

Regular Meeting of the Howell City Council
Monday July 27, 2020
Electronic Meeting – Live Zoom Webinar
611 E. Grand River Ave.
Howell, Michigan 48843
517-546-3502

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 Participating: Jeannette Ambrose, Robert Ellis, Randy Greene, Jan Lobur, Michael Mulvahill, Steven Manor and Mayor Nick Proctor.

Also Participating: City Manager Paul DeBuff, City Attorney Dennis Perkins, City Clerk Jane Cartwright, and IT Director Mike Pitera.

Others Participating: Police Chief Scott Mannor, Deputy Police Chief Mike Dunn, DPS Director Erv Suida, Finance Director Catherine Stanislawski, Community Development Director Tim Schmitt, DPW Superintendent Matt Davis, WWTP Operations Manager Mike Spitler, WTP Operations Manager Jim Webster, DPW Operations Manager Mike Luce, Assessor Ashley Winstead, Communications Specialist Danica Katnik, DDA Director Kate Litwin, Kathy Proctor, Tom, Dan Brockway, Alex Clos, Jim Glenn, Don Cortez, JD Racing, Erin Britten, Kelsey Jennett, Sandra Mitchell, Chad Gehres, Sonjay Collins, Andy Malczewski, Tony Rutzel, Larry Siedell, Deb, WHMI.

2. PLEDGE OF ALLEGIANCE

3. APPROVED MINUTES

MOTION by Ellis, SUPPORT by Lobur, “To approve the minutes of the regular meeting of the City Council held July 13, 2020.” A roll call vote was taken. Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Proctor – yes. MOTION CARRIED (7-0).

4. CITIZENS COMMENTS – All Topics

- Jim Glenn, 303 Isbell, questioned the status of the water meter upgrades. DPS Director Suida stated the project will continue around the end of August, with meter replacements in the area south of Grand River and east of Michigan. Correspondence to residents in that area will be going out in the next 2 weeks.

5. REPORTS – COUNCIL MEMBERS SERVING ON COMMISSIONS

- Member Manor reported on the SEMCOG Executive Committee meeting. Received budget reports and noted the public transportation budget is hurting;

heard a presentation from the director of MDOT regarding 2020 construction projects.

- Member Ellis reported on the July 21, 2020 Howell Area Recreation Authority meeting. Reviewed the proposed new employee handbook, approved a 33% budget reduction which included elimination of all aquatic center staff and one maintenance position, and reviewed the financial reports showing their fund balance will cover nine weeks of expenses. Melon Festival is largely virtual this year; 75 participants are registered to run on their own. Summer camp was held with social distancing and reduced enrollment. Plans for Legend of Sleepy Howell include a drive through City Park for candy distribution similar to Holiday in the Park. Mayor Proctor reported the Howell Rotary Club still has plenty of Melon Ice Cream for sale (details on their Facebook Page). Member Manor questioned the closure of the Howell Aquatic Center and cancellation of the operation contract with Howell Recreation Authority. Member Ellis reported that the School Board voted not to fund operation of the pool resulting in the closure however nothing has been received in writing from the School Board. Member Manor indicated that the funding for the Aquatic Center built in the 1980's was sold as a community swimming pool and suggested approaching various units of government and community members to fund the operation as a community pool noting an informal petition is circulating to keep the pool open.
- Mayor Proctor reported on the Livingston Economic Development Council's 2nd quarter report showing the significance of the pandemic shut-down.
- Mayor Proctor reported on the Planning Commission meeting held July 15, 2020. Plans for the WWTP improvements were approved; and Member Chelsea Dantuma gave a presentation on the Michigan State Citizens Planner Program recently attended.
- Mayor Proctor reported on the Howell Area Fire Authority meeting held July 15, 2020. City Manager DeBuff attended the in person meeting and was introduced to the Board. The fiscal 2020 audit is scheduled for August 21, 2020; Pension funding is at 85%; and an Open House to celebrate the retirement of Chief Andy Pless is scheduled for August 14, 2020 from 1:00 to 4:00 pm.

6. **COUNCIL CORRESPONDENCE**

- An anonymous e-mail was received regarding the proposed JD Racing development (refer to Item 13).

7. **APPROVED – AMENDMENT TO FARMERS MARKET CIVIC EVENT APPLICATION**

MOTION by Lobur, SUPPORT by Manor, “To approve the amendment to the civic event application submitted by the Howell Area Chamber of Commerce for the 2020 Farmers Market adding Saturday August 15, 2020 from 9:00 am until 2:00 pm.” A roll call vote was taken. Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Proctor – yes. MOTION CARRIED (7-0).

8. **APPROVED – UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT RENEWAL – COMCAST**

MOTION by Ellis, SUPPORT by Greene, “To approve the Uniform Video Service Local Franchise Agreement between the City of Howell and Comcast for a period of ten years with a five percent franchise fee.” A roll call vote was taken. Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Proctor – yes. MOTION CARRIED (7-0).

9. **APPROVED – WAIVE BIDDING REQUIREMENTS, KABOOM GRANT PURCHASING**

MOTION by Lobur, SUPPORT by Greene, “To waive Ordinance 230.07 for the KaBOOM Grant Project, allowing City Staff to work with suppliers and contractors to secure the best pricing and product for the KaBOOM Grant Project.” DPS Director Suida indicated staff is reviewing the list of local contractors that have performed work for the City in the past and there is enough work if additional contractors want to help. A roll call vote was taken. Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Proctor – yes. MOTION CARRIED (7-0).

10. **APPROVED – PHASE II SURVEY, BARNARD CENTER PROPERTY**

MOTION by Ellis, SUPPORT by Greene, “To accept the second phase of the surveying proposal from Hubbell, Roth, and Clark for the property at 415 North Barnard for a cost not to exceed \$7,254.” City Attorney Perkins indicated the property is not designated park land under the City’s Master Plan therefore it can be sold for residential development in compliance with the Home Rule City’s Act. The Barnard Center has been closed down for many years and has not been used for recreation. Page Field is designated park property and cannot be sold. Community Development Director Schmitt stated the Planning Commission has to approve the lot splits which will meet all ordinance requirements; staff recommends selling one lot at a time. Funding for the survey work will come from the Barnard Center Maintenance Fund. Based on the width of the property, the existing plan shows three lots can be created leaving space to enter Page Field. A roll call vote was taken. Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Proctor – yes. MOTION CARRIED (7-0).

11. **APPROVED – MML WORKERS’ COMPENSATION FUND BOARD OF TRUSTEES ELECTION**

MOTION by Lobur, SUPPORT by Ellis, “To authorize votes to be cast for the 2020 Official Ballot to serve as Trustees of the Michigan Municipal League Workers Compensation Fund as presented.” A roll call vote was taken. Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Proctor – yes. MOTION CARRIED (7-0).

12. **DISCUSSED – WEST STREET PROPERTY SALE**

The July 19, 2020 survey report indicated the market value of the property at 324 West Street is \$45,000. Council discussed the comparison between the appraised

value and the offer by Howell Education Foundation in the amount of \$20,000 expressing concern that the City should not sell the property for less than the appraised value unless it is advertised for sale. Council also acknowledged the value of working with the Howell Education Trades program and their interest in supporting them suggesting an up-front sale price of \$20,000 with the balance due when the finished home was sold. City Attorney Perkins recommended Council focus on representing the taxpayers and the stated value of the property when making their decision. MOTION by Manor, SUPPORT by Ellis, “To direct staff to place the property at 324 West Street on the open market for a minimum of six weeks with an asking price of \$45,000.” Discussion followed on the use of a broker to sell the property. City Attorney Perkins stated his preference for using a broker to market the property and noted the City could exempt Howell Education Foundation from the listing agreement. Don Cortez, President of Howell Education Foundation, stated he would have to present the proposed sale price to the Board and noted the tight time frame for acquiring the property. There is certainly interest to build the Trades Program home in the City however they have three other lots under consideration. A roll call vote was taken. Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Proctor – yes. MOTION CARRIED (7-0). Staff will market the property by owner.

13. DISCUSSED – JD RACING PURCHASE AGREEMENT, HIGHLAND HOWELL PROPERTY

City Manager DeBuff reviewed the previous action taken by Council to authorize staff to negotiate a purchase agreement with a deadline of July 27, 2020. He has since discussed a different kind of a lease/purchase arrangement with JD Racing, entering into more of a partnership with minimal payment up front rather than a lump sum purchase; the land would be leased from the City until benchmarks are achieved. He is requesting approval to remove the time limit for completion of the purchase agreement and authorize the City Manager to pursue a lease purchase agreement. Mark & Jordan Dick from JD Racing indicated they submitted what they understood to be the purchase agreement on July 3, 2020 however they are willing to explore and discuss this unique concept proposed by the City Manager and want to do what is right for everybody. They are also willing to sign the current purchase agreement on the table. In response to the questions contained in the email correspondence received today, the project is a multi-use development with high end garage condos and special event venue. They will work with professional engineering firms to come up with the best scenario for traffic; the development will be professional and will provide a very family oriented environment. Council expressed concern with the time delay, and other developments in the area however also considered the different demographic of the JD Racing development and noted the potential reward is worth the risk. The process should not be rushed and both parties need to come to an agreement and understand their responsibilities. The initial vote was unanimous and the City Manager’s approach provides the City with assurances and/or safeguards; in the end JD Racing will own the property. City Manager DeBuff stated amendments to the suggested motion were recommended by Attorney Joe Fazio. MOTION by Ellis, SUPPORT by Ambrose, “To approve

the City Manager's recommendation to remove the time limit on the purchase agreement with JD Racing for the purchase of the Highland Howell property, and approve the City Manager to move forward with negotiations for a mechanism that ensures the Highland Howell property is developed as planned with such mechanism including but not necessarily limited to a lease-purchase agreement." A roll call vote was taken. Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Proctor – yes. MOTION CARRIED (7-0).

14. DISCUSSED – W. GRAND RIVER PROPERTY SALE

Community Development Director Schmitt indicated as a result of the for sale sign installed by staff for the property east of the Main Fire Station, several inquiries were received requesting the potential price. An appraisal was completed on the property showing the market value at \$504,000. Staff is seeking more formal direction on options to sell the property and believes the RFQ route is the best approach. Discussion followed on the recent expansion to the Fire Station and potential needs in the future if the operation moves to 24-hour coverage. The appraisal was only on the eastern portion of the property, not the property south of the current station. Council concurred to move forward with the RFQ process to sell only the property to the east of the Main Fire Station.

15. AWARD BIDS/PURCHASES:

A. Five Yard Dump Truck, \$190,231. MOTION by Ellis, SUPPORT by Ambrose, "To approve the purchase of a 2021 Freightliner 108SD Series from D&K Truck of Lansing Michigan and the up fitting from Truck & Trailer of Howell Michigan for a combined total cost not to exceed \$190,231." A roll call vote was taken. Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Proctor – yes. MOTION CARRIED (7-0).

B. Lakeview Cemetery Water Line Replacement. MOTION by Lobur, SUPPORT by Manor, "To award the Lakeview Cemetery water line replacement to Evergreen Outdoor for an amount not to exceed \$7,450." DPS Director Suida stated the old section of the cemetery has galvanized pipe from the 1940's; plastic pipe has already been installed in the new section of the cemetery. A roll call vote was taken. Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Proctor – yes. MOTION CARRIED (7-0).

16. APPROVED - PAYMENT OF BILLS

MOTION by Ellis, SUPPORT by Lobur, "To approve the payment of bills ending July 27, 2020 in the amount of \$743,003.36 and payroll to cover the period ended August 1, 2020." Member Ellis questioned the loan payment to First National Bank for the Highland Howell property. A roll call vote was taken. Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Proctor – yes. MOTION CARRIED (7-0).

17. BOARD/COMMISSION APPOINTMENT – BOARD OF ZONING APPEALS, ALEX CLOS, TERM ENDING APRIL 30, 2022

MOTION by Lobur, SUPPORT by Ambrose, “To approve the appointment of Alex Clos to the Zoning Board of Appeals, term ending April 30, 2022.” A roll call vote was taken. Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Proctor – yes. MOTION CARRIED (7-0).

18. CITY MANAGER’S REPORT:

- The City Hall waterproofing and back-fill have been completed. DPW put down millings to stabilize the ground until the concrete can be installed.
- Staff is working on a potential ordinance update for Council consideration on a waiver policy on bidding requirements for projects that benefit the community.
- The State Tax Commission will be conducting a routine minimum assessing requirements audit (AMAR) which is completed every 5 years. Regulations change on a consistent basis and it is not uncommon for the state audit to find things to work on; any findings will result in a Mitigation Plan. Staff has no concerns.
- Staff has investigated the U-Haul truck parking on E. Grand River near National and the use is permitted. There are some other older use issues on the property and staff will work with them on compliance.
- The Request for Proposal on the RRC Development Site (former Holkins property) has been released.
- A CIP update was given on the following projects: 1) Left turn lane markings on S. National at Grand River were completed last week; 2) A design and quote for the two new Welcome to Howell signs will be received this week; 3) Clinton Street Design is 50% complete; 4) DWRF improvements for the Water Plant was awarded to Sorenson Gross and work will start in September; 5) SRF loan is scheduled to be issued August 8th, the contractor is Grainger and work is anticipated to start this Fall; 6) The Fowler Street storm sewer has experienced a flooding problem for decades and severely impacts a garage. Staff is investigating and working with HRC to fix the problem; 7) KaBOOM grant project is going great. Haslock & Sons Excavating has completed a lot of the work at no cost. Staff is hoping for completion by mid-October and will schedule a ribbon cutting; 8) Plans for the Grand River mid-block crossings have been approved by MDOT and will be coming to Council for approval in mid-August; 9) Staff is working with contractors to bore a waterline from the Livingston County Animal Shelter to the Dog Park at cost and will present to Howell Recreation Authority for approval; 10) VFD’s to control air distribution at City Hall were replaced and the software upgrade is scheduled for tomorrow. Additional work to the HVAC system at City hall is budgeted; 11) The milling for the Grand River Resurfacing project will start this week at M-59.

19. OLD BUSINESS

- Mayor Proctor referenced a conversation he had with Mike Arens (CIRAB Member); he was very complementary to the City, DPS Director Suida and the CIRAB members for moving forward with the WWTP project.

20. NEW BUSINESS

- None.

21. ADJOURN

MOTION by Lobur, SUPPORT by Ellis, “To adjourn the regular meeting of the City Council at 8:53 pm.” A roll call vote was taken. Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Proctor – yes. MOTION CARRIED (7-0).

Nick Proctor, Mayor

Jane Cartwright, City Clerk