

**CITY OF WILLIAMSTON
CITY COUNCIL
AUGUST 10, 2009
REGULAR MEETING MINUTES**

1. Call To Order:

The meeting was called to order at 7:18 p.m. in the City Hall Council Chambers by Mayor Michelle Hyne and the Pledge of Allegiance was recited.

3. Roll Call:

Mayor Michelle Hyne, Council members John Pratt, Carmen Siciliano, Traci Smith, Scott VanAllsburg, and Ken Zichi. Absent: Michael Moody.

Also Present:

City Manager Tim Allard, City Clerk Holly Thompson, City Attorney Bonnie Toskey, Treasurer Alan Dolley, Police Officer John Pelong, Community Development Director Michelle Aniol, C2AE Engineer Scott DeVries, *Enterprise* Reporter Brad Ritter, citizens Larry Stafford, Terri Campbell, W Harrison Smith, Debra Simpson, Larry Wittrup and Dawn Marie Joseph.

Motion by **Pratt**, second by **VanAllsburg**, to excuse Moody. **Motion passed by voice vote.**

4. Approval of Agenda:

Add 10g. Zoning Ordinance Rewrite- Lighting Section, and 14. Closed Session- Attorney Client Privilege Letter Re: R&R Fence.

Motion by **VanAllsburg**, second by **Smith**, to approve the agenda as amended. Yes: Pratt, Siciliano, Smith, VanAllsburg, Zichi, Hyne. No: None. **Motion passed.**

5. Audience Participation:

Debra Simpson, 500 Fulton St., thanked Manager Allard for working with her to resolve the issues with R&R Fence. She commented that she did not receive information on the status of the settlement with R&R Fence after asking to be notified of the outcome at a January meeting. She stated that she was not approached by anyone regarding the outcome of the agreement with R&R Fence, but instead is living with the agreement that causes two different types of fences to be built on her property. The chain link fence has rusted slats in it and the privacy fence has large gaps in the bottom, as tall as two feet in some areas.

Motion by **VanAllsburg**, second by **Pratt**, to allow the discussion to continue. **Motion passed by voice vote.**

Mayor Hyne stated that she shares her concerns and welcomed her to contact any of the Council members when she has a problem.

Dawn Marie Joseph, commented that she is representing the Chamber and commented that they had another successful Dog Days. She announced that Toolman, the grey hound was named Deputy Dog for the year. She stated that the parade and concert in the park were great.

Larry Stafford commented that he used to have a business next door to his residence and sometimes you can just ask the people to cooperate with you.

Terri Campbell, 308 Fulton St., commented that the deadline for R&R to install the fence has passed. She stated that the City should take immediate action on the fence issue before it sets a precedence that the City does not follow through with settlements.

6. Council Minutes of July 27, 2009:

Motion by **Smith**, second by **Siciliano**, to approve the July 27, 2009 Council minutes as presented. **Motion passed by voice vote.**

7. Accounts Payable:

The accounts payable totaled \$93,454.78 with reference #'s 56906-56969.

Motion by **Siciliano**, second by **Zichi**, to approve the accounts payable as presented, reference #'s 56906-56969. Yes: Smith, VanAllsburg, Zichi, Hyne, Pratt, Siciliano. No: None. **Motion passed.**

8. Action Items

8a. Consideration of MDNR grant for McCormick Park improvements:

Hyne: Next we have our action items, we start with item number 8a. consideration of the Michigan, DNR grant for McCormick Park improvements. There is a City Manager memo enclosed, this is a grant that the City received that will allow matching dollars over a period of two fiscal years. Manager Allard.

Allard: Yes, this project is an upgrowth of the McCormick Park Master Plan of May 2007 which was adopted back at the time. The Parks and Rec Commission has been working actively with C2AE as our engineering firm to apply for a grant that was approved in concept by the City Council some time ago. Back about three weeks ago I received from the Michigan DNR a proposed revised project agreement with the DNR which made some minor changes mostly related to wordsmithing to some extent, there was one substantive change that was made that as noted in the background section of my cover memo which to me, it only gives us more flexibility by way of allowing a naming of some part of the project in honor of a person either living or deceased should the Council so desire. This was presented to the Parks and Rec Commission for their consideration at a special meeting of August 3rd which was attended by myself and Scott DeVries from C2AE who was present in the audience, and at that time we had a very thorough discussion of the components of the agreement identifying what was in and what was left out and what was left out was by design for cost considerations some time ago and I see Larry Wittrup is in the audience as well and he of course was present as well representing the Parks Commission and could speak to this as well if called upon. What we're asking the Council to consider is a rather major decision here, it's a funding decision as much

as a community improvement. The total project cost is estimated at \$799,500 for which the MDNR is proposing that 49% grant amounting to \$391,100. That would leave a City balance of 51% amounting to \$408,400. Now this expenditure of the City's could be spread over two years. We have time built into the schedule to allow for that, the DNR however is looking for Council action in the month of August as to whether we will accept that commitment or not. September 1st is actually the deadline date for getting the agreement back to the DNR and that's why I was anxious to get it onto a Council meeting at this time for your consideration. If you wish to accept and approve this, there is a resolution that has been included as an attachment to my memo which was modeled after a sample that the DNR presented to us and we've used their very language and put it in more or less the City's standard format which I think is appropriate for your consideration. I also wanted to mention that Scott over here is prepared to review the key elements of the project and to discuss with you again what some of the improvements are versus what was left off. And if you'd like I'd be happy to turn it over to Scott and have him proceed.

Hyne: Mr. DeVries, I just want to say thank you for coming because I think it's very important, people in the audience, and in the minutes and the people who do hear the audio, is important to hear this because it certainly impacts them. And I also want to not too, there's been recent articles in publications about the importance of the park system whether it's in a community or state that especially on a local level, that they really provide a tremendous impact to a community and I don't know if you can speak to that, but the benefits that they bring, not only to our increased property values for the City residents, but also for the businesses on the increased revenues that they bring in. I mean do you also read on that?

DeVries: Sure.

Allard: Well stated.

Hyne: Thank you.

DeVries: We haven't put together a fancy power point or anything but with the copy of the Master Plan, there's been a recent modification which I'll let you know real quick. Elements that were not included in the grant request, the main thing would be the parking lot that's down here at the corner of High Street and Putnam. It had been planned that the City would manage construction of that and have the City funds set aside for that separately. The other issue that we understand is that while they were discussing with the trust fund, there was more money that was together in the overall plan, but the ability to get, the probability of getting funded, we needed to cut a few things in order to increase the probability of getting funded so that led to some of the decision making process. The major thing that everyone can see is that there would be a park trail system that goes throughout the entire park. Along the way would be some points of destination, there'd be some bench areas, there'd be some lights for safety and so forth. There would also be access to the river that's provided. The path system provides handicap accessibility to the waterfront which is part of how this was able to get funded through the trust fund. Major points were scored by getting handicap accessibility. Folks with walkers, folks with wheel chairs and so forth, so there's a hard surface path that goes around here also

providing immediate access, you can wheel up in here and if you want to try and fish or be by the waterfront.

Hyne: Can I just clarify that, correct me if I'm wrong; those are like a fishing dock, fishing pier so to speak?

DeVries: Yes.

Hyne: Okay, I just wanted that clarified.

DeVries: Yeah, it would come out and it would be above the water surface, it doesn't go down like that, it would be...

Hyne: Somewhat of a pier.

DeVries: Somewhat of a pier.

Pratt: Excuse me. I'm sorry when you first started you said something about the parking lot there.

DeVries: Yeah, the parking lot down at the corner of High Street and Putnam, there's already drawings together for this, done separately and it's just a matter of moving forward on that.

Pratt: Okay, but we still have the rain gardens right?

DeVries: Yes. The rain gardens would be this odd shaped thing right here. I haven't quite covered that yet. Another element that is not included that was in the overall Master Plan is a new pavilion here just north of where the parking lot would go and a plaza area. These are higher cost items, in order to get the project down into what the trust fund said, hey this is going to go, these were eliminated for probably a future time period but all the work that we would do now would have those provisions and could easily be added in at a future time. There'd be some revamping of the existing parking lot, even things out a little bit, provide some prevention of people driving off into the park and that kind of thing. There was a pedestrian walkway that was to go over this little swale here, that was a lower cost item but it was eliminated from the trust fund. The other major item that was eliminated was a second pedestrian crossway over the river. There's another one down High Street, this was eliminated due to the high cost. It was a very high cost item.

Pratt: What's it cost, Steve do you have any idea? What that is, that's a Cedar Street extension.

Allard: Wasn't that around a quarter of a million dollars?

DeVries: It's about a quarter of a million dollars. I wanted to look for the exact...

Pratt: Because the one at High Street is way down by the Eagles, and that's hardly even used by the residents. I don't even think they know it's there.

DeVries: I don't even think it was in the...

Pratt: That's alright, I just think that's a terrible loss to the City.

DeVries: It could still be added in the future. Everything would be set up to add it in the future. The end of Cedar Street additional parking here, it's currently gravel right now, so it'd be hard surface, asphalt paving in here. That's included. Upgrades to the existing pavilion. There's a new maintenance building here which is included. This would have restrooms here, would have the possibility of concessions and so forth or other maintenance things for the park. Currently there's a backstop over here. That needs to come down in order to construct the parking lot the way that it needs to be as part of the discussion with the public and so forth we went through that a little over a year ago, folks felt that it was necessary to have a backstop, so that's located over here, for casual use, recreational games, folks having picnics in the park, that type of thing.

Wittrup: Scott, I don't want to really interrupt, but we're not relocating the old...

DeVries: It's not relocating, it's putting in a new one. I'm sorry, make that clarification, no we're not going to take the old rusty thing and put it over there. So that would be a brand new one. Good point. Am I going too fast?

Hyne: No.

DeVries: Okay, these are the existing playscapes here. Here's the tot lot, here's the wooden playscape area so, providing some seating areas around there and entrances into those. Here's the existing bandshell which the City has taken over now and getting some electrical service in there. The gazebo that was over by the church, instead of sitting over here, it would be located over here along the pathway as sort of a quiet area of the park. This part of the park over here is just more of a passive area, quiet, and you can stroll through and not as many activities over here by the water front on this side. Next to the new building over here is an existing basketball court area. We put in a couple new baskets for a game to happen over here. Here's a new element that's just kind of come up as of late. I guess the Kiwanis wants to find a spot in town to put in a couple beach volleyball courts, so this could be a possible location for that, so Mr. Allard asked us to show how that could fit into the system.

Allard: Now that would not be part of the grant project. This is separate and potentially constructed through Kiwanis donations and other community funds.

DeVries: Correct, we provided some estimated construction costs last week and Mr. Allard has transferred it over to the Kiwanis folks so that they could have that information. Anyways somewhere in this area over here we can shift a little bit and we could put that in there for now. Along the pathway system along these destination points, there's going to be some interpretive signage. Next to the water

front area, the idea was to put some natural vegetation and let that grow up to help discourage the geese from coming in off the water. They don't like to go through the higher brush and stuff so the area between the pathway here and then the waters edge will be a little more natural. Yes?

Pratt: Along with eliminating that path across the Cedar extension that also showed as a canoe livery, a landing point, is that eliminated as well?

DeVries: That's still in.

Pratt: Okay.

DeVries: That's why this area here is a little bigger than these two. These two are more of a dock type of thing. This has an area that goes down by the water and you can put in a canoe or kayak.

Pratt: Okay, so your eliminating the bridge across the river to Cedar Street?
Connecting Cedar Street to Cedar Street?

DeVries: Yes. It's not eliminated from the overall master plan but just not installed at this time.

Pratt: Okay.

DeVries: Anything we do with this back area and the canoe launch area would have in it, we'll have to have the proper ramps and so forth to go up and over the river. I think I pretty much hit the highlights on this. Obviously what you see here, our original master plan had about three times as many trees on it, so we had one of our staff kind of look through the park and help try to catch the ones that have been taken out by the tornado unfortunately, so what you see here is a little more closer to representation of what is out there.

Allard: Now Scott does that rendering show the existing ash trees that we know are diseased and need to come down?

DeVries: This still includes some of the existing ash trees.

Allard: Okay, because the number of trees that we are looking at on that plan which will need to come down and there may be 15 of them, there's a bunch.

DeVries: There's quite a few. A lot of these ones over here.

Allard: I thought I'd also mention what is not in that plan is any underground sprinkling. Conceivably that could be done with water drawn from the river, but then more water means more grass cutting and expenses and so forth. There was some general discussion with the Parks & Rec Commission about it and the thought was it wouldn't be eco friendly to have artificial or underground sprinkling and that's been left out. It does present a challenge however with new trees and plantings, particularly in the first year when they are susceptible to die off if they

don't get adequate water so we just have to make a special priority of getting sprinklers and so forth above ground to address that.

Hyne: Councilmember Pratt.

Pratt: Don't we have a City staff that goes around and waters all the trees and everything?

Allard: They're doing that right now in a pickup truck in the planters.

Pratt: They have a great big watering thing, I mean why...

Allard: It's about a 300 gallon water tank and the pathways being hard surface are expected to be about 8 feet in width and that would be just wide enough to allow that watering truck to go through and with a hose extension we could water it in that manner.

Pratt: The river, put a filter system on it and then I mean you could use the water but not plug the machinery up.

Hyne: Councilmember VanAllsburg.

VanAllsburg: This is for Scott and Larry. I've had three people from the public approach me with concern that they thought there was too much cement being added into the park, the pathways, so my question for you is what evidence do you have, is there public support in general for the path system?

Wittrup: It's not concrete, it's asphalt. If you've ever been to a golf course, you don't see concrete paths except for really fancy resorts, the rest of them got asphalt number one because it's easier to put in, two minimal amount of fixturing in order to put it in etc. We did it with asphalt. Now the only time concrete came in a discussion was on the corner parking lot because there's a thing called pervious concrete where you can lay a concrete pad for that corner parking lot that's more expensive, but it lasts longer and it allows the water to leech down into the concrete into the ground. So we decided that the difference in price just wasn't worth it.

VanAllsburg: Okay, well I said concrete, I think at the time they were talking to me that the decision hadn't been made yet as to what you're going to use to make the paths but nevertheless the point still is out there; do you want to cover up that much grass for paths.

Pratt: Yes.

Wittrup: Yes. One reason is you've got to take a look at where the paths go. You got paths that you have to have in order for people with disabilities to get to the bandshell.

VanAllsburg: Right.

Wittrup: The other thing is, is they have their peacable place at the northeast side of the park, how are they going to get there? Now there's a negative side to that because you're going to have the potential of inline skates, skateboards, etc. but that's just part of the things you have to either put up with or manage, that's part of the community, because it's going to happen. But you need access and to be honest with you the path was part of the sales job with the DNR. They were looking for access by community members into the park, if you didn't have it in there, you might have had a little more difficult time trying to get the money.

Pratt: And it's not only the handicapped. You've got ladies with strollers, you've got you know little kids with little trike things you know that can still enjoy the parks and it will be used a lot, it's not only the handicapped, there's a lot of people that will use it.

Hyne: Can I interrupt, I may just say I think what is very unique and I think really needs to be applauded is the fact that this is just not being brought forth by the City, you have the Rotary that's involved with donating significant number of trees and planting, you have the Kiwanis who have you know put in the tot park and you have the community residents themselves to put in the big play area and the Williamston Area Beautification Committee just you know turned over the bandshell. It is a true partnership of the entire community coming together to really bring a great park to life for everyone to enjoy. And I think Mr. Wittrup makes a very good point and this is very true and on any grant whether it's through MDOT or the DNR, they are focusing on accessibility and I think for the City to step up and meet that challenge and to allow access to all residents, whether you're handicap, whether you have small children, they have the absolute right to enjoy their community parks and I think as you can see that the trails are not overwhelming and I think they allow all residents and all people to enjoy the beauty of our natural resources and I think that's exactly what we need to do because if we don't do that there are people that will be eliminated from that and I think that's unfortunate. They pay taxes just like anyone else and I think you can bring in family members, relatives, and it allows everyone to enjoy the park and actually I think we're going to see an increased number of people that will be enjoying it and I think like I said before, it's in publications that it increases property values, increases business, and it's a win win.

Wittrup: The point still is, take a look at the usage this year for the park and compare it to last year or in comparison the year before the tornado...

Hyne: It's huge.

Wittrup: Huge increases, huge increases. I just drove by on my way down here, there must have been 40 kids back there. They're utilizing the resources of the City, you've got everybody on the playground, you've got a service organization that says the wooden playground, they will pay to have that refinished and brought up to date. They won't do it themselves because it's way too much work, but they will pay to have it done. How do you get anymore consideration by the people in the community than that?

Hyne: True partnerships, and I think it's great because I think a park really shows a City's commitment to its residents because it is one activity that is provided to the residents free of charge so to speak for admission or anything that their tax support and they certainly have every right to expect a usable park for all people.

DeVries: Just to tie in a little bit, in the future one of the pedestrian paths does go across the river. This is part of the overall trail system and possibly an extension down the river for a river trail. There's another destination along that path. The intercircuits that are right here provide ways to folks in and along the way you can put mileage markers so people can decide hey I want to walk so many miles and I just figure out what my circuit is as a point of exercise.

Hyne: You won't need to join a gym.

DeVries: Well and then when this parking lot comes in here, this should be a major advantage to the businesses and that area between High Street and Grand River here as just another way to get parking for those businesses right downtown. In the future one of the pavilion areas can go in here. This was thought that possibly the Farmers' Market would someday want to go into this area here or some other festivals with tents set up and that type of thing.

Pratt: ???? from that grant, is that what you're saying.

DeVries: Right now this part is eliminated. We have to do some cutting for this parking lot so we're going to fill that up with grade level that we need to put a hard surface in there. So the concept behind this is why a lot of the ability is to have a destination, have festivals, and things like that. Bring people into town from outside the area.

Hyne: When it's done it will, with the partnerships, with our community organizations, and with the residents, it allows opportunity for us to maximize our natural resources for everyone to enjoy. It's a great opportunity, so thank you. Any questions from any Council members?

VanAllsburg: I wanted to follow up with Tim. I didn't mean that I was opposed to the paths by the way, I was just representing some calls from the public but it did occur to me though that the park you showed me in East Grand Rapids, there are asphalt paths in there.

Allard: Yes, there are. There are asphalt paths as well.

VanAllsburg: Okay, so you're okay with that then?

Allard: Yeah, I think it's an essential element in order to get the funding and I think it's going to provide a very important purpose in servicing the accessibility issues.

VanAllsburg: Well now I have an answer.

Allard: Yeah, Collins Park we were looking at.

Hyne: Any other Council members have any questions, comments? Okay, thank you Mr. DeVries. Oh, Councilmember Smith.

Smith: I will comment later.

Hyne: Mr. Allard did you have...

Allard: Yes, a couple things, first off I wanted to point out that you know ideally we would consider this matter at the September 19th work session that we have scheduled, but because the timing of the grant deadline, we don't have the luxury of waiting until then, that's why it's being brought to you now, rather than later. Second thing I want to mention is we do have \$200,000 in this year's general fund budget set aside to meet about 50% of the City's obligation if the Council should approve this. And principally because of the permitting process which can take four, five months thereabouts, the thought is is that we would need to get going with engineering design right away and that would carry into the fall and winter and simultaneously we'd be seeking the permits which are a little tricky because this is in the flood plain, being right next to the river and then by around February of next year, we would be advertising for construction bids and getting them awarded at an absolutely prime time to get good bids because most of the contractors don't have their schedule lined up and they're anxious to do that so typically they'll give you better pricing on the very early part of the season and then that would allow us then to weather permitting, get started on construction in the spring. You know with the opening of the asphalt plants and so forth and there's a little bit that could be done over the winter, not much but there's things like taking down the backstop and maybe erecting another one and you know one or two things of that nature. So there's a little bit that could be done. The other point I want to make is that, recognizing that we need to move ahead with design engineering pretty quickly, the question arises, do we go out for competitive bid, or do we single source it and talking with the City Attorney because we're talking about professional services the Council does have the prerogative to just single source it and through C2AE's initiative they have put together a proposal which I have not presented to the Council yet, but it's very aggressive and I spent Friday afternoon in their office reviewing it and found it was about half of what I expected it to be. Normally it's a 15% fee for design and construction engineering and I won't go into any more details but it was very aggressive and so the question arises for you is should we plan on continuation of the services that have been rendered to us in both the parking lot design and the preliminary work with the McCormick Park Master Plan or you know take the other route. I thought I'd ask for a little bit of feedback from Council at this time.

Hyne: I would just like to make one comment in regard to the budgetary issues and we do have the review of our budget in September. I'd also like to revisit with regard to that the Park Commissioner Mr. Wolf when he came and presented to us and I wanted the public to be very well aware that in addition to the grant and the City's matching funds, Mr. Wolf who does work for the Department of Natural Resources and presented to the Council regarding our matching funds that he felt confident that he would be able to assist in diminishing some of the City's matching

contribution with outside funds. Now to what level, that remains to be seen but that was brought before us publicly at a meeting so I think that would be a direction too to also once again make contact with Mr. Wolf and revisit that conversation. Yes?

Allard: You might want to consider a fundraising campaign as well in a more formalized way of getting a committee together and so forth, this could be a very exciting project to promote, that's just another consideration.

Hyne: It is yes and I know he's dealt with different associations and organizations and he felt pretty comfortable that we'd be able to diminish some of our contribution. Anyway, anyone else?

VanAllsburg: So we're looking for, there's \$200,000 in the 08/09 budget?

Allard: No, 09/10, the current fiscal year.

VanAllsburg: The current year okay, so there would be and then the next year after that would be another 200.

Allard: That's right, approximately.

VanAllsburg: Alright.

Hyne: I guess without objection from the Council because it's a dollar amount I guess I would like to have communication with Mr. Wolf maybe with the City Manager and update us on that. If that would be...

Allard: On what, I'm sorry?

Hyne: Discussion with Mr. Wolf...

Allard: Oh, yes in terms of...

Hyne: Are there any objections to that by Council?

Pratt: Only thing is, we have to make the decision by the end of the month right?

Hyne: Correct, but we still have time.

Pratt: One more meeting.

Hyne: Right, but that conversation can take place.

Allard: Yeah, this could wait till your August 24th meeting.

Hyne: Right, which I would prefer to have that conversation and give us a little more direction.

VanAllsburg: Yeah, I'll make a motion to recognize Mr. Wittrup.

Hyne: Okay, is there support?

Siciliano: Second.

Pratt: Support.

Hyne: Okay, any conversation? No. All in favor?

All: Aye.

Hyne: Opposed? Mr. Wittrup.

Wittrup: Something to take into consideration is that, day after tomorrow is our monthly meeting of the Parks & Rec. Mr. Wolf will be there, his wife has returned from her travelling in Dubai, but it would be an appropriate discussion for Wednesday night's meeting.

Hyne: We'd have to make sure it would be on the agenda though. Or either way, it would be nice to do it publicly and then also Mr. Allard could have an in depth conversation and maybe have more of a strategic planning session with him and direction in how to approach this. This is a great opportunity. Thank you.

VanAllsburg: So Michelle you're saying that of the \$200,000 that we might not have to pay \$200,000?

Hyne: Do you remember, Mr. Wolf was here, I believe it was Chair Sweeder from the Parks & Rec Commission and Mr. Wolf made comment that you know even though that is our matching contribution, he felt confident that he would be able to find some outside contributions to diminish that dollar amount for the City.

Siciliano: I would be comfortable agreeing to it tonight simply because I don't think that any outside influence would change this contract, the DNR going to want to say we're getting this amount of money from you, you know if someone wants to give us money to help us out great. We budgeted this much, if we don't have to spend that much it's great, it's wonderful. So I'm comfortable moving forward and making sure that we give ourselves a little more wiggle room tonight. Certainly other avenues should be pursued as well.

Hyne: Is that a motion?

Siciliano: It could be. Okay, I would move to approve the amendment to the project agreement for the McCormick Park grant as submitted to us in the Council packet based on the recommendation of the Parks & Rec Committee and the City Manager.

Pratt: Support.

Hyne: Okay, motion and support, is there any further discussion, well we have to get through the second. Councilmember Pratt did you support?

Pratt: Wait a minute.

Hyne: We have to have a supporting...

Pratt: I supported it.

Hyne: Okay, correct. That's what I was verifying.

Allard: I think it may be appropriate to either amend the motion or follow up with a resolution here that would be needed for adoption in order to satisfy the DNR requirements.

Siciliano: I could amend.

Hyne: Okay.

Pratt: Support.

Siciliano: Just a copy of the resolution and the form submitted?

Allard: As submitted in the packet.

Siciliano: That's fine.

Hyne: Friendly amendment. Councilmember?

Pratt: Support.

Hyne: Okay, any further discussion, yes?

VanAllsburg: Yeah.

Hyne: Wait, Council Manager Allard?

Allard: Yes, I don't know if our City Treasurer has had a chance yet to follow up. I only was just a short while, a few days ago talking about a call with the DNR grant payment reimbursement individual about just the cash flow on this project, I wondered if you...

Dolley: It's the same as any other grant that we've ever done.

Allard: Okay, so it wouldn't appear to cause any cash flow issues.

Dolley: When we get about 25% of the project done and you submit your financials to them for reimbursement, they pay their portion.

Allard: Okay, I just wanted to make sure because that was a loose end that hadn't been tied up.

Hyne: Appreciate that detail.

VanAllsburg: It needs to be brought up that if we're not going to get that money from the state, are we putting ourselves in the position that where we can't do infrastructure improvements because we've fixed the park? That's my concern.

Allard: That's a tough question you know. As I say we've got \$200,000 budgeted. What does that leave for a fund balance Alan? Roughly?

Dolley: At the end of the 09/10 budget you'd be looking at a \$666,000 fund balance in this current fiscal year.

Allard: So that's something like a 15, 16% fund balance I believe. It is a tough question.

VanAllsburg: Nobody wants to lose that much money as a grant, I mean that's a huge amount of money so. But on the other hand I don't want to be sitting here with this place filled up with people saying, you fools, you fixed our park and look at the condition of the roads.

Hyne: You know what though, I share your concern you know on the infrastructure and recently we dealt with stimulus money, correct? And there are many communities receiving this for roads for water, serious infrastructure issues, and not to revisit recent history but out of those projects that was directed to be submitted, engineering completed, not one was submitted. Okay?

VanAllsburg: So we missed out.

Hyne: This was former administration, so as far as those grant opportunities those are gone. Mr. Dolley when he was serving as our temporary interim when that window, that very small window was open, that four day window and I'll tell ya appreciation needs to go to him and then his cooperative efforts, bringing Mr. Allard on board when he came on to secure that grant for Williamston Road you know we secured that and I think people need to be very aware that there are grants available and we are appreciative for those that we received but there were significant dollar amounts that this City lost opportunity for infrastructure because of that and that is unfortunate and to me is unacceptable you know that we lost that opportunity to return our tax dollars back to our own community, into our residents, so I mean I share that infrastructure issue with you. Are there other grant opportunities available? I believe Mr. DeVries stated that there are and I think we need to pursue those and are they valid, are the legitimate and are they reasonable to assume that we could compete for those. And I would ask you right now to assist with this question that we have. Is it reasonable to assume that we can be competitive for those grants?

DeVries: Usually there's participating money from the community just like in this case, there's ???? (recording inaudible) coming from the community. There's other programs out there that does the same kind of thing. These are the programs that

are low interest loan programs. It's a big financial fixture of the entire City and some of the topics we've discussed, we've talked about early September dealing with the structuring of long-term.

Hyne: This decision before us, is it reasonable to expect that we would be able to compete for those grants, competitively?

DeVries: Yes.

Hyne: Okay, so it's not a long shot?

DeVries: No.

Hyne: Okay, and that's what I think we need to be very clear to help us make a very good decision.

DeVries: There are funds available to you on a rotation basis.

Hyne: I understand that and that was an issue that Mr. Moody brought before us that we weren't attending those meetings and you'd acknowledge that?

DeVries: Yes.

Hyne: We lost our opportunity, we've made changes in the City to address those issues, and we are addressing those issues and to be competitive for these grants that are out there. Councilmember Zichi.

Zichi: Scott you raise a very good point and we do need to consider that carefully. In general I'm very much in favor of the park improvement. This is something that I think the community will benefit from more so than the amount of money that's put into it, but you're right we need to be mindful of the fact that there are other things that need to be done too, and I don't want to spend all of the eggs in this particular basket and then not be able to do the rest of those things to. The issue that I have is not that we've missed funding and all the rest of that because that's not true. What we have is a situation where the priorities that have been set out need to be very clearly identified and I think the community's spoken about this one. They want to see this. The Parks and Rec Commission, Larry how long you been working on this?

Wittrup: Long time, long time.

Zichi: Years and there's been a lot of public input and it's all been very favorable. There's been a lot of tweeking, a lot of changes that went into it so I don't see that this is that much of an issue. I guess my concern is that we have on a knee jerk reaction done a lot of other things that have made this look like less of a good idea because our fund balance reserve went from over a million and a half down to \$600,000 and you know this was planned for, those other things weren't and I guess the question becomes did the fact that we have done all those other things change

whether or not we should change our mind about what was planned for and I'm not sure where I come down on that yet but you've raised a good point. Thank you.

Hyne: Okay, I would just like to follow up and I don't know if, I guess from my own standpoint, I will acknowledge publicly that we did miss funding, we did miss grants, we did have engineering done for that stimulus money and it is a matter of record that we did not submit for that money.

Zichi: Michelle Anne Hyne, that is not true.

Hyne: Excuse me, I'm speaking and you are out of order Councilmember.

Zichi: You're not telling the truth.

Hyne: Excuse me, excuse me, I will warn you one more time.

Zichi: And I'm still saying you're not telling the truth. The public deserves that.

Hyne: I will ask you one more time.

Zichi: I've said what I need to say.

Hyne: Ten minute recess without objection.

Zichi: No, let's keep going. I've said what I've needed to say let's go. Come on, we don't need to delay this any further.

Hyne: I'm not going to have a Councilmember speak when they are out of order and they are not recognized and someone else has the floor.

Zichi: Then let's continue the meeting.

Hyne: Attorney Toskey could you please address this issue?

Toskey: You are the Chair of this meeting Madame Mayor and I think you called a recess.

Hyne: Thank you. Ten minutes.

-Mayor Hyne called a recess at 8:30 p.m.

-Meeting reconvened at 8:40 p.m.

Hyne: Thank you. Anyway Councilmember Siciliano?

Siciliano: I just had something to add to the motion I had on the floor. I wanted to add to it, not add it to the motion, add my comments as requested by manager Allard that I am in support of going with C2AE without going out for competitive bid. I think we're getting a high quality work from Scott on this and they've been working

for multiple years on the project. It doesn't make any sense to me why we'd have to have someone have to try to get up to speed on years of work that we've received quality work on. Outside of that, regardless of some of our other problems, this is something that's consumed a lot of time and money from City staff and board members, I think it would be irresponsible enough to throw out all that hard work. I'm ready to vote whenever.

Hyne: Thank you, any other comments? Councilmember Smith?

Smith: I would like to see the Parks Commission address, I also recall Mr. Wolf being here and making that presentation, that he thought there'd be other ways to gain some of the money that we would otherwise be matching so that \$400,000... I like the idea of a community drive to do that. I remember when they were raising the money for the playscape and all of the schools were doing some penny drive and my kids took every ounce of change through my entire house and drug it to school over like a month period of time and it really showed their support. They really felt they were involved with that. So I think all of those ideas, if the Park Commission will continue to look into those and even bring other ideas to us so that we can support it as a City and do more community money raising for this project and there's a lot of money, we did say we would do it, but I would like to see those other opportunities pursued as well.

Hyne: Okay, thank you. Anyone else? Councilmember.

VanAllsburg: Yeah, I think it shows optimism to approve this. I like the optimistic nature of what it means to say yup we're going to go for this, even though we've got a lot of work to do to get extra money. So I'm ready to go for it.

Hyne: Okay, anyone else? Okay, thank you. We'll do a roll call vote please.

Thompson: VanAllsburg?

VanAllsburg: Yes.

Thompson: Zichi?

Zichi: Yes.

Thompson: Hyne?

Hyne: Yes.

Thompson: Pratt?

Pratt: Yes.

Thompson: Siciliano?

Siciliano: Yes.

Thompson: Smith?

Smith: Yes.

Hyne: Motion carries. I'd like to thank Mr. DeVries from C2AE for being here this evening and presenting a very thorough presentation to us, thank you and Manager Allard, thank you to you also. Okay, I think we also need to recognize Mr. Wittrup for being here this evening and all his work on this.

Pratt: I still need one of your new Steve. Last time I was supposed to get one and I didn't get it.

Siciliano: And the new Chair of the Planning Commission.

Hyne: Is he? Oh, congratulations.

Wittrup: I was railroaded.

Hyne: Okay, thank you.

Motion by **VanAllsburg**, second by **Siciliano**, to allow Larry Wittrup to address the Council. **Motion passed by voice vote.**

Motion by **Siciliano**, second by **Pratt**, to approve the resolution as presented and the amendment to the project agreement based for the McCormick Park grant on the recommendation of the City Manager and Parks Commission. Yes: VanAllsburg, Zichi, Hyne, Pratt, Siciliano, Smith. No: None. **Motion passed.**

8b. Recommendation to amend FY 2009-10 General Fund and Local Street Fund Budgets:

Motion by **Siciliano**, second by **Pratt**, to increase the 2009/2010 Major Street Revenues with a transfer from the General Fund of \$30,000 and increase the General Fund expenditures by the like amount of \$30,000 as presented. Yes: Zichi, Hyne, Pratt, Siciliano, Smith, VanAllsburg. No: None. **Motion passed.**

Motion by **Smith**, second by **VanAllsburg**, to have Director Aniol figure out the cost of the Farmers' Market for the rest of the year and have this issue on the next Council agenda. Yes: Hyne, Pratt, Siciliano, Smith, VanAllsburg. No: Zichi. **Motion passed.**

Motion by **Siciliano**, second by **VanAllsburg**, to make an amendment to the Community Development budget in the sum of \$3,750 for the purpose of marketing the City of Williamston as a whole. Yes: Zichi, Hyne, Siciliano, Smith, VanAllsburg. No: Pratt. **Motion passed.**

9. Discussion Items

9a. Recommendation concerning Ken Stockwell request for waiver of application fees:

Manager Allard reported that he held a meeting with Ken Stockwell, Larry Wittrup of the Planning Commission, and the Zoning Administrator. After the meeting he did not feel that his request for fee waivers be granted.

9b. Update concerning band shell improvements and old restroom at McCormick

Park:

Manager Allard reported that Beautification Committee has \$6,000 to use on the remainder of the bandshell work. The bandshell still needs work on the ceiling, steel doors, electrical, and painting. Stevens Construction has offered to do the demolition of the old restroom free of charge and Granger is providing a dumpster free of charge for the disposal. He is trying to get a quote from DTE for underground wiring of the bandshell.

9c. Update on tree damage on Red Cedar river island:

Manager Allard reported that Wildtype will be applying a plastic wrap to the bottoms of the trees to prevent further damage from animals.

9d. Update concerning 109-115 E. Grand River building – demolition of 1-story addition:

Manager Allard reported that a letter was sent to Pramco and a follow up call was made regarding the demolition of the 1-story addition of the 109 building. He anticipates that the owner will address the issue.

9e. Update regarding Fulton Street sewer lining:

Manager Allard reported that the Fulton Street sewer lining should be completed by the end of the week.

9f. Update on tree removal at 250 McCormick Street:

Manager Allard reported that the tree has been removed and danger of damage to the waste water treatment plant has been eliminated.

9g. Zoning Ordinance Update- Lighting Section:

Councilman VanAllsburg distributed the suggested wording for the new lighting ordinance and encouraged Council to read it and submit any comments or suggested changes to the Planning Commission as soon as possible.

11. Staff Reports

11a. City Manager:

Manager Allard reported that the Police Chief sustained a broken wrist from a fall but will be reporting back to work on August 11th on light duty. He stated that Mark Chatterly is being considered for Art Prize Contest in a group of 700 artists.

11b. City Attorney:

No report.

11c. Community Development Director:

A written report was provided to the Council for review.

11d. Treasurer:

A financial printout for July was provided for Council review.

11e. Planning and Zoning Administrator:

Written reports for June and July were provided for Council review.

12. Audience Participation:

Mayor Hyne called for public comment at this time and there was none.

13. Council Member Comments:

Councilman Zichi reported that the severe weather sirens are not working.

Manager Allard stated he would look into it.

Councilman VanAllsburg reported that Larry Wittrup is now the Chairman of the Planning Commission and Jane Reagan is the Vice Chair.

Mayor Hyne thanked everyone for attending the meeting and thanked Manager Allard for following up on issues. She also stated that she had a great time during Dog Days.

14. Closed Session- Attorney/Client Privilege Letter Re: R&R Fence:

Motion by **Siciliano**, second by **Smith**, to go into closed session to discuss an Attorney/Client privilege letter concerning R&R Fence. Yes: Siciliano, Smith, VanAllsburg, Zichi, Hyne, Pratt. No: None. **Motion passed.**

Council took a five minute recess at 10:06 p.m.

Closed Session started at 10:11 p.m.

Motion by **Zichi**, second by **Pratt**, to return to open session. Yes: VanAllsburg, Zichi, Hyne, Pratt, Siciliano, Smith. No: None. **Motion passed.**

Closed Session ended at 10:54 p.m.

Action on Closed Session:

Motion by **VanAllsburg**, second by **Siciliano**, to direct the City Manager to draft a letter based on his recommendation the Manager Allard gave and have him work with legal counsel with the explanation of giving him the option of doing the agreement and/or with the neighbors and come back with other proposals and request that the slats are presentable, the fence should be 7 feet high and from the ground up, and extend the agreement to August 31st, and get an alternate proposal returned from Mr. Couturier within a week with the extension contingent upon agreement with A or B. Yes: Zichi, Pratt, Siciliano, Smith, VanAllsburg. No: Hyne. **Motion passed.**

15. Adjournment:

Motion by **Pratt**, second by **Zichi**, to adjourn. **Motion passed by voice vote.**

***Meeting Adjourned at 11:10 p.m.**

Respectfully Submitted by: _____

Holly M. Thompson, City Clerk

Michelle A. Hyne, Mayor

Date Approved: _____