

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
May 21, 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](#) and closed session of [May 7, 2015](#)
6. Call to the Public

**Consent Agenda**

7. Consider approval of a [resolution](#) establishing the [City Millage Rate for Fiscal Year 15-16](#)

**Policy Development & Customer Communications' action item**

8. Consider approval of, and or related direction to City staff regarding a [proposed amendment/extension to the City's refuse collection and recycling services contract with Waste Management](#)
9. Receive report from the City Manager regarding Health Insurance costs for City employees and retirees; and the related compliance with the State Legislature-required limits on public employer-paid employee healthcare costs. Then consider any related direction to staff or any related motions or actions .

**Other Business**

10. Information for City Customers including reports on responses to Citizens Inquiries to City Council received since the last Council Meeting
11. Receive updates from Council Member Liaisons to other Boards and Commissions
12. Closed session at the request of the City Attorney regarding pending Michigan Tax Tribunal litigation
13. Call to the Public
14. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON MAY 7, 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 Muzzin, Councilmembers Bohn, Bandkau, Pipoly, Tobbe, Gardner and Willis. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Muzzin called the regular meeting to order at 7:33 p.m. Following the Pledge of Allegiance, the roll was called. Present were Mayor Muzzin, Councilmembers Willis, Pipoly, Tobbe, Bandkau, Gardner and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes, Staff members Dana Foster, Diana Lowe, Dave Blackmar, Kelly Hanna, Tom Wightman, Colleen Barton and an audience of 43. Press and media included Tom Tolen from WHMI.

**AGENDA APPROVAL**

It was moved by Councilmember Tobbe, seconded by Willis to approve the agenda as amended. Add item 14a, Closed Session action. Move item #9, Waste Management Contract to Consent and change to City Attorney's review of the Waste Management Contract. Motion passed 7-0.

**MINUTE APPROVAL**

It was moved by Councilmember Bandkau, seconded by Willis to approve the Regular Meeting minutes of April 16, 2015 with the following changes: Regular Session, Second Paragraph, add "Gardner" and Adjournment should read "8:38 p.m.". Motion passed 6-0-1, with Councilmember Gardner abstaining.

**POLICE OFFICER OF THE YEAR**

Police Chief, Tom Wightman presented the Police Officer of the Year Award to Don Bishop.

Officer Don Bishop thanked everyone for the award. He introduced his family.

**CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:42 p.m. The following comment was heard:

Dan Mulvihill, SELCRA Board Chair, thanked City Council for considering his letter of May 5<sup>th</sup>. He explained the difficulty of budgeting based on the numbers from the previous year and asked the Council to consider the budget increase.

Patrick Grievity, Waste Management, thanked Council for allowing them to provide service and they are proud to be able to service the community.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 7:51 p.m.

### **CONSENT AGENDA**

It was moved by Councilmember Bandkau seconded by Willis to approve the Consent Agenda presented. Motion passed 7-0.

The following items were approved:

1. Approved the Quarterly Investment Report.
2. Direct the City Attorney to review the proposed amendment/extension to the City's refuse collection and Recycling services contract with Waste Management and bring back to the May 21<sup>st</sup> Council meeting.

### **PROPOSED FISCAL YEAR 15-16 CITY BUDGET**

City Manager, Dana Foster briefed the Council on the Budget process. He discussed the proposed addition of a DPW employee and the City Council's Proposed Budget.

There was Council discuss regarding the SELCRA funding formula.

It was moved by Mayor Pro-Tem Pipoly, seconded by Tobbe to approve Resolution 15-06, Adoption of the Fiscal Year 2015-2016 City Budget, with the SELCRA adjustment of \$36,882. A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Tobbe, Gardner. No: none. Motion passed 7-0.

### **CITY CUSTOMER INFORMATION**

City Manager, Dana Foster stated staff has been following-up on Springhill inquiries regarding the Consent Judgment deadlines and some general infrastructure maintenance.

City Attorney, Paul Burns stated some residents did not receive the letter that the Springhill developer sent. The developer stated the work would be finished by the June 30<sup>th</sup> deadline. If the work is not done pursuant to the Court Order, it will be brought back to City Council.

Councilmember Gardner stated she followed up with the SELCRA director regarding trespassing at the skate park and reported some vandalism to the police. The Park is being reviewed by the SELCRA Board.

Mayor Pro-Tem Pipoly gave a PSD update.

Councilmember Bandkau gave Veteran's Memorial paver update.

Councilmember Bohn gave a Traffic Safety Advisory Board update.

Councilmember Gardner requested that City Council ask the Planning Commission to revisit the enhancement of the crosswalk on Main Street at the CSX lot.

City Council  
May 7, 2015  
Page 3

**CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 8:43 p.m. Hearing no comment, the Call to the Public was closed.

**PENDING LITIGATION CLOSED SESSION**

It was moved by Mayor Pro-Tem Pipoly, seconded by Bandkau to go into Closed Session at 8:45 p.m. to discuss pending litigation pursuant to MCL 15.268(e). A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Tobbe, Gardner. No: none. Motion passed 7-0.

The Council convened into Closed Session at 8:45 p.m.

The Council reconvened the Regular meeting at 8:52 p.m.

**CLOSED SESSION ACTION**

It was moved by Mayor Pro-Tem Pipoly, seconded by Gardner to execute the Quit Claim deed for the Shiposh property and dismiss the lawsuit. Motion passed 6-0-1, with Councilmember Tobbe abstaining.

**ADJOURNMENT**

It was moved by Councilmember Bandkau, seconded by Willis to adjourn the meeting at 8:53 p.m. Motion passed 7-0.

---

Diana Lowe, City Clerk

---

Jim Muzzin, Mayor

## POLICY REPORT - FINANCE

Consider Establishing the Levy and Authorizing the Collection of Taxes, Penalties and Fees for FY 2015-16

May 21, 2015

Prepared by:

Reviewed by:

---

Kelly Hanna  
Finance Director

---

Dana William Foster  
City Manager

### ISSUE:

Consider the attached resolution to establish the levy and authorize the collection of taxes, penalties and fees for FY 2015-16.

### STAFF RECOMMENDATION:

It is the recommendation of staff that the City approve the attached resolution to set the levy and authorize the collection of taxes, penalties and fees for FY 2015-16.

### BACKGROUND:

The Council's adopted budget reflects a City operating millage of 15.2734 mills for FY 2015-16, which is the same as FY 2014-15. In addition, the Law Enforcement/Public Safety millage is included in the FY2015-16 Adopted Budget at 0.38 mills. The attached resolution, if adopted, would establish a total City millage of 15.6534 for FY 2015-16, which is the same as FY 2014-15. For the ninth year in a row, the Headlee Millage Reduction Fraction did not roll back the Charter limited operating millage.

### RELATIONSHIP TO GOALS:

This is related to all property tax funded goals.

### BUDGET IMPACT:

The recommended levy, penalties and fees support the FY 2015-16 General Fund budget and the Law Enforcement/Public Safety Fund Budget.

### ACTION/MOTION:

Adopt the recommended resolution to establish the levy and authorize the collection of taxes, penalties and fees for FY 2015-16.

RESOLUTION 15-

ESTABLISHING THE LEVY AND AUTHORIZING THE COLLECTION OF TAXES, PENALTIES AND FEES FOR FISCAL YEAR 2015-16

WHEREAS, the City Council adopted the fiscal year 2015-16 budget, which includes a proposed tax millage rate to support the budget, at their May 7, 2015 meeting; and

WHEREAS, the Charter Tax Rate Limitation of 20 mills has been reduced to 15.2734 mills for 2015 by the cumulative effect of the "Headlee Amendment" roll back; and

WHEREAS, the City Charter requires the establishment of a required millage for the levy of taxes; and

WHEREAS, the General Property Tax laws of the State of Michigan authorize the imposition of penalties and administration fees on current taxes; and

WHEREAS, the Council annually officially establishes the millage by resolution:

NOW, THEREFORE, BE IT RESOLVED by the Brighton City Council as follows:

- 1. The operating tax rate for FY 2015-16 is levied at 15.2734 mills.
- 2. The Law Enforcement/Public Safety millage tax rate for FY 2015-16 is levied at 0.38 mills.
- 3. A 2015 Summer Tax Late Penalty Charge is established and will be collected on behalf of all the taxing units as follows:

- August 16 - August 31: 2%
- September 1 - September 30: 4%
- October 1, 2015 - February 28, 2016 an additional .50% per month up to 6%

- 3. A 2015 Summer and Winter Tax Administration Fee of 1% is established and will be collected on behalf of the City of Brighton.

Ayes: \_\_\_\_\_  
 Nays: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Abstain: \_\_\_\_\_

This Resolution was \_\_\_\_\_ this \_\_\_\_\_ day of May 2015.

\_\_\_\_\_  
Diana Lowe, City Clerk



**Proposed Contract Extension**

	<b>FY14-15</b>	<b>FY15-16</b>	<b>FY16-17</b>	<b>FY17-18</b>	<b>FY18-19</b>	<b>FY19-20</b>
	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>
	28.96	28.96	29.68	30.42	31.02	31.32
% Increase		0.0%	2.5%	2.5%	2.0%	1.0%

**Current Contract Extension and Current Financial Forecast**

	<b>FY14-15</b>	<b>FY15-16</b>	<b>FY16-17</b>	<b>FY17-18</b>	<b>FY18-19</b>	<b>FY19-20</b>
	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>
	28.96	29.68	30.42	31.33	32.27	33.24
% Increase		2.5%	2.5%	3.0%	3.0%	3.0%

**Annual Difference from Current Contract for a Resident**

	<b>FY15-16</b>	<b>FY16-17</b>	<b>FY17-18</b>	<b>FY18-19</b>	<b>FY19-20</b>
	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>	<b><u>Bi-Monthly</u></b>
	\$ 4.32	\$ 4.44	\$ 5.48	\$ 7.52	\$ 11.52



**WASTE MANAGEMENT**  
**MICHIGAN/OHIO AREA**  
48797 Alpha Drive – Suite 100  
Wixom, MI 48393  
(248) 596-3500  
(248) 596-3595 Fax

April 30, 2015

Mr. Dave Blackmar, DPW Director  
City of Brighton  
420 South Third Street  
Brighton, Michigan 48116

**RE: REFUSE COLLECTION CONTRACT**

Mr. Blackmar:

**Introduction**

Waste Management is proud to be the long time, trusted provider for solid waste services in the City of Brighton. The partnership between the City and Waste Management has resulted in a successful program for this vital community service. Maintaining excellent service is always important considering the service expectations of your residents. WM will ensure the best service in the industry continues to be the standard while maintaining costs for this service.

As is the case in every community we service, the City can rest assured that solid waste collection, a vital and core service provided by the City to its residents, will remain a top priority of Waste Management. Our goal is to complete this work each week on time and in a manner that will meet or exceed your expectations. If we make mistakes, the level of effort we put forth to ensure corrective action in a timely and professional manner will be second to none given the success of the partnership we have established with the City.

Simply put, we seek to ensure the complete and total satisfaction of your residents when it comes to the proper delivery of solid waste collection and disposal services.

Dave Blackmar, DPW Director

Page 2

April 30, 2015

### Contract Extension Option

The term of the current agreement between the City and Waste Management includes two remaining option years. The current contract pricing is as follows:

<b>Current Contract Pricing</b>			<b>Yearly</b>
<b>July 1 to June 30</b>	<b>Curbside</b>	<b>Leaf</b>	<b>Increase</b>
Current Year 2014-2015	\$ 13.99	\$ 0.49	
2015-2016	\$ 14.34	\$ 0.50	2.5%
2016-2017	\$ 14.70	\$ 0.51	2.5%

*Note: One annual Spring Cleanup is included in the above pricing.*

The current contract terms allow the parties to continue the agreement with the above pricing through June 30, 2017. Waste Management is interested in continuing the agreement and we have provided the enclosed amendment with one modification.

The proposed amendment continues the solid waste service program that is in place at this time. In addition, we have added a modification for your consideration, one additional year commencing July 1, 2015, with no cost increase and two additional option years. With the proposed modification the contract pricing is as follows:

<b>Proposed Contract Pricing</b>			<b>Yearly</b>
<b>July 1 to June 30</b>	<b>Curbside</b>	<b>Leaf</b>	<b>Increase</b>
Current Year 2014-2015	\$ 13.99	\$ 0.49	
<b>Proposed Year 2015-2016</b>	<b>\$ 13.99</b>	<b>\$ 0.49</b>	<b>0%</b>
2016-2017	\$ 14.34	\$ 0.50	2.5%
2017-2018	\$ 14.70	\$ 0.51	2.5%
<b>2018-2019 (Option Year)</b>	<b>\$ 14.99</b>	<b>\$ 0.52</b>	<b>2.0%</b>
<b>2019-2020 (Option Year)</b>	<b>\$ 15.14</b>	<b>\$ 0.52</b>	<b>1.0%</b>

*Note: One annual Spring Cleanup is included in the above pricing.*

Dave Blackmar, DPW Director

Page 3

April 30, 2015

If you agree with the proposal for this additional year of service, the term will continue through June 30, 2018 and the parties will have two option years for future consideration.

### **Conclusion and Summary**

In conclusion, by extending the contract with WM the City can achieve the following:

1. Ensure that it continues to provide a critical service to its residents including the current level of service that has met with their satisfaction.
2. Ensure that service continues in an economically responsible manner.
3. Rest assured knowing that WM will do everything it possibly can to provide top quality service within the community given our established relationship as your community partner.

Please contact me at 248-640-9089 with questions. Thank you for your consideration of this matter.

Sincerely,

**Patrick G. Greve**

Public Sector Solutions Representative

**AMENDMENT TO  
REFUSE COLLECTION CONTRACT**

This Amendment ("Amendment") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by and between the CITY OF BRIGHTON, a Michigan municipal corporation ("City") and WASTE MANAGEMENT OF MICHIGAN, INC., a Michigan corporation ("WMM").

WHEREAS, the City and WMM executed a Refuse Collection Contract on July 18, 1991; a First Amendment dated April 15, 1993; a Second Amendment dated January 2, 1994; a Third Amendment dated August 1, 1996; a Fourth Amendment dated December 18, 2000; and two further amendments dated June 21, 2007 and November 12, 2010 respectively (collectively the "Contract").

WHEREAS, the current term of the Contract, as amended, extends through June 30, 2015;

THEREFORE, the parties agree to extend the term of the Contract through June 30, 2018 and to further amend the Contract as follows:

Term of Contract Extension: The new term of the Contract will be extended by three (3) years through June 30, 2018. This contract may be further extended for (2) years upon mutual written consent of the City and WMM as outlined below under Optional Extension Year Fees.

Annual Fee Adjustment: All Core Service Fees, as well as the Unlimited Leaf Collection Fee, the Spring Clean-Up Fee and the Household Hazardous Waste Collection Fee shall be adjusted according to the following table:

<b>Contract Pricing</b>			<b>Yearly</b>
<b>July 1 to June 30</b>	<b>Curbside</b>	<b>Leaf</b>	<b>Increase</b>
<b>2015-2016</b>	\$ 13.99	\$ 0.49	0%
<b>2016-2017</b>	\$ 14.34	\$ 0.50	2.5%
<b>2017-2018</b>	\$ 14.70	\$ 0.51	2.5%

*Note: One annual Spring Cleanup is included in the above pricing.*

**Optional Extension Year Fees**

<b>Contract Pricing</b>	<b>Curbside</b>	<b>Leaf</b>	<b>Yearly</b>
<b>2018-2019 (Option Year)</b>	\$ 14.99	\$ 0.52	2.0%
<b>2019-2020 (Option Year)</b>	\$ 15.14	\$ 0.52	1.0%

*Note: One annual Spring Cleanup is included in the above pricing.*

Other Provisions: The provisions related to Fuel Surcharge, Governmentally Imposed Charges, Additional Services and Vertical Compactor shall continue as part of the Contract as enumerated and described in the Amendment dated November 12, 2010.

Unless otherwise amended herein, the terms and conditions of the Contract shall remain in full force and effect.

In Witness Whereof, the parties have executed this Amendment on the date and year first above written.

WITNESSES:

CITY OF BRIGHTON

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

WITNESS:

WASTE MANAGEMENT OF MICHIGAN, INC.

\_\_\_\_\_

By: \_\_\_\_\_