

City Commission
April 17, 2017

Mayor Mark Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Tom Hogenson, Lorraine James, and Dan Rothstein; Mayor Mark J. Warba; City Manager Mark Gifford; City Attorney Eric D. Williams; and City Treasurer Aaron Kuhn.

Absent: None

There were 25 people in the audience.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Hogenson, that the minutes of April 3, 2017 regular meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein, Warba
Nays: None

SPECIAL ORDERS OF THE DAY –

a. GFWC Federation Day Proclamation – Mayor Warba presented Mary Bechaz, President of the GFWC Federation a proclamation recognizing April 24 as GFWC Federation Day.

**PROCLAMATION DECLARING
APRIL 24, 2017 – GFWC FEDERATION DAY**

WHEREAS, GFWC-Big Rapids, a member of the General Federation of Women's Clubs, and its members have enhanced the citizens and community of Big Rapids and the surrounding communities through their commitment to volunteer service, which include Picture Lady, Riverwalk and Post Office Garden maintenance, support of reading programs at the Big Rapids Community Library, support of community organizations such as WISE, the Historical Museums, Artworks, the Susan Wheatlake Regional Cancer Center, Our Brother's Keeper Shelter, veterans through a Veteran's Day proclamation, the Honor Flight program and various national organizations that help meet the needs of children and families in the United States and abroad, and

WHEREAS, in 2016, the more than 1,687 members of the 38 clubs of the Michigan General Federation of Women's Clubs provided, \$299,500 in direct donations and 315,888 for in-kind donations as well as 183,396 volunteer hours for 2,610 projects benefitting their local communities, and

WHEREAS, GFWC and its member clubs in all 50 states and more than a dozen countries are at the forefront of grassroots community service, providing crucial support to cultural, educational, health, and legislative issues of importance to women, children, and families throughout the world.

THEREFORE, BE IT RESOLVED that Big Rapids Mayor Mark Warba, calls on the citizens of Big Rapids to recognize

April 24, 2017 as GFWC Federation Day

in celebration of the 127th anniversary of the founding of this esteemed organization.

BE IT FURTHER RESOLVED that the Mayor expresses much gratitude to GFWC-Big Rapids and its members for their continued work in making Big Rapids and the surrounding communities a better place for all citizens.

Mayor Mark J. Warba

b. Arbor Day Proclamation – Mayor Warba presented Karen Simmon, Park and Recreation Board member the Arbor Day Proclamation.

ARBOR DAY PROCLAMATION 2017

WHEREAS, in 1872, J. Sterlin Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS, Big Rapids has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices.

NOW, THEREFORE, I, Mark Warba, Mayor of the City of Big Rapids, do hereby proclaim April 28, 2017 as



ARBOR DAY

in the City of Big Rapids, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations. Dated this 28th day of April, 2017.

Mark Warba, Mayor

c. Park and Recreation Awards – Heather Bowman, Director of Public Works presented certificates of recognition to the members of the Holland Park Veterans & Homefront Heroes Memorial Committee for their dedication to the Veterans & Homefront Heroes Memorial project.

PARK & RECREATION, LIBRARY, POOL BILLS AND QUARTERLY INVESTMENT REPORT

Aaron Kuhn, City Treasurer, presented the Financial and Quarterly Investment report along with library, park & recreation and pool bills.

Total revenues for the quarter for the library were \$63,778 and total expenses were \$112,595 of which \$11,710 was for building maintenance and \$100,885 was for general library expenses.

Total revenues for the Community Pool for the quarter were \$29,722 and total expenses were \$7,683.

Total donations, grants and charges for services related to park and recreational services for the quarter for Park and Recreation were \$10,295. Total expenses were \$98,613 of which \$80,292 went toward park facilities and \$18,321 went for recreation and tree trimming and removal.

Total investments for the City were \$5,351,014.

Commissioner James asked why there was a separate account for the Farmer's Market. Mr. Kuhn explained that the account was established in order to accept SNAP and Double Up Food Bucks and items of this nature. This way, those programs are able to run through the City's books. Mr. Kuhn and Ms. Schneidt are signers on this account.

STUDY SESSION

a. Presentation on Service Line Warranties – Heather Bowman gave a PowerPoint presentation about service line warranties. Ms. Bowman compared Utility Service Partners, Inc. with ServLine and the results of this comparison are as follows:

Utility Service Partners, Inc.

- The only company that is sponsored by the National League of Cities.
- A+ rating with the BBB
- Over 15 years of experience offering Warranty Programs. In 2010, we became Endorsed by the National League of Cities.
- Over 350 City partners, including 15 in the state of MI.
- No waiting period and no inspection required
- We never ask the City or Utility to bill residents for us, and our program is always an opt-in program, meaning no one is enrolled into the program without their knowledge
- City is involved with the message and the look of our Marketing Letter. We require approval from the City before each and every Marketing Campaign, and will NEVER mail anything without that approval.
- We establish a network of local area licensed contractors who are thoroughly vetted.
- When a customer calls us to file a claim we reach out to the contractors in the area for them. We also pay the contractors ourselves. 99% of the time our per incident out of pocket limit covers all costs and no money changes hands between the customer and contractor.

ServLine

- Not BBB accredited
- ServLine was only established in 2014.
- Generally partners with the Utility, not the City directly. They only had 3 verifiable Utility partners at the time of the recent research, all in the state of TN.
- 30 day waiting period for new customers
- Does include leak protection for the loss of water. HOWEVER, this leak protection is generally an opt-out program that must be added to the utility bill. Residents would have to contact the Utility to cancel.
- Markets to customers through partnership with Utility. It is unclear what their requirements or procedures are.
- No real contractor network

- When a customer files a claim, the customer is given a list of contractors in the area. The customer is responsible to choose the contractor, contact them, and schedule the repairs themselves.

Ms. Bowman also showed an 8-minute video from ServLine.

PUBLIC COMMENT

City Income Tax

Pat Currie, Big Rapids, expressed his concern regarding his neighbor (Hicks on Clark Street, behind Taco Bell) receiving a letter from Paul Cole, City Income Tax Administrator. This neighbor bought a house in the City of Big Rapids in 2013 and just received a letter informing that he needed to file income tax for the income that he received from his rental unit. This person was not aware that he needed to pay City income tax. He has now incurred interest and penalties.

Mr. Currie asked how new rental property owners are to know about paying income tax if they live in another city. Mr. Currie would like the City to look into this matter and find a way to inform potential buyers of rental units of the City income tax. Mr. Currie also commented that Paul Cole was very helpful to his neighbor and dropped the penalties.

Ms. Sue Glatz suggested the City inform the realtors in the area about the City of Big Rapids income tax rules and that it applies to rental income. This should be told to anyone who is interested in buying a rental unit in the City of Big Rapids.

Commissioner James commented that Mr. Hicks' accountant should know the tax laws of the City of Big Rapids. Commissioner James asked Mr. Kuhn if he was aware of this letter. Mr. Kuhn stated that he was not. Mr. Kuhn was asked to review this issue.

Utility Service Warranty Companies

Mr. Currie suggested that the City Self Insure the City residents to fix water breaks. The City has the equipment and manpower to do these jobs. Mayor Warba commented that he was not sure that the City could legally to this, but it may be worth looking into.

Mr. Jim Sandy asked if these warranty companies insured commercial properties. Ms. Bowman will look into this.

Ms. Sue Glatz asked if these warranty companies viewed rental units as commercial or residential and wondered if they would be covered. Ms. Bowman will look into this as well.

The City Commission took a 5-minute recess.

PUBLIC HEARING – None

RESOLUTION NO. 17-46

Commissioner Hogenson moved, seconded by Commission Rothstein, the adoption of the following:

RESOLUTION AUTHORIZING AMENDMENTS TO THE NON-BARGAINING EMPLOYEES PERSONNEL POLICY AND PROCEDURE MANUAL

WHEREAS, the Big Rapids City Commission adopted a Personnel Policy and Procedure Manual for Non-Bargaining Employees by Resolution 93-74, and

WHEREAS, periodically, the need arises to make revisions to these existing policies and procedures, and

WHEREAS, the following amendments dated March 31, 2017 (see attached) to the Non-Bargaining Personnel Policy and Procedure Manual are recommended.

1. Removal of APPENDIX B – Plan offerings vary from year to year; SBC's are now included in an employee's pre-employment packet.
2. INTRODUCTION – Change title to department.
3. Rights of the CITY OF BIG RAPIDS and Its Employees – 6. adding "cause".
4. Section 1.20 – Change specific title to department.
5. Section 4.10 – Change specific title to department.
6. Section 4.15 – Change specific title to department.
7. Section 5.10 – With the adoption of the compensation study there are no longer "hired before" or "hired after" pay scales.
8. Section 6.10 - With the adoption of the compensation study there are no longer "hired before" or "hired after" pay scales.
9. Section 11.20 – Change in title and addition of position previously omitted.
10. Section 20.15 – Delete October.
11. Section 21.20 – Delete of October.

12. Section 21.30 – Addition of employee merit bonus for an exceptional or excellent rating on their performance appraisal.
13. Section 24.10 – Addition of not limited.
14. Section 27.10 – Spelling correction of Statute and change of MCLA to MCL.
15. Section 27.20 – Spelling correction of Statute and change of MCLA to MCL.
16. Section 30.30 – Change specific title to department.
17. Section 32.10 – Delete section.
18. Section 36.3 – Change in original appointment step increases, from six (6) to twelve (12) months.
19. Section 36.70 – Change bi-annual to annual.
20. Section 38.10 – Change title to department.
21. Section 40.40 – Change title to department.
22. Section 40.60 – Change title to department.
23. Section 52.20 – Addition of pro-rated leave accrual based on bi-weekly hours worked.
24. Section 52.7 – Delete section.
25. Section 52.80 – Now becomes section 52.70.
26. Section 52.90 – Now becomes section 52.80. Delete Salaried.
27. Section 53.15 – Addition of pro-rated leave accrual based on bi-weekly hours worked.
28. Section 53.80 – Addition of “upon death of the employee”. Delete Option II and Option III. Change payout from 50% to 60%.
29. Section 53.90 – Change City Clerk to Human Resources.
30. Section 58.20 – Delete section.
31. Section 58.30 – Now becomes section 58.20.

32. Section 61.10 – Update to adhere to Department of Labor’s regulations.
33. Section 63.40 – Change title to department, change her to their.
34. Section 63.85 – Change Life/AD&D amounts from \$10,000/\$20,000 to \$25,000/\$25,000.
35. Section 66.20 – Delete section.
36. Section 66.30 – Now becomes section 66.20. Change title to department.
37. Section 67.20 – Delete section.
38. Section 71.20 – Increase employee MERS DB contribution from 3.95% to 5.5%.
39. Section 71.40 – Change Heading. Revise language.
40. Section 71.60 - Delete section.
41. Appendix A – Update reflecting current hard cap limits and plan offerings.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves the amendments to the Personnel Policy and Procedures Manual as per the attached summary and that the City Manager be directed to revise the current Manual to reflect these changes.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 17, 2017

Mr. Gifford talked about the need for the new stairs to the North Digester at the Wastewater Treatment Plant. These are concrete stairs that were built during the 2009 project. The stairs were significantly damaged by heavy rains and erosion in April, 2014. Due to the level of damage and poor original location, a decision was made to re-locate and install a new aluminum stairway.

Mayor Warba commented that the concrete stairs only lasted eight years, and now the City has to pay \$38,143 to have them replaced and installed in another location. Mayor Warba asked who the engineers were at that time. Mr. Cushway stated that the engineers were Prein & Newhof. Mayor Warba asked what the time limitation was to bring action against Prein & Newhof. Mr. Williams believed that it is six years, but would check on this matter. Mayor Warba believes that some sort of action should be taken against Prein & Newhof due to the faulty design. The City relies on the advice of engineers and have paid for this service; eight years later the stairs are falling apart and in the wrong location. The Mayor asked why the tax payers should have to pay for that kind of mistake. The

Mayor instructed the City Attorney to look at the limitations and see what kind of action can be taken against Prein & Newhof.

RESOLUTION NO. 17-47

Commissioner Anderson moved, supported by Commissioner Hogenson, the adoption of the following:

RESOLUTION AWARDING BID FOR A NORTH PLANT CONCRETE STAIRWAY FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, the existing North Plant Stairway was significantly damaged by heavy rains and erosion in April, 2014, and

WHEREAS, due to the level of damage and poor original location, a decision was made to re-locate and install a new stairway to the North Digester, and

WHEREAS, the City solicited bids for the installation of a new aluminum stairway from the Digester building to the North Digester at the Wastewater Treatment Plant, and

WHEREAS, three bids were received with staff recommending that the bid of Gerace Construction, Midland MI, be accepted in the amount of \$38,143.00.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the bid of Gerace Construction to install a new aluminum stairway from the Digester building to the North Digester at the Wastewater Treatment Plant and that the cost of \$38,143.00 be expensed from account number 598-560-967.072.

Yeas: Anderson, Hogenson, James, Rothstein, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: April 17, 2017

RESOLUTION NO. 17-48

Commissioner Rothstein moved, supported by Commissioner Hogenson, the adoption of the following:

RESOLUTION AWARDING BID FOR A REPLACEMENT MOTOR FOR THE DIGESTER BLOWER FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, the City solicited bids for the purchase of a replacement motor for the Digester Blower for the Wastewater Treatment Plant, and

WHEREAS, four bids were received with staff recommending that the bid of Heco, Inc., Midland MI, be accepted in the amount of \$8,716.00.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the bid of Heco, Inc. to supply a replacement WEG 480-Volt, 3-Phase 125 HP motor for the Wastewater Treatment Plant and that the cost of \$8,716.00 be expensed from account number 598-560-977.007.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 17, 2017

Four new Digester Blowers were installed during the 2008\2010 WWTP Upgrade project. Each of the four blowers had fresh air intake pipes and filter housings mounted on the roof of the blower building. After receiving numerous noise complaints from the neighborhood, these roof-mounted primary filters, air intakes and drop-pipes were disconnected. Since that time, the Digester Blowers have drawn intake air from inside the blower building, without the primary stage of air filtration, but with the secondary filters still in service. The result has been excessive noise inside the blower building, frequent clogging of the secondary filters, and reliability concerns due to the lack of primary air filtration.

To alleviate these concerns, Northwest Kent Mechanical will re-install the primary air filters, housings and piping INSIDE the blower room. This will restore two-stage intake air filtration for blower protection and reliability. The new air intakes will also provide significant noise muffling inside the room.

The Mayor asked if this will take care of the noise problem inside the blower building. Mr. Cushway stated that it would. Mayor Warba would like staff to research and find out who the contractor and engineering firm was that recommended disconnecting these roof-mounted primary filters, air intakes and drop-pipes that resulted in excessive noise inside the blower building, frequent clogging of the secondary filters, and reliability concerns due to the lack of primary air. Mr. Williams remembers that it was Prein & Newhof and an engineer from the blower manufacturer. The Mayor would like Mr. Williams to check the time limitations for action against these people as well.

Commissioner Hogenson wanted to know if the employees were required to wear ear plugs when inside of the blower room. Mr. Cushway stated that although employees were not required, they did put them on when entering the room.

Commissioner Rothstein stated that he works for a manufacturing company where ear plugs are available to employees.

RESOLUTION NO. 17-49

Commissioner Hogenson moved, supported by Commissioner Anderson, the adoption of the following:

**RESOLUTION AWARDING BID FOR INTAKE AIR FILTERS AND PIPING
MODIFICATIONS FOR DIGESTER BLOWERS FOR THE
WASTEWATER TREATMENT PLANT**

WHEREAS, four new Digester Blowers were installed during the 2008/10 WWTP upgrade project, and

WHEREAS, after receiving numerous noise complaints from the neighborhood, these roof mounted primary filers, air intakes and drop-pipes were disconnected, and

WHEREAS, this adjustment has caused excessive noise inside the blower building, frequent clogging of the secondary filers, and reliability concerns due to the lack of primary air filtration, and

WHEREAS, the City solicited bids for the purchase of intake air filters and piping modifications to be installed inside the blower room of the Wastewater Treatment Plant, and

WHEREAS, two bids were received with staff recommending that the bid of Northwest Kent Mechanical, Rockford MI, be accepted in the amount of \$16,500.00.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the bid of Northwest Kent Mechanical for the purchase of intake air filters and piping modifications to be installed inside the blower room of the Wastewater Treatment Plant, and that the cost of \$16,500.00 be expensed from account number 598-560-967.071.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 17, 2017

RESOLUTION NO. 17-50

Commissioner Rothstein moved, supported by Commissioner James, the adoption of the following:

**RESOLUTION FOR DESIGNATION
OF STREET ADMINISTRATOR**

WHEREAS, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

NOW, THEREFORE, BE IT RESOLVED, that this Honorable Body designate Heather Bowman as the single Street Administrator for the City of Big Rapids in all transactions with the State Transportation Department as provided in Section 13 of the Act.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 17, 2017

I hereby certify that the foregoing is a true and correct copy of a resolution made and adopted at a regular meeting of the governing body of this municipality on the 17th day of April, 2017.

Tamyra K. Gillis

RESOLUTION NO. 17-51

Commissioner Hogenson moved, seconded by Commissioner Rothstein, the adoption of the following Resolution:

RESOLUTION REFERRING REZONING THE EAST HALF BLOCK OF S. WARREN AVENUE FROM C-2 TO RP TO THE CITY PLANNING COMMISSION

WHEREAS, G. John "Jack" Frizzell, owner of the property located at 218 S. Warren Avenue is requesting that this property be rezoned from C-2 to RP, and

WHEREAS, staff determined that the rezoning initiative to change the zoning on a single parcel constituted spot zoning, and

WHEREAS, staff recommends rezoning the east half block of S. Warren Avenue between Elm Street and Linden Street, which would include 202, 216, 218, 220, and 228 S. Warren Avenue, and

WHEREAS, this would require a map amendment to change the zoning from C-2 to RP, and

WHEREAS, it is required for the City Planning Commission to make a recommendation on the rezoning of the east half block of S. Warren Avenue between Elm Street and Linden Street from C-2 to RP.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby directs the City Planning Commission to conduct a public hearing on the rezoning of the east half block of S. Warren Avenue between Elm Street and Linden Street to provide the Commission with a recommendation for action.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 17, 2017

RESOLUTION NO. 17-52

Commissioner Rothstein moved, seconded by Commissioner Anderson, the adoption of the following:

RESOLUTION ON MAYORAL APPOINTMENTS TO BOARDS AND COMMISSIONS

BE IT RESOLVED, that the City Commission hereby confirms the following Mayoral appointment/recommendation:

PROPERTY MAINTENANCE BOARD OF APPEALS

Gordon Telfer appointed to a full term ending October 2018

Donna Schmidt appointed to a full term ending October 2018

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 17, 2017

UNSCHEDULED BUSINESS

- Commissioner Anderson commented that the Big Event and Earth Day is Saturday, April 22, 2017.
- Mayor Warba stated that he met with Ms. Bowman and Mr. Gifford and discussed the Ives drain. They will meet again on May 10th.

- There will be a special joint meeting with the City of Big Rapids and the Big Rapids Charter Township Board to discuss Medical Marijuana. This meeting will be either May 3rd or May 10th at the Mecosta County Services Building. The group will hear from medical dispenser businesses, public safety personnel, prosecuting attorney, and individuals in the medical field.
- The Mayor will be attending a mayoral meeting in Grand Rapids to discuss topics such as Redevelopment Ready Communities Program.
- The User Charge group met today to discuss the contract rewrite, which expires in 2017. A proposed contract should be ready by mid-summer.
- The Mayor asked to have the resolution regarding Utility Service Partners, Inc. be placed on the May 1, 2017 City Commission meeting agenda.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:20 p.m.

 Mayor Mark J. Warba

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 Tamyra K. Gillis, City Clerk