

**Regular Meeting of the Howell City Council**  
**Monday, March 25, 2019**  
**Howell City Council Chambers – Lower Level**  
**611 E. Grand River**  
**Howell, Michigan 48843**  
**517-546-3502**

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**1. CALL TO ORDER**

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

Council Members Present: Jeannette Ambrose, Robert Ellis, Jan Lobur, Michael Mulvahill, Steven Manor, and Mayor Nick Proctor.

Council Members Absent: Randy Greene.

Also Present: Acting City Manager/ DPS Director Erv Suida, City Attorney Dennis Perkins, and Deputy City Clerk Deanna Robson.

Others in Attendance: Police Chief George Basar, Community Development Director Tim Schmitt, Finance Director Catherine Stanislawski, DPW Operations Manager Mike Luce, WWTP Operations Manager Mike Spitler, Assessor Ashley Winstead, IT Director Mike Pitera, Project Technician Matt Davis, Fire Chief Andy Pless, Mike Detmer, Rachel Mark, Nikolas Hertrich, Michelle Tokan, Mike Arens, Scott Lloyd, John and Caron Davis, Jim Glenn, Sarah Tottingham and Susie Hill.

**2. PLEDGE OF ALLEGIANCE**

Mayor Proctor introduced Mike Detmer, who is running for State Representative Hank Vaupel's seat.

Mayor Proctor also congratulated DPS Director Erv Suida on the 20<sup>th</sup> Anniversary of his employment with the City.

**3. APPROVED MINUTES**

MOTION by Lobur, SUPPORT by Ellis, "To approve the minutes of the regular meeting of the City Council held March 11, 2019." MOTION CARRIED (6-0).

MOTION by Lobur, SUPPORT by Ellis, "To approve the minutes of the executive session of the City Council held March 11, 2019." MOTION CARRIED (6-0).

**4. CITIZENS' COMMENTS**

- None.

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

- Member Manor reported on the March 14, 2019 SEMCOG meeting: elections were held and Member Manor was reelected as a representative; Governor Whitmer spoke about her budget proposal; and the SEMCOG 2019 operating budget and the 2045 regional transportation plan were adopted. Member Manor provided a legislative update, which includes key aspects of the Governor’s presentation.
- Member Manor noted that he spoke to Representative Vaupel at the MML Conference.
- Member Manor provided an executive summary of the Livingston County Master Plan for Transportation and recommended encouraging the County Commission to move forward with the plan.
- Mayor Proctor reported on approvals of the following at the Howell Area Fire Authority meeting: a resolution to continue the cadet plan; replacement gear and equipment; and the budget and its distribution to participating municipalities. More work was being done on the bay area of the fire station.
- Member Mulvahill reported on the CIRAB (Capital Improvement and Rate Advisory Board) meeting, noting that the majority of information covered in the meeting was included in Resolution 19-06 (agenda item 12). The Board has agreed on a plan to move forward and needs support from the parties involved regarding necessary improvements.

**6. COUNCIL CORRESPONDENCE**

- None.

**7. APPROVED – CIVIC EVENT APPLICATIONS:**

A. Howell Art Project - May 13-18, 2019. MOTION by Lobur, SUPPORT by Ellis, “To approve the Civic Event application submitted by Howell Main Street Inc. for the Howell Art Project scheduled for May 13-18, 2019.” Mayor Proctor noted that the event would include art on streets and crosswalks, as well as murals on the sides of buildings. MOTION CARRIED (6-0).

B. Food Truck Tuesdays - May 14, June 11, July 10, August 13 and September 10, 2019. MOTION by Ellis, SUPPORT by Mulvahill, “To approve the Civic Event application submitted by Howell Main Street Inc. for Food Truck Tuesdays scheduled for May 14, June 11, July 10, August 13 and September 10, 2019.” MOTION CARRIED (6-0).

**8. DENIED – WAIVER OF CIVIC EVENT FEES FOR THE MEMORIAL DAY PARADE**

Mayor Proctor introduced the agenda item, noting that Council modified the Civic Event Policy to charge 50% cost sharing of City services for all civic events. Council approved the Memorial Day Parade civic event application, and after approval, the American Legion expressed concern over the cost sharing. The Mayor made several suggestions to help with the costs: 1. that the Legion take donations from members (they did not want to encumber their membership any further); 2.

approach the Livingston County Veterans' Services (the request was turned down by the County organization); or 3. **Request a waiver of fees by City Council. State funding for veterans (funding was not available).**

Member Manor noted that he was very concerned about starting a precedent of making an exception for cost sharing, and Mayor Proctor agreed

MOTION by Manor, SUPPORT by Ellis, "To deny the request from the American Legion to waive the fees for the Memorial Day Parade, but that the City accept the donations of Mayor Proctor and Mayor Pro Tem Manor, or direct donations, to the American Legion to cover civic event fees for the parade." Member Manor noted that the parade has been a way to recognize veterans; it stops at the Livingston County Veterans' Memorial and at the cemetery; **the event is to recognize all county service members who died in the war.** ~~and it is a County event,~~ and the County should, but declined to, cover the costs. He added that he and the Mayor were personally willing to cover the civic event fees. Member Lobur expressed her concern that Livingston County Veterans' Services would not provide financial support for the event, and noted that members of the community could also contribute to the American Legion to help with event costs. Council expressed concern that this may be an annual dilemma, and that Livingston County Veterans' Services should contribute at least part of the event cost. MOTION CARRIED (6-0).

9. **APPROVED – HOWELL AREA FIRE AUTHORITY BUDGET**

MOTION by Mulvahill, SUPPORT by Ellis, "To approve the 2019-2020 Howell Area Fire Authority Budget." Mayor Proctor noted that plans included adding a full-time position and moving toward 24 hour coverage at the main station. Member Manor asked for confirmation from Chief Pless regarding the HAFA ISO rating and its positive impact on lower insurance rates for property owners in participating communities. Member Mulvahill questioned Fund 296 and Chief Pless confirmed that the line item was for the building addition as well as capital improvements, and \$100,000 would be placed in the building reserve fund for the new fiscal year. MOTION CARRIED (6-0).

10. **APPROVED – AMENDMENT TO THE RECYCLE LIVINGSTON GRANT AGREEMENT**

MOTION by Lobur, SUPPORT by Ellis, "To approve the "Agreement for Retention of Building Name" between the City of Howell and the Edward and June Kellogg Foundation Inc. for two signs at the Recycle Livingston facility." MOTION CARRIED (6-0).

11. **APPROVED – WATER TREATMENT PLANT CHANGE ORDER**

MOTION by Ellis, SUPPORT by Manor, "To approve Change Order No. 1 for the WTP Filter rehabilitation project for the unit prices submitted and a total not to exceed \$53,890.00." Member Mulvahill asked why the City is paying for damage caused by the subcontractor. DPS Director Suida responded that the change order

was necessary to replace the subcontractor and keep the project moving toward completion. Staff is continuing discussions with the contractor regarding costs to repair the damages. MOTION CARRIED (6-0).

**12. APPROVED – RESOLUTION NO. 19-06, UPDATED WASTE WATER TREATMENT PLAN EXPANSION**

MOTION by Mulvahill, SUPPORT by Ambrose, “To adopt Resolution No. 19-06, Waste Water Treatment Plant Framework Improvement Plan and Cost Sharing with Marion Township.” DPS Director Suida indicated that the following members of the CIRAB (Capital Improvement and Rate Advisory Board) were in attendance: Nikolas Hertrich, Michael Arens and Scott Lloyd.

WWTP Operations Manager Spitler reviewed the Waste Water Treatment Plant (WWTP) Capital Improvement Project Plan and Cost Sharing presentation. In the late 1990s a partnership was formed between the City and Marion Township; the plant was expanded in 2000, after the project was reduced due to higher than anticipated bids, and costs were 100% covered by Marion Township; in 2001, based on projected population growth, both parties agreed on 80% Marion Township and 20% City of Howell cost sharing for the next expansion; and in 2010 growth had slowed and the expansion did not occur. Mr. Spitler also informed Council regarding WWTP operations; issues with sludge land application and storage; increasing costs; and future plant requirements, including a needed long-term dewatering solution.

DPS Director Suida stated that a 2013 subsequent project plan was created in order to obtain State Revolving Fund (SRF) funding; however, due to economies of scale, bid pricing was higher than anticipated and approximately \$1.2 million in plant improvements were completed and paid for by the City due to the critical nature of the facility. In 2015 the City was approached by the Livingston County Drain Commission (LCDC) and Pepsi for help with their outstanding needs, which would have resulted in cost savings for all parties. The LCDC subsequently backed out, but Pepsi has remained interested in the plant expansion. The City recently applied to SRF for the total cost of the WWTP renovation/upgrade project. The CIRAB has agreed on the following: a plan to move forward; cost sharing allocations; and a resolution that Council and the Marion Township Board should approve confirming their agreement with the CIRAB recommendations.

Discussion continued regarding: dewatering and detoxifying sludge, and the subsequent potential revenue stream; the necessity of all of the improvements listed in the plan; the potential partnership with Pepsi; improvements that would have been completed if the projected growth would have occurred; the headworks part of the project; odor control inclusion in the plan; and the plant remaining operational during the expansion.

Mayor Proctor noted that the resolution was a non-binding framework for plant improvements and cost allocations; and concerns regarding the City applying for a

State low interest loan and possible State debt forgiveness should be resolved through more discussions of the CIRAB. MOTION CARRIED (6-0).

**13. AWARDED BIDS/PURCHASES:**

A. Dam Site Lift Station, Robinson Electrical and Mechanical, \$256,400. MOTION by Ellis, SUPPORT by Lobur, "To award the Dam Site Lift Station Improvements to Robinson Electrical and Mechanical of Riverdale, Michigan in the amount not to exceed \$256,400.00." Mayor Proctor stated that the purchase was related to the replacement of the pump near Thompson Lake. DPS Director Suida added that the pump failed during the polar vortex; the purchase was budgeted for next fiscal year when construction was expected to begin. Most pumps have been replaced and are in good working condition, but two may need replacement in the near future. MOTION CARRIED (6-0).

B. Street Sweeping Contract Extension, Progressive Sweeping, Inc., \$49,606. MOTION by Manor, SUPPORT by Lobur, "To approve the one year extension of the sweeping contract to Progressive Sweeping, Inc. of Redford, Michigan for an amount not to exceed \$49,606.00." Mayor Proctor inquired about the necessity of the service. DPS Director Suida responded that street sweeping is part of the Phase II Storm Water requirements, and failure to do so could result in backups in the storm drains. Discussion followed regarding frequency of the service and which streets were being swept. MOTION CARRIED (6-0).

C. Unmarked Police Vehicle, LaFontaine Ford, \$32,813.56. MOTION by Ellis, SUPPORT by Ambrose, "To approve the purchase of a 2019 Ford Explorer XLT from Lafontaine Ford of Lansing per attached quote for a total amount not to exceed \$32,813.56." MOTION CARRIED (6-0).

D. HP Data Tape Backup and Replacement Project, Gracon Services, Inc., \$11,038. MOTION by Ellis, SUPPORT by Ambrose, "To approve for the City of Howell to purchase their portion of the Tape Data Backup and Recovery Solution from Gracon Services, Inc. for a total of \$11,038, pending approval from the City of Brighton." IT Director Pitera confirmed that the project has been discussed by the City of Brighton and Howell Area Parks and Recreation, however has not yet been approved by the boards. The City has multiple sets of backup tapes. MOTION CARRIED (6-0).

**14. APPROVED - PAYMENT OF BILLS**

MOTION by Ellis, SUPPORT by Ambrose, "To approve the payment of bills ending March 25, 2019 in the amount of \$594,842.46 and payroll to cover the period ending March 30, 2019." Member Lobur questioned Bob Maxey Ford of Howell. Mayor Proctor questioned Police Department conferences, Howell Gun Club, and Livingston County Drain Commission. Member Ambrose questioned niche engravings. MOTION CARRIED (6-0).

**15. CITY MANAGER'S REPORT**

- A. Pinwheels for Prevention. MOTION by Lobur, SUPPORT by Ellis, "To approve the placement of pinwheels at the City Hall entrances for the annual Pinwheels for Prevention event." MOTION CARRIED (6-0).
- B. Schedule Budget Work Session. MOTION by Manor, SUPPORT by Ambrose, "To schedule a City Council work session for April 15, 2019 at 6:00 pm to review the proposed 2019-2020 Annual Budget." Members Mulvahill and Ellis stated that they would not be able to attend. Mayor Proctor noted that he would like the City Manager to explore alternate dates. MOTION CARRIED (5-1). Member Mulvahill opposed.
- Meters were being changed out on the route north of Thompson Lake. The project is expected to be completed within two weeks.
  - The bid opening for the State Street project was scheduled for March 26, 2019.

**16. OLD BUSINESS**

- Mayor Proctor asked Council to consider a special assessment on the Rolling Oaks subdivision, which is self-contained and has no through traffic. He sought Council concurrence to direct staff to prepare a cost assessment for redoing the roads in the neighborhood. Member Ellis recommended allowing residents to circulate a County petition. Member Mulvahill asked for confirmation of resident complaints regarding the roads. Member Manor voiced his support for a cost estimation from staff. Member Ambrose expressed support for a cost assessment, but also noted that she agreed with Member Ellis about reaching out to residents, and also voiced concern that other residents may have benefited from road repairs without having to pay special assessments. Discussion followed regarding the Special Assessment ordinance and requirements.
- Mayor Proctor recommended that Council appoint a cross section of 9-10 residents and business owners to review the City budget, expenditures, debt, revenue and pension liability. Member Manor suggested that Council adopt a charging document, including legislative mandates, before assigning individuals to the task force. Council concurred and will recommend names of individuals.

**17. NEW BUSINESS**

MOTION by Ellis, SUPPORT by Ambrose, "To excuse Member Randy Greene from the March 25, 2019 meeting, reason stated." MOTION CARRIED (6-0).

**18. ADJOURN**

MOTION by Lobur, SUPPORT by Ellis, "To adjourn the regular meeting of the City Council at 8:55 p.m." MOTION CARRIED (6-0).

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Nick Proctor, Mayor

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Deanna Robson, Deputy City Clerk