

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
October 3, 2013

Regular Blue Sky: 7:00 p.m.: Review of Agenda Items for this evening's meeting

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Consider approval of the Agenda
5. [Approval of minutes: Regular Meeting and Closed Session of September 19, 2013](#)
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. Call to the Public

Consent Agenda

8. Consider approval of Mayor's recommended appointment to fill the City resident-at-large vacancy on the SELCRA Board
9. Consider Approval of an [Engineering Services contract proposal for assistance to staff with the development of a Sanitary Sewer, Storm Sewer, and Wastewater Treatment Plant Asset Management related grant application for submission to the DEQ](#)

Policy Development & Customer Communications' action item

10. Receive [presentation from the Brighton Senior Citizen Center Director](#) as requested by City Council
11. Consider Approval of a Public Information Meeting Plan & Schedule for the Headlee Millage Lid Override Election Proposals

Other Business

12. Information for City Customers
13. Receive updates from Council Member Liaisons to other Boards and Commissions
14. Call to the Public
15. Consider closed session as may be requested by the City Attorney
16. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON SEPTEMBER 19, 2013 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Council conducted an early Blue Sky Session at 6:30 p.m. Present were Mayor Muzzin, Councilmembers Bohn, Bandkau, Roblee, Cooper, Schillinger and Pipoly. The Council reviewed the proposed Stormwater and Sanitary Sewer Asset Management Grant Program and agenda items.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called. Present were Mayor Muzzin, Councilmembers Bandkau, Pipoly, Schillinger, Cooper, Roblee and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes, Engineer Gary Markstrom, Staff members Dana Foster, Dave Blackmar, Tim Krugh, Colleen Barton, Diana Lowe and Tom Wightman and an audience of 6. Press and Media included Jim Totten of Livingston Daily Press & Argus and Tom Tolen from WHMI.

AGENDA APPROVAL

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the agenda as amended. Add to item #17, Regarding Pending MTT Litigation. Add item 10a, Civic Event application for the Veterans Memorial Improvement Project Dedication and item #17a, Closed Session Action. Delete item #8, SELCRA Appointment. Motion passed 7-0.

MINUTE APPROVAL

It was moved by Councilmember Cooper, seconded by Pipoly to approve the Regular Meeting minutes of September 5, 2013 as corrected. Page 4, Funding For Senior Citizen Program, second paragraph, should read: Nikki Greathouse not Greenhouse. Councilmember Schillinger abstained. Motion passed 6-0-1.

CITIZEN INQUIRIES

Mayor Muzzin read a Citizen's Inquiry from Susan Walters-Steinacker: What is the loss in city taxes with the removal of the Barton homes? What was the cost to remove? What is the loss in city taxes with the removal of the chamber house? What was the cost to remove? What is the loss in city taxes with the removal of the Johnson building? What was the cost to remove? What was the total dollar loss in the sale of the Mexican Jones building?

Mayor Muzzin stated there has been no loss regarding the removal of the Barton homes. There has been a loss of \$1,000 for the former Chamber of Commerce house, which property has been sold to Excelda Corporation and has significant redevelopment value. There has been a loss of \$4,000 from the removal of the Johnson building, in which the cost of demolition was \$40,000 and has significant redevelopment potential. There has been no loss in the sale of the Mexican Jones building.

Pat Cole: In the future, will City Council be voting on anything during the Blue Sky portion of Council meetings?

City Council
September 19, 2013
Page 2

City Attorney, Paul Burns stated City Council can undertake votes at the Blue Sky session, as it is their prerogative.

Mayor Muzzin stated the previous City Council did not vote to not vote, they voted to have a Blue Sky Session that was not televised.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:40 p.m.

Pat Cole, Brighton City, Is City Council going to take votes in Blue Sky Session?

Mayor Muzzin stated to the best of my knowledge, this City Council has not voted in Blue Sky.

Hearing no further comment, the Call to the Public was closed at 8:45 p.m.

CONSENT AGENDA

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Consent Agenda as presented. Motion passed 7-0.

The following item was approved:

1. Approved Resolution 13-20, Liquor License transfer for 440 W. Main restaurant.
2. Approved Resolution 13-21, Reschedule the Biennial City Council Election meeting to Tuesday, November 12, 2013.
3. Approved a Civic Event application for the Veterans Memorial Improvement Project Dedication.

MILL POND DREDGING AND CLEANUP SEDIMENTATION TESTING ANALYSIS

City Manager, Dana Foster gave a slide presentation on the Mill Pond dredging and cleanup. He stated materials in the samplings taken by the City Engineer were contaminated and would have to be landfilled. He stated the true estimate for disposal for the dredged material is much higher than Staff's original estimate. He stated dredging is what is needed because it is the large amount of sedimentation build-up on the bottom of the Mill Pond that is in turn causing all of the vegetation growth & algae. He discussed hauling and landfill disposal related costs and a possible annual harvesting of the vegetation and algae of the Mill Pond.

Mayor Muzzin stated the DDA's recommendation was to continue weed control, harvest the weeds, add aerators, put the dredging as a future potential and pursue help from the State or Federal government for grants. He also stated the water is safe.

Engineer Gary Markstrom stated the Mill Pond water comes from Woodland Lake and goes into Brighton Lake and is below the state contact levels and is safe.

It was moved by Mayor Muzzin, seconded by Bandkau to direct staff to prepare an RFP for possible harvesting of the weeds in the Mill Pond for this fall. Motion passed 7-0.

HEADLEE MILLAGE LID OVERRIDE ELECTION BALLOT PROPOSALS

City Manager, Dana Foster discussed the Headlee Millage Lid override Election ballot proposals, the use of revenue stream over a 10-year period, Project estimates and getting as many done in the first few years as possible.

It was moved by Councilmember Pipoly, seconded by Bohn to approve the list of streets and sidewalks dated September 3, 2013 to present to the residents. Motion passed 7-0.

CITY MANAGER EMPLOYMENT AGREEMENT

It was moved by Councilmember Roblee, seconded by Cooper to approve the updated City Manager Employment Agreement dated September 19, 2013, contingent upon the City Manager accepting the agreement. Motion passed 7-0.

City Manager, Dana Foster thanked the City Council and the subcommittee for the updated agreement and the time put into it.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated there was a very successful Imagination Station Volunteer resealing done by a group of about 40 volunteers last weekend. He stated the DDA Sculpture Garden at the former Cobb Hall site and the Veteran's Memorial is underway.

Mayor Pro-Tem Cooper thanked the DPS for their help with a sewage repair. He gave a SELCRA update. He discussed the Brighton Area Schools improvements. He gave a ZBA update.

Councilmember Bandkau stated 270 pavers have been purchased for the Veteran's Memorial Improvement project. She stated the dedication will be November 9, 2013 between 12:30 and 2:00. She briefed the Council on the MML Convention she attended in Detroit yesterday.

Councilmember Roblee discussed the Sculpture Garden. She stated the Brighton Arts and Culture Commission is partnering with the Livingston County Visitors Bureau for tours of art located in the City of Brighton starting next spring. This Saturday evening is the Farm to Table Dinner at the Brighton Area Chamber of Commerce. Proceeds will go to grow our Farmers Market and Livingston County Hunger Council.

Mayor Muzzin gave a Brighton Area Fire Authority update. He stated there was a good turnout for the 9/11 Memorial Service. He thanked Congressman Rogers and State Senator Hune for attending. He gave a DDA update.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 9:14 p.m. The following comments were heard:

Pat Cole, Brighton City, discussed Headlee Millage Lid Override Ballot Proposal 13-04 of replacing the existing residential rubbish collection fee and the history of the cost for this service. How much will our trash removal cost in 10 years?

Hearing no further comment, the Call to the Public was closed at 9:19 p.m.

Councilmember Bohn stated property values may go up and tax revenue will follow. The proposal reads there is a 10-year limit. The amount levied would only be as much we need to pay for the refuse removal bill and it may go down for the resident.

Mayor Pro-Tem Cooper stated the Refuse Collection User Fee would be voted on annually, not for one year and would be reviewed annually.

MTT LITIGATION CLOSED SESSION

It was moved by Councilmember Pipoly, seconded by Cooper to go into Closed Session to discuss Michigan Tax Tribunal litigation. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:25 p.m.

The Council reconvened the Regular Session at 9:42 p.m.

CLOSED SESSION ACTION

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to implement the direction by the City Attorney as recommended in Closed Session regarding Citation Investments LLC vs. City of Brighton, Meijer Inc. vs. City of Brighton, regarding Fifth Third Bank vs. City of Brighton and Brighton Park Shopping Center vs. City of Brighton. Motion passed 7-0.

ADJOURNMENT

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to adjourn the meeting at 9:43 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor



September 16, 2013

Mr. Dana W. Foster
City Manager
City of Brighton
200 North First Street
Brighton, MI 48116

Re: Stormwater, Asset Management, Wastewater (SAW) Grant Application Proposal

Dear Mr. Foster:

In accordance with your request, we are pleased to offer the following proposal for providing professional engineering assistance to the City of Brighton to prepare a SAW Grant Application.

BACKGROUND

In December 2012, the Michigan legislature passed public acts that authorized the development of the SAW grant program. The SAW grant provides funding for numerous planning and design services associated with stormwater management, sanitary sewers, and wastewater treatment. The grant program is administered by the Michigan Department of Environmental Quality (MDEQ), and approximately \$97 million is planned to be distributed to Michigan communities in 2014, with additional funds to be distributed in 2015 and subsequent years. Applications will be put on a first-come, first-served priority list beginning on December 2, 2013.

The primary driver to the grant is for municipalities to develop or enhance their asset management plans (AMP). An AMP is a tool that inventories and assesses the condition of your sanitary and storm water systems. The plan identifies the individual element, provides a rating as to its condition and remaining useful life, provides an estimation of the replacement costs, and then uses that information to establish a utility rate structure to finance operation, maintenance, and replacement of the components. The City of Brighton currently utilizes a financial based management practice that budgets for repairs and replacement at the end of the system's useful life. This planning process will be enhanced through the grant activities to focus on the following five components in accordance with MDEQ guidelines:

- Staffing of utility group
- Updating of system maps (GIS)
- Inventory and condition assessment of fixed assets
- Operation, maintenance and repair budgeting and rate sufficiency
- Annual reporting

The goal for the comprehensive AMP is to maximize the life of any piece of equipment through good, proactive maintenance and to plan financially for future infrastructure repairs and replacement expenditures.

On August 20, 2013, we met to discuss the City of Brighton's needs. We identified the following services the City may wish to include in an application:

- Storm sewer design for the northwest quadrant of the City

Tetra Tech

401 South Washington Square, Suite 100, Lansing, MI 48933
Tel 517.316.3930 Fax 517.484.8140 www.tetratech.com

- Enhance the current asset management plan for sanitary and storm sewers by developing a comprehensive GIS-based plan with risk assessment management.
- System-wide sanitary and storm sewer televising and review of data to evaluate and prioritize condition in accordance with PACP standards.
- GIS website to include sanitary and storm sewer conditions, record drawings of existing systems, and lead sheets.
- Comprehensive asset management plan for the wastewater treatment plant. This asset management plan is expected to be an NPDES permit requirement when the permit is renewed, thus the SAW grant would pay for this mandate.
- GIS software/hardware/training.
- Asset management software/hardware/training.
- Update to the sanitary sewer and storm water facilities Capital Improvement Plan to incorporate the AMP findings and recommendations.
- Update to the user charge system (rate study). The rate study from 2006 will be used as a base for this effort.

In our discussions, we conceptually identified up to \$500,000 of grant eligible items which are proposed to be included in the grant application. This would require a 10% match in funding from the City in the form of either funds available or staff in-kind labor on the program.

SCOPE OF SERVICES

We propose the following scope of services:

1. Meet with you and your staff to document the information that is already available and identify the information needed for both the grant application and the subsequent work.
2. Review City of Brighton records such as GIS files, previous sewer televising, and wastewater treatment plant operation and maintenance records to identify the completion level and the additional steps needed.
3. Develop a scope of work and budget for completion of asset management plans for the applicable sanitary and storm sewer systems and the wastewater treatment plant.
4. Identify GIS-based asset management software the City of Brighton may wish to purchase as part of the grant.
5. Develop scope of services for updating of the capital improvement plan.
6. Identify scope of user charge system (rate study) update.
7. Prepare the SAW grant application and required attachments, including potential current applicable Tetra Tech proposals, newly executed Tetra Tech proposals, newly executed proposals for sewer televising services, GIS software and hardware purchase quotations and cost estimates for City of Brighton in-kind services. All of these costs, including this proposal to prepare the SAW grant application, may potentially qualify for a 90% grant reimbursement for the first \$1 million and 75% for the second million.
8. Meet with City of Brighton staff to review the application and receive comments.
9. Print up to five (5) copies of the completed proposal and deliver to City of Brighton for execution by City of Brighton and transmittal to the MDEQ.

COMPENSATION

We propose a budget of \$9,000 for the work described in this proposal. This amount is grant eligible (City of Brighton will be reimbursed 90% of this cost) should the City of Brighton be successful in their application. Attached is Contract Amendment 311 for the work of preparing the SAW Grant application. Our standard terms and conditions from the original master agreement are considered a part of this proposal.

Mr. Dana W. Foster
Stormwater, Asset Management, Wastewater (SAW) Grant Application Proposal
September 16, 2013
Page 3

If you concur with our proposal, please sign the attached amendment and return one original signed copy to indicate your authorization to proceed. We look forward to working with you on this important project. If you need additional information, please call me at (517) 316-3932.

Sincerely,



Gary Markstrom, P.E.
Vice President

**CONTRACT AMENDMENT NO. 311
TO OCTOBER 1, 1995 CONTRACT
BETWEEN
THE CITY OF BRIGHTON, MICHIGAN
AND TETRA TECH**

This amendment listed below is to provide consulting engineering services related to the preparation of a SAW Grant application. Any subsequent work will be included in future contract amendments.

Amend Section 1 - Basic Services of Engineer

Add the following paragraph to Section 1.2:

Under Amendment No. 311, perform the services as outlined in the attached letter dated September 16, 2013.

Amend Section 5 - Payments to Engineer

Add the following paragraph to Section 5.1.1.4:

Under Amendment No. 311, Engineering Services under Section 1.2, Study and Report Phase will be invoiced based on Engineer's billing rates directly involved in the work, plus subcontracted services and outside invoices multiplied by 1.15, plus in-house reimbursable expenses. We propose a budget of \$9,000 for the work of this amendment.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed on this _____ day of _____, 2013.

ATTEST:

CITY OF BRIGHTON
200 North First Street
Brighton, MI 48116
(810) 227-1911

Witness: _____

By: _____
Dana W. Foster, City Manager

TETRA TECH
401 South Washington Square, Suite 100
Lansing, MI 48933
(517) 316-3930

Witness: Patricia Christian

By: Gary J. Markstrom
Gary J. Markstrom P.E.
Unit Vice President



Gregory Gray, Ph.D.
Superintendent of Schools

September 10, 2013

Mr. Dana Foster, City Manager
City of Brighton
200 North First Street
Brighton, MI 48116

Dear Mr. Foster:

On behalf of Brighton Area Schools, I would like to thank you for the time you and the city council have spent considering our request to enhance the services of our Senior Center. If the city would be generous enough to consider a donation to the Senior Center, Brighton Area Schools would be able to utilize those funds to defray the cost of field trips and transportation around the city.

Should you require any additional information, please feel free to contact me.

Sincerely,

Greg Gray, Ph.D.
Superintendent
Brighton Area Schools