

City of Northville
CITY COUNCIL REGULAR MEETING MINUTES
July 7, 2014

Mayor Pro Tem Allen called the meeting to order with the Pledge of Allegiance at 7:30 p.m. in the City of Northville Municipal Building, City Council Chambers, 215 W. Main Street, Northville, Michigan, 48167.

ROLL CALL

Present: Mayor Pro Tem James Allen, Councilmembers Nancy Darga, Sam Ekong, and Ryan McKindles

Absent: Mayor Christopher Johnson (excused)

Also Present: City Manager Patrick Sullivan, City Clerk Dianne Massa, Director of Public Works James Gallogly, Parks and Recreation Director Jason Spiller, reporter from Northville Record, and three citizens.

PRESENTATIONS

A. Citizens Comments None

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion Darga, seconded by McKindles to adopt the agenda and consent agenda as presented.

Approve City Council Minutes: None

Receive Bills List: Checks #88529 to #88643, EFT #500172, Checks #88644 to #88739,
Checks #88740 to #88836, EFT #500173

Receive Board and Commission Minutes: None

Receive Departmental Reports: None

Board and Commission Appointments: None

Special Event Request / Uptown Fitness Fundraising Walk / July 13, 2014

Special Event Request / Buy Michigan Now Festival / August 1-3, 2014

Special Event Request / Chamber of Commerce Beer Tent for Buy Michigan Now Festival

Special Event Request / Friday Night Concerts / Addendum to Allow for Pre-approved Vendors

Increase to Election Inspector Wage Schedule

Motion carried unanimously.

NEW BUSINESS

A. Friday Night Concert Vendor Policy

Almost every Friday evening during the summer months, the Department of Parks and Recreation hosts the annual summer concert series in Town Square. This program is very popular, attracting close to 1,000 people each Friday. The Department is currently running 13 concerts through this summer. The series is partially funded by the Northville Downtown Development Authority and sponsorships sold through the Northville Chamber of Commerce. As these concerts continue to gain popularity, production and overhead costs have risen to a point where additional funds are needed to help offset the costs.

Recently, there has been interest in allowing outside street vendors to sell goods, merchandise, food, and beverages during the concerts. A Friday Night Concert Vendor Policy was developed by the Northville Parks and Recreation Department and approved by the Downtown Development Authority at its June 17, 2014 meeting. This policy has been reviewed by the City Attorney and the City's insurance provider.

In part, the policy states:

- Vendors will have the option to either pay a flat fee of \$100 per concert or a minimum of at least 15% of their nightly gross profit.
- A maximum of four permits may be permitted for each vendor, each season. If vacancies still exist after a vendor receives the four maximum permits, additional permits may be issued to that vendor.
- Permits will not be issued for operations that would be considered competing with existing vendors (i.e. a second hot dog cart or a second popcorn cart would not be permitted).
- The vending permit authorizes food, beverage, and goods sales. All sale products are subject to review and approval by the Northville Parks and Recreation Department. Approval of items being proposed will be determined to be in the best interest of the Northville Parks and Recreation Department.
- Each establishment shall comply with any and all regulations issued by the State of Michigan, County of Wayne, and the City of Northville.

The policy also addresses construction, inspection, operation and maintenance, and general regulations. The money generated will help the Parks and Recreation Department offset the costs of running the summer concert series.

City Council Comments and Discussion: Further clarification was given pertaining to the number of vendors allowed and the number of times the vendor may receive a permit during that season's concert series. City Council questioned if non-profit groups want to conduct a fundraiser, would they be subject to the same fees/percentages as "for-profit" groups. It was explained that the City Attorney opined, in a similar comparison, that an outside vendor could not be treated differently than an "in-city" vendor. Staff will contact the City Attorney to determine if non-profit groups should be held to the same standard.

A separate comment from City Council requested that item #5, under Fees and Permits, be amended to note that that "In the event two competing vendors apply for permits, the first application the Department receives will receive priority."

Motion Darga, seconded by McKindles that the Northville City Council adopt the Friday Night Concert Vendor Policy, with the amendment to Fees and Permits #5 to state that "In the event two competing vendors apply for permits, the first application the Department receives will receive priority." **Motion carried unanimously.**

B. Purchase of Utility Vehicles for Parks and Recreation

The Parks division of the Parks and Recreation Department is in need of two utility vehicles to assist with field maintenance, set-up, and daily park activities. These utility vehicles are vital to the maintenance and operations of the park system.

The current utility vehicles utilized in the parks are each over 11 years old and in need of replacement. The Parks Department has made several major repairs on these units over the past few years. The purchase of two new units would eliminate the maintenance costs experienced with the current units.

The current year capital expenditure of \$18,000 for one unit was budgeted for and approved by the Parks and Recreation Commission at its February 26, 2014 meeting. The Parks and Recreation Department received 3 quotes from local companies using the State of Michigan, Department of Technology, Management and Budget's MiDeal extended purchasing program. Through the MiDeal program, the cost for these units is considerably lower than originally anticipated. Due to the cost, these units were planned to be replaced in two different fiscal years (2014-15 and 2017-18). The current quotes came in under \$18,000 to purchase two units. If both units were purchased in FY2015, the FY2018 proposed capital expenditure for one units will be removed from the budget.

Bader & Sons Co. of South Lyon provided the lowest quote of \$ 17,847.96 for the purchase of two John Deere HPX Gas Green and Yellow 2014 Models.

City Council Comments and Discussion: Questions pertained to the use of the remaining unit.

Motion Darga, seconded by McKindles, to approve the purchase of two John Deere HPX Gas Green and Yellow (Model year 2014) Utility Vehicles for \$ 17,847.96 from Bader & Sons Co., of South Lyon.
Motion carried unanimously.

C. 2014 Sidewalk Replacement Program

In 2013, the City awarded the annual sidewalk replacement program to Goretski Construction Company. Goretski submitted the lowest bid out of four bidders and the \$36,575 contract was successfully completed. In the spring of 2014, the owner of Goretski Construction Company contacted the Public Works Department offering to do the 2014 sidewalk program for the same unit prices awarded in 2013.

Each year, the City does approximately \$35,000 worth of sidewalk repairs. These repairs are spread throughout the City, addressing problems called in by residents or identified by City Staff. This program has taken place every year since 1997.

Since the late 1990's, the majority of the time, Goretski Construction Company was awarded the annual sidewalk replacement contract. The company is fast, performs quality work, and bids slightly lower prices than other bidders. Staff is agreeable to extending last year's project using the 2013 unit prices for the 2014 sidewalk program. For 2014, there are 41 different locations where sidewalk/concrete repairs are proposed. The FY2015 budget includes \$35,000 for sidewalk repair work. The proposed change order to the 2013 sidewalk replacement contract is \$31,200

City Council Comments and Discussion: Discussion and comments pertained to the cost of the proposed change order, which is nearly double the cost of the original contract, and whether it was appropriate to

do a change order to the 2013 contract or to simply award a new 2014 contract. It was explained that the 2013 contract does not include language that constitutes “completion.” A change order is an unusual way to extend 2013 unit prices for a 2014 project. The unit prices are the same as 2013, converted to square yard. Staff believed that if the project was bid out, Goretski would likely adjust its 2013 prices up for 2014. Awarding the 2014 project through a change order to the 2013 contract or awarding a new 2014 contract is allowed. However, should City Council decide to award a new 2014 contract, it would also need to formally waive the bidding process.

It was also noted that in 2013, Staff did not have a discussion with the contractor about extending its prices for 2014.

Motion McKindles, seconded by Ekong, to approve Change Order #1 to the 2013 Sidewalk Program Contract, increasing the contract amount by \$31,200 for a new total contract amount of \$67,775. Further, the Public Works Director is authorized to sign this change order on behalf of the City. **Motion carried unanimously.**

D. Purchase of Ford F550 Dump Truck

The Department of Public Works is in need of a small four wheel drive dump truck. The truck would be primarily used in cemetery operations, and will replace a fourteen year-old truck, lost to a fire last winter while being used for snow plowing.

For the best pricing, City staff proposed to purchase the truck through the annual Macomb County bidding program for Ford trucks. The new truck will be a one-ton Ford F-550 4 x 4 dump truck. It will be equipped with a dump body, tarp, poly fenders, a front mount snow plow and an emergency light bar.

In the past, the Public Works Department has advertised and accepted bids from local auto dealers when making new vehicle/truck purchases. However, Macomb County has already done this work for their annual purchase of vehicles, and routinely offers their prices to communities in the State of Michigan that wish to take advantage of prices based on much larger purchases.

With the prices of various trucks already set by Macomb County’s bid, the City may order this truck from Signature Ford of Owosso, Michigan, the vendor awarded Macomb County’s bid for 2014. Using the unit prices in the Macomb County bid, the cost of the new Ford F-550 Dump Truck with the needed options is calculated at \$45,372. This truck will be delivered to the City of Northville and any warrantee service will be handled by a local dealer.

\$50,000 was budgeted for this purchase in the City’s FY 2015 Equipment Fund Budget. It was also noted that the City received \$7,876 as an insurance settlement for the loss of the truck, along with \$2,100 in salvage revenue from the truck, for a total settlement of \$9,976.. These funds were placed in the Equipment Fund and are being used to assist in the purchase of the new truck.

Motion Darga, seconded by McKindles to approve the purchase of a new Ford F-550 dump truck in the amount of \$45,372 from Signature Ford of Owosso, Michigan, using the Macomb County bid. **Motion carried unanimously.**

E. Final Balancing Change Order / East Street Water Main Replacement Project

On June 17, 2013, City Council awarded a construction contract to Lawrence M. Clarke, Inc. for the East Street Water Main Replacement Project. Clark was the low bidder of five construction companies interested in this project. The project was completed in September 2013.

Shortly after the completion of the asphalt overlay on this road, a storm came through Northville, exceeding the capacity of the storm sewer in the road. East Street is a steep road between Elm and Baseline, and near the bottom of the project water was forced out under the rim of a storm sewer manhole forcing its way through the asphalt material. A repair for this area will involve milling and the placement of a new asphalt surface on approximately 200 feet of road.

Using the services of the project engineer and their materials testing sub-consultant, it is believed that the cause of the storm water being forced through the asphalt was two-fold:

- The City, who has had on a few occasions replaced a manhole lid on a storm sewer manhole after a significant rain storm, requested that a new bolt down casting be placed on the manhole. Without the ability of getting relief by pushing the lid off the structure, the storm water forced its way under the casting and through the asphalt.
- The downstream storm sewer was videoed and it was found to have a significant amount of large asphalt chunks in it. This asphalt was retrieved, tested, and found to be new and similar to the type asphalt used on the project. This asphalt caused a large amount of obstructions in the pipe reducing its capacity and contributed to or caused the problem.

The determined solution to the problem was to clean the storm sewer and place a new lid with holes in it on the storm sewer manhole casting, which will allow storm water to flow through without raising the lid should the storm sewer ever exceed its capacity in the future. Had the storm sewer manhole casting not had a bolt down lid, the water being forced through the asphalt would never have happened. It is highly possible that the asphalt found in the storm sewer pipe was carelessly deposited there by the contractor during construction causing capacity issues. Therefore, through negotiations it was agreed that the impacted area should be partially milled and the roadway resurfaced under a shared cost arrangement.

The cost to make this correction is estimated at \$18,000. Because both the City and the contractor may have contributed to the cause of this problem, it was negotiated that this cost be split 50-50 with the contractor, or \$9,000 each. In addition the overall project came in \$2,104.73 less than the contract amount, making the net increase to the City to be \$6,895.27. A final balancing change order was prepared, increasing the contract by this amount.

City Council Comments and Discussion: Further explanation was given pertaining to the proposed correction to the roadway. It was also noted that the debris in the sewer line has been removed. DPW will also continue to investigate the retention basin at Mountainview Condominiums. The basin is dry, which seems to indicate the basin is not being used. If Mountainview were to divert its stormwater into the basin, this could reduce the amount of stormwater going into the East Street sewer.

Motion Darga, seconded by Ekong to approve a Final Balancing Change Order with Lawrence M. Clarke, Inc. in the amount of \$6,895.27 for the East Street Water Main Replacement Project. **Motion carried unanimously.**

F. Contract Award for the 2014 Street Improvement Project

On July 1, 2014, the City of Northville received bids for the 2014 Street Improvements Project. This project was designed by Zeimet Wozniak and Associates of New Hudson, Michigan, and calls for improvements to the following segments of streets in Northville:

- N. Center Street (8-Mile Road to S. Ely Drive) \$ 95,000
- N. Wing Street (Randolph Street to W. Main Street) \$210,000
- Silchester Court (Holmbury Road to End) \$ 35,000
- Summerside Court (Summerside Drive to End) \$ 30,000

Two bids were received as follows:

Nagle Paving Company	\$297,963.25
Cadillac Asphalt Company	\$496,442.50

The bids were reviewed and checked by the City's Engineer and all were found to be correctly prepared and submitted. Based on this review, the low bidder, Nagle Paving Company, was recommended by Zeimet Wozniak & Associates for this project. Nagle Paving Company was the contractor used for the reconstruction of the Marquis Parking Lot in 2008 and 2012; the E. Dunlap Street project and the Wing/Cady Intersection project in 2009; the 2010, 2012, and 2013 Local Street Program; and the Northville Square Parking Lot in 2011. All were successfully completed within budget and remain in good condition.

The Contract Documents prepared by the City's Engineer were reviewed by the City Attorney. These contract documents were available for City Council review at the following FTP site: www.zeimetwozniak.com, Plan Room G, Username: user, Password: zw1873.

The Street, Drainage and Sidewalk Improvement Fund is the funding source for the City's local and major streets. A budget of \$370,000 was established for this year's projects, and the bids are within this budget.

City Council Comments and Discussion: A comment from City Council voiced concern with the disparity in pricing and that the low bidder missed something during the bid preparation. It was explained that the project engineer reviewed the bids and did not find any errors. The City has done numerous projects with Nagle Paving and is confident in the prices and the quality of their work. Discussion ensued pertaining to the Marquis Lot project and the sewer collapse that occurred following Nagle Paving's completion of the project.

Motion McKindles, seconded by Ekong to approve and award a contract for the 2014 Street Improvement Program in the amount of \$297,963.25 to Nagle Paving Company of Novi Michigan. Further, the Public Works Director is authorized to sign this contract on behalf of the City. **Motion carried unanimously.**

MAYOR AND COUNCIL COMMUNICATIONS

A. Mayor and Council Communications None

B. Staff Communications None

Being no further business, the meeting was adjourned.

Adjournment: 8:05 p.m.

Respectfully submitted,

Dianne Massa, CMC
City Clerk

James C. Allen
Mayor Pro Tem

Approved as submitted: 7/21/2014