City has received Federal Aid to support the road portions of the project. He shared that there will be two types of installation; pipe bursting with HDPE or PVC on the west side and an open cut with ductile iron on the east side for water main. He stated that not all of the work will be completed this year but should be completed in July of 2021.

Moved by Kittle, Seconded by Verbeke.

RESOLVED: To approve the resolution to enter into contract no. 20-5305 with the Michigan Department of Transportation for the Auburn Road Rehabilitation and Water Main Replacement Project. (Attachment B)

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, Moniz, Verbeke

No: None

Resolution No. 20.07.96

Motion Carried (6 - 0)

9f. Motion – To approve the OHM Scope of Construction Services for Auburn Road Rehabilitation and Water Main Replacement Project.

Mr. Deman shared this motion contains engineering services and material testing for the Road and Water Main portions of the project. It was shared that this design includes the pathway, sidewalk and wide shoulders to accommodate bikes. This plan is through MDOT so it will follow the Federal rules for property acquisitions and appraisals.

Moved by Kittle, Seconded by Knight.

RESOLVED: To approve the Auburn Road Rehabilitation and Water Main Replacement Scope of Construction Services to OHM Advisors in the not-to exceed-amount of \$535,000.00 and the materials testing estimate of \$115,000.00 to G2. Funds will be used from the Water Fund in the amount of \$345,000.00 from account 592.536.977.001AUBURNROADXX and from the Major Roads Fund in the amount of \$305,000.00 from the account 202.452.973.000AUBURNROADXX.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, Moniz, Verbeke

No: None

Resolution No. 20.07.97

Motion Carried (6 - 0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Marzolf – Questioned if there were plans to open the splash pad since it is a park-like atmosphere. Mr. Tanghe and Ms. Hegdal stated that due to social distancing, at this time, the splash pad will be closed for the summer. It was also noted that due to the time of year, there would not be enough time to recruit, hire and train staff before Labor Day. He asked if any PFAS level testing has been completed in the Clinton River. Me Keenan stated that the will check with EGLE and follow up on the issue.

Mr. Knight – Shared that he is pleased with the grating at Hawk Woods. He provided an update on 3250 Auburn Road and Design Haus. He shared that on August 9th the Optimist Club will be hosting a car show

at the American Legion. He also shared that it would be nice to have the splash pad opened for the children after the program downtown. He also stated that the bridge on Auburn Road by Opdyke is terrible and would like to see it repaired.

Mr. Moniz – Thanked Mr. Melchert and Mr. Michling for the quick response to the resident request to have the crosswalk on Walton Blvd. repainted.

Ms. Verbeke – Shared that the residents that live near Manitoba Park requested changes to the park. She shared that Ms. Hegdal will set up a meeting with DPW and several council members to provide an update as to what the residents are looking for and what their concerns are for the park. She also shared her concerns regarding what Blue Sky Breweries has noted on their Facebook page. Mr. Tanghe stated that they will be contacted and reminded of the ordinances.

Mr. Kittle – Encouraged people to vote on the mileage proposal on the August 4th ballot.

Mr. Burmeister – Shared that he would like a follow up regarding a crosswalk at Oxford west and Tienken. He shared that the Palace has come down. He commented that it is nice to see more people in the downtown area. He also shared that Retired Deputy Chief Mynsberge passed on Saturday July 18.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

Mr. Tanghe – Also shared the passing of retired Deputy Chief Mynsberge and stated people from City Hall have reached out to his family. He congratulated Rick Leonard on his retirement from the Auburn Hills Police Department. He also shared that the event “Cool off with the Cops” has begun. The Police Department will be passing out ice cream to children in the City. The ice cream has been donated by the Auburn Hills Community Foundation. He also shared that budget preparation for 2021 is taking place for each department.

13. ADJOURNMENT

Hearing no objections, the Mayor adjourned the meeting at 8:47 PM.

John Burmeister, Mayor Pro Tem

Laura M. Pierce, City Clerk

ATTACHMENT A

CITY OF AUBURN HILLS
ORDINANCE NO. _____

An ordinance amending Subsection (b) of Section 50-3. – Regulations governing city parks and city recreational grounds and Subsection (a) of Section 50-5. – Regulations governing cabin rental and camping at E. Dale Fisk Hawk Woods Nature Center, of Chapter 50, Parks and Recreation, of the Auburn Hills City Code, as amended, authorizing City to allow the consumption of alcoholic beverages at certain city approved events and other functions in city parks and city facilities.

THE CITY OF AUBURN HILLS ORDAINS:

Section 1.

Subsection (b) of Section 50-3. – Regulations governing city parks and city recreational grounds and Subsection (a) of Section 50-5. – Regulations governing cabin rental and camping at E. Dale Fisk Hawk Woods Nature Center, of Chapter 50, Parks and Recreation, of the Auburn Hills City Code, as amended, are hereby amended to read as follows:

Sec. 50-3. – Regulations governing city parks and city recreational grounds.

(b) Except as otherwise provided in this Subsection, it shall be unlawful for any person at any time to possess, consume, sell, distribute or transport any alcoholic beverages of any kind in or upon the city parks, city facilities or the recreational grounds of the city civic center. The consumption and/or sale of alcoholic beverages in city parks, city facilities and/or the recreational grounds of the city civic center may be permitted by the City administratively subject to the following conditions:

(1) The Auburn Hills City Manager and/or his/her designee may, in their sole discretion, issue a permit to allow the consumption of alcoholic beverages during city approved events, including, but not limited to, city or its authorities' sponsored events, weddings, bar/bat mitzvahs, corporate meetings and/or retreats, and/or other similar city approved events taking place in city parks, city facilities and/or recreational grounds of the civic center. The City Manager and/or his/her designee may in their sole discretion allow the consumption of alcoholic beverages by those individuals or groups using E. Dale Fisk Hawk Woods Park for lodge rentals, cabin rentals, campground or campsite rentals, provided that said individuals or groups have a signed rental contract (permit) from the City and said individuals and/or groups comply with the rules, regulations and requirements contained in the rental contract (permit), as well as, the laws governing the consumption of alcohol.

If the Auburn Hills City Manager and/or his/her designee issues a permit, individuals of legal drinking age may bring beer and/or wine to city approved events in city parks, city facilities and/or the recreational grounds of the city civic center and only personal/individual sized coolers are allowed and except for bottles of champagne or wine, no glass containers shall be permitted.

- (2) The Auburn Hills City Manager and/or his/her designee may, in their sole discretion, issue a permit to allow the sale of alcoholic beverages during city approved events in city parks, city facilities and/or the recreational grounds of the civic center, by a city approved, licensed, bonded and insured third party vendor or concessionaire.
- (3) The consumption of alcoholic beverages as permitted in this Subsection shall only be allowed in designated areas approved by the Auburn Hills City Manager and/or his/her designee.

Sec. 50-5. – Regulations governing cabin rental and camping at E. Dale Fisk Hawk Woods Nature Center.

- (a) *Applicability.* Except as otherwise specifically provided in Subsection (b) of Section 50-3, notwithstanding any other provisions of this chapter to the contrary, the provisions of this Section shall specifically govern and be applicable to cabin rental and camping at the E. Dale Fisk Hawk Woods Nature Center located at 3799 Bald Mountain Road, Auburn Hills, Michigan; however, those city park rules and regulations, as set forth in this chapter, which are not in conflict with anything contained herein, shall also apply to and be enforced by the E. Dale Fisk Hawk Woods Nature Center.

Section 2. Repealer

All ordinances or parts of ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Severability

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 4. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they are commenced.

ATTACHMENT B

Resolution

Be it resolved that

CONTRACT No. 20-5305, Control Section STU 63000, Job Numbers 205949CON

@205985CON

By and between the

MICHIGAN DEPARTMENT OF
TRANSPORTATION

and the

CITY OF AUBURN
HILLS

is hereby accepted.

The following Officials are authorized to sign the said contract:

Thomas A. Tanghe, City Manager

Ronald J. Melchert, DPW Director

Moved by:	Kittle
Supported by:	Verbeke
ADOPTED: AYES:	6
NAYES:	None
ABSENT:	1 (McDaniel)

I hereby certify that the foregoing is a true and correct copy of a resolution made and adopted at a regular meeting of the Auburn Hills City Council, on the TWENTIETH DAY of JULY, 2020.

Signed _____

Laura M. Pierce, City Clerk, City of Auburn Hills