

**Regular Meeting of the Howell City Council**  
**Monday, April 22, 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, Randy Greene, Jan Lobur, Michael Mulvahill, Steven Manor, and Mayor Nick Proctor.

Council Member Absent: Robert Ellis

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, Finance Director Catherine Stanislawski, DPW Operations Manager Mike Luce, Project Technician Matt Davis, Assessor Ashley Winstead, John & Caron Davis, Julia Blair, Michelle Tokan, Jim Glenn, Tom Richardson, Nancy Faught, Mike Darga, Ginger Hoffman.

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVED MINUTES**

MOTION by Lobur, SUPPORT by Ambrose, “To approve the minutes of the budget work session of the City Council held April 8, 2019.” MOTION CARRIED (6-0).

MOTION by Greene, SUPPORT by Ambrose, “To approve the minutes of the regular meeting of the City Council held April 8, 2019.” MOTION CARRIED (6-0).

**4. CITIZENS’ COMMENTS**

- None.

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

- Mayor Proctor reported on the Livingston County EDC meeting held April 16, 2019. Heard a presentation from Business Attraction who focus on driving opportunities for economic growth for Southeast Counties in Michigan. The Council is also working on revisions to their bylaws and eliminating the requirement for an annual audit.

- Mayor Proctor reported on the Planning Commission meeting held April 17, 2019. Held a Public Hearing and approved the final plan for the Planned Unit Development at 904 E. Clinton; recommended approval to the zoning ordinance amendment relating to donation bins; and reviewed the Capital Improvement Plan.
- Mayor Proctor reported on the Howell Area Fire Authority meeting held April 17, 2019. Adopted the 2019/2020 budget which has been approved by all member municipalities, and discussed the migration to the 2018 Fire Prevention Code. A soft open house for the completed training room addition to the Main Fire Station will be held May 19, 2019.
- Mayor Proctor reported on the Howell Area Parks & Recreation Authority meeting held April 16, 2019. Announced the fundraising event at Buffalo Wild Wings to benefit the HIVE; the authority completed their deficit elimination plan and is officially out of debt; first quarter budget amendments were tabled; and discussed the partnership with the Chamber Foundation and Howell Nature Center for “Run Howell” collaborating on running events throughout the season.
- Mayor Proctor reported on the initial Predevelopment Team Meeting held to develop a checklist for the necessary requirements of investing in Howell as a result of the Redevelopment Ready Communities designation.

6. **COUNCIL CORRESPONDENCE**

- Mayor Proctor referenced the e-mail from John Davis regarding the Memorial Day Parade.

7. **PUBLIC HEARING – DWRF PROJECT PLAN**

Attorney Dennis Perkins introduced Ginger Hoffman, certified court reporter, who will be recording all comments during the public hearing to be incorporated in the DWRF Project Plan. Mayor Proctor opened the public hearing at 7:13 p.m.

Mike Darga, P.E. from HRC, presented the 2019 DWRF Project Plan. The Drinking Water Revolving Fund (DWRF), established in 1996 under the Safe Drinking Water Act, provides low interest loans administered by the Department of Environmental Quality for drinking water projects. Requirements to qualify include preparation and adoption of a Project Plan and the incorporation of a public involvement process. The Water System Improvement Project Plan reviews the conditions of the system, analyzes the improvements, offers multiple alternatives, outlines the estimated project cost totaling \$8.9 million, and provides short term impacts (both positive and negative) of construction as well as the positive long term impacts of the improvements. DPS Director Suida reviewed the benefits of replacing the undersized water mains noting the condition and size of the current pipes do not adequately provide good quality flows. The DWRF is a 20 year loan with an estimated 2% interest rate; the potential increase in user cost through water rates is \$11.57 per month for the average residential customer. The final project plan is due to MDEQ on May 1, 2019 and construction is phased over 4 years starting in 2020. The project may be eligible for debt forgiveness however the

guidelines have not yet been established. Discussion followed on coordination with the MDOT repaving project for Grand River. The City will attempt to minimize pavement disturbance. The Grand River Water Main replacement from Chestnut to Barnard has been incorporated with the State Street project with an anticipated completion prior to the repaving project.

Julia Blair, 315 E. Washington, questioned the number of lead or galvanized lines and if the cost to replace them was included.

The Present Worth Costs calculation was reviewed in detail noting the intent is to show that value is being added to the system. The final interest rate is expected to be 2% however will not be set until fall of 2020; historically the interest rate has not been higher than 2.5%. Loan dollars will be drawn throughout the project as needed. The City will know if the project is approved for funding by fall of 2019. Under the current Lead and Cooper rules, Water Systems are now responsible for replacement of any lead or galvanized water service lines (both the public and private side of the lead) encountered within the project.

Mayor Proctor closed the public hearing at 7:56 p.m.

**8. APPROVED – RESOLUTION NO. 19-10, DWRF PROJECT PLAN**

MOTION by Lobur, SUPPORT by Manor, “To adopt Resolution No. 19-10 Adopting a Final Project Plan for Water System Improvements and Designating an Authorized Project Representative.” MOTION CARRIED (6-0).

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

A. Polar Plunge, April 28, 2019. MOTION by Lobur, SUPPORT by Manor, “To approve the Civic Event application submitted by Authentic Entertainment LLC for the Zac Cain Polar Plunge scheduled for April 28, 2019, incorporating staff comments.” Jill Cain stated her son Zac passed away five years ago and since he was a swimmer, the Zac Cain Polar Plunge was created as a fundraiser for the Rainbow Connection in his honor. This event was previously held at a private residence however they wanted to grow the event at the Howell City Park. MOTION CARRIED (6-0).

B. Balloon Festival, June 28-30, 2019. MOTION by Manor, SUPPORT by Lobur, “To approve the Civic Event application submitted by the Howell Area Chamber of Commerce for the 2019 Michigan Challenge Balloon Festival scheduled for June 28-30, 2019, along with the use of the City Park for morning and evening targets on June 29 and 30, incorporating staff comments.” Michelle Tokan stated the Howell Chamber of Commerce was looking forward to the 35<sup>th</sup> annual community event. This year they will use a gated entry system requiring an entrance fee instead of a parking fee. A kick off lunch is also planned for June 24<sup>th</sup> at the Chamber office instead of holding a Media Night. MOTION CARRIED (6-0). MOTION by Ambrose, SUPPORT by Lobur, “To approve the permit for fireworks display as

presented by the Howell Area Chamber of Commerce.” MOTION CARRIED (6-0).

**10. APPROVED – STATE STREET RECONSTRUCTION PROJECT**

A. Construction Contract Award, TLS. MOTION by Manor, SUPPORT by Ambrose, “To award the State Street Reconstruction Project to TLS Construction of Howell Michigan for a unit price cost totaling \$1,997,245.09.” Construction engineering has been added to the project cost which was not in the estimate provided in the Friday packet. The State has agreed to designate the construction engineering cost as the City’s required 10% match for the project. Council questioned the increase in project cost. Nancy Faught, HRC, indicated the industry does not have enough contractors with the amount of State construction projects. In preparation for the bidding process, numerous utilities and contractors were consulted due to the unusual nature of the project, and engineering unit prices were increased in anticipation of the alley work. Value added engineering was used to try to reduce the cost of construction noting that the State’s maximum funding is \$2 million. Concerns were expressed with the overall cost and lack of contingency allowances. Ms. Faught stated they have a pretty good handle on the present utilities, the sanitary is not significantly deep, no heavy equipment will be used in the alley (buggies will be used) and increased coordination efforts are in place. City Manager Charles also noted the City has confirmation from TLS, HRC and Grissim Metz on all changes made through the value added engineering process. Consumers Energy and AT&T are not charging for their work. Member Mulvahill requested confirmation from City Attorney Perkins if it was appropriate for him to abstain from voting. City Attorney Perkins indicated that based on the roll that Member Mulvahill has with his employer that will be supplying material for the project, it would be advised that he abstain. MOTION CARRIED (5-0-1) Member Mulvahill abstained.

B. Comcast Equipment Contract. MOTION by Manor, SUPPORT by Ambrose, “To approve the estimate provided by Comcast Cable to move cabling and equipment for the State Street Reconstruction project with the City contribution cost of \$1,641.30.” City Attorney Perkins advised that Member Mulvahill abstain from voting on all approvals in connection with the State Street Project and TLS Construction. MOTION CARRIED (5-0-1). Member Mulvahill abstained.

C. DTE Agreement for Streetlight Replacement. MOTION by Manor, SUPPORT by Ambrose, “To approve the estimate provided by DTE Energy to provide new street lighting for the State Street Reconstruction project with the City contribution cost of \$27,558.32 and annual operating cost of \$1,864.68.” DPS Director Suida indicated the 6 existing lights will be removed and 6 new lights will be placed in the new locations. The annual operating cost should be substantially the same. MOTION CARRIED (5-0-1). Member Mulvahill abstained.

- D. Construction Engineering Proposal, HRC. MOTION by Manor, SUPPORT by Ambrose, "To approve the Proposal for Construction Engineering Services from HRC for the State Street Reconstruction project, not to exceed \$234,242.40." MOTION CARRIED (5-0-1). Member Mulvahill abstained.
- E. Construction Engineering Proposal, Grissim Metz. MOTION by Manor, SUPPORT by Ambrose, "To approve the Proposal for Construction Engineering Services from Grissim Metz for the State Street Reconstruction Project, not to exceed \$7,500." MOTION CARRIED (5-0-1). Member Mulvahill abstained.
11. **APPROVED – RESOLUTION NO. 19-09, BUILDING DEPARTMENT PERMIT FEE MULTIPLIER**  
MOTION by Lobur, SUPPORT by Greene, "To adopt Resolution No. 19-09, 2019 Building Permit Fee Multiplier Calculation." Community Development Director Schmitt indicated the fee structure for fixed cost permits such as decks and roofs was revised during the three-year period used to analyze the costs. MOTION CARRIED (6-0).
12. **APPROVED – PROPOSAL FOR ENGINEERING SERVICES, SOLIDS DEWATERING EQUIPMENT PROCUREMENT/SELECTION**  
MOTION by Manor, SUPPORT by Ambrose, "To approve the Bio-Solids Dewatering Equipment Procurement/Selection proposal from Hubbell Roth & Clark of Howell Michigan for an amount not to exceed \$28,000." Member Manor referenced his recent tour of the WWTP and commended DPS Director Suida and staff for developing a method to contain odors and noted the press is needed to address the future needs of the plant. DPS Director Suida reviewed the pilot testing performed on potential equipment as well as the different processes used in a sludge press operation. The engineering evaluation includes preparation of bid documents and continues through the selection process to get the best return on investment. MOTION CARRIED (6-0).
13. **APPROVED – DOWNTOWN HOWELL FUTURES REPORT**  
MOTION by Lobur, SUPPORT by Greene, "To refer the Howell Futures Plan for downtown to the Planning Commission for further study with a request upon completion of the review that the results be incorporated within the upcoming Master Plan update." MOTION CARRIED (6-0).
14. **SCHEDULED – 2019/2020 BUDGET PUBLIC HEARING**  
MOTION by Manor, SUPPORT by Mulvahill, "To set a public hearing to consider the 2019/2020 City of Howell Budget at 7:00 p.m. Monday May 6, 2019 at Howell City Hall." MOTION CARRIED (6-0).
15. **INTRODUCED – ORDINANCE NO. 922, 2019 CODIFICATION**  
Member Lobur introduced Ordinance No. 922, 2019 Codification.

**16. DISCUSSED – MARIJUANA REGULATION UPDATE**

Community Development Director Schmitt stated pursuant to City Council direction, the quarterly update of the marijuana industry in Michigan is being provided. The Department of Licensing and Regulatory Affairs has overhauled regulations for medical marijuana and they are expected to do the same for recreational marijuana. Discussion followed on potential ways to regulate some of the CBD's currently on the market.

**17. APPROVED - PAYMENT OF BILLS**

MOTION by Lobur, SUPPORT by Mulvahill, "To approve the payment of bills ending April 22, 2019 in the amount of \$439,585.21 and payroll to cover the period ending April 27, 2019." Member Ambrose questioned Prolime Services. MOTION CARRIED (6-0).

**18. BOARD/COMMISSION APPOINTMENTS:**

A. Planning Commission, Paul Streng and Robert Spaulding, terms ending April 30, 2022. MOTION by Lobur, SUPPORT by Mulvahill, "To approve the reappointment of Paul Streng and Robert Spaulding to the Planning Commission, terms ending April 30, 2022." MOTION CARRIED (6-0).

B. Planning Commission, Jan Lobur, term ending April 30, 2020. MOTION by Manor, SUPPORT by Ambrose, "To approve the reappointment of Jan Lobur to the Planning Commission, term ending April 30, 2020." MOTION CARRIED (6-0).

**19. CITY MANAGER'S REPORT**

- The Depot parking lot lights have been installed and are now functioning.
- The new sub-contractor for the Water Plant has completed two of the cells which went back on line today. The entire project should be completed by the end of June.
- Member Ambrose noted it looks like Kroger is working on the street lights.
- Member Manor indicated the sidewalk clearance is not being met at some of the outdoor cafés.

**20. OLD BUSINESS**

- Member Mulvahill questioned the status of the fence at the Catholic Church, the Salvation Army building on Lake Street, and the donation received for Page Field noting an action plan needs to be developed.
- Member Mulvahill also expressed concern with the pallets of pavers at Bennett field, the vacant buildings in the Sutton/Catrell corridor, the broken windows at the County Building at North & National, and stated that the Fowler storm drains are both full.
- Mayor Proctor questioned the status of the gas station at 401 E. Grand River. City Manager Charles indicated the owner is trying to sell the property; staff will be moving forward with the Dangerous Building Proceedings at the May 6, 2019 meeting.

- Mayor Proctor requested consideration of an alternate member for the Recreation Authority.

**21. NEW BUSINESS**

- MOTION by Mulvahill, SUPPORT by Manor, “To excuse member Robert Ellis from the April 22, 2019 meeting, reason stated.” MOTION CARRIED (6-0).
- Mayor Proctor questioned if the City was still using AT&T service for City Hall. City Manager Charles stated City Hall phones are on a voice over internet system with Clear Rate.
- Mayor Proctor referenced the federal ruling on the practice of chalking tires to enforce parking regulations.

**22. ADJOURN**

MOTION by Lobur, SUPPORT by Mulvahill, “To adjourn the regular meeting of the City Council at 9:26 p.m.” MOTION CARRIED (6-0).

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Nick Proctor, Mayor

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Jane Cartwright, City Clerk