

City Commission
October 3, 2016

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 Attorney Eric D. Williams; and City Treasurer Aaron Kuhn.

Commissioner Rothstein came in at 6:40 p.m.

Absent: None

There were 14 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 September 19, 2016 meeting be accepted.

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

SPECIAL ORDERS OF THE DAY - None

STUDY SESSION - None

PUBLIC COMMENT

It was suggested that because the 5th Monday in October falls on Halloween, if the Commission wanted to conduct a retreat, it could be held the week before. The only agenda topic so far is reviewing the applications for City Manager. These applications are due October 21, 2016 so having a retreat on October 24th may work. It was also suggested holding the October 17th meeting a little earlier to discuss the City Manager hiring process. If any of the Commissioners have a topic for the retreat, please let the Mayor or Mr. Sobers know.

Paul DesNoyers asked if the City did inspections on City rentals and if they were subject to the same process as student rentals. Mr. Sobers stated that the City does a sampling inspection of the Big Rapids Housing complexes.

Bill Stanek commented that per the agreement of the detachment, the City pays a portion of the maintenance for Highland View cemetery. He wanted to inform the City that there

may be some major expenses incurred next year. The road is in need of repair and the building that is next to the entrance is 120 years old and is in bad repair. Mr. Stanek commented that they are looking for ideas on how to handle the repairs of the building and encouraged the City to offer any suggestions. He asked to City to keep this in mind when preparing the next City budget.

PUBLIC HEARING – None

RESOLUTION NO. 16-98

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

**RESOLUTION DIRECTING CITY ASSESSOR TO PREPARE
AMENDED SPECIAL ASSESSMENT ROLL NO. 16-519
FOR 2015/2016 SIDEWALK PROGRAM
AND SETTING OF PUBLIC HEARING**

WHEREAS, the City Commission approved the 2015-2016 Sidewalk Improvement Project Special Assessment Roll No. 16-519 on April 4, 2016, and

WHEREAS, the actual costs incurred by the City differ from the original estimates and the actual footages installed are different for some of the parcels than the original estimates, requiring an amendment to reflect the actual square footage of construction and the actual unit costs expended.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby directs the City Assessor or his/her designate to prepare an Amended Special Assessment Roll No. 16-519 to reflect actual square footages and unit costs.

BE IT FURTHER RESOLVED, that the City Commission hereby sets a public hearing on Monday, October 17, 2016 at 7:00 p.m. in the Commission Meeting Room of City Hall to consider any objections to said amended roll.

BE IT FURTHER RESOLVED, that the property owners be notified of said public hearing.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

RESOLUTION NO. 16-99

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

**RESOLUTION ACCEPTING MEAD AND HUNT
AS CONSULTING ENGINEERING FIRM
FOR ROBEN HOOD AIRPORT**

WHEREAS, the City invited professional engineering firms to submit their qualifications and experience to the City with regard to engineering design and construction in General Aviation Airports, and

WHEREAS, the City received one response from Mead & Hunt, which was interviewed by staff and scored on their presentations, qualifications and resume, and

WHEREAS, based on staff review, it is recommended to accept the proposal submitted by Mead and Hunt, Lansing Michigan.

NOW, THEREFORE BE IT RESOLVED, that the City Commission accept the proposal as submitted by Mead and Hunt, as consulting engineering firm for Roben Hood Airport for a period starting November 1, 2016 until October 31, 2021.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

RESOLUTION NO. 16-100

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

RESOLUTION ELECTING THE MICHIGAN MUNICIPAL LEAGUE LIABILITY AND PROPERTY POOL'S BOARD OF DIRECTORS

WHEREAS, the Michigan Municipal League Liability and Property pool has a Board of Directors which is elected by participating members, and

WHEREAS, the vote for the members must be done by the governing body, and

WHEREAS, the ballot consists of two names, Incumbent members Penny Hill, Assistance city Manager, Traverse City and Jean Stegeman, Mayor of the City of Menominee.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission recommends that the ballot be completed by voting for these two individuals and authorize the City Clerk to sign and submit.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

The total cost of re-marcing a portion of the pool was \$57,900. The breakdown is as follows: \$48,900 was the original quote, \$4,000 extra cost for doing an additional portion of the pool, \$5,000 operational cost (labor).

The Mayor believes that there is a need to look at ways to increase revenues for the pool. He would like Mr. Sobers to ask Heather, the Recreation Director and the Park and Recreation Board to make recommendations as to how the City can increase revenue for the 2017 pool season and present these suggestions at the October 17, 2016 meeting.

Mr. Sobers commented that the pool has a fair amount of chemicals in stock, so these will not have to be ordered, which will save some money for the upcoming 2017 pool season.

RESOLUTION NO. 16-101

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

**RESOLUTION ACCEPTING CITY MANAGER'S REPORT ON
EMERGENCY PURCHASE FOR REPAIR OF
THE CHARLES E. FAIRMAN COMMUNITY POOL**

WHEREAS, maintenance and repair at the Charles E. Fairman pool has been escalating due to age and use, and

WHEREAS, treatment needed on the floor for the pool can be accomplished only when the pool is out of service, and

WHEREAS, the application of a marcite coating over the concrete pool requires a 28-day curing process making this fall closing an optimum time to make this repair, and

WHEREAS, after discussions with two Michigan pool repair experts, the City chose B&B Pools and Spas to make this marcite repair, and

WHEREAS, the time needed to make repairs, the sharp edges of the deteriorating floor of the pool causing abrasions to the feet of customers is deemed to create a health and safety condition necessitating an emergency repair, and

WHEREAS, the City Commission met and authorized necessary repairs under Section 34.43 of the City Code of Ordinances and Section 8.11 of the City Charter, which allow for the temporary suspension of required purchasing procedures, and

WHEREAS, the cost will be expensed to account number 208-249-930.008 (Operational maintenance pool remarcite).

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the attached Charles E. Fairman Community Pool marcite repair report.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

Mr. Sochocki stated that he was preparing to close on the tax credit investors and they were the ones who caught the language that stated that construction had to begin within one year of the resolution date, which was September 8, 2015. The application was not funded in the first round, so the Big Rapids Housing Commission had to resubmit the application for the second round, in which it was funded. This set them back six months behind schedule. He plans to begin construction at the beginning of the year.

Commissioner James asked why Big Rapids Housing had to give the City \$20,000 for the rehabilitation and renovation of a residential structure. Mr. Williams commented that the PILOT ordinance that was adopted by the City recognizes that the primary purpose in allowing, encouraging and approving the PILOT in this community was not for the construction of new housing. It was for the renovation of existing housing stock, so in order for the Commission to grant these applications for tax exempt status there would have to be some actual renovation of existing housing stock, dilapidated housing stock or contribution toward the renovation of the existing housing stock in the City.

The previous contribution from Country Place Apartments went towards the Big Rapids Housing Commission's Home Ownership Program. The money circled back to Big Rapids Housing Commission and was used to renovate one of the Woodward Street houses. It will be up to the City Commission to decide what the \$20,000 for this PILOT will be used for.

RESOLUTION NO. 16-102

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

A RESOLUTION AMENDING AND ACCEPTING THE PLANNING COMMISSION RECOMMENDATION AND APPROVING A TAX EXEMPTION AND PAYMENTS IN LIEU OF TAXES (PILOT) FOR BIG RAPIDS HOUSING COMMISSION AND MEADOW PARK APARTMENTS

WHEREAS, Big Rapids Housing Commission, 9 Parkview Village, Big Rapids, Michigan 49307, "Sponsor/Owner" requested a tax exemption and payment in lieu of taxes for Meadow Park Apartments, 1835 Milton Avenue, Big Rapids, Michigan 49307 pursuant to MCL 125.1401 et seq., and Chapter 155 of Title 15 of the Big Rapids City Code, and

WHEREAS, the Planning Commission reviewed and discussed the request at its meeting and recommended granting of the tax exemption and acceptance of a payment in lieu of taxes as allowed by law, and

WHEREAS, in order to meet the requirement of Section 155.07(f) of the City's ordinance for tax exemption, which requires the housing developer to rehabilitate or remove some dilapidated or substandard housing stock within the City, Big Rapids Housing Commission agreed to contribute twenty thousand (\$20,000) dollars to the City of Big Rapids for the rehabilitation and renovation of a residential structure to be determined in the future, and

WHEREAS, it has been determined that all requirements of the Act and the ordinance have been met and fulfilled,

NOW, THEREFORE, BE IT RESOLVED that the City Commission approves and grants the tax exemption for the Big Rapids Housing Commission and Meadow Park Apartments, 1835 Milton Avenue, Big Rapids, Michigan 49307, #54-17-11-200-022 and

The City of Big Rapids acknowledges that the Big Rapids Housing Commission (the "Sponsor") has offered in anticipation of the receipt of a Low Income Housing Tax Credit Reservation from the Michigan State Housing Development Authority, to own, rehabilitate, and operate a housing development identified as Meadow Park Apartments, #54-17-11-200-022, (the "Housing Development") on certain property located at 1835 Milton Avenue in the City of Big Rapids to serve persons of low and moderate income and that the Big Rapids Housing Commission has offered to pay the City of Big Rapids on account of this housing development a payment in lieu of taxes (PILOT).

It is determined that the class of Housing Development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be that portion of a development which is for low and moderate income persons and which is financed or assisted pursuant to the Act. It is further determined that Meadow Park Apartments are of this class.

The Housing Development identified as Meadow Park Apartments, 1835 Milton Avenue, Big Rapids, Michigan 49307, #54-17-11-200-022 and the property on which it is constructed shall be exempt from all property taxes from and after the commencement of rehabilitation. The City of Big Rapids, acknowledging that the Big Rapids Housing Commission, Rural Development and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Resolution and the qualification of the Housing Development for exemption from all property taxes and a Payment In Lieu Of Taxes (PILOT) as established in this Resolution, and in consideration of the Big Rapids Housing Commissions' offer, in anticipation of the receipt of a Low Income Housing Credit Reservation from the Authority or a Mortgage Loan from Rural Development, to own, rehabilitate, and operate the Housing Development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 4% of the Annual Shelter Rents actually collected less Utilities.

The service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the City of Big Rapids except that the annual payment shall be paid on or before April 1st of each year.

The Sponsor/Owner shall contribute twenty thousand (\$20,000) dollars to the City of Big Rapids for the rehabilitation and renovation of a residential structure to be determined in the future, and in satisfaction of §155.07(F) of the Big Rapids City Code, according to the terms of the Contribution Agreement, which the Mayor and Clerk are authorized to sign. In addition to and in deference for the costs of providing services to residents of Meadow Park, the sponsor/owner shall pay a "municipal service agreement" charge of 1.5 times the "service charge" PILOT payment to offset these expenses.

The tax exempt status shall remain in effect for thirty years or so long as the mortgage loan remains outstanding and unpaid or the Authority, or Rural Development has any interest in the property, whichever is less, provided, that rehabilitation or renovation of the housing development commences within one year from the effective date of the resolution.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

RESOLUTION NO. 16-103

Commissioner Hogenson 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:

PLANNING COMMISSION

William Yontz appointed to an unexpired term ending May 2019

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

RESOLUTION NO. 16-104

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

RESOLUTION ACCEPTING MICHIGAN DEPARTMENT OF TRANSPORTATION SECTION 5311 OPERATING FORMULA GRANTS AGREEMENT NO. 2017-0022/P1 – 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, 2016 through September 30, 2017, the City has requested federal funding in the amount of 18% of the City's proposed operating budget (\$108,500.00), and

WHEREAS, this project authorization, Agreement No. 2017-0022/P1, is an increase of .5% for a total of \$111,500.00, which represents a partial payment of \$30,105.00.

NOW, THEREFORE, BE IT RESOLVED, that the City of Big Rapids hereby agrees to enter into the Project Authorization Agreement for FY 2017 Section 5311 Operating Formula Grants, Agreement No. 2017-0022/P1, in the amount of \$30,105.00 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: October 3, 2016

RESOLUTION NO. 16-105

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

RESOLUTION RETAINING FLEIS & VANDENBRINK FOR TOPOGRAPHIC SURVEY SERVICES FOR THE PROPOSED 2017 IVES AVENUE WATERMAIN REPLACEMENT AND STREET RECONSTRUCTION PROJECT

WHEREAS, the City has been awarded through the Small Urban Funds \$175,000 for making improvements to Ives Avenue in 2017,

WHEREAS, per resolution no. 16-49, dated May 16, 2016, the City Commission gave assurance to MDOT for their local match of 20% (\$43,750) for this project, and

WHEREAS, engineering plans for the proposed Ives Avenue improvements need to be submitted to MDOT for their review no later than June of 2017, and

WHEREAS, Fleis & VandenBrink has provided a quote of \$8,500 for collecting survey and existing utility data on Ives Avenue from Oak Street to South Street and along South Street to State Street.

NOW, THEREFORE, BE IT RESOLVED the City commission accepts the quote from Fleis & VandenBrink for the amount of \$8,500 for collecting survey and existing utility data on Ives Avenue from Oak Street to South Street and along South Street to State Street and the cost will be expensed to account no. 202-464-801.000 (contracted services major street).

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

RESOLUTION NO. 16-106

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

**RESOLUTION AWARING BID FOR OBSERVATION
WELL ABANDONMENT, PRODUCTION WELL CLEANING AND PUMP
REPLACEMENT FOR WELL FIELD**

WHEREAS, the Michigan Department of Environment Quality required the City to make improvements to existing observation and production wells, and

WHEREAS, the City solicited bids for the well abandonment, production well cleaning and pump replacement for the City's well fields, and

WHEREAS, four bids were received with staff recommending that the bid of Layne, Lansing, MI be accepted in the amount of \$45,928.00.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the bid of Layne for an amount of \$ 45,928.00 for the well abandonment, production well cleaning and pump replacement for the City's well fields.

BE IT FURTHER RESOLVED, that the cost be expensed from account number 591-560-967.019 (Wellhead protection measures).

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

RESOLUTION NO. 16-107

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

**RESOLUTION AWARING BID FOR FENCING, PIPE,
BOLLARDS AND SIGNAGE FOR WELL FIELD**

WHEREAS, the Michigan Department of Environment Quality has required the City to make improvements to well field area for security reasons, and

WHEREAS, the City solicited bids for fencing, pipe, bollards and signage for the City's well fields, and

WHEREAS, three bids were received with staff recommending that the bid of CF Contracting, Rodney, MI be accepted in the amount of \$15,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the bid of CF Contracting for the amount of \$15,000.00 for fencing, pipe, bollards and signage for the City's well fields.

BE IT FURTHER RESOLVED, that the cost be expensed from account number 591-560-967.019 (Wellhead protection measures).

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

RESOLUTION NO. 16-108

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

RESOLUTION APPROVING TRAFFIC CONTROL ORDER NO. 517 FOR PLACEMENT OF NO PARKING IN THE 100 BLOCK OF LOCUST STREET

WHEREAS, in accordance with the provisions of Act 32, Public Acts of 1956, Section 2.53, the Department of Public Safety has authorized the following traffic control order:

Place designated "No Parking" signs in the 100 block of Locust Street on the south side of the street, from S. State street to the driveway for the address of 120 Locust Street.

These "No Parking" signs will be permanently placed in the designated area for the purpose of reducing the likelihood of a traffic crash. A motorist turning off of S. State Street will have less difficulty traveling eastward as this will prohibit a parked vehicle from partially impeding the traffic lane.

BE IT RESOLVED, that the City Commission hereby approves the above Traffic Control Order.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

RESOLUTION NO. 16-109

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

**RESOLUTION ADJOURNING TO CLOSED SESSION
TO DISCUSS NEGOTIATION STRATEGY
WITH FIREFIGHTER'S UNION**

BE IT RESOLVED, that the City Commission adjourn to executive session for the purpose of discussing matters pertaining to the firefighter's union negotiations.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

The City Commission adjourned for closed session at 7:16 p.m. They returned to regular session at 7:55 p.m.

RESOLUTION NO. 16-110

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

**RESOLUTION RATIFYING CONTRACT
WITH FIREFIGHTER'S UNION**

WHEREAS, the International Association of Fire Fighters, Local No. 1776 contract agreement expired June 30, 2016, and

WHEREAS, the negotiated settlement agreement includes a lump sum payment to each full-time firefighter of \$250.00 in lieu of retroactive pay to July 1, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Commission of the City of Big Rapids hereby approves the attached settlement contract between the City of Big Rapids and Firefighter's bargaining unit for the period of October 3, 2016 to December 31, 2020 and will pay a lump sum of \$250.00 to each full-time firefighter (retroactively to July 1, 2016) as included in this resolution.

BE IT FURTHER RESOLVED, that the Mayor and City Manager are hereby authorized to sign the contract upon final contract formatting.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 3, 2016

UNSCHEDULED BUSINESS

- There are new businesses opening up downtown. This is encouraging and positive news.

- At the MML convention on Mackinac Island, there was a session regarding communities that are bike ready. Big Rapids had a bike study done and some of the recommendations have been implemented in terms of bike lanes, especially where there has been new road construction. The Mayor would like staff to review the bike study again to see if there were any more recommendations made that the City could be looking at. Maybe these bike lanes could be implemented in any new road repair/construction projects that the City may be undertaking in the future.

If would be nice if a bike lane could tie into the end of Fuller Avenue and go south to Perry Avenue and combine it with the new sidewalks along Perry Avenue.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 7:57 p.m.

* * * * *

Mayor Mark J. Warba

Tamyra K. Gillis, City Clerk