



CITY OF BURTON

BURTON LEGISLATIVE COMMITTEE MEETING

FEBRUARY 11, 2019

MINUTES

Council Chambers

Regular Meeting

6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairperson Tom Martinbianco at 6:05 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Chairperson	Present	
Dennis O'Keefe	Councilman	Present	
Danny Wells	Councilman	Present	

B. STAFF PRESENT

Rick Hayman, Chief of Staff
Charles Abbey, DPW Director
Dave Marshke, W/S Superintendent
Alice Bryce, Treasurer

C. AUDIENCE PARTICIPATION

None.

D. COUNCIL DISCUSSION ON THE FOLLOWING ITEMS.

1. Discussion on potential changes and recommendations to the Water/Sewer Ordinance.

Presentation by Colleen Coogan and Michael Lesich from The WoodHill Group.

Ms. Coogan reviewed the following suggested changes and explanations to the City of Burton Water Ordinance.

§ 51.001 Paragraph #3:

Ms. Coogan said we are recommending adding, "TAP and METER" before INSPECTION AND APPROVAL FEE because the section talked about all of those fees. We are also recommending to strike "by the district" and add "by the county and or city" after the amount charged to each applicant.

§ 51.001 Paragraph #8:

Ms. Coogan said our recommendation is to add "The county loop and city" before WATER SUPPLY DISTRICT or DISTRICT. This will define what the district is as a whole.

§ 51.003 Paragraph #2: METERING; RATES.

Ms. Coogan said our recommendation is to strike "to create a bond and interest redemption fund therefore" because this refers to an accounting setup. The struck out area is not needed as it is an accounting setup and controlled by the official statement in the bond issuances.

§ 51.005 NO FREE SERVICE; UNLAWFUL USE.

Ms. Coogan said it is suggested to add the penalty for any person who is unlawfully using water. We are requesting that you run this by your legal counsel to find out if the penalties that are noted in other sections of the ordinance would hold here or if that's something you want to apply.

§ 51.023 UNAUTHORIZED CONNECTION PROHIBITED.

Ms. Coogan said we recommend adding "or authorized by the department" after where it says, No person or firm other than authorized city employees because of the operations of your DPW. Sometimes they do the connections and the taps and sometimes they do not. The way this is worded is that no one other than city employees can tap. What we really want is the city employees to inspect the tap. We don't care if the city employees tap, they would get their authorization through a permit process.

§ 51.029 ENDANGERED SUPPLY; EMERGENCY USE RESTRICTIONS; NOTICE.

Ms. Coogan said we recommend striking "from the Detroit Water and Sewerage Department". Based on your preference, we could insert Genesee County Water and Sewer or just strike it. The Mayor or highest-ranking official will be notified from Genesee County, I am not sure that we have to call out who your supplier is, however we could. Your Sewer Ordinance does have Genesee Water & Sewer in there. Mr. Hayman said the administration prefers that we just strike it.

- **(B)** Ms. Coogan said we are striking "from the Detroit Water and Sewerage Department".
- **(C)** Ms. Coogan said we are striking "and the Detroit Water and Sewerage Department shall".
- **(C), (2)** Ms. Coogan said after upon notification it is our recommendation that we say "in conjunction with the State" and strike "Detroit Water and Sewerage Department".

§ 51.041 INSTALLATION AND MATERIALS; SPECIFICATIONS.

- **(B)** Ms. Coogan said we recommend changing the wording so that it references the standards as adopted by City Council or Genesee County Standards. I think you have already adopted the Genesee County standards.

§ 51.042 MAINTENANCE RESPONSIBILITY.

Ms. Coogan asked if the state changed this to the city being responsible from the main line up to the building. DPW's response to this was, "not at this time". We recommend that you keep this language based on DPW's response. Right now, the city maintains that their liability is from the main line to the curb stop. If the state says that you are responsible right up to the building, you will need to revise this portion.

§ 51.045 APPLICATION FOR CONNECTION OUTSIDE CITY.

Ms. Coogan said we recommend striking "furnish" and add "purchase" a water meter

from the Department. Strike "of a type and design approved by the Department". Right now this states, the rate for all water used outside the city shall be 150% of the in-city rates. There is a move to eliminate that political boundary surcharge.

Mr. Abbey stated some of the Dort Hwy. businesses are still connected to the Flint system. Same thing with other businesses on boundary roads. We have an agreement that spells out how that functions with each governmental unit.

Ms. Coogan said if you already have an interlocal agreement, which will call out the billing structure. You may not need it in your ordinance.

§ 51.067 METERS PROPERTY OF DEPARTMENT.

- **(B)** Ms. Coogan said we recommend just saying, "The Department shall determine the water meter size for the service." and striking "For ordinary domestic consumption of water, a 5/8 inch water meter will be furnished. For ordinary commercial establishments, a 1 inch meter will be provided."

§ 51.085 WATER METERS ON PRIVATE SUPPLY.

- **(B), (3)** Ms. Coogan said we recommend that you strike "All funds received as a result of the miscellaneous charges will be credited to the Water Miscellaneous Revenue Fund." All charges are going into your water and sewer fund.

§ 51.115 FIRE HYDRANTS; SPECIFICATIONS.

Ms. Coogan said it is our recommendation that we do not have the detailed specifications here; instead reference Genesee County Drain Commission Water and Waste Services.

§ 51.118 FIRE HYDRANT FEE; DISPOSITION.

Mr. Martinbianco asked if we no longer have this fee.

Mr. Marshke said he thinks we still do have this. It is still in our ordinance. Genesee Township just sent us an invoice for 66 parcels on Egleston, Stockbridge and Alcott. This is Genesee Township's water system.

Mr. Abbey stated there needs to be additional discussion on this. Right now, the city does maintain all of the fire hydrants, public and private.

Mr. Marshke said we do not maintain private property hydrants such as Courtland Center, Meijer and others.

Ms. Coogan stated this will need to be taken back to the administration for discussion.

§ 51.119 HYDRANT RENTAL.

Ms. Coogan stated this will need to be taken back to the administration for discussion.

§ 51.120 FIRE HYDRANT AVAILABILITY; ASSESSMENT FEE.

Ms. Coogan stated this will need to be taken back to the administration for discussion.

§ 51.135 CONNECTION CHARGES.

- **(A) Initial Fees required:**

Ms. Coogan said this is where we are getting into the equivalent user table. Based on feedback from your DPW and especially because the actual implementation of a revised rate methodology may take some time, we want to make sure your ordinance will reflect what you are doing now and what you may be doing in the future. We are suggesting that you maintain both tables. In the packet that I handed out, The WoodHill Group is recommending you use the table in Appendix A: AWWA, because this is a better table for billing. We are recommending you keep in the second table as Appendix B: and change the title from Usage Table to Use Table. You are using this table currently in some of your charges. Under (A) after "a tap-in fee and connection fee will be computed on the basis of unit factors," we would add, "as established on the Equivalent User Table-Appendix A or Appendix B as established by resolution of Council and amended from time to time. When you pass your resolution adopting your rates you will reference which table you want to use. Discussion ensued regarding the formula's used for businesses based on seating versus the size of the line used and making sure that we are billing at least what the county is billing us.

- **(B) Tap-in fees** under (1) Indirect connection

Ms. Coogan said we are suggesting you strike the last sentence that states "Every connection shall be charged at least 1 unit charge based on Appendix A: Equivalent User Table." because you have referenced it in the above paragraph and strike "Table of Unit Factors at the end of this title".

- **(C) Expansion**

Ms. Coogan said we are just referencing Appendix A or Appendix B as set by resolution, and strike "Table of Unit Factors at the end of this title".

§ 51.137 UNIT CLASSIFICATION OF PREMISES.

Ms. Coogan said again we are referencing Appendix A or Appendix B, and strike "Table of Unit Factors at the end of this title".

§ 51.141 EMERGENCY REPAIRS; EXPENSE.

Ms. Coogan said we recommend you strike "15%" and just say that it is an administrative fee as established by resolution of the Council.

§ 51.144 LEIN OF DELINQUENT ACCOUNTS; RENTAL PROPERTY RESPONSIBILITY.

Ms. Coogan said per the Treasurer's recommendation, strike "60 days" and change to 6 months. This is for Landlords who get to file a Landlord Affidavit. State law says that water charges are a lien on the property. Landlords can file an affidavit with the city that basically says this cannot be a lien on the property; you have to collect from the tenant. Therefore, the city has an ordinance that requires a deposit. The one thing we thought was missing in this ordinance is that it calls out that the property owner shall remain liable for all tap-in charges, but it didn't call out that it shall remain liable when there is not a tenant. We want to say that the property owner shall remain liable for all water and sewer fees during the times the property is not occupied by a tenant or when an affidavit is not on file. If the tenant has left with an amount owing, the deposit would be used. We do not need your ordinance to cover every single area if the state law has covered it. You can send a letter stating that they are in violation and that their landlord affidavit is revoked if you want.

- **(E)** The first sentence should read: "In the event the City is notified a change of occupancy occurred on a premises..."

§ 51.145 SERVICE RATES.

- **(A)** Ms. Coogan said we recommend the first sentence changed to read "Water rates to customers for citywide monthly usage will be invoiced on a regular basis at time periods established and amended by resolution of the Council. This way you can change the billing if needed."

Meeting was adjourned at 7:14 PM.
