

Regular Meeting of the Howell City Council
Monday, June 26, 2017
Howell City Council Chambers – Lower Level
611 E. Grand River
Howell, Michigan 48843
517-546-3502

The regular meeting of the Howell City Council was called to order by Mayor Nick Proctor at 7:00 p.m.

Council Members Present: Jeff Hansen (arrived at 7:04 p.m.), Jan Lobur, Michael Mulvahill, Scott Niblock and Mayor Nick Proctor.

Council Members Absent: Robert Ellis & Steven Manor.

Also Present: City Manager Shea Charles, City Attorney Dennis Perkins, and City Clerk Jane Cartwright.

Others in Attendance: Police Chief George Basar, DPS Director Erv Suida, Community Development Director Tim Schmitt, Deputy Police Chief Scott Mannor, DPW Operations Manager Mike Luce, Project Technician Matt Davis, IT Director Mike Pitera, Assessor Joey Lentine, John & Caron Davis, Joel Beutler, Tom Richardson.

2. PLEDGE OF ALLEGIANCE

Mayor Proctor complimented the Howell Area Chamber of Commerce on Balloon Festival.

3. APPROVED MINUTES

MOTION by Mulvahill, SUPPORT by Niblock, “To approve the minutes of the regular meeting of the City Council held June 12, 2017.” MOTION CARRIED (4-0). MOTION by Mulvahill, SUPPORT by Niblock, “To approve the minutes of the June 12, 2017 Executive Session.” MOTION CARRIED (4-0).

4. CITIZENS’ COMMENTS

- Joel Beutler, 541 Indian Oaks, stated he was the President of the Homeowners Association and was concerned with the deterioration of their private road, which at the current condition, will not allow for snow removal. The new garbage contract with Advanced Disposal has increased large truck traffic 4 fold per week and the road never received a top coat when construction ceased in 2004. He questioned if the City was holding a surety bond to assist with upgrading the road and options for the City to accept ownership. City Manager Charles indicated staff will do some research and report back to Council. Discussion followed on options for completing the project.

5. **REPORTS – COUNCIL MEMBERS SERVING ON COMMISSIONS**

- Mayor Proctor reported on the June 21, 2017 meeting of the Howell Area Fire Authority. Approved the purchase of two new inspector brush vehicles, and the Livingston County Hazard Mitigation Plan. All substation lease agreements have been approved except for Cohoctah Township.
- Mayor Proctor reported Main Street will begin the transition to separate from the DDA with the new fiscal year under the 501c3 status; a robust fundraising effort has already begun. Donations to refurbish Peanut Alley are at \$8,000; Friday June 30th is the deadline to raise \$12,000.

6. **COUNCIL CORRESPONDENCE**

- None.

7. **APPROVED – RESOLUTION NO. 17-16, BUDGET AMENDMENTS**

MOTION by Niblock, SUPPORT by Lobur, “To adopt Resolution No. 17-16, Budget Amendments.” MOTION CARRIED (5-0).

8. **APPROVED – UNSAFE BUILDING, 816 MCPHERSON**

MOTION by Niblock, SUPPORT by Hansen, “To authorize the City Attorney to prepare and file a lawsuit against the property owner of 816 McPherson, Michial Drown, to prevent him from accessing the entire property without the presence of City Staff.” Council questioned the need to file two separate lawsuits. City Attorney Perkins explained each issue was unique to itself. The structures present a danger to the owner, the public, and are unsafe. MOTION CARRIED (5-0). MOTION by Hansen, SUPPORT by Mulvahill, “To authorize the City Attorney to prepare a lawsuit against the property owner of 816 McPherson, Michial Drown, to condemn and demolish the unsafe structures on the property.” City Manager Charles reviewed the 20 day appeal process which concludes on July 5, 2017 pursuant to the notice of Unsafe Building issued by the Building Official. The cost associated with the demolition will be the financial obligation of the City however a lien will be placed on the property to recover the cost. City Attorney Perkins noted the City has a duty to make sure the health, safety and welfare of the City is protected. The Court will make the final determination on the case and the property owner has a right to defend the action. MOTION CARRIED (5-0).

9. **APPROVED – LUCY ROAD PARK LAND CONVERSION**

MOTION by Hansen, SUPPORT by Lobur, “To authorize staff to solicit surveying and appraisal firms to complete the necessary work to resolve the Lucy Road Park issue with the Michigan Department of Natural Resources, with contracts coming back for formal City Council approval if the cost exceeds \$5,000 for each.” MOTION CARRIED (5-0).

10. **APPROVED – WWTP CAPACITY MASTER PLAN**

MOTION by Hansen, SUPPORT by Mulvahill, “To award the proposal to Hubbel, Roth and Clark, Inc. of Howell Michigan to perform the WWTP Capacity Master

Plan for a cost of \$42,500 contingent upon receiving a letter of commitment/agreement from the Livingston County Drain Commissioner's office for reimbursement to the City for the total cost of the study." MOTION CARRIED (5-0).

11. APPROVED PAYMENT OF BILLS

MOTION by Hansen, SUPPORT by Mulvahill, "To approve the payment of bills ending June 26, 2017 in the amount of \$605,334.61 and payroll to cover the period ending June 24, 2017." Member Lobur & Mayor Proctor questioned various credit card charges. MOTION CARRIED (5-0).

12. CITY MANAGER'S REPORT

- Tornado Sirens are scheduled to be installed July 10th.
- A CIRAB meeting is scheduled for July 5th.
- Commended the Chamber of Commerce and City Staff for all their work on Balloon Festival.

13. OLD BUSINESS

- Mayor Proctor questioned the schedule for the S. Michigan resurfacing project.
- Member Mulvahill questioned the status of the railing for Parking Lot #2.

14. NEW BUSINESS

- MOTION by Hansen, SUPPORT by Lobur, "To excuse members Manor & Ellis from the June 26, 2017 meeting (reasons stated)." MOTION CARRIED (5-0).
- Mayor Proctor referenced the vehicle that was ticketed for improper parking at Balloon Festival and requested staff reassess the parking fine levels as well as time limits. City Manager Charles stated the parking study was on the list of projects.
- Member Lobur questioned the status of the Road Diet study for Grand River. City Manager Charles noted that MDOT may not be able to get to it this summer.

15. EXECUTIVE SESSION – PROPERTY ACQUISITION & PENDING LITIGATION

7:37 p.m. MOTION by Hansen, SUPPORT by Mulvahill, "To adjourn to Executive Session to discuss property acquisition and pending litigation with a roll call vote." Lobur – yes, Hansen – yes, Mulvahill – yes, Niblock – yes, Proctor – yes. MOTION CARRIED (5-0).

8:10 p.m. MOTION by Lobur, SUPPORT by Hansen, "To reconvene the regular meeting." MOTION CARRIED (5-0).

MOTION by Mulvahill, SUPPORT by Hansen, "To approve the settlement in MTT case No. 16-002434, Crossroads Town Station LLC for tax years 2016 & 2017 as follows: 4717-25-102-002 TCV \$1,513,952, assessed/taxable value

\$756,976; 4717-25-102-003 TCV \$1,874,040 assessed/taxable value \$937,020; 4717-25-102-008 TCV \$609,132, assessed/taxable value \$304,566; and authorize the City Attorney to sign the stipulation for Consent Judgment.” MOTION CARRIED (5-0).

16. ADJOURN

MOTION by Hansen, SUPPORT by Mulvahill, “To adjourn the regular meeting of the City Council at 8:12 p.m.” MOTION CARRIED (5-0).

Nick Proctor, Mayor

Jane Cartwright, City Clerk