

City Commission  
January 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 Steve Sobers; Asst. City Manager Mark Gifford; City Attorney Eric D. Williams; and City Treasurer Aaron Kuhn.

Absent: None

There were 18 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 January 3, 2017 regular meeting be accepted.

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

**SPECIAL ORDERS OF THE DAY** – The City Clerk gave the Oath of Office to Mark Gifford as the new City Manager.

**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 \$49,315 and total expenses were \$114,634. Match Day donation for the library totaled \$1,531.52.

Total revenues for the Community Pool for the quarter were \$30,463 and total expenses were \$15,522.

Total revenues for the quarter for Park and Recreation were \$4,477 and expenses were \$125,002 of which \$101,496 went toward park facilities and \$23,506 went for recreation.

In the investments the City moved away from the Money Market and went to Isabella Bank, which does better than the Money Market. The City is still waiting for the reimbursement from the Baldwin Street Bridge project in the amount of approximately \$400,000.

## **STUDY SESSION**

- a. 2017/18 Budget Timeline Schedule – Aaron Kuhn, City Treasurer, went over the timeline for the 2017/18 budget process. During the week of March 6 – March 10, 2017, Mr. Kuhn and Mr. Gifford will discuss budgets with department heads. A finalization of the budget is to be ready by April 14, 2017, with a June 5, 2017 date for adoption. It is the intention of Mr. Kuhn to have all departments cut their budgets by 5%. With Ms. Bowman promoted to Public Works Director a savings will be felt by only hiring a part-time recreational coordinator.
  
- b. Water Reliability Study – Fleis & VandenBrink – Todd Richter gave a PowerPoint presentation on the Water Reliability Study. This report is required by Public Act 399 (Safe Drinking Water Act). The study examines operations and facilities of a community water system making comments on the needed future needs and capacities of the system. Fleis & VandenBrink completed this report which is both an audit of the present system and a projection of the needs.

This study reviews the following:

- Existing water supply
- Hydrant testing
- Modeling plus or minus 10%
- Future demand projections – 20 years
- Fire flow determination

The water comes from a ground water supply from four wells in one well field that is 150-210 feet deep. There are 2,305 customers who use this water, 28% are commercial or industrial and 72% are residential. The City has a Wellhead Protection Plan on file with the State of Michigan. The City has capped unused wells and has fenced in the working wells. This report only focused on the existing plant not on a new facility that may be built in the future.

717 Finley Update – Mark Sweppenheiser gave an update on the property located at 717 Finley which sustained extensive fire damage. Mr. Sweppenheiser has negotiated a price with the owner and a purchase agreement has been drawn up. The amount the City will pay for the property is \$5,000 and closing on this property is on Thursday. Mr. Sweppenheiser has talked with Mark Sochocki of the Housing Commission and they are interested in assisting the City with this property. The goal of the City is to have this property cleaned up for the neighborhood. If the City transfers the land to the Housing Commission, it would first be presented to the City Commission for approval.

**PUBLIC COMMENT** - none

**PUBLIC HEARING** – none

The City Commission took a 5-minute recess.

**RESOLUTION NO. 17-05**

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

**RESOLUTION ADOPTING THE 2017 RULES OF PROCEDURES  
FOR CONDUCTING THE BIG RAPIDS CITY COMMISSION BUSINESS**

WHEREAS, Section 6.1 of the City Charter requires that the City Commission adopt at its first or second meeting of January each year its Rules of Procedures, and

WHEREAS, the 2017 Rules of Procedures are attached.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby adopts the 2017 Rules of Procedures for Conducting the Big Rapids City Commission Business.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 17, 2017

**RESOLUTION NO. 17-06**

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

**RESOLUTION APPROVING THE BIG RAPIDS COMMUNITY LIBRARY SERVICE  
CONTRACT WITH THE CHARTER TOWNSHIP OF BIG RAPIDS**

WHEREAS, the township residents approved a library millage proposal at the August 2, 2016 election, and

WHEREAS, the 2/10 of a mill will be distributed between the Big Rapids Public Library and Walton Erickson Public Library based on the service area of the contract, and

WHEREAS, the Big Rapids Community Library will receive an estimated \$25,875 the first year to provide township residents with library services, and

WHEREAS, this contract shall be in effect for the term of the millage for library service, and shall be extended automatically upon renewal of the millage unless terminated by any party (City, Library or Township) by giving written six months' notice of the intent to terminate the contract.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approve the Big Rapids Community Library service contract with the Charter Township of Big Rapids, and the Mayor is authorized to sign said contract.

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

**RESOLUTION NO. 17-07**

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

**RESOLUTION ACCEPTING CITY ATTORNEY EMPLOYMENT AGREEMENT  
WITH ERIC D. WILLIAMS FOR YEARS 2017 - 2019**

WHEREAS, the City Attorney's employment agreement is reviewed and renewed each year regarding basic services, compensation and quarterly overhead expenses.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves and enters into the attached employment agreement with Eric D. Williams to serve as the City Attorney for the City of Big Rapids for a period of January 1, 2017 to December 31, 2019.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to sign said employment agreement.

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

**RESOLUTION NO. 17-08**

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

**RESOLUTION AUTHORIZING THE APPROVED VERSION  
OF A BALLOT PROPOSAL TO AMEND SECTION 8.10 OF  
THE BIG RAPIDS CITY CHARTER TO ALLOW THE CITY  
COMMISSION TO WAIVE THE REQUIREMENT OF  
FORMAL SEALED BIDS**

WHEREAS, Section 8.10 of the Big Rapids City Charter currently states:

**Section 8.10 Purchasing Procedure: Bids, Contracts,  
Regulations.**

Detailed purchasing and contracting procedures shall be established by Ordinance. The City Manager shall be responsible for City purchasing in the manner consistent with City ordinances. Competitive

prices for purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to the qualified bidder as regulated by the purchasing ordinance. Formal sealed bids shall be obtained in all transactions involving the expenditure of \$7,500 or more and the transaction, evidenced by written contract, submitted to and approved by the City Commission. The City Commission may authorize the making of public improvements or the performing of any other city works by any City department or agency without competitive bidding.

WHEREAS, the City Manager recommended an amendment to Section 8.10 of the City Charter to allow the City Commission to waive the Charter requirement of formal sealed bids for expenditures of \$7,500 or more, and

WHEREAS, the City Commission adopted Resolution No. 16-93 on September 6, 2016, proposing the following amendment to section 8.10 of the Big Rapids City Charter,

**Upon written recommendation of the City Manager, the City Commission may waive the requirement of formal sealed bids for an expenditure of \$7,500 or more by an affirmative vote of four (4) or more City Commissioners determining that it would be in the City's best interest to do so.**

WHEREAS, the proposed amendment was to be submitted to the electors in a format that included both the existing City Charter text of Section 8.10 and the proposed amendment to it:

**PROPOSED AMENDMENT TO SECTION 8.10 OF THE  
CHARTER OF THE CITY OF BIG RAPIDS**

The City Charter Amendment proposed by the City Commission to amend Section 8.10 of the Charter will allow the City Commission to waive the requirement of formal sealed bids for expenditures of \$7,500 or more when four or more City Commissioners determine it is in the City's best interest to do so.

Shall the proposed amendment to Section 8.10 of the City Charter that appears below in underlined and bold print be adopted?

**Section 8.10 Purchasing Procedure: Bids, Contracts, Regulations**

Detailed purchasing and contracting procedures shall be established by Ordinance. The City Manager shall be responsible for City purchasing in the manner consistent with City ordinances. Competitive prices for purchases and public improvements shall be obtained, and the purchase made

from, or the contract awarded to the qualified bidder as regulated by the purchasing ordinance. Formal sealed bids shall be obtained in all transactions involving the expenditure of \$7,500 or more and the transaction, evidenced by written contract, submitted to and approved by the City Commission. The City Commission may authorize the making of public improvements or the performing of any other city works by any City department or agency without competitive bidding.

**Upon written recommendation of the City Manager, the City Commission may waive the requirement of formal sealed bids for an expenditure of \$7,500 or more by an affirmative vote of four (4) or more City Commissioners determining that it would be in the City's best interest to do so.**

Yes

No

WHEREAS, Governor Rick Snyder approved the proposed City Charter amendment to Section 8.10 of the Big Rapids City Charter in a letter dated January 4, 2016, and

WHEREAS, the Attorney General's office rejected the form of the ballot proposal because it was too lengthy, but provided an approved version of the ballot proposal:

**PROPOSED AMENDMENT TO SECTION 8.10 OF THE CHARTER OF THE CITY OF BIG RAPIDS**

The City Charter Amendment proposed by the City Commission to amend Section 8.10 of the Charter will allow the City Commission to waive the requirement of formal sealed bids for expenditures of \$7,500 or more when four or more City Commissioners determine it is in the City's best interest to do so.

Shall the proposed amendment to Section 8.10 of the City Charter be adopted?

WHEREAS, the City Attorney recommends that the City Commission accept and approve the "approved version" of the ballot proposal for the amendment of Section 8.10 of the City Charter to be placed on the ballot for the next general election,

NOW THEREFORE, BE IT RESOLVED,

1. It is proposed that Section 8.10 of the Charter of the City of Big Rapids be amended to read as follows, with the amendment appearing in underlined bold print:

**Section 8.10 Purchasing Procedure: Bids, Contracts, Regulations**

Detailed purchasing and contracting procedures shall be established by Ordinance. The City Manager shall be responsible for City purchasing in the manner consistent with City ordinances. Competitive prices for purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to the qualified bidder as regulated by the purchasing ordinance. Formal sealed bids shall be obtained in all transactions involving the expenditure of \$7,500 or more and the transaction, evidenced by written contract, submitted to and approved by the City Commission. The City Commission may authorize the making of public improvements or the performing of any other city works by any City department or agency without competitive bidding.

**Upon written recommendation of the City Manager, the City Commission may waive the requirement of formal sealed bids for an expenditure of \$7,500 or more by an affirmative vote of four (4) or more City Commissioners determining that it would be in the City's best interest to do so.**

2. The purpose of the proposed amendment shall be designated on the ballot in the following form:

PROPOSED AMENDMENT TO SECTION 8.10 OF THE CHARTER OF THE CITY OF BIG RAPIDS

The City Charter Amendment proposed by the City Commission to amend Section 8.10 of the Charter will allow the City Commission to waive the requirement of formal sealed bids for expenditures of \$7,500 or more when four or more City Commissioners determine it is in the City's best interest to do so.

Shall the proposed amendment to Section 8.10 of the City Charter be adopted?

- Yes
- No

3. The City Clerk need not transmit a copy of the proposed amendment to Governor Rick Snyder, because the Governor already approved the proposed amendment, and the City Clerk shall transmit a copy of the ballot proposal and question to the Attorney General to confirm the City's use of the approved version.

4. The proposed amendment shall be submitted to the qualified electors of the City of Big Rapids at the next general election of the City of Big Rapids.
5. The City Clerk is authorized and directed to file this Resolution and complete any form, certificate, action, or document as may be required by the County Clerk to evidence the foregoing certification and submission of the ballot proposal to the electors.
6. The proposed amendment shall be submitted to the electors in the following format:

PROPOSED AMENDMENT TO SECTION 8.10 OF THE  
CHARTER OF THE CITY OF BIG RAPIDS

The City Charter Amendment proposed by the City Commission to amend Section 8.10 of the Charter will allow the City Commission to waive the requirement of formal sealed bids for expenditures of \$7,500 or more when four or more City Commissioners determine it is in the City's best interest to do so.

Shall the proposed amendment to Section 8.10 of the City Charter be adopted?

7. The proposed amendment shall be published in full together with the existing Charter provision as part of the notice of the election.
8. The canvass and determination of the votes on said question shall be made according to the laws of the State of Michigan and the Charter of the City of Big Rapids.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 17, 2017

CERTIFICATE

I, Tamyra Gillis, the duly elected and acting Clerk of the City of Big Rapids, hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a meeting of the Big Rapids City Commission held at the Big Rapids City Hall on January 17, 2017, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; that a quorum of the Commission was present and voted in favor of the Resolution; and that minutes of the

meeting were kept and will be or have been made available as required by the Open Meetings Act.

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Tamyra K. Gillis, City Clerk

**RESOLUTION NO. 17-09**

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

**RESOLUTION ACCEPTING CONTRACT GOVERNING THE WATER DISTRIBUTION SYSTEMS OF FERRIS STATE UNIVERSITY AND THE CITY OF BIG RAPIDS FOR CONSTRUCTION, OPERATION AND COMMUNICATION PRACTICES**

WHEREAS, the City of Big Rapids and Ferris State University both have and maintain water distribution systems, and

WHEREAS, these systems are interconnected, thereby creating the condition that water issues in one system can affect water conditions in the other system, and

WHEREAS, until this point, there has been no formal written contract between the two agencies concerning construction practices, maintenance activities and communication responsibilities, and

WHEREAS, the DEQ has found that to be an unacceptable condition which unless corrected could result in greater difficulty in gaining approval for new water line construction in the future, and

WHEREAS, the City and the University agree that written rules would be a positive addition to the relationship of the two agencies for water system construction, maintenance and communication, and

WHEREAS, the City, University and DEQ have drafted, reviewed and given tentative approval to the attached contract document governing the future relationship of the two water distribution systems.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the attached contract document governing the water distribution systems of Ferris State University and the City of Big Rapids for construction, operation and communication practices.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 17, 2017

**RESOLUTION NO. 17-10**

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

**RESOLUTION ACCEPTING PROPOSAL FROM FLEIS & VANDENBRINK  
FOR PROFESSIONAL ENGINEERING SERVICES FOR  
CAPITAL IMPROVEMENT PROJECTS FOR THE  
WASTEWATER TREATMENT PLANT**

WHEREAS, four Capital Improvement Projects have been approved for the 2016/17 Capital Improvements Program Prioritization Plan year for the Wastewater Treatment Plant, and

WHEREAS, these four projects are:

1. Final Clarifier Structure, Decking, and Railings – Stripping and Painting.
2. New Stairway from the Digester Building to the North Digester & Gravity Thickener.
3. Inlet Air Piping and Filter Modifications – Four Kaeser Digester Blowers.
4. Bid Process and Purchase of a Replacement Digester Blower Motor, and

WHEREAS, the City has retained Fleis and VandenBrink Engineering Inc. to provide engineering services, with the adoption of Resolution No. 15-52 dated June 1, 2015, and

WHEREAS, the City desires professional services to assist in the design phase, bid phase, and the construction phase for the first three projects and the bid process and purchase of a replacement digester blower motor, and

WHEREAS, Fleis and VandenBrink Engineering Inc. has submitted a proposal outlining the engineering tasks and services they will provide in the amount of \$23,800.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the proposal of Fleis and VandenBrink Engineering Inc. to provide engineering services for the three phases of design, bidding and construction and the bid process and purchase of a replacement digester blower motor in the amount of \$23,800 for the WWTP.

BE IT FURTHER RESOLVED, that the cost be expensed from Account Number 598-560-998.000 (CIP high prioritization).

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 17, 2017

## UNSCHEDULED BUSINESS

- There was a Martin Luther King march on the Ferris State University campus that Commissioner Anderson attended. The march was well attended with a large crowd.
- City officials attended the Big Rapids Township Address last week.
- Big Rapids Township will be discussing Clay Cliffs at their meeting in February. The Mayor plans on attending this meeting.
- There was a meeting with school representatives to discuss the Recreation Authority. The City is still looking to move forward with this. The school board and district may be three to four months from adopting Articles of Incorporation.
- The Capital Conference in Lansing is March 21, and 22, 2017. Any City official interested in going is to please contact Tamyra Gillis for registration.
- The Mayor will not be able to attend the City Commission meeting on March 20, 2017.
- There was an article in the newspaper regarding having a lesser offense for Minors in Possession of Alcohol. Mr. Williams is in the process of preparing a required ordinance amendment. This offense will go from a misdemeanor to a civil infraction.
- The Festival of the Arts books are available at City Hall as well as other various locations throughout the City. This involves a wide variety of events for the month of February.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:05 p.m.

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Mayor Mark J. Warba

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Tamyra K. Gillis, City Clerk

