

City Commission  
July 3, 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 4 people in the audience.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES**

Commissioner Anderson moved, seconded by Commissioner Rothstein that the minutes of June 19, 2017 regular meeting be accepted with one correction.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

**MAYOR WARBA STATE OF CITY REPORT**

Mayor Warba presented his 5<sup>th</sup> and final State of the City report, as required by City Charter, advising the citizens of four goals/issues facing the City that might be achieved in the next year. The four goals/issues were:

- General Fund - currently the City's general fund balance is lower than the City would like it to be and could affect bond ratings. There should be an effort and emphasis on increasing the general fund balance to a more acceptable level.
- Infrastructure – Upkeep of infrastructure is an important factor in keeping and attracting businesses into the City of Big Rapids. It also encourages people to live in the City. With the help of the State road funding legislation, the City can begin to improve the streets and sidewalks.
- Water Plant - would like to see the plant decommissioned. After several years of hard work, the rewrite of the contracts with Big Rapids and Green Townships for capacity at the Wastewater treatment plant may be ready for a vote by fall.
- Encourages the future Commission to continue moving forward on deciding how it will deal with medical marijuana, the Ives drain, and Clay Cliffs.

In Mayor Warba's ten-year period with the City, he has observed the following:

- Wastewater Treatment Plant multi-million-dollar renovation
- Big Rapids Community Library renovation along with dedicated funding from Big Rapids Township
- New businesses with new buildings – Isabella Bank on the east side, Hometown Pharmacy located on the corner of State and Maple, Panera Bread on S. State Street.
- New businesses downtown – Red Fox Market and Serendipity clothing store.

During the Mayor’s tenure, there have been four different treasurers, three Public Safety Directors, two City Mangers and two City Clerks.

The Mayor stated that he takes responsibility for the times when the City may have come up short in what it has tried to do. Any successes are because of the hard work and dedication of the City staff, City employees, and the residents who volunteer to serve on various boards and commissions. Any accomplishments are also the result of having the privilege to serve with other Commissioners who are passionate about the City and the people who call Big Rapids home.

**SPECIAL ORDERS OF THE DAY** – Mayor Warba presented the Proclamation for Park and Recreation Month to Park and Recreation Board member Karen Simmon.

### **Designation of July as Park and Recreation Month**

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the City of Big Rapids; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community’s economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the City of Big Rapids recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, BE IT RESOLVED BY the City of Big Rapids that July is recognized as Park and Recreation Month in the City of Big Rapids.

Proclaimed this 3rd day of July, 2017

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Mayor Mark J. Warba

### **STUDY SESSION**

a. Lead and Copper sampling results – Mark Gifford

The Department of Environmental Quality (DEQ) now requires sampling of water services to determine Lead and Copper levels in the water at 60 sites every 6 months. Previous sampling requirements were 30 samples every 3 years. Sixty-three samples were collected and sent to the State lab for testing.

The DEQ sets an Action Level (AL) and a Maximum Contaminant Level Goal (MCLG) for both Lead and Copper. Of the samples collected, only one exceeded the AL for lead and none of the samples exceeded the AL for Copper. The site that exceeded the AL for lead was the State Street Booster Pump located at the State Street Watertower near Subway. Staff believes that this is a result of old plumbing and an outdated fixture that is located at that site.

These results confirm that the City's water system is extremely safe and staff will continue to take steps to maintain this high level of service to the community.

b. 804 N. State Street – Mark Gifford

DiAnn Godbold, owner of 804 N. State Street, approached the City with an offer to donate this property to the City of Big Rapids. This was the old Mexican restaurant. Ms. Godbold has been trying to sell it but has had no luck in doing so.

Her letter is as follows:

June 30, 2017

Dear City of Big Rapids,

I am the owner of property at 804 North State Street, Big Rapids, Michigan. I am gifting this property to the City of Big Rapids.

Thank you,  
DiAnn Godbold

At the request of the City, the property was inspected by Mecosta County Building Inspector Aaron Holsworth and Neighborhood Services Director Mark Sweppenheiser. The property is zoned C-3 and the lot size is 120'X150', (0.413 acres).

There are two additions that have been added to the building over time. The roof was recently replaced but the shingles and flashing were done incorrectly and need replacement. The Awning design along the front of the structure where the shingled roof was improperly installed needs to be replaced. There are six large paned windows in the front of the structure that may need replacement.

The interior has been gutted. The flooring and drop ceiling have been removed. There are exposed studs on non-load bearing interior walls and mechanicals have all been removed. There are several roof leaks. At least one exterior wall is settling and pulling away from another wall.

Eric Williams commented that per IRS rules there must be an appraisal done of the property that supports the amount that is being claimed as a contribution. The IRS also has some criteria for a qualifying appraisal. The State authorizing stature for donations dictates how municipalities can accept donations of land for parks and other public purposes. The City should have a public purpose in mind before accepting the land as opposed to after they receive it. Mr. Williams would need to research this further before advising the Commission on accepting or denying the offer.

After further discussion, the Commission recommended that 804 N. State be referred to the Planning Commission for their review and recommendation.

**PUBLIC COMMENT** – Rose Mary Jennings commented that she respected Mayor Warba on how he treats the young people who come to the Commission meetings. The kids respond well to him.

**PUBLIC HEARING** – None

**RESOLUTION NO. 17-93**

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

**RESOLUTION ACCEPTING MICHIGAN DEPARTMENT OF TRANSPORTATION  
BLOCK GRANT TO RECEIVE FUNDING TO ACQUIRE SNOW REMOVAL  
EQUIPMENT (BROOM WITH AIR BLAST) – CONSTRUCTION  
FOR ROBEN HOOD AIRPORT**

WHEREAS, the City has applied for and has been granted a Block Grant from the Michigan Department of Transportation for projects at Roben-Hood Airport, and

WHEREAS, per resolution no. 17-26, dated March 6, 2017 the City Commission accepted the grant from the Michigan Department of Transportation for the Phase I - Design of a broom with air blast for the Roben Hood airport, and

WHEREAS, MDOT has sent another contract for the construction phase to acquire the snow removal equipment (Broom with air blast), and

WHEREAS, the estimated project cost is \$173,500.00 whereby \$164,825.00 comes from Federal and State grant monies with a City match of \$8,675.00.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approve Contract No. 2017-0580, Federal Project No. B-26-0013-2314 for the Federal/State/Local Airport Project under the MDOT Block Grant program in the amount of \$8,675.00 and authorize the Mayor to sign said contract.

BE IT FURTHER RESOLVED, that the funding for the construction phase to acquire snow removal equipment (Broom with air blast) has been approved in the City's Airport Capital Improvement Plan and will be expensed to Account No. 295-249-967.020(Airport Match).

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 3, 2017

### **RESOLUTION NO. 17-94**

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

#### **RESOLUTION AMENDING FISCAL YEAR 2017/2018 GENERAL APPROPRIATIONS- LIBRARY**

WHEREAS, the City of Big Rapids adopted FY 2017/2018 General Appropriations on June 5, 2017 per Resolution No. 17-66, 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 2017/2018 – Grants for Library

LIBRARY FUND
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Account Number	Account Description	Current Budget	Change	Amended Budget
271-000-690.013	FREE LIBRARY GRANTS (REV)	\$0	\$2,500	\$2,500
271-790-732.013	FREE LIBRARY SUPPLIES (EXP)	\$0	\$2,500	\$2,500
Grants for little free libraries around the City of Big Rapids				

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2017/2018 City of Big Rapids Budget accordingly.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 3, 2017

### **RESOLUTION NO. 17-95**

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:

#### **ZONING BOARD OF APPEALS**

Rory Ruddick appointed to a full term ending May 2020.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 3, 2017

The State of Michigan, through Act No. 345 of Public Acts 2016, is now regulating the transportation network companies, taxicabs, and certain limousines in the State. Effective March 21, 2017 local governments were not to enact or enforce an ordinance regulating a limousine carrier, taxicab carrier, limousine driver, taxicab driver, or transportation network company. The City will no longer license the business, the drivers or inspect their taxicabs. The Department of Licensing and Regulatory Affairs (LARA) will handle all licenses of taxicab businesses, taxicabs, and taxicab drivers.

Commissioner Hogenson commented that there have been two Public Safety Directors who have made amendments to the statute that the State is getting rid of with convincing arguments for why they needed to be consulted. Commissioner Hogenson

believes that this is another erosion of the City's responsibilities and now someone at the State level will be advocating for the City.

It is time to codify the Big Rapids Code of Ordinance book and the Clerk would like this chapter repealed since it can no longer be enforced.

Chris O'Neil, Big Rapids, asked the City Treasurer how this would affect the City financially. Mr. Kuhn stated that it would be less than a \$1,000 a year.

**ORDINANCE NO. 706-07-17**

Commissioner Hogenson moved, supported by Commissioner Rothstein, adoption of the following Ordinance.

**ORDINANCE REPEALING TITLE II, CHAPTER 114 OF  
THE BIG RAPIDS CITY CODE OF ORDINANCE  
TAXICABS**

WHEREAS, in 2009 the City of Big Rapids repealed and replaced Chapter 114 of Title II in the Big Rapids City Code to update the section pertaining to taxicabs, and

WHEREAS, the State of Michigan per Act No. 345 of Public Acts of 2016, signed into law an act to regulate transportation network companies, taxicabs, and certain limousines in the State of Michigan, and

WHEREAS, effective March 21, 2017 a local government may not enact or enforce an ordinance regulating a limousine carrier, taxicab carrier, limousine driver, taxicab driver, or TNC driver, and

WHEREAS, there is no reason to retain Chapter 114 within the Big Rapids City Code.

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Title II, Chapter 114 of the Big Rapids City Code is repealed.

Section 2. This ordinance is effective upon publication.

Section 3. The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Date: July 3, 2017

Published: July 6, 2017

**RESOLUTION NO. 17-96**

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

**RESOLUTION ADJOURNING TO CLOSED SESSION  
TO DISCUSS THE PERFORMANCE REVIEW OF THE  
CITY MANAGER AND CITY TREASURER**

WHEREAS, City Manager Mark Gifford and City Treasurer Aaron Kuhn have requested a closed session for the discussion of their performance reviews.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission adjourns to closed session for the purpose of discussing the performance review of the City Manager and City Treasurer.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 3, 2017

**UNSCHEDULED BUSINESS**

- Commissioner Anderson commented on how beautiful the flowers are downtown and wished everyone a happy 4<sup>th</sup> of July.
- Commissioner Hogenson stated that the reason that the State of the City Address is in the Charter was because Mayor Burch recommended it to the Charter Revision Committee. He felt proud of what he had done as Mayor and hoped that others would be incused with that sense of pride of accomplishment and in taking their leadership seriously. Commissioner Hogenson commented that he has not worked under anyone who has taken this role more seriously than Mayor Warba. Many of the wonderful things that have happened in Big Rapids are because of Mayor Warba's leadership and Commissioner Hogenson thanked him.
- The 4<sup>th</sup> of July Parade will be tomorrow at 6:00 p.m. downtown.
- Paving will start on Michigan Avenue on July 17<sup>th</sup>.

The City Commission came out of closed session at 7:55 p.m.

Commissioner James commented that she would like to have a comprise regarding the evaluation of the City Clerk. She would like to know when Mr. Gifford will be doing Ms. Gillis' evaluation so that the Commission has an opportunity to offer some comments.

Commissioner Anderson commented that it is always difficult to evaluate someone when they do not see them on a day to day basis.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:01 p.m.



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Mayor Mark J. Warba

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Tamyra K. Gillis, City Clerk