



Brighton City Council Meeting

200 N First St • City Hall Council Chambers • Brighton, Michigan 48116
(810) 227-1911 • www.brightoncity.org

September 10, 2024 – 6:30 p.m.

AGENDA

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Consider approval of the agenda
5. Consider approval of consent agenda items

Consent Agenda Items

- a. [Approval of minutes: regular meeting of August 27, 2024](#)
- b. [Approval of resolution #2024-19, Local Government Unit Approval for Social District Permit for Veritas Vineyard, LLC D/B/A Grand River Brewery](#)
- c. [Approval to purchase variable frequency drives for the wastewater treatment plant equalization tank from Marshall E. Campbell Company in an amount not to exceed \\$14,822 and the programming of the drives by Cyr Electric in the amount of \\$5,500](#)
- d. [Approval of the Hubbel, Roth, and Clark, Inc. \(HRC\) proposal for the 2024 Water Reliability Study update in the amount of \\$29,200](#)

Correspondence

6. Call to the public
7. Staff updates
8. Updates from Councilmember liaisons to various boards and commissions

New Business

9. [Consider approval of a Gorman-Rupp factory-built water booster station for the Pine Creek Subdivision in the amount of \\$386,420](#)
10. [Consider approval of the Amended Intergovernmental Agreement for Building Department Services with Livingston County](#)

Other Business

11. Call to the public
12. Adjournment



Brighton City Council Meeting

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MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON AUGUST 27, 2024

1. Call to order

Mayor Tobbe called the meeting to order at 6:30 p.m.

2. Pledge of Allegiance

3. Roll call

Present were Mayor Tobbe, Mayor Pro Tem Bohn, Councilmembers: Albert, Gardner, Gipson, Pettengill, and Schmenk.

Staff Present: City Manager Gretchen Gomolka, DPS Director Marcel Goch, Human Resources Manager Michelle Miller, Community Development Manager Michael Caruso, City Clerk Tara Brown, Attorney Sarah Gabis, and Chief Brent Pirochta.

Motion by Councilmember Gardner, seconded by Councilmember Pettengill to remove item 11 from the agenda. **The motion carried, 7-0.**

4. Consider approval of the agenda

Motion by Councilmember Gardner, seconded by Councilmember Schmenk to approve the amended agenda. **The motion carried, 7-0.**

5. Consider approval of consent agenda items

Motion by Councilmember Pettengill, seconded by Councilmember Schmenk to approve the consent agenda as presented. **The motion carried by roll call vote, 7-0.**

Consent Agenda Items

- a. Approval of minutes: regular meeting of August 13, 2024
- b. Approval of TCO 190
- c. Approval to retain Precision Concrete Cutting for sidewalk trimming services until June 30, 2027
- d. Approval to extend Michigan Intergovernmental Trade Network Bid #ITB-FH-20-21-2270 to Spray-Patch Road Repair, Inc for service through fiscal year 2026/2027
- f. Approval of Resolution #2024-18 to approve the MDOT Contract 24-5268 for construction improvements in conjunction with MDOT construction on highway I-96 at Grand River

Correspondence

6. Call to the public

Mayor Tobbe opened the call to the public at 6:34 p.m. Hearing and seeing no comment, the call to the public was closed.

7. Staff updates

Chief Pirochta spoke regarding a new traffic control order which will now have a four way stop at N. East Street and Beaver Street and the approved traffic control order on this agenda that will help with traffic stacking into the Target/Home Depot driveway area. Flags will be posted as well as social media posts to help get the word out.

DPS Director Goch updated City Council on several projects throughout the city. The wastewater roof replacement wrapped up in two weeks, St. Paul Street handicap parking is now operational, and the final paving of the East Street

stub streets will be completed in early September.

Human Resources Manager Miller noted the sculpture Hot Landing is missing it's third goose. Unfortunately, it fell over into the millpond. DPW crews will locate the goose once the water is a bit lower.

Manager Gomolka stated the downtown fire pit will pivot from summer hours to fall hours and be operational at 5:00 p.m. Please be sure to scan the QR code at the fire pit to learn more about seasonal hours, tips, and safety notices.

8. Updates from Councilmember liaisons to various boards and commissions

Councilmember Gipson stated the Downtown Development Authority met on August 20, 2024, and contracted with Landscape Design and Associates for planter maintenance along Main Street. The DDA will begin strategic planning at a special meeting on October 24, 2024, beginning at 6:30 p.m. The Tour de Livingston, hosted by Go Liv Co for its first time will occur on October 6, 2024. For more information, please visit golivco.org.

Councilmember Pettengill relayed the lights in Hyne Alley were repaired and lit as of August 20, 2024. The Brighton Arts and Culture Commission had a special meeting on August 22, 2024, to conduct a jury review of the mural artists for the St. Paul Pocket Park.

Discussion

9. St. Paul Pocket Park mural artist presentation by the Brighton Arts and Culture Commission

Brighton Arts and Culture Commission Chair Thomas presented City Council with a detailed overview of the St. Paul Pocket Park mural specifications as well as various submissions from sixteen artists. Ultimately the Commissioners recommended of Tess Marhofer for the St. Paul Pocket Park mural. The Commission will work with Ms. Marhofer to refine the design and the city's communications team to ensure the mural is a great event.

Motion by Councilmember Gipson, seconded by Councilmember Pettengill to approve the authorization of \$8,000.00 for the St. Paul Pocket Park for the mural painted by Tess Marhofer. **The motion carried, 7-0.**

10. Traffic Patrol

Chief Pirochta spoke at length about plans to dedicate officers to patrol specific traffic areas of concern throughout the city which includes but not limited to overtime and foot patrol.

~~11. Consider BS&A Cloud~~

Public Hearing

12. Conduct a second reading and public hearing for proposed Ordinance 607 to amend the City of Brighton Code of Ordinances and consider approval

Clerk Brown officered clarification to the proposed ordinance should there be any questions; however, the bulk of the ordinance amendments is to streamline and clarify language in respect to the Officers Compensation Commission.

Mayor Tobbe opened the public hearing at 7:21 p.m. Hearing and seeing no comment, the public hearing was closed.

Motion by Councilmember Gipson, seconded by Councilmember Albert to approve Ordinance 604 Amendments to the City of Brighton Code of Ordinances. **The motion carried by roll call vote, 7-0.**

New Business

13. Consider awarding the contract for Drummer Lane mill and overlay to Bowen Paving and a budget amendment for use of bond funds for an amount not to exceed \$69,322

Motion by Councilmember Pettengill, seconded by Councilmember Gardner to award the contract for Drummers

Lane mill and overlay to Bowen Paving and a budget amendment for use of bond funds for an amount not to exceed \$69,322. **The motion carried, 7-0.**

14. Consider awarding the bid for the installation of the Pine Creek Booster station to Reliance Building Company, Inc. in the amount of \$687,700

Motion by Councilmember Schmenk, seconded by Councilmember Albert to award the bid for installation of the Pine Creek booster station to Reliance Building Company, Inc. in the amount of \$687,700. **The motion carried, 7-0.**

15. Consider approval to purchase the Safe Fleet body worn camera package, UTEC computer, and the necessary budget amendment in an amount not to exceed \$20,882; and authorize the Chief of Police to execute the Agreement to Purchase

Motion by Councilmember Gipson, seconded by Councilmember Pettengill to approve the purchase of the Safe Fleet body worn camera package, UTEC computer, and the necessary budget amendment in an amount not to exceed \$20,882; and authorize the Chief of Police to execute the Agreement to Purchase. **The motion carried, 7-0.**

16. Consider entering into closed session to consider the purchase or lease of real property pursuant to MCL 15.268 (1)(d) of the Open Meetings Act

Motion by Mayor Pro Tem Bohn, seconded by Councilmember Gardner to enter into closed session at 8:04 p.m. to consider the purchase or lease of real property pursuant to MCL 15.268 (1)(d) of the Open Meetings Act. **The motion carried by roll call vote, 7-0.**

Motion by Councilmember Gipson, seconded by Councilmember Gardner to come out of closed session at 9:31 p.m. **The motion carried, 7-0.**

Other Business

17. Call to the public

Mayor Tobbe opened the call to the public at 9:32 p.m.

Councilmember Susan Gardner spoke regarding spray patching within the city.

Hearing and seeing no further comment, the call to the public was closed at 9:33 p.m.

18. Adjournment

Motion by Councilmember Gipson, seconded by Councilmember Schmenk to adjourn the meeting at 9:33 p.m. **The motion carried, 7-0.**



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL SEPTEMBER 10, 2024

SUBJECT: CONSIDER APPROVAL OF RESOLUTION FOR SOCIAL DISTRICT LICENSE APPLICATION

ADMINISTRATIVE SUMMARY

The attached resolution is for approval of a Social District License for Veritas Vineyard, LLC D/B/A Grand River Brewery located at 201W. Main.

This entity has completed the application process and received educational compliance from the Brighton City Police Department.

RECOMMENDATION

Staff recommendation is for City Council adoption of Resolution 2024-19 by roll call vote.

Prepared by: Kelly Haataja, Executive Assistant to Community Development

Approved by: Gretchen Gomolka, City Manager

Attachments: 1. Resolution 2024-19
 2. Application
 3. Education Compliance

PSD24-11

RECEIVED

AUG 08 2024

CITY OF BRIGHTON



City of Brighton APPROVED By: [Signature] Date: 8/8/24

CITY OF BRIGHTON SOCIAL DISTRICT LICENSE APPLICATION

200 N. First Street - Brighton, MI 48116 - commdev@brightoncity.org - 810.225.9255

no 99#

New Application Submittal - Fee \$50 or Annual Renewal - Fee \$50

ck# 20025

APPLICANT

Name: JASON LUTTMAN

Phone: (248) 937-0160

Business Name: GRAND RIVER BREWERY

Address: 201 W MAIN ST. BRIGHTON MI 48116

Email: JASON@GRANDRIVERBREWERY.COM

HAVE YOU HAD A LICENSE OR PERMIT REQUIRED BY THE CITY OF BRIGHTON OR ANY OTHER STATE OR MUNICIPAL AUTHORITY REVOKED, SUSPENDED, OR DENIED IN THE LAST THREE YEARS? IF YES, PLEASE PROVIDE DETAILS:

no

HOLD HARMLESS ACKNOWLEDGEMENT

To the fullest extent permitted by law, _____, agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Brighton, its elected and appointed officials, employees, volunteers, and others working on behalf of the City of Brighton, against all claims, demands, suits or loss, including all costs connected therewith, and for any damages, which may be asserted, claimed, or recovered against or from the City of Brighton, its elected and appointed officials, employees, volunteers, and others working on behalf of the City of Brighton, by reason of personal injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this application.

Printed Name: JASON LUTTMAN Date: 8/8/24

Signature: [Signature]

STATE OF MICHIGAN - LIQUOR CONTROL COMMISSION



This is to certify that a License is hereby granted to the person(s) named with the stipulation that the licensee is in compliance with Commission Rule R 436.1003, which states that a licensee shall comply with all state and local building, plumbing, zoning sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. Issuance of this license by the Michigan Liquor Control Commission does not waive this requirement. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this license for the sale of alcoholic liquor on the licensed premises.

This License is granted in accordance with the provisions of Act 58 of the Public Acts of 1998 and shall continue in force for the period designated unless suspended, revoked, or declared null and void by the Michigan Liquor Control Commission. Failure to comply with all laws and rules may result in the revocation of this license.

THIS LICENSE SUPERSEDES ANY AND ALL OTHER LICENSES ISSUED PRIOR TO JULY 11, 2024
FILE NUMBER:

BUSINESS ID: 0283505
VERITAS VINEYARD LLC
D/B/A GRAND RIVER BREWERY

201 W MAIN ST,
BRIGHTON, MI 48116-1523

LIVINGSTON COUNTY
L-273
BRIGHTON CITY

LICENSE # LICENSE:
L-000473045 Micro Brewer

L-000473046 On-Premises Tasting Room Permit
L-000473898 Off-Premises Tasting Room

TOTAL BARS: 0 OUTDOOR SERVICE AREA: 1
DIRECT-CONNECTIONS: 0 PASSENGERS:

PERMIT
Outdoor Service Area(1), Dance-Entertainment, Sunday Sales (AM), Sunday Sales (PM)

IN WITNESS WHEREOF,
this License has been duly signed
and sealed by both the Michigan
Liquor Control Commission and the
Licensee(s).

LIQUOR CONTROL COMMISSION

[Signature]
[Signature]
[Signature]

LICENSEE(S) SIGNATURE(S)

2024
2025

LICENSE EFFECTIVE MAY 1, 2024 - EXPIRES APRIL 30, 2025





Brighton City Police

Brent Pirochta

Chief of Police



MEMO

TO: Community Development

From: Deputy Chief Flood

Date: 08-23-2024

Re: **Grand River Brewery**

On August 23rd, 2024, I presented Social District Education to Grand River Brewery, held at that location.

I provided the approved Social District Education Packet, read through the packet with them and answered any questions they had.

Grand River Brewery has met the Social District education requirement as prescribed by Resolution 2021-015.

In attendance was:

Jason Luttmann
Christian Traxler



Resolution #2024-19

Local Governmental Unit Approval For Social District Permit

Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Brighton City council/board
(regular or special) (name of city, township, or village)

called to order by _____ on September 10, 2024 at 6:30 p.m.
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from Veritas Vineyard, LLC D/B/A Grand River Brewery
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is _____ by this body for consideration for approval by the
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the council/
Brighton City
board at a regular meeting held on September 10, 2024
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

Tara Brown _____
Print Name of Clerk Signature of Clerk Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

September 10, 2024

SUBJECT: CONSIDER APPROVING THE PURCHASE OF VARIABLE FREQUENCY DRIVES FOR THE WASTEWATER TREATMENT PLANT EQUALIZATION TANK FROM MARSHALL E. CAMPBELL COMPANY AT A COST NOT TO EXCEED \$14,822 AND THE PROGRAMMING OF THE DRIVES BY CYR ELECTRIC FOR AN AMOUNT OF \$5,500.

BACKGROUND

The Equalization Tank (EQ) was installed in 2002 as part of the Wastewater Treatment Plant expansion. This tank can hold up to 500,000 gallons of wastewater, which allows the City to store sewer flow from peak periods throughout the day and pump that flow into the oxidation ditches at night while the incoming flow is lower.

ADMINISTRATIVE SUMMARY

There are four pumps and two blowers within the EQ building that have Variable Frequency Drives (VFD's) controlling the speed of the motor on each pump or blower. All six of the VFD's that are associated with the EQ tank are 22 years old and beyond their useful life.

The EQ pumps are used to pump flow from the EQ tank back into the incoming raw wastewater flow at a variable rate set by our plant operators. The blowers are used as part of the tank mixing system. The VFD controls the amount of air that is used while mixing the tank.

Over time, the interface screens on the VFD's have failed. Plant operators must be able to read information on the interface screen to manually change the program for each pump or blower. Due to their age, new replacement screens are no longer available.

With the screens not working properly, some of this equipment has been out of service. Once powered back up, we may learn that additional work on the pumps and blowers may be needed if they too are not working properly. If this is the case, then we will send them to Kennedy Industries to dismantle them and make the necessary repair.

There are also some existing issues that need to be resolved in the Supervisory Control and Data Acquisition (SCADA) program that controls the inlet valves and the pumps. City staff will work with Tetra Tech to troubleshoot and repair the program so the EQ Tank can be returned to full operation.

Once the new VFD's have been purchased and received, our electrical contractor Cyr Electric will install and program each VFD for a total cost of \$5,500.00.

Quotes for Schnieder Electric VFD's were received from three local suppliers. The results from the quotes received are below.

Equalization Tank VFD Replacement	
VENDOR	QUOTE
Marshall E. Campbell Company	\$12,888.50
Galco	\$14,036.92
GrayBar	\$17,323.01

Marshall E. Campbell provided the lowest price. We would like to add our customary 15 percent contingency, bringing the total amount to \$14,822.

BUDGET INFORMATION

There is currently \$120,000.00 in the 2024/2025 CIP budget for the repair of the Equalization Tank VFD's.

Once the purchase and installation of the VFD's has been completed, we will be using the remaining funds for repairs to the pumps, blowers, and SCADA controls systems if we find that repairs are needed.

RECOMMENDATION

Approve the Purchase of Variable Frequency Drives for the Wastewater Treatment Plant Equalization Tank from Marshall E. Campbell Company at a cost not to exceed \$14,822 and the Programming of the Drives by Cyr Electric for an Amount of \$5,500.

Prepared by: Corey Brooks, Deputy DPS Director

Reviewed by: Marcel Goch, DPS Director

Elizabeth Gaines, Finance Director

- Within Budget
- Budget Amendment Necessary and In Proper Form
- Other _____

Reviewed &

Approved by: Gretchen Gomolka, City Manager



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

SEPTEMBER 10, 2024

SUBJECT: CONSIDER APPROVAL OF HUBBEL, ROTH, AND CLARK, INC. (HRC) PROPOSAL FOR THE 2024 WATER RELIABILITY STUDY UPDATE IN THE AMOUNT OF \$29,200.

BACKGROUND

Under PA 399, the Michigan Department of Environment, Great Lakes and Energy (EGLE) requires a public water provider to have and update a Water Reliability Study every five years. The purpose of the study is to confirm that the water provider's system can supply a continuous and reliable amount of water for household, drinking, and firefighting needs. The last Water Reliability Study was updated for the City of Brighton in 2019, and an update is due by January 31, 2025.

ADMINISTRATIVE SUMMARY

The 2025 Reliability Study Update is required to follow the guidelines determined in the Safe Drinking Water Act, which includes the following criteria.

- Update the City's GIS database and existing model with all water system additions and expansion since 2019
- Update planning data, water use, auxiliary power, and facility conditions
- Update water loss data
- Establish future demands
- Recalibrate water model to EGLE standards
- Evaluate water supply and storage reliability
- Evaluate current and future system performance
- Prioritize system improvements
- Update the existing Water Reliability Study documents

A Request for Proposal (RFP) was provided to both preapproved engineering firms, HRC and Tetra Tech, allowing each firm the opportunity to review and submit a proposal to perform these services.

Both engineering firms submitted similar proposals; however, the cost for HRC to perform these services will save the city \$2,198.

Engineering Firm	Proposal
Hubbel, Roth, and Clark, Inc.	\$29,200.00
Tetra Tech	\$31,398.00
Cost Difference	\$2,198

Staff has no concerns with HRC updating the Water Reliability Study. HRC is currently working on the design engineering for National Functional Classification (NFC) roads for the city, which was approved on March 12, 2024. HRC has also provided engineering services for the 2023 Water Asset Management Plan and the 2022 sanitary sewer lining program.

BUDGET INFORMATION

There is \$50,000 approved in the 2024/2025 utilities budget for the completion of the Water Reliability Study.

RECOMMENDATION

Approve Hubbel, Roth, and Clark Inc. (HRC) proposal for the 2024 Water Reliability Study Update in the amount of \$29,200.

Prepared by: Josh Bradley, Water Plant Superintendent and Regulatory Compliance Superintendent

Reviewed by: Marcel Goch, Director of Public Services

Elizabeth Gaines, Finance Director

- Within Budget
- Budget Amendment Necessary and In Proper Form
- Other _____

Reviewed &

Approved by: Gretchen Gomolka, City Manager



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

SEPTEMBER 10, 2024

SUBJECT: CONSIDER APPROVAL OF A GORMAN-RUPP FACTORY-BUILT WATER BOOSTER STATION FOR THE PINE CREEK SUBDIVISION IN THE AMOUNT OF \$386,420.

BACKGROUND

In December of 2023 the Pine Creek Homeowners Association (PC-HOA), reached out to City Council to restart discussions about ways to increase water pressure in their neighborhood. While this process originally began in 2017, it was halted due to issues within the PC-HOA. After the visit in December, City Staff met with the PC-HOA and determined that the issues that had originally halted efforts had been resolved and could allow the project to move forward. As a result, at the January 9, 2024, meeting, City Council gave approval for Tetra Tech to perform the design and construction engineering of the Pine Creek Booster Station Project on Hamburg Road.

ADMINISTRATIVE SUMMARY

After performing initial calculations on the system and gathering information to aid in designing of the booster station, a model of the station was developed which was thought to be adequate to meet the needs of the Pine Creek subdivision. Based on these calculations, Staff brought the purchase of the Gorman-Rupp Booster Station to City Council for approval on April 2 of this year. With the delays that Staff had seen when the Nelson Booster Station and Brighton Coves Lift Station were ordered, the thought was to order the station early to limit the amount of time waiting for production.

While the initial goal was to have the station ordered early, the proposed station still had to be approved by the Michigan Department of Environment, Great Lakes and Energy (EGLE). This proved to be time consuming as there were changes at the state level that lengthened the approval time. Through the process of performing a hydraulic study of the area, it was thought that the pumps initially proposed were bigger than necessary and smaller pumps could be used. Unfortunately, as we continued to work toward a final design it was discovered that while the pressure could be raised, the minimum hydrant flow allowable of 1,000 gallons per minute (gpm) could not be met regardless of what horsepower pumps were installed. The 1,000-gpm rating is part of the City of Brighton standards and what we consistently provide our customers throughout the water system. With the design of the current booster, only 800 gpm could be achieved.

Having received letters from the Brighton Area Fire Authority, Hamburg Fire Authority and EGLE expressing concerns for safety in the occurrence of a fire event, Staff and engineers had to explore other possibilities to meet the volume required. Two options were explored, option one was to change a high flow fire pump at the water house storage facility on Brighton Lake Road. With this option, watermain would need to be added underground into Brighton Lake Road from the water house. This would require every customer tied to the system between the water house and the Pine Creek subdivision would need to have a pressure reducing valve installed in their home in the event the high flow fire pump was turned on. Without it, the increased pressure would cause damage in their homes with significant cost to the city being a result.

Option two proved to be a better alternative. This would include adding a high flow fire pump to the new booster station and making changes to the interior to accommodate it. The high flow fire pump will only be activated in the event of hydrant use and the other two 3 hp pumps will be used on a daily basis. Seeing how the station is prefabricated,

these

changes will be made at the manufacturer's location before it is received. Below is the original cost as approved by city council and the proposed cost of the booster with the outfitted high flow fire pump. There is an increase of \$115,560.

Original Gorman-Rupp Booster Station	\$270,860.00
Gorman-Rupp Booster Station with High Flow Fire Pump	\$386,420.00

BUDGET INFORMATION

With this increase the estimated cost of this project is \$1,081,420. The previous estimate was \$965,860 for the engineering, booster station, and installation. There is approximately \$1,000,000 for the booster station being used from remaining bond funds as approved by city council. The additional money needed is available in the Utilities Fund through a \$200,000 savings from the wastewater roof replacement project.

RECOMMENDATION

Approve the increased purchase amount of a Gorman-Rupp Factory-Built Water Booster Station for \$386,420 for the Pine Creek Subdivision

Prepared by: Marcel Goch, Director of Public Services

Reviewed by: Elizabeth Gaines, Finance Director

- Within Budget (with savings from roof replacement project)
- Budget Amendment Necessary and In Proper Form
- Other

Reviewed &

Approved by: Gretchen Gomolka, City Manager



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

SEPTEMBER 10, 2024

SUBJECT: **CONSIDER APPROVAL OF RESOLUTION 2024-20 AMENDED INTERGOVERNMENTAL AGREEMENT FOR BUILDING DEPARTMENT SERVICES WITH LIVINGSTON COUNTY**

BACKGROUND

For over a decade the Livingston County Building Department has provided inspection services for the City of Brighton. The last time the county increased rates was in January of 2014. The city has been paying \$40,000 annually since that time. Over the past decade the volume of work has increased significantly in the city. The county has done an analysis of the hours spent providing services to the City. City staff has met with the Livingston County Building Department to analyze the work load and agrees to the suggested increase proposed by the county when considering both inflation and increased work load over the past decade.

ADMINISTRATIVE SUMMARY

- Livingston County is proposing an annual fee of \$93,000 with a built in 3% annual increase
- The contract for this year would be prorated based upon final adoption by the City and County
- Built into the agreement is a clause that requires an annual review to determine if the workload has increase or decreased substantially over the prior year, if so, both parties shall re-evaluate compensation.

BUDGET INFORMATION

- City staff had early indication from the County that they would be seeking in increase in compensation. With that in mind, the 2024-25 budget for this contract was set at \$100,000.

RECOMMENDATION

It is the recommendation of staff to approve the Amended Intergovernmental Agreement for Building Department Services in the amount of \$93,000.

Prepared by: Gretchen Gomolka, City Manager

Reviewed by: City Attorney (Required for all agreements, ordinances, etc.)

Acceptable Form and Ready to Execute

Other _____

Reviewed by: Elizabeth Gaines, Finance Director

Within Budget

Budget Amendment Necessary and In Proper Form

Other

Attachments: Amended Intergovernmental Agreement for Building Services

AMENDED INTERGOVERNMENTAL AGREEMENT
FOR
BUILDING DEPARTMENT SERVICES

RECITALS

WHEREAS, the Livingston County Building Department employs a full-time Building Official and Building Department,

WHEREAS, the City of Brighton and Livingston County believe that the Livingston County Building Official and Inspection Staff would be able to manage building department inspections and permit reviews in the City of Brighton and in other communities under the Livingston County Building Department's Jurisdiction.

WHEREAS, Livingston County and the City of Brighton are able to enter into this Agreement pursuant to Public Act 35 of 1951 as amended, being MCL 124.1 *et. seq.* and Public Act 8 of 1967, being MCL 124.531, *et seq.*;

NOW THEREFORE, BASED UPON THE MUTUAL COVENANTS HEREIN, THE
PARTIES HEREBY AGREE AS FOLLOWS:

Section 1 - Appointment of the Building Official

The Building Official of Livingston County is hereby appointed to also serve as the Building Official for the City of Brighton. The Building Official shall be responsible for the administration and enforcement of the Michigan Building Code and the Michigan Residential Codes, as amended (collectively the Codes), within the boundaries of Brighton.

Section 2 - The Building Inspection Department

Work for the City of Brighton shall be done in a timely manner consistent with the service provided to other communities under the jurisdiction of the Livingston County Building Department.

Section 3 - City of Brighton Building Department Responsibilities

A building department shall be maintained by the City of Brighton and administrative staff be provided by the City of Brighton, who shall in part, be responsible for the following:

- a) Managing and maintaining building records, including by way of example and not limitation, applications for building permits, relative site and construction plans, permits, stop work orders, enforcement actions, correspondences, and any and all other records necessary and/or appropriate for the administration and enforcement of the Codes;
- b) Collection, acceptance, and retention of permit fees associated with building projects, applications for permits and other fees associated with building projects, applications for permits, request for inspections, complaints, building plans, correspondences, and all other papers and items directed to the Brighton Building Department;
- c) Communication and coordination with the Building Official/Designee and the public relating to building and construction issues to assure effective and efficient administration and enforcement of the codes, including by way of example, all requests for permit submittal requirement information, permit status requests, plan review requests, inspection requests, and certificate of occupancy requests;
- d) Communication of time sensitive issues shall be sent to the Building Official/Designee and addressed in the Livingston County office;
- e) Processing permit applications, request for inspections, fees, certificate of occupancy, and other building related matters as directed by the Building Official/Designee;
- f) Assisting the Building Official/Designee in the preparing of correspondence for building related matters and violations;
- g) Documentation of all inspection results into the BS&A permit system.

Section 4 - Livingston County Building Official/ Building Department Duties

The Livingston County Building Official shall be responsible for and perform the following duties on behalf of Brighton:

- a) Conduct all building inspections or cause all building inspections to be done by Livingston County Staff within the boundaries of Brighton in a timely manner consistent with other communities under the jurisdiction of the Livingston County Building Department. Generally, the Building Department strives to conduct inspections the next business day following a request for inspection;
- b) Return inspection records to the City of Brighton to allow the Brighton Staff to enter Results into the BS&A permit system;
- c) Conduct plan reviews in a timely manner consistent with other communities under the jurisdiction of the Livingston County Building Department;
- d) Prepare and sign construction documents for issuance of building permits by the City of Brighton Staff;
- e) Provide customer service and consistent advice to citizens, contractors and property owners regarding building codes and procedures by phone, email or in person at either office;
- f) Provide correspondence regarding permits and inspections to applicants and the City of Brighton Staff;
- g) Attend pre-construction or red-flag meetings as requested by City of Brighton Staff;
- h) Attend development team meeting and provide comments on site plans as requested by the City of Brighton Staff;
- i) Address building-related issues as they apply to the City of Brighton Property Maintenance Code, Chapter 18, Article IV of the Brighton City Code. The process shall be as follows:
 1. Property maintenance complaints regarding structures are received at the City of Brighton offices.
 2. The City of Brighton Staff reviews the complaints and forwards the complaints to the Livingston County Building Official as appropriate.

3. Livingston County Officials investigate and evaluate the condition of the structure and report the findings to the City of Brighton.
4. The City of Brighton requests remedial measures and if necessary, initiates legal action.

Section 5 - Compensation for Building Department Services

Livingston County will make its assigned inspectors available by email, phone or in person as needed for the rate of NINETY-THREE THOUSAND dollars (\$93,000.00) per year. Said compensation shall be paid by the City of Brighton in quarterly installments, paid in advance on the first day of each quarter beginning January 1st, April 1st, July 1st, and October 1st of each year. Beginning on January 1, 2025, and on the first day of each calendar after that, the annual rate shall increase by 3%, and quarterly installments shall increase accordingly. This provision shall take effect immediately, and the first advance payment shall be made on the commencement date stated in Section 6 below, prorated on the basis of a 365-day year. The above described compensation shall be annually reviewed to determine if the number of inspections, plan reviews or meetings has substantially increased or decreased over the prior year, and if so, compensation shall be re-evaluated by the Parties.

Section 6 - Termination

This Agreement shall commence on _____ and continue until terminated by either of the parties for any reason by providing the other party with one hundred twenty (120) calendar days prior written notification. Any such termination of this Agreement shall not relieve either of the parties of the obligations incurred prior to the effective date of such termination.

Section 7 - Insurance

During the term of this Agreement, Livingston County shall maintain liability insurance covering the Building Official and Livingston County when he is acting in his capacity as Livingston County Building Official, and Brighton shall maintain liability insurance covering the Building Official when he is acting in his capacity as Brighton's Building Official. The City of Brighton shall add the Livingston County as an Additional insured on the City of Brighton's liability insurance to the extent Livingston County incurs liability arising out of the Building Official acting in the capacity of Brighton's Building Official.

Section 8 - Nondiscrimination

The parties, as required by law, shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, disability that is unrelated to the individual's ability to perform the duties of a particular job or position, height, weight, or marital status.

The parties shall adhere to all applicable Federal, State and local laws, ordinances, rules and regulations prohibiting discrimination, including, but not limited to, the following:

- a. The Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended.
- b. The Persons with Disabilities Civil Rights Act, 1976 PA 220. as amended.
- c. Section 504 of the Federal Rehabilitation Act of 1973, P.L. 93-112, 87 Stat. 355, as amended and regulations promulgated thereunder.
- d. The Americans with Disabilities Act of 1990, P.L. 101-336. 104 Stat 327 (42 USC §12101 et seq.). as amended and regulations promulgated thereunder.

Breach of this section shall be regarded as a material breach of this Agreement.

Agreement made this _____ day of _____, 2024.

CITY OF BRIGHTON

By: Kristoffer L. Tobbe
Mayor

STATE OF MICHIGAN)
COUNTY OF LIVINGSTON)

On this _____ day of _____, 2024 before me, a Notary Public in and for said County. personally appeared Kristoffer L. Tobbe, to me known to be the mayor of the CITY OF BRIGHTON, who being by me duly sworn did say that they executed the foregoing Agreement on behalf of the City of Brighton as approved by the Brighton City Council on September 10, 2024

My commission expires _____ Signature _____
Notary public, State of Michigan,
County of _____

LIVINGSTON COUNTY

By: Jay Drick
Chairman, Board of Commissioners

STATE OF MICHIGAN)
COUNTY OF LIVINGSTON)

On this _____ day of _____, 2024 before me, a Notary Public in and for said County. personally appeared Jay Drick, to me known to be the Chairman of the Board of Commissioners for Livingston County who being by me duly sworn did say that he executed the foregoing Agreement on behalf of the County of Livingston by authority duly vested in him by resolution _____, approved by the Livingston County Board of Commissioners on _____, 2024

My commission expires _____ Signature _____
Notary public, State of Michigan,
County of _____