

City Commission
December 7, 2015

Mayor Mark Warba called the regular meeting of the City Commission to order at 6:00 p.m.

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

Absent: None.

There were 41 people in the audience.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA -

APPROVAL OF MINUTES

Commissioner Hogenson moved, seconded by Commissioner Rothstein that the minutes of November 16, 2015 regular meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein

Abstain: Warba

SPECIAL ORDERS OF THE DAY -

STUDY SESSION

a. Community Survey Results

Dr. Henry Ho, Marketing Professor, introduced his Ferris State University students who conducted a community survey over a three-week span in November 2015. Some of the key fundamentals of this survey are as follows:

- There were 705 total surveys submitted (19 people skipped some questions) which came to 688 completed surveys.
- Survey were divided into four age groups – 18-24, 25-39, 40-54, 55+
- They were submitted as follows – 18-24 (215 surveys submitted), 25-39 (139 surveys submitted), 40-54 (144 surveys submitted), and 55+ (188 surveys submitted)
- Public Safety scored an 88% satisfaction rate
- Citizens rated the Community Features category very high with 66% going to Quality of Life
- Preventing crime and recreation classes were found to be in need of improvement
- Fire protection came in high in the category of Facilities/Services

- In the category of Public Funding, Riverwalk and the Community Library came in with an 80% rating
- 220 citizens recommended having green space to replace the old Hanchett property
- 76% of the citizens lived in the City of Big Rapids
- 67% lived in single family homes, and 56% owned their own house.

The City will be given a printed copy of the survey results in January 2016.

b. Hyett Palma

Mark Gifford, Director of Public Works, spoke regarding the Hyett Palma Report. Back in 2006 the City partnered with the State of Michigan for a 'Blue Print' grant to allow Hyett Palma to do an in-depth study of the downtown whereby they made several recommendations. Some of those recommendations were the downtown streetscape, façade project, farmer's market, Pocket Park concerts, purchase of the land across from City Hall, and the DIG grant.

Ms. Carleen Rose reached out to the Hyett Palma firm to see if they would be interested in doing an update to the previous downtown study. The Downtown Development Authority (DDA) received a proposal from Hyett Palma to do the study at a cost of \$28,800.

The Downtown Development Authority met on November 19, 2015 to review Hyett Palma's proposal, and approved to contribute \$14,400 from the DDA budget to support the study. There is a proposed resolution on tonight's agenda for the City Commission to approve contributing \$14,400 from the City's General Fund to the DDA. The DDA would then fund the entire cost of the study.

PUBLIC COMMENT - None

PUBLIC HEARING – None

The contract that the City currently has with Republic Services has a provision that provides the contractor the opportunity to ask the City Commission for an adjustment on the bill to cover costs beyond their control, such as tipping fees and other necessary charges.

The value of recyclable material has dropped over time. Therefore, Kent County Recycling Center will begin charging haulers a service fee beginning January 1, 2016 of \$10.00 per ton for recyclables. The City recycles approximately 26 tons a month.

ORDINANCE NO. 690-12-15

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

**ORDINANCE AMENDING SANITATION RATES IN TITLE V SECTION 50.12
TO INCLUDE A SURCHARGE OF 11 CENTS TO
PROCESS RECYCLABLES**

WHEREAS, Republic Services has a contract with the City of Big Rapids for sanitation services, and

WHEREAS, section 23 (Unusual Changes or Costs) and section 24 (Change in Cost of Doing Business) of the sanitation contract provide for a surcharge for unforeseen increases, and

WHEREAS, Republic Services has partnered with Kent County for all single stream recycling collected to be processed, and

WHEREAS, Kent County is implementing a \$10.00 per ton surcharge to process recyclables, and

WHEREAS, the \$10.00 per ton surcharge calculates to an 11 cent increase per month in customer rates for recycle services.

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The portion of Title V, Section 50.12 of the SCHEDULE OF MONTHLY SANITATION RATES that sets the rates for recycle services effective July 1, 2015, is amended to read as follows, with all other text and provisions of Section 50.12 remaining the same.

COMMERCIAL

Recycle- 1 Time Week \$10.51(per cart)

RESIDENTIAL

Curbside Recycle \$2.87(per cart)

Section 2. The portion of Title V, Section 50.12 of the SCHEDULE OF MONTHLY SANITATION RATES that sets the rates for recycle services effective July 1, 2016, is amended to read as follows, with all other text and provisions of Section 50.12 remaining the same.

COMMERCIAL

Recycle- 1 Time Week \$10.72 (Per Cart)

RESIDENTIAL

Curbside Recycle \$2.93 (Per Cart)

Section 3. The portion of Title V, Section 50.12 of the SCHEDULE OF MONTHLY SANITATION RATES that sets the rates for recycle services effective July 1, 2017, is amended to read as follows, with all other text and provisions of Section 50.12 remaining the same.

COMMERCIAL

Recycle- 1 Time Week \$10.93 (Per Cart)

RESIDENTIAL

Curbside Recycle \$2.99 (Per Cart)

Section 4. The City Clerk is directed to publish this ordinance in the Pioneer.

Section 5. This ordinance shall become effective 20 days after publication.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: December 7, 2015

Published: December 10, 2015

The proposed ordinance amending Sections 51.06 and 51.07 of the City Code on the repair and shared cost of water service pipes in the Right of Way was postponed for a future City Commission meeting.

RESOLUTION NO. 15-123

Commissioner Anderson moved, supported by Commissioner Rothstein, the adoption of the following resolution.

**RESOLUTION ADOPTING THE AMENDED POLICY FOR
INFORMATIONAL MATERIAL TO BE INCLUDED WITH THE CITY
UTILITY BILL MAILING**

WHEREAS, the City offers the opportunity for community organizations to include printed informational materials in the City's utility bill, which is a service to them by distributing the information to City utility users and saving them the cost of postage, and

WHEREAS, with the number of such requests increasing, it is necessary that guidelines be established to insure that City information has priority, and

WHEREAS, the amended resolution prohibits the inclusion of materials that promote or advertise religious information, instructions or events.

NOW, THEREFORE BE IT RESOLVED, that the City Commission hereby adopts the attached 'Amended Policy for Informational Material to be Included with the Utility Bill Mailing'.

Yeas: Anderson, Hogenson, James, Rothstein, Warba
 Nays: None
 The Mayor declared this resolution adopted.
 Dated: December 7, 2015

The City Commission took a 5-minute break.

RESOLUTION NO. 15-124

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

RESOLUTION ACCEPTING BIDS FOR EQUIPMENT RENTAL FOR SNOW REMOVAL SERVICES

WHEREAS, the City of Big Rapids, Department of Public Works, maintains the roads within the Big Rapids City limits for which funds are appropriated yearly to assist in snow removal operations, and

WHEREAS, necessary snow removal service funds have been appropriated in the FY 2015-2016 budget.

NOW, THEREFORE, BE IT RESOLVED that the Big Rapids City Commission hereby accepts the following snow removal bids and directs Mark Gifford, Director of Public Works, to use the following dump trucks and loaders for snow removal purposes on an as-needed basis.

Trucks

Contractor	Size	Hourly Rate Old	Hourly Rate New	# Available
Lawrence Morningstar Enterprises, Inc.	25 cy	\$ 65.00	\$90.00	2
Fenstermacher Asphalt Paving, LLC	45 cy	\$100.00	\$100.00	7
Lawrence Morningstar Enterprises, Inc.	45 cy	\$ 80.00	\$100.00	3
Lawrence Morningstar Enterprises, Inc.	50 cy	\$ 85.00	N/A	0

Front End Loader

Contractor	Size	Hourly Rate Old	Hourly Rate New	# Available
Lawrence Morningstar Enterprises, Inc.	3.25 cy	\$ 80.00	\$90.00	2
Fenstermacher Asphalt Paving, LLC	5 cy	\$100.00	\$90.00	1
Lawrence Morningstar Enterprises, Inc.	5 cy	\$ 90.00	\$100.00	2

Lawrence Morningstar Enterprises, Inc.	7 cy	\$100.00	\$100.00	1
Lawrence Morningstar Enterprises, Inc. Loader with Snow Pusher 16' – 18'		\$100.00	\$125.00	2

BE IT FURTHER RESOLVED, that said removal service shall be expensed from the following accounts:

202-497-801.700 - \$5,000 State Highway M-20 Contracted Services
203-478-801.000 - \$1,000 Local Street Contracted Services
202-478-801.000 - \$7,800 Major Streets Contracted Services
101-443-803.000 - \$2,000 Parking Contracted Snow Removal

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: December 7, 2015

RESOLUTION NO. 15-125

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

**RESOLUTION ACCEPTING MICHIGAN DEPARTMENT
OF TRANSPORTATION SECTION 5311 OPERATING FORMULA GRANTS
AGREEMENT NO. 2012-0047/P5 – DART**

WHEREAS, the Big Rapids Dial-A-Ride Transportation (DART) system derives approximately 16% of its operating revenue from the Federal Transit Administration (FTA), which is administered by the Michigan Department of Transportation, and

WHEREAS, under the City of Big Rapids Annual Local Transportation Program Grant Application for the period of October 1, 2015 through September 30, 2016, the City has requested federal funding in the amount of 16% of the City's proposed operating budget (\$90,704.00), and

WHEREAS, this project authorization, Agreement No. 2012-0047/P5, is an increase of 2.5% for a total of \$104,881.00, which represents a partial payment of \$41,323.00.

NOW, THEREFORE, BE IT RESOLVED, that the City of Big Rapids hereby agrees to enter into the Project Authorization Agreement for FY 2016 Section 5311 Operating Formula Grants, Agreement No. 2012-0047/P5, in the amount of \$41,323.00 and authorizes the Mayor and City Clerk to sign the agreement documents.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 7, 2015

Mark Sweppenheiser, Director of Neighborhood Services, spoke on the proposed rezoning resolution that would rezone a triangular parcel of land bounded on the west by the White Pine Trail, bound on the north by Colburn Avenue, and bound to the east by S. Bronson Avenue from R-1 to R-2. This area is currently zoned R-1, which is the City's single family residential zone. Areas that are zoned R-2, allow for duplexes with up to four unrelated individuals per unit. To consider a request to rezone a single parcel of property would be considered 'spot zoning', which is an illegal practice. For this reason, staff recommended the applicant look at a larger land area.

The City's Master Plan was updated in 2009 and did not recommend any changes to this area.

The Planning Commission reviewed this request and recommended to not rezone the triangular parcel of land.

The applicant, Ms. Gerry Curtis of Big Rapids, handed out three documents regarding the rezoning of this parcel of land. Ms. Curtis acquired 504 S. Bronson Avenue after her mother passed away. She would like to sell this property to an individual who wants to place a duplex on the property. In order to have a duplex as a rental for unrelated persons, the property would have to be rezoned from an R-1 to R-2. Ms. Curtis spoke on the City's Master Plan and how the rezoning of this property correlates to the Master Plan.

Ms. Curtis offered the following comments regarding the rezoning:

- Rezoning could increase tax revenues as well as additional housing
- It would improve the east side of the river
- Preserve the existing residential areas
- The rezoning would add new housing units

Mary Vogt of Big Rapids, spoke in opposition of the rezoning of 504 S. Bronson. Her property is adjacent to this parcel and she does not want to live next to a duplex that will be used as a rental. She originally signed a petition agreeing to the rezoning because she believed that another house would be built on this parcel, but found out later that a duplex rental would be placed there instead.

Ms. Vogt believes that this will open the door for more residents to sell their homes to buyers who could build apartment complexes in this area.

Mr. Nowell Larock of Big Rapids, spoke in opposition stating that this area does not need any more apartment complexes. Mr. Larock believes that this area being zoned R-1 works very well for the residents who already reside there. He has been a resident of that area for a very long time and does not wish to see it changed.

Ms. Curtis rebutted by stating that there would be no big apartment complex built on this property, just a 2-4 apartment duplex.

Commissioner James stated that she has a professional relationship with some of the people on the petition and who have spoken tonight. She has no financial gain from the

outcome of this resolution. Mr. Eric Williams, City attorney, did not hear anything that he believes would disqualify Commissioner James from voting on this resolution.

Mayor Warba clarified that the City Commission was here tonight to consider the Planning Commission's recommendation only, they do not consider variances. Variances would go before the Zoning Board of Appeals. The City's Master Plan is only six years old and envisions future land use in this vicinity as being single family or R-1. The circumstance prompting this zoning change is that Ms. Lowella Miller passed away and her heirs want to sell this property to a buyer who wants to place a duplex on the property.

There is a need to respect the interests of individuals who live outside the City, but have an interest in the City. However, there is also a need to be respectful, if not more so, to the current residents of the City on how they feel about rezoning their neighborhood.

The Planning Commission, at their meeting, heard from members of the public to consider the future land use, map and other aspects and made a unanimous recommendation. The Mayor has not heard anything compelling that would warrant reconsideration or making a change to the Planning Commission's recommendation.

RESOLUTION NO. 15-126

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

RESOLUTION ACCEPTING PLANNING COMMISSION RECOMMENDATION REGARDING REZONING A TRIANGULAR PARCEL OF LAND BOUNDED ON THE WEST BY THE WHITE PINE TRAIL, BOUND ON THE NORTH BY COLBURN AVENUE, AND BOUND TO THE EAST BY S. BRONSON AVENUE FROM R-1 TO R-2

WHEREAS, a zoning change from an R-1 to R-2 request was initiated by the property owners of 504 S. Bronson Avenue, and

WHEREAS, staff determined that the rezoning initiative to change the zoning on a single parcel constituted spot zoning and whereby staff requested that the entire area be rezoned, and

WHEREAS, the City of Big Rapids Master Plan does not recommend any future land use changes to this area, which is characterized by a high owner occupied rate, and

WHEREAS, the Planning Commission at its October 21, 2015 meeting, recommended to not rezone the triangular parcel of land bounded on the west by the White Pine Trail, on the north by Colburn Avenue, and on the east by South Bronson Avenue.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the recommendation of the Planning Commission to deny the request to rezone the triangular parcel of land bounded on the west by the White Pine Trail, on the north by Colburn Avenue, and on the east by South Bronson Avenue from R-1 to R-2.

Yeas: Anderson, Hogenson, James, Rothstein, Warba
 Nays: None
 The Mayor declared the resolution adopted.
 Dated: December 7, 2015

RESOLUTION NO. 15-127

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

**RESOLUTION AMENDING FISCAL YEAR 2015/2016
 GENERAL APPROPRIATIONS ACT FOR HYETT PALMA
 DOWNTOWN DEVELOPMENT STUDY**

WHEREAS, the City of Big Rapids adopted FY 2015/2016 General Appropriations on May 21, 2015 per Resolution No. 15-50, and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the following budget amendment for Fiscal Year 2015/2016 for Hyett Palma Downtown Development Study.

General Fund				
Account Number	Account Description	Current Budget	Change	Amended Budget
101-966-999.248	Contribution to DDA	\$0	\$14,400	\$14,400
Reason: Make a contribution of \$14,400 to the DDA				

DDA Fund				
Account Number	Account Description	Current Budget	Change	Amended Budget
248-931-699.101	Contribution from General	\$0	\$14,400	\$14,400
Reason: Receive contribution of \$14,400 from DDA				
248-806-880.400	Downtown Development Study	\$14,400	\$14,400	\$28,800
Reason: Payment of contract to Hyett Palma for Downtown Development Study				

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2015/2016 City of Big Rapids Budget.

Yeas: Anderson, Hogenson, James, Rothstein, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: December 7, 2015

RESOLUTION NO. 15-128

Commissioner Rothstein moved, seconded by Commissioner James, 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 appointments/recommendations:

WEST MICHIGAN REGIONAL PLANNING COMMISSION

Lynn Anderson, Mark Sweppenheiser and John Schmidt appointed to the West Michigan Regional Planning Commission for the 2016 Calendar Year.

Yeas: Hogenson, James, Rothstein, Warba
Abstain: Anderson
Nays: None
The Mayor declared the resolution.
Dated: December 7, 2015

UNSCHEDULED BUSINESS

- Commissioner James stated that Rose Mary Jennings holiday lights were beautiful.
- Anyone concerned about traffic issues can either discuss them with Roger Schneidt or Director Nerbonne.
- The 2015 MML booklet is in the Clerk's office if anyone wishes to review it.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:25 p.m.

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Mayor Mark J. Warba

Tamyra K. Gillis, City Clerk