

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
October 15, 2015

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 of October 1, 2015](#)
6. Call to the Public

Consent Agenda

7. Consider approval of a staff-recommended [Civic Event application for the next upcoming Ladies Night Out](#) event
8. Consider approval of the Mayor's recommended ZBA reappointment

Policy Development & Customer Communications' action items

9. Receive the annual external audit report for Fiscal Year 14-15 & related presentation from the auditors and Finance Director
10. Northridge Woods site plan amendment as recommended by the Planning Commission
11. Northridge Ponds site plan amendment as recommended by the Planning Commission
12. [Consider approval of a preliminary design services proposal for street, water utility, and storm drainage improvements for N. 6th Street, N. 7th Street, and State Street between 6th & 7th Streets as a result of a redevelopment proposal for the former Lindbom School property/site](#)
13. Consider approval of an engineering services proposal to assist staff with implementing the steps/tasks required by the recently received "SAW" Grant

Other Business

14. Information for City Customers including reports on responses to Citizens Inquiries to City Council received since the last Council Meeting
15. Receive updates from Council Member Liaisons to other Boards and Commissions
16. Call to the Public
17. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON OCTOBER 1, 2015 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Council conducted a Blue Sky Session at 7:00 p.m. Present were Mayor Pro-Tem Pipoly, Councilmembers Bandkau, Willis, Tobbe, Bohn and Gardner. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:31 p.m. Following the Pledge of Allegiance, the roll was called. Present were Mayor Pro-Tem Pipoly, Councilmembers Bandkau, Willis, Bohn, Tobbe and Gardner. Also in attendance were Attorney Brad Maynes, Staff members Dana Foster, Diana Lowe, Dave Blackmar, Tim Krugh and Tom Wightman and an audience of 3. Press and media included Tom Tolen from WHMI and Xloe' Hernandez of the Press & Argus.

It was moved by Councilmember Tobbe, supported by Willis to excuse Mayor Muzzin from the evening's meeting. Motion passed 6-0-1.

AGENDA APPROVAL

It was moved by Councilmember Bandkau seconded by Gardner to approve the agenda with the following changes: Delete item #10, Northridge Woods and item #11, Northridge Ponds. Add item #8a, Officer's Compensation appointment, item #8b, Trick or Treat hours and item #8c, MTT Consent Judgments. Motion passed 6-0-1.

MINUTE APPROVAL

It was moved by Councilmember Tobbe, seconded by Bohn to approve the Special Meeting minutes of September 17, 2015 as presented. Motion passed 5-0-1-1, with Councilmember Willis abstaining.

It was moved by Councilmember Bohn, seconded by Bandkau to approve the Regular Meeting minutes of September 17, 2015 as presented. Motion passed 5-0-1-1, with Councilmember Willis abstaining.

It was moved by Councilmember Bohn, seconded by Gardner to approve the Closed Session minutes of September 17, 2015 as presented. Motion passed 5-0-1-1, with Councilmember Willis abstaining.

CALL TO THE PUBLIC

Mayor Pro-Tem Pipoly opened the Call to the Public at 7:35 p.m. Hearing no comment, the Call to the Public was closed.

CONSENT AGENDA

It was moved by Councilmember Bandkau, seconded by Tobbe to approve the Consent Agenda as presented. The following items were approved.

1. Request from TSFR Pizza, LLC to Sell Liquor for Consumption on premise in accordance with Brighton Code 6-32.
2. Awarded Guarding Environmental Services, Inc. a three-year contract for the performance of preventative maintenance of Heating, Ventilation and Air Conditioning equipment, for City of Brighton buildings, specifically City Hall, Community Center, COBACH, Police Department, and DPW, with the ability to extend for two years pursuant to effective performance of their service at an annual cost of \$3,950 conditional upon the City Attorney review.
3. Appointed Renee Pettengill to the Officer's Compensation Commission.
4. Approved the Halloween Trick or Treat hours for 6:00 p.m. to 8:00 p.m. on October 31, 2015.
5. Approved the Consent Judgments for RDC Enterprises and March Coating as recommended by the City Attorney.

Motion passed 6-0-1.

STORMWATER, ASSET MANAGEMENT AND WASTEWATER GRANT

Utilities Director, Tim Krugh gave a report regarding the step taken to receive the recent Stormwater, Asset Management and Wastewater Grant and related next steps. He highlighted the following slides: New National Pollutant Discharge Elimination System Permit requirements, Program funding source, SAW Grant process, Grant award for the City of Brighton in the amount of \$524, 880, the New NPDES Permit, Asset Management requirements and program, staffing, collection system map, map requirements, Inventory and assessment of Fixed Assets, Operation maintenance for Sewer System and Treatment Works, Reporting and SAW Grant Fund uses.

SELCRA DISCUSSION

Councilmember Gardner read a statement regarding SELCRA funding. She stated that the SELCRA Board needs to know the following: Does the City of Brighton recommend that SELCRA be dissolved at the end of its fiscal year ending June 30, 2016 with the intent of SELCRA then combining its programming with and under the offerings of Brighton Area Schools? If Yes, and a consensus of the four municipalities cannot be reached for a unanimous decision to dissolve SELCRA on June 30, 2016 and combine its program with and under those offered by Brighton Area Schools, would the City of Brighton then intend to elect to withdraw from SELCRA at the end of its fiscal year effective June 30, 2016 and develop an alternate plan?

City Council
September 3, 2015
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City Manager, Dana Foster recommended to dissolve SELCRA and combine with the program offered by Brighton Area Schools, which would achieve a long-term viable budget solution.

It was moved by Councilmember Tobbe, seconded by Willis that City Council recommend that SELCRA be dissolved at the end of its fiscal year ending June 30, 2016 with the intent of SELCRA then combining its programming with and under the offerings of Brighton Area Schools, subject to review of the City Attorney of their dissolution plan. Motion passed 6-0-1.

It was moved by Councilmember Tobbe, seconded by Willis to table the intent to withdraw from SELCRA if consensus of the four municipalities cannot be reached until the November 5, 2015 City Council meeting.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster thanked Council for the direction regarding SELCRA.

Councilmember Bohn gave a Planning Commission update. He stated smoking should not be allowed under the pavilion next to the Imagination Station.

Councilmember Bandkau discussed an upcoming Veteran's event.

Councilmember Tobbe recognized Ken Stahl from the Brighton Area School Board. He stated a tour is available after Homecoming Friday night to see the School bond fund improvements.

Mayor Pro-Tem Pipoly stated he participated in the Imagination Station resealing and thanked everyone that volunteered their time.

CALL TO THE PUBLIC

Mayor Pro-Tem Pipoly gave a Call to the Public at 8:59 p.m. The following comment was heard:

Ken Stahl, Brighton Area School Boardmember, stated they would like to share everything that is going on with the Brighton Area Schools. He discussed SELCRA and is in support for any decision Council makes regarding its future.

Hearing no further comment, the Call to the Public was closed at 9:03 p.m.

ADJOURNMENT

It was moved by Councilmember Bandkau, seconded by Willis to adjourn the meeting at 9:03 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Shawn Pipoly, Mayor Pro-Tem

POLICY REPORT
DEPARTMENT OF PUBLIC WORKS
Civic Event Application Approval
Ladies Night Out

Prepared by:

Reviewed by:

Patty Thomas
Asst. DPW Director

Dana W. Foster
City Manager

ISSUE: To approve the Civic Event Application submitted by the Principle Shopping District for Ladies Night Out to be held on Thursday, December 3, 2015 from 5 pm to 10 pm.

STAFF RECOMMENDATION: The City of Brighton Civic Event Staff Committee recommends approval of this Civic Event.

BACKGROUND: The City of Brighton Civic Event Staff Review Committee has reviewed this application and is recommending approval. Some retailers, not restaurants, will be serving complimentary appetizers and small glasses of wine or other alcohol beverages. Because they are not selling the alcohol, no liquor license is required of the retailers. Additionally, when this event was held in the past, patrons would leave these stores with the alcohol; however, the applicant has advised that each store will now be given specific instructions that any alcoholic beverages must be consumed on site and not be taken outside. (See "Alcohol" page of attached application).

BUDGET IMPACT: Support staff necessary for this event will be determined based on past history, nature of the event, and specific requests of event sponsors on an as-needed basis.

RELATIONSHIP TO 2014/2015 GOALS: Continued allowance of various Civic Events under managed conditions to promote the Downtown City of Brighton area.

COUNCIL ACTION: Approval of the Ladies Night Out Civic Event Application.

ATTACHMENTS: Civic Event Application.



Civic Event Application
City of Brighton
 200 N. First Street
 Brighton, Michigan 48116
 (810) 227-1911

<p>OFFICE USE ONLY</p> <p>9-2-15</p> <hr/> <p>Date Received</p> <p><i>(Signature)</i></p> <hr/> <p>By</p>
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**** APPLICATIONS MUST BE FILLED OUT COMPLETELY BEFORE THEY WILL BE CONSIDERED FOR REVIEW ****

September 1, 2015	Principal Shopping District Board	Matthew R. Modrack		
Application Date	Name of Organization	Name of Applicant		
200 N. First St.	Brighton	MI	48116	
Street Address	City	State	Zip	
810-599-9752	810-225-8025	810-227-6420		
Cell Phone	Home Phone	Work Phone	Fax	
Email Address <u>modrackm@brightoncity.org</u>				

Ladies Night Out	_____
	Event Title
Downtown Brighton Stores and Restaurants	_____
	Event Location

EVENT DAYS / TIMES (Please stipulate the following information for each date of event)

DATE	Day of Week	Beginning Time	Ending Time
12/3/15	Thursday	5:00 p.m.	10:00 p.m.
_____	_____	_____	_____
_____	_____	_____	_____

_____	_____	_____
Set up Time/Day	Tear down Time / Day*	Rain Date (if applicable)

* Tear down time will be strictly enforced. It is the applicant's responsibility to ensure the teardown of all materials with their on-site vendors, sponsors, etc. is complete by the teardown time given above.

ORGANIZATION / APPLICANT INFORMATION

Applications for Civic Events in the City of Brighton shall NOT be approved for applicants in default to the City. Therefore, each Application for Civic Events shall be routed to the Finance Department for a determination of any defaults to the City. In the event a default to the City exists, the Application shall be disapproved by the Finance Department, with the nature of the default described as the reason of the disapproval.

TAX IDENTIFICATION NUMBER: 38-6004526

BRIEF DESCRIPTION OF ORGANIZATION'S PURPOSE AND/OR FUNCTION:

The Principal Shopping District (PSD) was organized to market and promote
retailers and restaurants within its boundaries. The PSD is a City board
with its members appointed by the Mayor and approved by City Council.

IS THE ORGANIZATION NON-PROFIT? YES NO
If yes, attach a copy of the organizations Sales Tax Exempt Certificate.

DOES YOUR GROUP PRESENTLY HAVE LIABILITY INSURANCE? YES NO

GENERAL LIABILITY INSURANCE IS REQUIRED NAMING THE CITY OF BRIGHTON AS ADDITIONAL INSURED. IF FOOD IS BEING SERVED, PRODUCT LIABILITY MUST BE INCLUDED. LIMITS OF LIABILITY SHOULD BE NO LESS THAN \$1,000,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE.

PLEASE GIVE A DESCRIPTION OF THE PROPOSED CIVIC EVENT. (Attach additional pages if necessary)

A shopping and dining event held twice a year that caters primarily to women to highlight
downtown Brighton's merchants and restaurants. Many businesses offer special
discounts or sales, and several may choose to serve refreshments in their stores.

ANNUAL EVENT: Is this event expected to occur next year? YES NO

If Yes, you can reserve a date for next year with this application). To reserve dates for next year, please provide the following information:

Normal Event Schedule (e.g., third weekend in July): 1st Thursday in May and December
or
Next year's specific date(s): _____

PROCEEDS OF THIS EVENT WILL BE USED FOR:

IF THE PROPOSED CIVIC EVENT IS A PARADE OR RUN/WALK EVENT, PLEASE LIST THE POINT OF ORIGIN, PATH, TERMINATION POINT, NUMBER OF ENTRIES AND TRAFFIC CONTROL PLAN AS NECESSARY. (Use attached map to clarify the route)

ARE YOU PLANNING TO CHARGE AN ADMISSION FEE? YES NO

IF YES, WHAT KIND AND HOW MUCH?

DO YOU PLAN ON UTILIZING VENDORS AND/OR EXHIBITORS FOR SALES OF ANY KIND?

YES NO

IF YES, COMPLETELY FILL OUT THE ATTACHED VENDOR CONTACT INFORMATION SHEET(S).

WHAT IS THE FEE CHARGED FOR EACH VENDOR? _____

DO YOU PLAN TO CONTRIBUTE REVENUES RECEIVED FROM THIS EVENT TO LOCAL ORGANIZATIONS AND/OR COMMUNITY GROUPS? YES NO

IF YES, TO WHOM AND HOW MUCH?

WHAT IS THE EXPECTED ATTENDANCE FOR THIS EVENT? _____

DO YOU PLAN ON SUPPLYING ADDITIONAL RESTROOM FACILITIES? YES NO

NUMBER OF VOLUNTEERS / STAFF? _____

HOW WILL THIS EVENT BENEFIT THE RESIDENTS AND/OR IMPROVE THE QUALITY OF LIFE IN THE CITY OF BRIGHTON?

ELECTRICAL SERVICES REQUIRED (Please Be as Accurate as Possible)

N/A

OTHER UTILITIES REQUIRED (Please Be as Accurate as Possible)

CITY FACILITIES REQUESTED (Please Be as Accurate as Possible)

N/A

DO YOU PLAN TO UTILIZE OFF-SITE PARKING FACILITIES YES NO

IF SO, WHAT LOCATION IS PLANNED? _____

WHAT IS YOUR PLAN FOR TRANSPORTATION FROM THE PARKING AREA TO THE EVENT LOCATION?

SIGNAGE REQUESTED (Detail sign locations on the attached map and provide sign renderings)

Number of Signs _____

Types of Signs _____

Locations of Signs _____

Date Signs Posted _____

Date Signs Removed _____

EQUIPMENT

PLEASE ATTACH LIST OF EQUIPMENT; STAGE, TENTS, VEHICLES, ETC., THAT YOU PROPOSE TO USE IN THE EVENT OR BRING ONTO CITY PROPERTY, STREETS OR PARK AREAS - (ALL SUBJECT TO APPROVAL).

IF YOU ARE PROPOSING TO HAVE A TENT OR TENTS AT YOUR EVENT, PLEASE READ THE ATTACHED "TENT EVENT FIRE CODE PERMIT REQUIREMENTS" COMPLETELY AND **FILL OUT ONE "TENT PERMIT APPLICATION" FOR EACH TENT BEING PROPOSED.**

STREET CLOSURE

ARE YOU REQUESTING A STREET CLOSURE FOR YOUR EVENT? YES NO
If yes, detail the street(s) you would like closed, and the location of the closure(s) on the attached map.

ALCOHOL

DO YOU WANT TO SELL AND/OR SERVE ALCOHOL? YES NO

IF YES, PLEASE SEE THE ATTACHED SHEET TITLED "ALCOHOL" AND FILL IN THE QUESTIONS COMPLETELY AND IN DETAIL.

SECURITY

If the event requires the overnight setup or storage of goods, equipment, etc. security is the responsibility of the event applicant.

IF YOUR EVENT REQUIRES OVERNIGHT SECURITY, PLEASE PROVIDE THE FOLLOWING DETAILS OF YOUR SECURITY PLAN:

ON SITE REPRESENTATIVES NAMES AND CONTACT NUMBRs:

<u>Name</u>	<u>Contact number</u>
Jen Ling _____	810-623-0404 _____
Mark Binkley _____	810-623-0284 _____
_____ _____	_____ _____

OWNER(S) AFFIDAVIT *

I, Mark K. Binkley, Sr., have authorized Matthew R. Modrack as My
(company or organization owner) (Civic Event Applicant)

Representative for the purpose of obtaining a Civic Event permit(s) from the City of Brighton Public
Services Department for my organization located at 200 N. First St., Brighton, MI 48116.
(company or organization address)

Mark K. Binkley, Sr.

Digitally signed by Mark K. Binkley, Sr.
DN: cn=Mark K. Binkley, Sr., o=Principal Shopping District
Board, ou=Crisliperson,
email=mark@cooperandbinkleyevolvers.com, c=US
Date: 2015.06.02 11:33:19 -0400

Owners Signature

September 1, 2015

Date

INDEMNIFICATION AGREEMENT

The Principal Shopping District Board
(business/organization) agree(s) to defend, indemnify, and hold harmless the City of

Brighton, Michigan, from any claim, demand, suit, loss, cost of expense, or any damage that may be asserted, claimed or recovered against or from the Principal Shopping District Board and/or the City of
(business/organization)

Brighton, by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Brighton or by third parties, or by the agents, servants, employees or factors of any of them.

Signature Mark K. Binkley, Sr. Digitally signed by Mark K. Binkley, Sr.
DN: cn=Mark K. Binkley, Sr., o=Principal Shopping
District Board, ou=Chairperson,
email=mark@coopersandbinkleyjewelers.com, c=US
Date: 2015.08.02 11:30:24 -0400 Date 9-1-2015

Witness Lauri E. French Date 9-1-15

ALCOHOL

PLEASE GIVE A BRIEF DESCRIPTION OF THE TYPE OF ALCOHOL TO BE SOLD / SERVED

Several of the participating stores (retailers, not restaurants) for this event
serve appetizers along with small glasses of wine or other alcoholic beverages.

^ Complimentary *^ Complimentary*

WHO WILL BE THE ALOCHOL LICENSE HOLDER?

N/A

ON THE ATTACHED MAP, DETAIL THE LOCATIONS WHERE ALOCHOL WILL BE SOLD /
SERVED.

DESCRIBE IN DETAIL YOUR ALCOHOL MANAGEMENT PLAN

Each store that plans to serve any type of alcoholic beverage will be given
specific instructions to ensure that patrons are aware that any alcoholic
beverages must be consumed in the stores and may not be taken out of
the stores. This information will also be posted at each location.

**** IF ALCOHOL SALES OR SERVICE IS APPROVED BY THE CITY COUNCIL AS PART
OF THIS EVENT, THE APPLICANT MUST ALSO RECEIVE APPROVAL FROM THE
LIQUOR CONTROL COMMISSION**

**** IF ALOCHOL SALES OR SERVICE IS APPROVED, EVENT INSURANCE MUST
INCLUDE AN ADDITIONAL INDEMINATION FOR ALOCHOL**



October 6, 2015

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

**Re: 6th, 7th, and State Street; Road and Utility Improvements
Contract Amendment No. 346**

Dear Mr. Foster:

Tetra Tech is pleased to provide this proposal to perform engineering services for the road and utility improvements for the western portion of the Northwest Neighborhood street improvements. The proposed project includes the reconstruction of 6th and 7th Streets from Main to the Lindbom school property and State Street between 6th and 7th. These streets are being improved as part of the proposed Lindbom site redevelopment to a senior assisted living center. The improvements have been part of future Capital Improvement Plans but are being accelerated due to the redevelopment on the old Lindbom site. The existing water and sanitary sewer utilities will also be replaced, as they have reached the end of their useful life. The streets will be improved with curb and gutter with storm sewers connecting to the storm interceptor that was extended to the north side of Main Street at 6th in anticipation of the Northwest Neighborhood project.

This proposal is to perform the topographic survey, geotechnical engineering, and engineering design services for the proposed improvements.

The following scope of work, schedule and budget is proposed for this project:

SCOPE OF WORK

Preliminary Design & Surveying Phase

- Prepare base mapping by obtaining topographic survey, right-of-way and utility information for the project area.
- Perform geotechnical services including soil borings along 6th, 7th and State Streets.
- Confirm the need for utility upgrades/repairs with DPS staff. It is currently assumed that the existing 4-inch water mains will be upgraded to 8-inch, and the existing 8-inch sanitary sewer will be inspected and at a minimum the service leads replaced within the right-of-way. All water leads will also be replaced to the road right-of-way.

Tetra Tech

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

- Prepare 20% plans and review with City staff. The plans will include the conceptual routing of the new utilities on plan view and information obtained from the utility and survey scope of services.
- Prepare a conceptual design for the storm sewer for the Northwest Neighborhood. A review meeting will be held with the City to discuss the conceptual design.
- Prepare a conceptual maintenance of traffic plan for the project area and review with City staff. It is anticipated that the streets will be closed to through traffic and have local traffic only maintained for the area.
- Prepare a preliminary opinion of probable construction cost based off the conceptual drawings.
- Attend up to two staff/public information meetings to present the project to the affected residences and obtain comments for inclusion in the final design documents.

Final Design

- Review preliminary design public comments with City staff and develop alternatives for addressing.
- Prepare 60% design documents and review with City staff.
- Prepare a final opinion of probable construction cost.
- Attend final design public review meeting to present the project.
- Incorporate final design public and City staff comments into the final construction drawings and project plans.

Bidding and Construction Phases

- Bidding and Construction phase services will be included in a separate scope of services and proposal.

SCHEDULE

Presented below is the proposed schedule for the project.

Milestones Schedule

Preliminary Design and Topographic Survey	October -November 2015
Final Design and Permitting	December - January 2016
Bidding & Contracting	Winter - Spring 2016
Construction Utilities	February – May 2016
Construction Street	April – June 2016

BUDGET

The proposed budget consists of the following components:

Preliminary Design & Survey	\$ 25,300
Geotechnical Engineering (subconsultant)	\$ 5,200
Final Design Phase	<u>\$ 26,500</u>
Total Design Phase	\$ 57,000

Enclosed is Amendment No. 346 for the above scope of services. If this amendment is acceptable, please sign both copies and return one to our office for our authorization to proceed.

We appreciate the opportunity to provide continuing service to the City of Brighton. If you have any questions regarding this proposal please call.

Sincerely,



Gary J. Markstrom, P.E.
Vice President

Enclosure

**CONTRACT AMENDMENT NO. 346
TO OCTOBER 1, 1995 CONTRACT
BETWEEN
THE CITY OF BRIGHTON, MICHIGAN
AND
TETRA TECH**

This amendment listed below is for providing Preliminary and Final Design Engineering Services for the 6th, 7th, and State Street Road and Utility Improvements project. Any subsequent work will be included in future contract amendments.

Amend Section 1 - Basic Services of Engineer

Add the following paragraph to Sections 1.3 and 1.4:

Under Amendment No. 346, perform preliminary and final design services as outlined in the attached letter dated October 6, 2015.

Amend Section 5 - Payment to Engineer

Add the following paragraph to Section 5.1.1.2.

Under Amendment No. 346, Engineering Services under Sections 1.3 and 1.4, Preliminary and Final Design Phase, will be invoiced based on Engineer's billing rate, plus subcontracted services and outside invoices multiplied by 1.15, plus in-house reimbursable expenses. The budgeted cost of services under Amendment No. 346 shall be \$57,000.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed on this _____ day of _____, 2015.

ATTEST:

CITY OF BRIGHTON

200 N. First Street
Brighton, MI 48116

Witness: _____

By: _____
Dana W. Foster, City Manager

Witness: Patricia Christian

TETRA TECH

401 S. Washington Square, Suite 100
Lansing, MI 48933
(517) 316-3930

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