



City of Fenton

301 South Leroy Street · Fenton, Michigan 48430-2196 • (810) 629-2261 • FAX (810) 629-2004

COUNCIL WORK SESSION AGENDA

Tuesday, January 3, 2012
City Hall Conference Room
301 South Leroy Street
7:30 PM

1. Call to Order.
2. Roll Call.
3. Citizen Comments: Request by citizens to speak on specific agenda items.
4. Review of the City's Financial Audit for Fiscal Year 2011.
5. Discussion on staffing for the Department of Public Works.
6. Discussion on the Briarwood Lift Station.
7. Discussion on Public Act No. 152 and its options for the City of Fenton.
8. Discussion on the purchase of new holiday lights for the Downtown.
9. Council Member Comments.
10. Call to the Audience.
11. Adjournment.

IF ACCOMMODATIONS ARE NEEDED DUE TO A DISABILITY, PLEASE CONTACT THE CITY CLERK'S OFFICE.

Memorandum



THE CITY OF
FENTON

DATE: December 29, 2011

TO: Lynn Markland, City Manager

FROM: Daniel Czarnecki, Public Works Director

RE: DPW Staffing

At the beginning of the current fiscal year we had anticipated losing two DPW employees by layoff due to budget cuts. On June 30, 2011, we had one employee, Ron Harris, retire. In mid-July two DPW employees went off of work due to medical reasons. One was due to an on-the-job injury and is being handled through workers comp. His current tentative return date is January 21st. He has had two other return-to-work dates that he was not able to meet as his recovery did not progress as well as the doctor expected. He informed me on December 21st that his doctor has stopped his physical therapy until his next doctor's appointment in mid-January. The other employee had a personal injury and is off from work, utilizing long term disability. I talked to this employee on December 21st and he informed me he has not seen much improvement from his surgery and his doctor is now talking of additional surgery for his injury. He does not have a tentative return-to-work date. In both cases it does not appear their return to work is coming any time soon.

Our current DPW work force consists of 4 full-time employees and one temporary employee. The union contract allows for a temporary employee in DPW for a period of six months. Our current temporary employee will reach the six-month mark on January 5th. I have been in discussions with the union to extend this time frame.

These four full time employees and one temporary employee have done a great job during the past six months. These employees have accomplished a great deal of work, including street repairs, concrete work, tree trimming, park maintenance, and providing support for community events. I think the community has been well served and the DPW work crew is meeting all expectations on these work items. However, we have not been able to keep up on routine street maintenance (pothole patching and grading of gravel roads) or on street sweeping throughout the City. We were only able to sweep all streets once in the fall, and did not complete the street sweeping until December 21st. Pothole patching will continue as often as possible. We have been fortunate the weather has been mild. Winter snow plowing is a concern. The four full time employees will need to perform the work that seven employees accomplished in the past. During major snow storms we plan to include water department employees, as has been done in the past. Recently for after-hours callouts we have had trouble finding enough employees to perform the work in a safe and timely manner. If this happens

during a snow storm the community could find many streets not meeting standards of snowplowing they have been accustomed to.

Our fiscal year budget was set up with two less DPW employees. For the past six months we have been short three employees. As we continue through the fiscal year as-is with the current number of DPW employees there should be a surplus of funds that would cover the expense of one full-time employee. With the new Teamsters union contract ready to sign, additional savings should be seen from the savings gained in the new contract.

At this time I would like permission to hire one full-time Laborer employee in the DPW to replace the position vacated by Ron Harris. This would bring our full-time work force to seven, with two employees off on medical issues, leaving the available work force at five, which is what we currently have.

I would also like permission to seek an agreement with the Teamster union to allow the City to hire a temporary employee to fill the position of one person off on medical until such time as both employees return to work full-time. This may, or may not entail a longer period than six months. The City and union would need to agree on the future of the temporary position once the regular full-time employees return to work to avoid issues with layoffs and hiring of future temporary employees.

Memorandum



THE CITY OF
FENTON

DATE: December 29, 2011

TO: Lynn Markland, City Manager

FROM: Daniel Czarnecki, Public Works Director

RE: Briarwood Lift Station

There have been concerns expressed over the visual aspects of the Briarwood lift station located at 809 Briarwood Lane. This station was reconstructed in the summer 2010 with a new control panel and backup generator being installed. Both items extend above ground and are located directly in front of the residence. A sewer lift station existed at this location prior to 2010, however, it was smaller, located mostly underground, and did not have any backup power source on site.

Typically, sanitary sewer lines flow downhill utilizing gravity. At times the flow needs to be raised up to a higher elevated line to continue the gravity flow. The Briarwood lift station serves this purpose as it lifts the sewage flow 13 feet and deposits it into another manhole, at which point the flow continues on its way to the Forest Drive lift station utilizing gravity. A properly operating lift station protects the nearest properties as it continuously works to move the flow along, not letting it back up into the collection sewer system, and possibly backing up into a home. The lift station operates by electricity and a backup generator has been added to this site to protect the residents when there is a power outage in the area. If the City were to consider removing this lift station from the system, new underground sewer lines would need to be installed to allow the system to continue to operate utilizing gravity flow. However, a new lift station will be needed somewhere along the line to raise the flow high enough to enter the Forest Drive lift station.

I met with Hubbell, Roth & Clark, Inc., Consulting Engineers (HRC) and discussed possible changes to improve the visual aspect of this lift station. I met with them as HRC performed the 2010 design and they have the backup information on the station design. If we were to go with another engineering firm they may need to do additional review work that HRC has previously completed. We discussed possible improvements and came up with three options that would change the visual aspect of the lift station. Further review of each option is necessary to come up with cost estimates and actual advantages and disadvantages for each option.

Option A is to reduce the size of the existing control panel. Layout of electrical workings and review of new or upgraded components would be necessary to determine to what extent the existing panel can be modified and reduced in size. Option B is to place the electric panel and generator underground in a concrete chamber. Proper sizing of the chamber to contain all the

required items would be necessary to determine the cost for such a change. Option C is to move the existing electrical control panel and generator to a different location near the station, behind the sidewalk. This would require an easement or purchase of additional property. We will also consider any other viable options that may come up.

HRC has estimated 45 hours to perform the review of each option and provide cost estimates to the City on each. From there the City can then decide what option would be in our best interest to pursue and additional direction can be given at that time. HRC has provided a cost to perform the work not to exceed \$4,700, and will have the work completed within 60 days.

I would recommend that City Council approves hiring Hubbell, Roth & Clark, Inc. Consulting Engineers, Howell, Michigan, to provide professional engineering services to review options and provide cost estimates to upgrade the Briarwood Lift Station, as outlined in their proposal, for an amount not-to-exceed \$4,700, and authorize the City Manager to sign the agreement.



HUBBELL, ROTH & CLARK, INC
Consulting Engineers

Principals
George E. Hubbell
Thomas E. Biehl
Walter H. Alix
Peter T. Roth
Michael D. Waring
Keith D. McCormack
Thomas M. Doran
Nancy M.D. Faught

Senior Associates
Gary J. Tressel
Lawrence R. Ancypa
Kenneth A. Melchior
Randal L. Ford
David P. Wilcox
Timothy H. Sullivan

Associates
Jonathan E. Booth
Michael C. MacDonald
Marvin A. Olane
William R. Davis
Daniel W. Mitchell
Jesse B. VanDeCreek
Robert F. DeFrain
Marshall J. Grazioli
Thomas D. LaCross
Dennis J. Benoit
James F. Burton
Jane M. Graham

December 22, 2011

City of Fenton
301 South Leroy Street
Fenton, Michigan 48430

Attn: Mr. Daniel Czarnecki, Director of Public Works

Re: Proposal for Engineering Services
Preliminary Investigation
Briarwood Street Sanitary Pump Station

HRC Job No. 20110661

Dear Mr. Czarnecki:

Per our meeting on December 5, 2011, Hubbell, Roth & Clark, Inc. (HRC) is submitting our proposal for engineering services to improve the visual appeal of the above ground electrical control panel and generator for the recently upgraded Briarwood Street sanitary pump station. The engineering services can be broken down into three separate tasks: Preliminary Investigation, Plans & Specifications and Construction Engineering. This proposal is for the time associated with the Preliminary Investigation.

It is our understanding that the City would like HRC to identify the available options and associated costs to possibly reduce the size and/or relocate the control panel and generator. From these options the City will be able to determine a course of action and a more defined scope of work for the subsequent engineering tasks.

The preliminary investigation will include the engineering services associated with studying three different options, as follows:

Option A

Reduce the overall size of the existing electrical panel. HRC would work with the fabricator of the panel to develop a way to reduce its height. One possible approach would be to double-side the panel allowing access to either side. This approach would involve removing the panel and returning it to the fabricator. The internal components would be re-used in the new arrangement, but the overall metal enclosure would probably be discarded. Before removing the existing panel from the site, the new metal enclosure would have to be constructed and ready to accept installation of the electrical components.

Temporary pumping would have to be installed at the station to handle the time period while the revised electrical panel was being assembled, which will take several weeks.

Option B

Under this plan, a below-grade prefabricated concrete chamber would be constructed just east of the sidewalk, and south of the adjacent driveway, at 809 Briarwood. The existing electrical panel (as-is) would be relocated into this chamber. The chamber would have a ships-ladder type stairway with access hatch cover. The existing generator and gas meter would be relocated east of this chamber, closer to the existing house, behind landscaping evergreens for shielding. The vertical vent pipes that are projecting from the existing pumping station, and valve chamber, would be re-piped underground and would emerge vertically behind the landscaping in front of the generator. HRC

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105 W. Grand River
Howell, Michigan 48843
Telephone 517 552 9199 Fax 517 552 6099
www.hrc-engr.com

Engineering. Environment. Excellence.



will also consider moving the generator below ground (which is rather difficult and expensive). This plan would remove the equipment that now is located above ground between the sidewalk and the street, except for the two circular concrete slabs. Temporary pumping would only be required during the short time period that the electrical panel is being moved and reconnected.

While this may be the most visually appealing option, there are several confined space and safety concerns that will need to be evaluated by the City.

Option C

In this plan, the existing electrical panel (as-is) and generator with gas meter would be relocated between the sidewalk and the home closer to the north property line. These units would be isolated with improved landscaping including tall evergreens.

Temporary pumping would have to be installed at the station to handle the time period while the control panel is relocated, which may take a few weeks.

Based on the above plan descriptions, we estimate approximately 45 hours would be required to complete this assignment at a cost not-to-exceed of \$4,700. The City will only be invoiced for the actual hours that are expended for this project.

The estimated hours include time to collect supporting information from manufacturers, attend one (1) progress meeting with City Staff, prepare a report explaining the options with sketches and estimates of cost and attend one (1) Council Meeting or Work Session. If additional options are identified during the preliminary investigation they will also be discussed with City Staff prior to issuing our final report. The estimated time for the preliminary investigation does not include preparation of construction plans and specification documents for bidding. This cost would be determined by the specific option selected for the Plans & Specifications task.

HRC is prepared to begin work on this project immediately following receipt of your authorization to proceed and to have it completed within 60 days.

Thank you for your consideration of this proposal and for the opportunity to once again serve the City. If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

A handwritten signature in black ink that reads "Michael P. Darga". The signature is written in a cursive, flowing style.

Michael P. Darga, P.E.

JCS/jjb

pc: HRC; G. Hubbell, J. Booth, J. Shovlin, File



2011



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Memorandum



THE CITY OF
FENTON

DATE: December 30, 2011

TO: Mayor Sue Osborn and City Council

FROM: Lynn H. Markland, City Manager

RE: P.A. 152 of 2011

Public Act 152 of 2011 requires that the City of Fenton City Council adopt a resolution stating that they will comply with the act or that they plan to opt out. The act is attached for your perusal. Basically the act requires the City Council to adopt one of the plans cited in the act to limit a public employer's expenditures for employee medical benefits plan.

All of our employees have contractually agreed to pay 20% of their healthcare premium. This is one of the options allowed under the act. However, I view this requirement as an intrusion into home rule. By selecting the 20% employee participation the city is in compliance with the intent of the act, however, I would recommend that the City Council vote to opt out.

I have enclosed a copy of a resolution that has been adopted by some other Michigan local units of government for you to review and discuss.

Act No. 152
Public Acts of 2011
Approved by the Governor
September 24, 2011
Filed with the Secretary of State
September 27, 2011
EFFECTIVE DATE: September 27, 2011

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Senator Jansen

ENROLLED SENATE BILL No. 7

AN ACT to limit a public employer's expenditures for employee medical benefit plans; to provide the power and duties of certain state agencies and officials; to provide for exceptions; and to provide for sanctions.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "publicly funded health insurance contribution act".

Sec. 2. As used in this act:

(a) "Designated state official" means:

(i) For an election affecting employees and officers in the judicial branch of state government, the state court administrator.

(ii) For an election affecting senate employees and officers, the secretary of the senate.

(iii) For an election affecting house of representatives employees and officers, the clerk of the house.

(iv) For an election affecting legislative council employees, the legislative council.

(v) For an election affecting employees in the state classified service, the civil service commission.

(vi) For an election affecting executive branch employees who are not in the state classified service, the state employer.

(b) "Flexible spending account" means a medical expense flexible spending account in conjunction with a cafeteria plan as permitted under the federal internal revenue code of 1986.

(c) "Health savings account" means an account as permitted under section 223 of the internal revenue code of 1986, 26 USC 223.

(d) "Local unit of government" means a city, village, township, or county, a municipal electric utility system as defined in section 4 of the Michigan energy employment act of 1976, 1976 PA 448, MCL 460.804, an authority created under chapter VIA of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.108 to 259.125c, or an authority created under 1939 PA 147, MCL 119.51 to 119.62.

(e) "Medical benefit plan" means a plan established and maintained by a carrier, a voluntary employees' beneficiary association described in section 501(c)(9) of the internal revenue code of 1986, 26 USC 501, or by 1 or more public employers, that provides for the payment of medical benefits, including, but not limited to, hospital and physician services, prescription drugs, and related benefits, for public employees or elected public officials. Medical benefit plan does not include benefits provided to individuals retired from a public employer.

(f) "Public employer" means this state; a local unit of government or other political subdivision of this state; any intergovernmental, metropolitan, or local department, agency, or authority, or other local political subdivision; a school district, a public school academy, or an intermediate school district, as those terms are defined in sections 4 to 6 of the revised school code, 1976 PA 451, MCL 380.4 to 380.6; a community college or junior college described in section 7 of article VIII of the state constitution of 1963; or an institution of higher education described in section 4 of article VIII of the state constitution of 1963.

Sec. 3. Except as otherwise provided in this act, a public employer that offers or contributes to a medical benefit plan for its employees or elected public officials shall pay no more of the annual costs or illustrative rate and any payments for reimbursement of co-pays, deductibles, or payments into health savings accounts, flexible spending accounts, or similar accounts used for health care costs, than a total amount equal to \$5,500.00 times the number of employees with single person coverage, \$11,000.00 times the number of employees with individual and spouse coverage, plus \$15,000.00 times the number of employees with family coverage, for a medical benefit plan coverage year beginning on or after January 1, 2012. A public employer may allocate its payments for medical benefit plan costs among its employees and elected public officials as it sees fit. By October 1 of each year after 2011, the state treasurer shall adjust the maximum payment permitted under this section for each coverage category for medical benefit plan coverage years beginning the succeeding calendar year, based on the change in the medical care component of the United States consumer price index for the most recent 12-month period for which data are available from the United States department of labor, bureau of labor statistics.

Sec. 4. (1) By a majority vote of its governing body, a public employer, excluding this state, may elect to comply with this section for a medical benefit plan coverage year instead of the requirements in section 3. The designated state official may elect to comply with this section instead of section 3 as to medical benefit plans for state employees and state officers.

(2) For medical benefit plan coverage years beginning on or after January 1, 2012, a public employer shall pay not more than 80% of the total annual costs of all of the medical benefit plans it offers or contributes to for its employees and elected public officials. For purposes of this subsection, total annual costs includes the premium or illustrative rate of the medical benefit plan and all employer payments for reimbursement of co-pays, deductibles, and payments into health savings accounts, flexible spending accounts, or similar accounts used for health care but does not include beneficiary-paid copayments, coinsurance, deductibles, other out-of-pocket expenses, other service-related fees that are assessed to the coverage beneficiary, or beneficiary payments into health savings accounts, flexible spending accounts, or similar accounts used for health care. Each elected public official who participates in a medical benefit plan offered by a public employer shall be required to pay 20% or more of the total annual costs of that plan. The public employer may allocate the employees' share of total annual costs of the medical benefit plans among the employees of the public employer as it sees fit.

Sec. 5. (1) If a collective bargaining agreement or other contract that is inconsistent with sections 3 and 4 is in effect for a group of employees of a public employer on the effective date of this act, the requirements of section 3 or 4 do not apply to that group of employees until the contract expires. A public employer's expenditures for medical benefit plans under a collective bargaining agreement or other contract described in this subsection shall be excluded from calculation of the public employer's maximum payment under section 4. The requirements of sections 3 and 4 apply to any extension or renewal of the contract.

(2) A collective bargaining agreement or other contract that is executed on or after September 15, 2011 shall not include terms that are inconsistent with the requirements of sections 3 and 4.

Sec. 6. A public employer may deduct the covered employee's or elected public official's portion of the cost of a medical benefit plan from compensation due to the covered employee or elected public official. The employer may condition eligibility for the medical benefit plan on the employee's or elected public official's authorizing the public employer to make the deduction.

Sec. 7. (1) The requirements of this act apply to medical benefit plans of all public employees and elected public officials to the greatest extent consistent with constitutionally allocated powers, whether or not a public employee is a member of a collective bargaining unit.

(2) If a court finds the requirements of section 3 to be invalid, the expenditure limit in section 4 shall apply to a public employer that does not exempt itself under section 8, except that the requirement for a majority vote of the governing body of the public employer in section 4 shall not apply. If a court finds section 4 to be invalid, the expenditure limit in section 3 shall apply to each public employer that does not exempt itself under section 8.

Sec. 8. (1) By a 2/3 vote of its governing body each year, a local unit of government may exempt itself from the requirements of this act for the next succeeding year.

(2) A 2/3 vote of the governing body of the local unit of government is required to extend an exemption under this section to a new year.

(3) An exemption under this section is not effective for a city with a mayor who is both the chief executive and chief administrator, unless the mayor also approves the exemption.

(4) An exemption under this section is not effective for a county with a county executive who is both the chief executive and chief administrator, unless the county executive also approves the exemption.

Sec. 9. If a public employer fails to comply with this act, the public employer shall permit the state treasurer to reduce by 10% each economic vitality incentive program payment received under 2011 PA 63 and the department of education shall assess the public employer a penalty equal to 10% of each payment of any funds for which the public employer qualifies under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, during the period that the public employer fails to comply with this act. Any reduction setoff or penalty amounts recovered shall be returned to the fund from which the reduction is assessed or upon which the penalty is determined. The department of education may also refer the penalty collection to the department of treasury for collection consistent with section 13 of 1941 PA 122, MCL 205.13.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

.....
Governor

CITY OF _____
COUNTY OF _____
STATE OF MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION ELECTING TO COMPLY WITH THE PROVISIONS OF PUBLIC ACT 152
OF 2011 BY EXERCISING THE CITY'S RIGHT TO EXEMPT ITSELF FROM THE
REQUIREMENTS OF THE ACT FOR THE NEXT SUCCEEDING YEAR**

At a regular meeting of the City Council for the City of _____, Michigan, held at the City
of _____ City Hall, _____, Michigan, on the ___ day of _____ 2011, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following Resolution was offered by Councilperson _____ and supported
by Councilperson _____.

RESOLUTION

WHEREAS, on September 27, 2011 the Publicly Funded Health Insurance Contribution Act,
Act No. 152 of the Public Acts of Michigan of 2011 ("Act 152"), became effective in the State of
Michigan; and

WHEREAS, Act 152 establishes standards and a process with respect to medical benefit plans
offered by public employers; and

WHEREAS, the City of _____ has historically recognized, in its role as steward for the
public funds entrusted to it, that it must efficiently manage those limited resources; and

WHEREAS, the City of _____ constantly engages in a review of expenditures in order to
maximize the value it receives for goods and services; and

WHEREAS, the City Council of the City of _____ believes that, as the elected representatives for the City and answerable directly to the City's voters, it is best positioned to determine what benefits (including medical benefits) ought to be offered in order to attract and retain the best qualified City employees at the lowest overall costs; and

WHEREAS, the City Council of the City of _____ further believes that compensation determinations for City employees are most properly the responsibility of the City's elected representatives, and not the State of Michigan or its officials; and

WHEREAS, to express its support for home rule government and to recognize that it is the City Council's duty to manage City affairs in order to be most responsive to City voters, taxpayers and residents.

NOW, THEREFORE, IT IS RESOLVED that:

1. Pursuant to Section 8 of Act 152, the City of _____ hereby exempts itself from the requirements of Act 152 for the next succeeding year.
2. All resolutions and parts of resolutions in conflict herewith are, to the extent of such conflict, repealed.

YEAS: Council Members: _____

NAYS: Council Members: _____

ABSTAIN: Council Members: _____

ABSENT: Council Members: _____

ADOPTED this _____ day of _____, 2011.

CITY OF _____

BY: _____
_____, Mayor

BY: _____
_____, City Clerk

CERTIFICATION

I, _____, the duly appointed Clerk of the City of _____, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City of _____ at a regular meeting held _____, 2011, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

CITY OF _____

BY: _____
_____, City Clerk