

City Commission  
December 5, 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; and City Treasurer Aaron Kuhn.

Absent: City Attorney Eric D. Williams

There were 31 people in the audience.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES**

Commissioner Hogenson moved, seconded by Commissioner Anderson that the minutes of November 21, 2016 regular meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

Commissioner Anderson moved, seconded by Commissioner Hogenson that the Special minutes of November 21, 2016 meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

Commissioner Anderson moved, seconded by Commissioner Rothstein that the Special minutes of November 22, 2016 meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

**SPECIAL ORDERS OF THE DAY**

a. Oath of Office was giving to Police Officer Eric Winsor by the City Clerk.

b. Proclamation for Karen Motawi – Garden Club

Mayor Warba presented Ms. Motawi a proclamation recognizing Ms. Motawi's and the Garden Clubs efforts on beautifying the Rain Garden in Osceola Park. The Big Rapids Garden Club received the Statewide "President's Award" for this outstanding contribution. Ms. Motawi presented this award to Mayor Warba on behalf of the Garden Club for the City of Big Rapids.

## PROCLAMATION OF RECOGNITION

**Whereas**, ‘Keep Michigan Beautiful’ (KMB) is a foundation originally established by the State of Michigan to combat litter and to promote beautification, and

**Whereas**, one of the objectives of the foundation is to honor and recognize projects on a statewide basis that deserve recognition for their excellence, and

**Whereas**, Karen Motawi was chair of the Big Rapids Garden Club’s initiative to build a rain garden in Osceola Park, and

**Whereas**, the Rain Garden serves three primary purposes: 1) Catches runoff from the park’s paved parking area; 2) Provides an attractive view from the gazebo and users of the Riverwalk trail; and 3) Serves an education purpose. An educational sign and a Monarch butterfly waystation have been added since its initial construction in 2005, and

**Whereas**, the City Commission hereby expresses its thanks and congratulates to the Big Rapids Garden Club for their Statewide “President’s Award” for this outstanding contribution to beautification and specifically recognizes Karen Motawi for her efforts to make the Big Rapids Riverwalk an oasis of learning, beauty and recreation, and

**Whereas**, the City Commission requests all citizens to use the Riverwalk Trail in Osceola Park and to gain appreciation for the usefulness and beauty of Rain Gardens.

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Mayor Mark Warba

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Commissioner Lynn Anderson

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Commissioner Lorraine James

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Commissioner Tom Hogenson

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Commissioner Dan Rothstein

Adopted this 5th day of December 2016

**STUDY SESSION** - None

**PUBLIC COMMENT** - Ms. Qiana Eberly introduced herself as a Ferris State University government student and stated that she would be attending the City Commission meetings on behalf of Ferris. Ms. Eberly commented that currently Ferris is hosting an event called Sweet Cases where suit cases are donated to foster children. These suit cases are then decorated and filled with items such as teddy bears, flashlights, crayons, etc. The purpose of the suit cases is to provide a child with a nice case to place their personal belongings. Most children only have a garbage bag that they use for this purpose.

**PUBLIC HEARING** - None

**RESOLUTION NO. 16-123**

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

**RESOLUTION APPROVING TRAFFIC CONTROL ORDER NO. 519  
FOR RELOCATING THE NO PARKING SIGN ON WINTER AVENUE**

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:

*The “No parking” sign in the 300 block of Winter St. on the west side of the road, near the intersection of Locust St., will be moved 20 feet to the north of its current location. While the “No Parking” sign in the 400 block of Winter St. on the east side of the road, near the intersection of Locust St., will be moved 20 feet to the south.*

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: December 5, 2016

**RESOLUTION NO. 16-124**

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

**RESOLUTION DIRECTING CITY ASSESSOR TO PREPARE  
AMENDED SPECIAL ASSESSMENT ROLL NO. 16-520  
FOR ALLEY IMPROVEMENTS FOR BLOCK 36 OF THE ORIGINAL PLAT,  
BETWEEN WARREN AVENUE AND STEWART AVENUE, NORTH OF OAK STREET  
AND SETTING OF PUBLIC HEARING**

WHEREAS, the City Commission approved the alley improvements for Block 36 Special Assessment Roll No.16-520 on September 6, 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. 16-520 to reflect actual square footages and unit costs.

BE IT FURTHER RESOLVED, that the City Commission hereby sets a public hearing on Monday, December 19, 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, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: December 5, 2016

### **RESOLUTION NO.16-125**

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

#### **RESOLUTION AMENDING ANNUAL INTEREST RATE OF CITY INCOME TAXES**

WHEREAS, Resolution No. 93-6 dated January 18, 1993, establishes policies and procedures for processing City income tax returns and refunds, and

WHEREAS, it is necessary to amend the rate of interest to be charged for taxes owed to the City or overpayment made to the City.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 93-6 be amended to read as follows:

The rate determined by the State of Michigan on interest on taxes owed to the City or overpayment made to the city will be 4.4% per annum or .0001202 per day to be effective on July 1, 2016 – December 31, 2016 and 4.5% per annum or .0001233 per day to be effective on January 1, 2017 – June 30, 2017.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: December 5, 2016

### **RESOLUTION NO. 16-126**

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

#### **RESOLUTION AMENDING FISCAL YEAR 2015/2016 GENERAL APPROPRIATIONS- YEAR END BUDGET AMENDMENTS**

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 amendments for Fiscal Year 2015/2016.

GENERAL FUND			
Account Description	Current Budget	Change	Amended Budget
CONTRIBUTION TO MAPLE ST DOWNTOWN INFSTR IMPROV	\$0	\$1,100	\$1,100
CONTRIBUTION TO SANITATION	\$0	\$2,000	\$2,000
FUND BALANCE		-\$3,100	
Elimination of deficit fund balances			

MAPLE STREET DOWNTOWN INFRASTRUCTURE IMPROVEMENT FUND				
Account Number	Account Description	Current Budget	Change	Amended Budget
404-931-699.101	CONTRIBUTION FROM GENERAL	\$0	\$1,100	\$1,100
404-000-390.000	FUND BALANCE		+\$1,100	
Deficit Elimination Transfer				

SANITATION FUND				
Account Number	Account Description	Current Budget	Change	Amended Budget
596-931-699.101	CONTRIBUTION FROM GENERAL	\$0	\$2,000	\$2,000
596-000-395.000	RETAINED EARNINGS		+\$2,000	
Deficit Elimination Transfer				

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

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: December 5, 2016

**RESOLUTION NO. 16-127**

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

**RESOLUTION APPROVING PUBLIC UTILITY  
EASEMENT FROM C.H. FLATS, LLC**

WHEREAS, a public utility water line easement was requested by the City from C.H. Flats, LLC for the installation of water utility lines in the Charter Township of Big Rapids, and

WHEREAS, the terms of the easement allow for the construction and maintenance of a public utility water line, and

WHEREAS, this line will satisfy the DEQ mandate to loop the water line for new construction for Campus Creek Cottages.

NOW THEREFORE, BE IT RESOLVED, that the Public Utility Line Easement from C.H. Flats, LLC is approved and the Mayor is authorized to sign it in the form attached to this Resolution.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: December 5, 2016

**RESOLUTION NO. 16-128**

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

**RESOLUTION APPROVING PUBLIC UTILITY  
EASEMENT FROM MECOSTA COUNTY**

WHEREAS, a public utility water line easement was requested by the City from Mecosta County for the installation of water utility lines in the Charter Township of Big Rapids, and

WHEREAS, the terms of the easement allow for the construction and maintenance of a public utility water line, and

WHEREAS, this line will satisfy the DEQ mandate to loop the water line for new construction for Campus Creek Cottages.

NOW THEREFORE, BE IT RESOLVED, that the Public Utility Line Easement from Mecosta County is approved and the Mayor is authorized to sign it in the form attached to this Resolution.

Yeas: Anderson, Hogenson, James, Rothstein, Warba  
Nays: None  
The Mayor declared the Resolution adopted.  
Dated: December 5, 2016

**RESOLUTION NO. 16-129**

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

**RESOLUTION APPROVING GROUND LEASE  
AGREEMENT WITH BRADLEY LOOY, VELOCITY SYSTEMS, LLC**

WHEREAS, the City of Big Rapids has constructed a community hangar at the Roben-Hood Airport, and

WHEREAS, Bradley Looy, Velocity Systems, LLC, has leased this space in this hangar for the past three years, and

WHEREAS, Mr. Looy would like to continue to lease this hangar according to the provisions of the attached rental agreement titled "City of Big Rapids Roben Hood Airport Lease Agreement" with a term of one year, beginning January 1, 2017 through December 31, 2017, and

WHEREAS, Lessee can renew this lease and extend the lease for up to two additional one year terms, with at 5% rental rate increase for each renewal term, by giving written notice of renewal at least 60 days prior to the end of the current term, subject to the Lessor's Right to Cancel.

NOW, THEREFORE BE IT RESOLVED, that the City Commission approve the lease agreement between the City of Big Rapids and Bradley Looy, Velocity Systems, LLC and authorize Mayor, City Clerk, and Airport Manager to sign.

Yeas: Anderson, Hogenson, James, Rothstein, Warba  
Nays: None  
The Mayor declared the Resolution adopted.  
Dated: December 5, 2016

There was discussion regarding the \$500 modest assistance for the operation of the Bergelin House. The Bergelin family signed off the deed to the Bergelin House to the City this past summer. The Big Rapids Historic Preservation Commission administers and manages the home with renting the upstairs which provides the income necessary to make improvements. Currently the renter is paying \$450.00 a month with utilities included.

There is a water irrigation system that assists in keeping the grass green and the flowers fresh. This water cost cuts into the funds needed to keep up the house. The \$500 assistance from the City would defer the cost from the water usage.

In return for this assistance, the City is asking for an annual summary of activities and financial data from the Big Rapids Historic Preservation Commission to be included in the City's Annual Report.

Commissioner James asked for clarification as to why the City would give the Bergelin House a \$500 assistance if the City owns the house and will now start to maintain it. Commissioner James would like to know what the \$500 would be spent on.

This resolution was pulled from the agenda for further information and will be placed on the December 19, 2016 agenda.

Mr. Paul DesNoyers asked the City Treasurer how much the City collects on inspection fees verse what the City spends on a rental inspector. Mr. Kuhn will bring that information to the December 19<sup>th</sup> Commission meeting.

### **RESOLUTION NO. 16-130**

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

#### **RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH MECOSTA COUNTY FOR PROVIDING INSPECTOR SERVICES WITHIN THE CITY OF BIG RAPIDS**

WHEREAS, the City of Big Rapids needs to obtain the services of one or more people to conduct rental housing property inspections that are authorized and required by the Michigan Housing Law, MCL 125.401, et seq, and

WHEREAS, the City no longer employs a building inspector as the City transferred administration of the State Construction Code and traditional building inspector duties and responsibilities to Mecosta County in 2003, and

WHEREAS, Mecosta County needs more work and fees for its full time building inspector, and

WHEREAS, the City of Big Rapids and Mecosta County have successfully administered the rental program for the past six years, and

WHEREAS, the contract reflects only a modest increase due to inflation and should save money for both units of local government and work well for both the City of Big Rapids and Mecosta County.

NOW, THEREFORE BE IT RESOLVED, that the Interlocal agreement for providing inspector services within the City of Big Rapids is approved in the form that is attached, and the Mayor and Clerk are authorized to sign it.



Yeas: Anderson, Hogenson, James, Rothstein, Warba  
Nays: None  
The Mayor declared the Resolution adopted.  
Dated: December 5, 2016

**RESOLUTION NO. 16-131**

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

**RESOLUTION APPROVING LEASE  
AGREEMENT WITH JIM DUNKLE, BIG RAPIDS TOWING**

WHEREAS, Big Rapids Towing owns land adjacent to the City of Big Rapids Roben Hood Airport, and

WHEREAS, Jim Dunkle, owner of Big Rapids Towing, has expressed interest in leasing a parcel of land on the Roben Hood Airport grounds alongside the big Rapids Towing building, with approximate dimensions of 180x320, and

WHEREAS, Mr. Dunkle would lease this parcel of land according to the provisions of the attached rental agreement with a term of two years, beginning January 2017 through December 31, 2018, and

WHEREAS, Lessee can renew this lease and extend the lease for up to two additional one year terms, with at 5% rental rate increase for each renewal term, by giving written notice of renewal at least 60 days prior to the end of the current term, subject to the Lessor's Right to Terminate.

NOW, THEREFORE BE IT RESOLVED, that the City Commission approve the lease agreement between the City of Big Rapids and Jim Dunkle, Big Rapids Towing and authorize Mayor, City Clerk, and Airport Manager to sign.

Yeas: Anderson, Hogenson, James, Rothstein, Warba  
Nays: None  
The Mayor declared the Resolution adopted.  
Dated: December 5, 2016

There was discussion pertaining to Section 51.08(D) of title V Chapter 51 of the City Code which pertains to the new smart meters that the City is installing for City residents. Some of the existing meters are located in inaccessible places, such as a crawl space or a confined space in which it cannot be readily reached by City staff. There are about 7-10 residents that would need to have their meters relocated to another place. The City is intending to relocate these meters at the City's expense, unfortunately, that is not what the current ordinance states. Currently the ordinance states that "*The City shall provide the replacement 5/8 inch meter, meter horn and remote reader at no charge to the residential customer. Any work performed by City staff shall be charged to the owner on a time and materials basis.*"

This Ordinance was pulled from the agenda for further revision and will be placed on the December 19, 2016 agenda.

Mr. Steve Sobers went over the benefit package for the position of City Manager. Commissioner James would like the life insurance raised from \$10,000 to a minimum of \$15,000 to 100,000 if not 100,000 to 200,000. Commissioner James does not believe that this amount of life insurance will cost a lot. Mr. Sobers cautioned the Commission about raising the amount so drastically, as this could be an indication to the other unions that this would also be an acceptable amount for their group. Commission James did not have an issue with that happening.

### **MOTION NO. 16-132**

Commissioner James moved, seconded by Commissioner Hogenson, that the City Commission extend an offer of employment to Mark Gifford as the Big Rapids City Manager, the terms of which will be communicated to and accepted by Mark Gifford before December 19, 2016, and subject to the outcome of his employment criteria and any action to be taken by the City Commission at its regularly scheduled meeting on or before December 19, 2016.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the Motion adopted.

Dated: December 5, 2016

### **UNSCHEDULED BUSINESS**

- There will be a small reception after the December 19<sup>th</sup> City Commission meeting hosted by Mr. Sobers.
- Commissioner Rothstein commented that he has heard positive things regarding Mr. Mark Gifford. Commissioner Rothstein likes the way Mr. Gifford responds to people and likes that Mr. Gifford carries a pen and pad with him in case he needs it.
- Commissioner Hogenson stated that the Commission has had success working with Mr. Sobers and hopes to have that same success working with Mr. Gifford.
- Alternative winter parking will be discussed at the December 19, 2016 City Commission meeting.
- The Mayor, Mark Gifford, Heather Bowman and Tim Haist will all be going to Lansing for the ceremonially signing of the new Recreation Authority bill with the Governor.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:10 p.m.

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Mayor Mark J. Warba

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Tamyra K. Gillis, City Clerk