

City Commission
January 3, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:30 p.m.

Present: Commissioners Peggy Brennan, Tom Hogenson, Terry Harper, and Dan Rothstein; Mayor Edward Burch; and City Attorney Eric D. Williams.

Absent: City Manager Steve Sobers, who was excused.

There were 14 persons in the audience.

Pledge of Allegiance.

The agenda was approved as presented.

The minutes of the December 18, 2006 meeting were approved as presented.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Farm Plan	87.20	Petty Cash Treasurer's Office	2.73
AT & T	64.55	Checkpoint Systems	400.00*
AT & T	211.72*	Easton telecom Services	2.56*
Grand Rapids Press	42.00*	Allen, Teresa	15.95*
Amazon. Com Credit	269.33*	Baker & Taylor	230.29*
Movie Licensing USA	325.00*	Farm Plan	87.20*

*Indicates Library bill

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None

SPECIAL ORDERS OF THE DAY - None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA - None

Mark Gifford, Director of Neighborhood Services, provided the City Commission with the Plan Board background pertaining to the proposed R-1 and R-3 Ordinance changes.

Proposed Changes in R-1: The Plan Board reviewed the matter of supplemental occupancy in R-1 zoning districts that was referred to them by the City Commission. During their review, the Plan Board discussed many examples of the type of supplemental occupancy and could not recommend eliminating the provision for supplemental occupancy from the Zoning Ordinance. The problem arises when parents purchase a home, list their son or daughter on the deed, and rent out space to another individual, or more. The Plan Board has identified that currently there are roughly fifteen such houses located throughout the community.

The recommendation of the Plan Board is to allow a supplemental occupancy in a R-1 district under a conditional use permit. The goal is to protect the R-1 areas of the City.

Proposed Changes in R-3: There is a discrepancy between two sections of the Zoning Ordinance pertaining to multiple-family dwellings in multiple structures on a single lot and owner occupied condos. In one section of the ordinance they are listed as a principal use in a R-3 zone. In another section, they

are referred to as being conditional uses in R-3. The proposed change would make them a conditional use.

The Commission had a lengthy discussion pertaining to the proposed R-1 changes. They discussed the definition of a family and how this is a difficult thing to do, how current properties would be handled, how the proposed ordinance would be enforced, the difficulty in monitoring properties, and how the changes in the ordinance may help change the problem.

Eric Berke, 504 Pere Marquette, and Norm Turner, 510 Winter, both gave examples of where a homeowner may take someone into their home.

Florence Froelich, 519 Linden, believes the definition of family needs to be reviewed.

Marilyn Schippa, owner of a rental unit in town, stated she learned by the evening's discussion that she could have three unrelated individuals in her unit.

Mary Ryan, 327 S. Stewart Avenue, can not understand how housing units can be homesteaded by students. FSU is promoting this activity by requiring freshmen to live on campus unless they live in a owner-occupied house.

Jim Peek gave examples of trying to monitor the number of individuals in a home. It is recognized that the proposed ordinance change may not solve the problem, but it is hoped the new regulations will discourage new problem locations.

The following letter was submitted by Jane Johansen:

December 31, 2006

To: Mayor Burch, Commissioners Brennan, Harper, Hogenson and Rothstein.

In regards to the plan boards proposed zoning change in the R1 neighborhoods, I would like to state why I think it is very important to pass this amendment.

Unfortunately we have a few unethical real estate agents in our area. Most agents are ethical, but it only takes a few that are not, to cause a mess. These agents are coaching prospective buyers on how to purchase in the R1 neighborhoods and bypass the zoning regulations. Out of town landlords and/or parents of students come and purchase a home in the R1 neighborhood, title it in their sons or daughters name, and than they have a friend live with them, and then it's another friend and it keeps going. They know it's very difficult to prove how many and who are living in a household. Peoples civil rights are pretty clear cut, and Neighborhood Services have a difficult and sometimes very lengthily process to determine who lives where and with whom.

I feel that our transient population should not be dictating the quality of life for our long term residents. The people who live and make their life here in these neighborhoods deserve better.

This will not stop the foreign exchange student or care giver etc. True, there will be one more step to go through, but it will be worth it to preserve the integrity of these neighborhoods. Big Rapids has been too lax in the past and that's one reason we have the problems we have now. We need to make changes to Big Rapids to make it desirable to live in Big Rapids. Too many people are moving to the townships where they don't have to deal with these types of nuisances. We must all work together to make Big Rapids a place where people will want to **move to**, not out of.....so if stricter zoning is called for, so be it.

Jane Johansen
117 S. Stewart

In conclusion of the discussion pertaining to the R-1 Zoning Ordinance changes, the Commission asked Mr. Gifford to provide some additional information. Once that information is gathered, the proposed change will be brought before the Commission.

The proposed changes regarding R-3 can be brought back to the City Commission at their next meeting.

ORDINANCE NO. 576-01-07

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

**AN ORDINANCE ADOPTING THE 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 Procedure, and

THE CITY OF BIG RAPIDS ORDAINS:

**RULES OF PROCEDURE FOR CONDUCTING
THE BIG RAPIDS CITY COMMISSION BUSINESS**

1. Authority

These rules are adopted by the City Commission pursuant to the provisions of the Charter of the City of Big Rapids adopted February 11, 1992.

2. Regular Meetings

The regular meetings of the City Commission shall be held on the first and third Monday of each month, except when such days fall on a holiday officially observed by the City of Big Rapids and identified by resolution for which business is not conducted or on any election day. Then, in that event, the regular meeting date of the Commission shall be on the first weekday thereafter that is not a legal holiday or election day.

3. Special Meetings

a) The Commission shall meet in special session when the City Clerk receives written request from the Mayor, the City Manager, or any two members of the Commission. Any special meeting at which four members of the City Commission are present or have waived notice thereof in writing, shall be a legal meeting for all purposes if the public and the media firms have received notice at least 18 hours prior to the time of the meeting.

b) Only business which has been stated in the notice of special meeting shall be transacted; however, if four (4) members of the Commission are present at any special meeting, then any business which might lawfully come before a regular meeting may be transacted at such special meetings.

4. Place of Meetings

Regularly scheduled or specially called meetings shall be held at City Hall, 226 N. Michigan Avenue, Big Rapids or at any other place within the City limits upon the approval of the Commission. Whenever any meeting place of the Commission appears to be inadequate for members of the public to attend, the Mayor or City Manager and City Clerk may change the meeting to a larger facility located in the City of Big Rapids. A notice of the change shall be prominently posted on the door of the original meeting place at least 18 hours prior to the time of the meeting. The City Clerk shall make every

reasonable attempt prior to the meeting to give notice of such change in the meeting place in a newspaper of general circulation of the City and to the local radio stations.

5. Time of Regular Meetings

Regularly scheduled meetings shall begin at 7:30 p.m. in the evening. The Commission shall not take up any item on the agenda after the hour of 10:30 unless unanimous consent to continue is given by the members present. If consent is given, the meeting continues to the point designated in the motion. Matters on the agenda not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting, or if called, at a special meeting.

6. Change in Schedule for Regular Meetings

a) Changes in the regular schedule shall not be made except by resolution. In the event the Commission shall meet and a quorum is not present, two members may adjourn the meeting to a later date ensuring proper notice to absent members and public is given. Otherwise, the meeting is adjourned to the next regular scheduled meeting.

b) The Commission upon the approval of a majority of its members in session at any regular or special meeting may cancel one or more of its regular meetings, provided the Commission holds at least two regular meetings in each month of the calendar year.

7. Public Notice of Meetings

The City Clerk or his/her designate shall be responsible for providing proper notice for all meetings of the Commission.

8. Public Notice of Regular Meetings

At its first meeting in January, the Commission, by resolution or ordinance, shall adopt a schedule of its regular meeting day and time. The City Clerk or his/her designate shall post the adopted schedule in a conspicuous location in the City Hall and at such other locations in the City as the City Clerk deems reasonable within 10 days after the first meeting of the Commission in each calendar year, indicating the dates, times, and place of regular meetings.

9. Public Notice of Special Meetings

Notice of special meetings shall be given at least 18 hours in advance of the special meeting. Such notices shall be served personally or left at the Commission member's usual place of business and shall be posted in a conspicuous location in the City Hall and at other locations in the City by the City Clerk or his/her designate. The notice of special meeting shall specify location, date, time and purpose(s) of the meeting.

10. Public Notice of Schedule Change

Whenever the Commission changes its regular schedule of meetings, the City Clerk or his/her designate shall post a notice of the change in the same locations as he/she did in No. 6 within three days following the meeting at which the change was made.

11. Public Notice of Emergency Meetings

If the Commission reschedules a meeting under the provisions of No. 6 or calls a special meeting under No. 3, the City Clerk or his/her designate shall post a notice of such changes immediately and no meeting except emergency meetings shall be held until the notice has been posted at least 18 hours. The Commission may hold an emergency meeting upon the call of the Mayor or City Manager, or two Commission members, without giving 18 hours notice, in the event of severe and imminent danger to the

health, safety and welfare of the public, and four Commission members at the meeting decide that delay would be detrimental to efforts to lessen or respond to the threat.

12. Notification to Media and Others

The City Clerk or his/her designate shall notify, without charge, any newspaper, radio or television station of such meeting schedule, schedule of changes, or special meetings, whenever such newspaper, radio or television station shall have filed with the City Clerk written request for such notice. The City Clerk or his/her designate shall also notify other individuals or organizations of regular meeting schedules, changes in schedule, or special meetings, but only upon their written request and agreement to pay for the printing and postage expenses. The City Clerk or his/her designate shall mail all such notices pursuant to this section by first class mail.

13. Quorum

Three members of the Commission shall constitute a quorum for the transaction of business at all meetings of the Commission. If a quorum is not present, two members may adjourn the meeting to a later date and time.

14. Compelling Attendance

By vote of at least two members, the Commission may compel the attendance of its members and other City officers at its regular and special meetings. Any commissioner or other City officer who, having been informed of the vote to require attendance, refuses to attend such meeting may be charged with misconduct in office.

15. Regular Meeting Agenda Preparation

a) The City Manager or his/her designate shall prepare the agenda of business for all regularly scheduled Commission meetings. All matters to be placed on the agenda shall be received in the Office of the City Manager by the close of business on the Tuesday preceding the next regular meeting. The order on the agenda of such items shall be determined by the City Manager with priority given to items which will have presenters at the meeting.

b) Items not being considered as part of the regular meeting agenda may be added upon unanimous consent of the members present. These items shall be placed on the agenda under Unscheduled Business.

16. Distribution of Regular Meeting Agenda and Other Materials

The City Manager or his/her designate shall distribute copies of the agenda together with copies of supplemental documents that relate to the business matters coming to the Commission on the Friday preceding the next regular meeting. The City Manager may distribute such materials by mail or by personal delivery.

17. Agenda Order of Business

The agenda shall be arranged in the following order:

- 1) Call to Order
- 2) Roll Call
- 3) Pledge of Allegiance
- 4) Approval of the Agenda
- 5) Approval of Minutes
- 6) Approval of Park and Recreation and Library Board Bills
- 7) Special Orders of the Day

- 8) Public Comment Not Related to Items on the Agenda
- 9) Public Hearings
- 10) General Business
- 11) Unscheduled Business
- 12) Adjournment

The Mayor or in his/her absence, the Mayor Pro-Tempore may change at his/her discretion the order in which the business of the Commission is conducted.

18. Special Meeting Agenda Preparation

The notice of special meeting shall act as the meeting agenda. If a special meeting qualifies under Section 1.312 to transact additional business, such additional business may be added with the unanimous consent of the Commission members present.

19. Presiding Officer

The Mayor shall be the presiding officer of the Commission. In the absence of this officer, Mayor Pro-Tempore assumes the duties of the presiding officer. Whenever, there is a quorum present for a regular meeting of the Commission, and neither the Mayor nor Mayor Pro-Tempore is present, the City Clerk shall call the meeting to order. The next order of business irrespective of the agenda shall be to elect one of the three Commissioners acting Mayor Pro-Tempore. The Commission so constituted shall be empowered to conduct the regular business of the meeting.

20. Member Participation in Conduct of Meeting

The Mayor shall recognize each member of the Commission prior to that member speaking.

21. Public Participation in Conduct of Meeting

All regular and special meetings of the Commission shall be open to the public and those in attendance shall have a reasonable opportunity to be heard in the following manner:

a) Public comment during public hearing: The pro side will be given an opportunity to make their comments first. Once each person on the pro side of the issue has spoken one time, the con side shall be given the same opportunity. All speakers shall go to the podium or other designated area, identify themselves for the record, and present their oral comments. The time limit for initial oral comments is five minutes. The speaker may be interrupted and reminded to stick to the topic of the public hearing. After each side has had an opportunity to present their comments, there may be a rebuttal session. At this time a speaker may respond to the other side's comments. The time limit per speaker shall be three minutes. The Commission upon unanimous consent of the members present may waive or extend the time limits for initial comments, for rebuttal, or for both.

b) Public comments not related to agenda items: Under this section of the agenda, anyone wishing to speak to the Commission may do so. Comments are limited to topics which are not scheduled to be dealt with in the normal course of the meeting. The person will rise to be recognized by the presiding officer. Upon being recognized, the person shall go immediately to the podium or other designated speaking area, identify himself for the record, and direct his/her comments to the Commission. The person shall be given five (5) minutes initially to make his/her statement. Upon unanimous consent of the members, the speaker may be granted additional time.

c) Public comment on a scheduled agenda item: Anyone wishing to speak on an item of business before the Commission shall wait until the presiding officer opens discussion to the floor. Anyone may rise to be recognized. The person recognized shall go to the podium or other designated speaking area, identify himself/herself for the record, and direct his/her comments to the Commission.

The person shall be given five (5) minutes initially to make his/her statement. Upon the unanimous consent of the members, the speaker may be granted additional time.

22. Disorderly Conduct at Meetings

The presiding officer may call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time, or speaking vulgarities. Such person shall thereupon be seated until the presiding officer shall have determined whether the person is in order. If a person so engaged in presentation shall be called out of order, he/she shall not be permitted to continue to speak at the same meeting except upon unanimous consent of the members present. If the person shall continue to be disorderly and disrupts the meeting, the presiding officer may order the person removed from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

23. Meeting Recording Responsibility

The City Clerk shall be responsible for maintaining the official proceedings of the Commission in the English language. The proceedings shall include all the actions of the Commission with respect to motions. The record shall include the names of the mover and supporter and the vote of the Commission. The City Clerk shall call the name of each Commissioner for his/her vote on all ordinances and resolutions and record each vote in the journal. However, when the Mayor has determined that the vote is unanimous and no Commissioner objects, the Mayor may direct the Clerk to record in the journal a unanimous vote. Each Commissioner shall vote on all questions before the Commission unless excused by unanimous consent of the members present. The City Clerk shall maintain in the Office of the City Clerk copies of each resolution, ordinance, and regulation of the Commission.

24. Public Access to Meeting Records

The City Clerk shall make available to the public the records and minutes of official meetings in accordance with the Freedom of Information Act. Minutes prepared by the City Clerk but not approved by the Commission shall be available for public inspection not more than eight business days following the meeting. Minutes approved by the Commission shall be available within five business days of the meeting at which they were approved. The City Clerk shall promptly mail copies of minutes to persons who have subscribed and paid the fee therefore as determined by the Commission.

25. Publication of Minutes

The City Clerk shall be responsible for printing the official proceedings of the Commission in one newspaper published within the City of Big Rapids at least once within 15 days after each meeting of the Commission. The publication of a synopsis of such proceedings, prepared by the City Clerk and approved by the Mayor, shall show the substance of each separate proceeding of the Commission.

26. Executive Sessions, the Vote For

The vote to hold an executive meeting shall be recorded in the minutes of the meeting at which the decision was made.

27. Executive Sessions Requiring Two-thirds Vote

The Commission may meet in executive session, closed to the public, upon the motion of any member and roll call approval by two-thirds of the members for the following purposes:

- a) To consider the purchase or lease of real property up to the time that an option to lease or purchase such real property is secured.

b) To consult with legal counsel regarding trial or settlement strategy in connection with specific pending litigation but only when an open meeting would have a detrimental effect on the Commission's litigating or settlement position.

c) To review an employment application to a position when applicant requests that the application remain confidential. When the Commission meets to interview an applicant, it shall be in open session.

28. Executive Sessions Requiring Majority Vote

The Commission may meet in executive session for the following purposes without the requirement of a two-thirds vote:

a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual if the named person requests a closed hearing. If the person rescinds his/her request for a closed hearing the matter at issue shall thereafter be considered only in open public meeting.

b) To consider strategy connected with the negotiation of collective bargaining agreements.

29. Executive Session Minutes

At each executive session, the City Clerk shall keep a separate record which shall be approved by the City Commission at their next regular meeting. These minutes shall not be disclosed to the public except upon court order. The City Clerk may destroy said minutes after one year and one day have passed following the approval of the minutes of the meeting at which the Commission approved the closed session.

30. Motions and Resolutions, General

All motions and resolutions shall be stated by the presiding officer or at his/her request by the City Clerk before any vote is taken. Any proposed resolution which was distributed with the agenda shall be posted on the bulletin board in the Commission Chambers. Posted resolutions shall be exempt from reading unless required to be read by a majority vote of the City Commission. All members of the Commission shall be permitted to make a motion or move on a resolution, except the Mayor shall neither make a motion nor move on a resolution confirming his/her appointments to Charter and Code offices, boards, authorities and commissions.

31. Order of Motions

Whenever a question of higher rank is under consideration, no motion of a lower rank shall be made (a main motion is the lowest ranking of all motions). The rank of motions is as follows:

- a) Set the time of the next meeting
- b) Adjourn
- c) Recess
- d) Raise a point of privilege
- e) Call for orders of the day
- f) Clear the floor
- g) Table a motion
- h) Vote immediately (close debate)
- i) Limit/extend debate
- j) Postpone to a definite time
- k) Refer to a committee
- l) Amend the main motion

- m) Postpone indefinitely

32. Non-debatable Motions

The motions to fix the time of the next meeting, adjourn, recess, point of privilege, call for orders of the day, to clear the floor, to table, vote immediately, limit or extend debate shall be ordered and voted upon without debate.

33. Procedural Motions

a) Motion to clear the floor. Motion may be made by the presiding officer at any time he believes procedural matters have become sufficiently confused. If the motion to clear the floor is adopted, it shall clear the floor of all procedural motions as though they have been withdrawn. The motion shall not be subject to debate nor, if adopted, to reconsideration.

b) Temporary suspension of the rules. This motion may be accomplished at any time by a majority vote of the members present to achieve any legal objective of the Commission in a legal manner.

c) Appeal rulings of the presiding officer. Any member of the Commission may make a motion to appeal a ruling of the presiding officer. On all motions of appeal receiving a support, the question shall be, "Shall the decision of the presiding officer stand as the decision of the Commission?"

34. Motions to Reconsider, Rescind, Repeal, Annul or Amend

The *motion to reconsider* can be made only at the same meeting at which the question or issue was decided by the City Commission. A Commission member on the prevailing side must make the motion. Any Commission member can second the motion. The motion requires a four-vote majority to pass.¹

The *motion to rescind, repeal, annul, or amend* can be made at any time after the meeting at which the question or issue was decided. Any Commission member can make the motion, and any Commission member can second the motion. The motion requires a four-vote majority to pass.²

Motions to reconsider, rescind, repeal, annul, or amend shall be limited to matters that can be undone by the City.

35. Voting

a) Roll call votes. The names and votes of members shall be recorded on all actions to adopt ordinances and resolutions, to appoint or elect officers, and all other final actions. Procedural questions may be decided by voice vote.

b) When a record roll call vote is required on a question and after the presiding officer has stated the question or questions, the clerk is directed to call the roll; no member is entitled to speak on the question, nor shall any motion be in order until such roll call is completed and the result is announced.

c) No member of the Commission shall vote on any questions in which he/she is financially interested (other than the common public interest) or any question concerning his/her own official conduct, but on all other questions each member present shall vote unless excused by the unanimous consent of the other members present.

¹ See section 7.4 of the City Charter.

² See section 7.4 of the City Charter.

d) In all roll call votes, the names of the members of the Commission shall be called in alphabetical order and the name called first shall be advanced one position alphabetically in each successive roll call vote.

e) In all cases where a non-roll call vote is taken, the presiding officer shall decide the results. Any member may call for a division, and the “yeas” and “nays” shall be called upon the request of the presiding officer or any member.

36. Parliamentary Practice Rules

The rules of parliamentary practice as contained in the most recent edition of Robert's Rules of Order shall govern the Commission in all cases to which they are applicable, provided they are not in conflict with these rules, with the ordinances and Charter of the City of Big Rapids, or the laws of the State of Michigan. The City Attorney will interpret and apply the rules of parliamentary practice and the City Attorney's interpretation and application shall be final and conclusive unless overturned by a majority vote of the Commission.

37. Ordinances and Resolutions, Generally

All legislation of the City of Big Rapids shall be by ordinance or resolution and shall comply with Section 7.1 through 7.6 of the City Charter.

38. Ordinances and Resolutions, Submission of

a) All proposed ordinances not prepared by the City Attorney shall be submitted to him/her for drafting or if prepared in the correct format, shall be certified by him/her as being correct to form before being submitted to the Commission. All proposed ordinances shall be submitted to the Commission at a regular meeting or at a special meeting called for such purpose. At that time the Commission may call for a public hearing setting a time and date. Otherwise, the proposed ordinance is handled as any other business would be. If a proposed ordinance is tabled, it shall remain on the table no longer than 90 days from the date it was originally introduced on the Commission's agenda. At the end of 90 days, if not acted upon, it shall be automatically placed on the agenda for action using the authority of the original mover and supporter.

b) Proposed resolutions shall be submitted to the Commission at a regular meeting or at a special meeting called for such purpose. Also, they may be submitted orally or in writing at the meeting in the context of discussing a point of business included as part of the agenda. At that time, the Commission may call for a public hearing setting a time and date. Otherwise, the proposed resolution is handled, as any other business would be. If a proposed resolution is tabled, it shall remain on the table no longer than 90 days from the date it was originally introduced on the Commission's agenda. At the end of 90 days, if not acted upon, it shall be automatically placed on the agenda for action using the authority of the original mover and supporter.

c) Ordinances and resolutions not submitted to the Commission as part of the agenda packet for that meeting shall be handled as other items not meeting the agenda deadline.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the ordinance adopted.

Dated: January 3, 2007

Published: January 10, 2007

The City Commission discussed the proposed Policy for Failure to File City Income Tax Returns.

MOTION NO. 07-01

Commissioner Harper moved, seconded by Commissioner Brennan that the proposed policy pertaining to the failure to file City Income Tax Returns be tabled until the next meeting.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Motion was declared passed.

Dated: January 3, 2007

RESOLUTION NO. 07-02

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

**RESOLUTION AMENDING FISCAL YEAR 2006/2007
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2006/2007 General Appropriations on May 1, 2006 per Resolution No. 06-51, 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 attached Budget Adjustments to the FY 2006/2007 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2006/2007 City of Big Rapids Budget accordingly.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: January 3, 2007

RESOLUTION NO. 07-03

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

**RESOLUTION ACCEPTING MICHIGAN DEPARTMENT
OF TRANSPORTATION SECTION 5311 OPERATING ASSISTANCE
AND AUTHORIZING MAYOR AND CITY CLERK TO SIGN
AGREEMENT NO. 2007-0177/Z1**

WHEREAS, the Big Rapids Dial-A-Ride Transportation (DART) system derives approximately 15% of its operating revenue from the Federal Transit Administration (FTA), and

WHEREAS, FTA funds are 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, 2006 through September 30, 2007, the City has requested federal funding in the amount of 16% of the City's proposed operating budget (\$61,200).

NOW, THEREFORE, BE IT RESOLVED, that the City of Big Rapids hereby agrees to enter into the Project Authorization Agreement for FY 2007 Section 5311 Operating Assistance Agreement No. 2007-0177/Z1 in the amount of \$61,200 and authorizes the Mayor and City Clerk to sign the agreement documents.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: January 3, 2007

RESOLUTION NO. 07-04

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

**A RESOLUTION ACCEPTING PLAN BOARD
RECOMMENDATION REGARDING
PAYMENTS IN LIEU OF TAXES (PILOT)
FOR BIG RAPIDS HOUSING COMMISSION FOR
1216 MAPLE STREET AND 121 SECOND AVENUE**

WHEREAS, the Big Rapids Housing Commission has requested 10% payment in lieu of taxes for 1216 Maple Street and 121 Second Avenue pursuant to MCL 125.1401 et seq., and

WHEREAS, both properties were purchased and renovated as part of the Housing Commission's Homeownership Program and they have been for sale over 18 months, and the Housing Commission proposes to transfer them to another program serving the victims of domestic violence, and

WHEREAS, Section 155.08 of the City's Code of Ordinance requires that a request for tax exempt status be submitted to the City Plan Board for review and recommendation to the City Commission on each of the six criteria in Section 155.07, and

WHEREAS, the City Plan Board has reviewed this request and voted unanimously to recommend its approval.

NOW, THEREFORE, BE IT RESOLVED that the City Commission approve the 10% payment in lieu of taxes for 1216 Maple Street and 121 Second Avenue.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Date: January 3, 2007

RESOLUTION NO. 07-05

Commissioner Brennan moved, seconded by Commissioner Harper, 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:

DOWNTOWN DEVELOPMENT AUTHORITY

Kraig Snyder appointed to a term expiring August 2011
Eric O'Neil appointed to a term expiring August 2011

PROPERTY MAINTENANCE APPEALS BOARD

Donald McDonald appointed to a term expiring October 2009

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: January 3, 2007

UNSCHEDULED BUSINESS:

Dan Rothstein reported on the meeting of the Joint Committee for Infrastructure, stating the cooperation is most wonderful. The Committee members have been able to identify common goals and the mutual objective of finding funding sources. The Committee has attempted to establish a time line, identifying that they would like to define within the next three months where they are headed.

City Attorney Eric Williams reported on the Squire drowning court case which happened in July, 1994. He reported that the Michigan Supreme Court denied the application for leave to appeal in the case. The MML Legal Defense Fund Board was previously asked to help the City in this matter, but since the case has been dropped, that assistance is no longer needed. The City Attorney will monitor the case and report if a request to reconsider is filed with the Supreme Court.

There being no further business to come before the Commission, the Mayor declared the meeting adjourned at 9:33 p.m.

* * * * *

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
January 16, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 8:00 p.m.

Present: Commissioners Peggy Brennan, Tom Hogenson, Terry Harper, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 13 persons in the audience.

Pledge of Allegiance.

The agenda was approved with the following changes: (1) Update on Ice Mountain dumping at Wastewater Treatment Plant and (2) Filing of City Income Tax by City Employees.

The minutes of the January 3, 2007 meeting were approved as presented.

Approval of Library and Park and Recreation Bills.

Commissioner Hogenson moved, seconded by Commissioner Harper that the Park and Recreation and Library bills be approved.

Big Rapids Cash & Carry	226.82	State Street Hardware	17.62
Consumers Energy	238.67	Tri County Portable	206.40
First National Bank	47.89	Consumers Energy	8.00
Doug's Heating & Cooling	75.00	Demco, Inc.	469.16*
WorldWatch Institute	64.95*	First National Bank	1,620.46*
Baker & Taylor Books	16.72*	Thomson, Gale	333.26*
First National Bank	81.58*	Charter Communications	269.00*
KSS Enterprises	128.75*	Consumers Energy	507.36*
Hurst Industries	216.17*	Ferens, Melissa	58.69
Rehmann Robson, Inc.	78.00	Rehmann Robson, Inc.	50.00*
Discover	29.95*	Ebony Magazine	18.97*
Forbes Magazine	59.95*	Gourmet	24.00*
Hearst Corp	23.97*	Michigan, State of	11.95*
Readers Digest	29.96*	Scientific American	34.97*
Mid-Michigan Library League	3,922.57*	Baker & Taylor Books	1,434.21*
Large Print Overstocks	171.06*	Mid-Michigan Library League	46.25*
Baker & Taylor Entertain	129.05*	Central Fire Protection	18.00*
Kone, Inc.	321.93*		

*Indicates Library bill

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None

SPECIAL ORDERS OF THE DAY - None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA - None

PUBLIC HEARINGS

Mayor Burch opened the public hearing on the Obsolete Property Rehabilitation Exemption Certification application for 706 Perry Avenue at 8:03 p.m.

City Manager Steve Sobers explained that two years ago Mr. Steve Leggett started the process of acquiring the property located at 706 Perry Avenue to relocate his bowling alley. Earlier this year, the City approved an Obsolete Property Rehabilitation Exemption application for this project, but the time expired on the application at the State level. Mr. Leggett now owns the property. Mr. Sobers stated that Joyceann Francis has reviewed the property, certifying that it will need rehabilitation in order to make this building useable for a bowling alley.

The project will create approximately 22 jobs and will cost 1.2 million dollars.

Steve Leggett stated that it is obvious that the building was built to be a grocery store and to use it as anything else will take a lot of rehabilitation. It has been vacant for six years. The HVAC will need to be completely redone.

One concern Mr. Leggett has is the talk of businesses being required to be non-smoking. If the Commission has the intent of passing such an ordinance, he would like to know because to put in the smoke filter system will cost about \$75,000. The Commission explained that even though some Commissioners may be in favor of such an ordinance, they believe the State of Michigan should be the one to require the prohibition.

No one in the audience spoke in favor of the project.
No one in the audience spoke in opposition to the project.

The Mayor declared the public hearing closed at 8:09 p.m.

Commissioner Harper questioned if any criteria for granting Obsolete Property Rehabilitation applications has been established. City Manager Sobers replied that the Commission previously established the cost of rehabilitation must be \$55,000 and one job must be created.

Commissioner Harper stated that she believes this application is one of the best ones the Commission has received for the OPRA with the creation of about 22 jobs. She believes it qualifies under the OPRA regulations, but she stated she is unable to vote in the positive on the application until the Commission has established solid criteria.

RESOLUTION NO. 07-06

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

RESOLUTION APPROVING APPLICATION FOR OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE FOR 706 PERRY AVENUE

WHEREAS, pursuant to Public Act 146 of 2000, after a duly noticed public hearing held on June 6, 2005, the Big Rapids City Commission, a qualified local governmental unit, by resolution, established Commercial Obsolete Property Rehabilitation District No. 4; and

WHEREAS, the Leggett-Monahan Inc. has filed an application, including all necessary statements, for an Obsolete Property Rehabilitation Exemption Certificate with respect to commercial property located at 706 Perry Avenue and described in the attached application, in Commercial Obsolete Property Rehabilitation District #4; and

WHEREAS, before acting on said application, the City of Big Rapids held a public hearing on January 16, 2007, in the City Commission meeting room of City Hall at 7:30 p.m., at which hearing the applicant, the City Treasurer/Assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, City records show that the applicant is not delinquent in any taxes related to the property at 706 Perry Avenue; and

WHEREAS, the commercial property at 706 Perry Avenue is declared to be functionally obsolete (as defined in Section 2(h) of Pubic Act 146 of 2000) by virtue of the fact that the following conditions are in need of repair: interior of the building will need to totally demolished to accommodate interior reconstruction for a bowling alley, new interior walls and bathrooms will be installed, and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of P. A. 146 of 2000: and

WHEREAS, the rehabilitation of the property, as outlined in the application, when completed, constitutes a rehabilitated facility within the meaning of P. A. 146 of 2000, and such rehabilitation did not occur prior to the establishment of the Obsolete Property Rehabilitation District and shall be completed within eight months of the granting of the certificate; and

WHEREAS, the rehabilitated facility has a reasonable likelihood to increase commercial activity, create employment, retain employment, prevent loss of employment, and revitalize urban areas in which the facility is situated; and

WHEREAS, approving said application shall not have the effect of substantially impeding the operation of the qualified local governmental unit or impairing the financial soundness of the affected taxing unit if the taxable value of the property proposed to be exempted plus the aggregate taxable value of property already exempt under P.A. 146 of 2000 (OPRA's) and under P.A. 198 of 1974 (IFT's) exceeds 5% of the total taxable value of said unit; and

WHEREAS, the Obsolete Property Rehabilitation Exemption Certificate when issued shall be and remain in force and effect for a period of 12 years ending December 30, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves the Obsolete Property Rehabilitation Exemption Certificate for 706 Perry Avenue.

Yeas: Brennan, Hogenson, Rothstein, Burch

Nays: Harper

The Mayor declared the resolution adopted.

Dated: January 16, 2007

RESOLUTION NO. 07-07

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

**RESOLUTION IN SUPPORT OF
MICHIGAN VOLUNTEER RIVER, STREAM
AND CREEK CLEAN UP PROGRAM**

WHEREAS, the City of Big Rapids intends to apply for a grant from the Michigan Department of Environmental Quality to provide a Spring 2007 clean up of Mitchell Creek, and

WHEREAS, the City of Big Rapids recognizes the proposed project would benefit the recreational enjoyment of area residents, and

WHEREAS, the City of Big Rapids intends to apply for \$1,500 of grant money from the Michigan Department of Environmental Quality.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission is in support of the Michigan Volunteer River, Stream and Creek Clean Up Program and application to procure grant money from the Michigan Department of Environmental Quality.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: January 16, 2007

RESOLUTION NO. 07-08

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

**RESOLUTION ACCEPTING BIDS FOR PURCHASE
OF TWO SNOW PLOWS**

WHEREAS, the City received a grant from the US Department of Agriculture Rural Development Community Facilities Grant Program Economic Impact Initiatives for Public Safety Vehicle Purchases, and

WHEREAS, the City solicited bids for the purchase of two snow plows for the Department of Public Works, and

WHEREAS, two bids were received with staff recommending that the bid of Shultz Equipment be accepted in the amount of \$8,168.00.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Shultz Equipment in the amount of \$8,168.00 for two snow plows be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from account number 661-444-981.804.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the Resolution adopted.

Dated: January 16, 2007

RESOLUTION NO. 07-09

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

**RESOLUTION OF INTENT TO APPLY FOR
FINANCIAL ASSISTANCE FROM STATE OF MICHIGAN
FISCAL YEAR 2008 UNDER ACT NO. 51 OF THE
PUBLIC ACTS OF 1951, AS AMENDED**

WHEREAS, pursuant to Act No. 51 of the Public Acts of 1951 (Act 51), As Amended, it is necessary for the City of Big Rapids' Dial-A-Ride Public Transportation System, established under Act 94, to provide a local transportation program for the state fiscal year of 2008 (October 1, 2007 through September 30, 2008) and, therefore, apply for state financial assistance under provisions of Act 51; and

WHEREAS, it is necessary for the City of Big Rapids, to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

WHEREAS, the performance indicators for this agency have been reviewed and approved by the City of Big Rapids; and

WHEREAS, the City of Big Rapids, has reviewed and approved the proposed balanced budget, and revenue funding sources of estimated \$58,215 federal funds, \$149,884 estimated state funds, \$105,501 estimated local funds, \$56,000 estimated fare box funds, and \$18,500 in estimated other funds, with total revenues in an estimated amount of \$388,100.

NOW, THEREFORE, BE IT RESOLVED that the City of Big Rapids does hereby makes its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51; and

HEREBY, appoints Timothy J. Vogel as the Transportation/Coordinator, for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51 for the state fiscal year of 2008 (October 1, 2007 through September 30, 2008).

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: January 16, 2007

I hereby certify that the foregoing Resolution No. 07-09 is a true and complete copy of a resolution of the City of Big Rapids duly adopted at a regular meeting of the City Commission of said City held January 16, 2007.

I further certify that said resolution has been recorded in the Minute Book of the City of Big Rapids and that such recording has been authenticated by the signatures of the Mayor and City Clerk.

Roberta R. Cline, City Clerk

Dated: January 17, 2007

ORDINANCE NO. 577-01-07

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

**AN ORDINANCE AMENDING THE BIG RAPIDS ZONING
ORDINANCE BY REMOVING REFERENCES TO MULTIPLE FAMILY
DWELLINGS AND OWNER OCCUPIED CONDOMINIUMS AS PRINCIPAL
USES AND STRUCTURES IN THE R-3 RESIDENTIAL DISTRICT,
AND ADDING THOSE USES AS CONDITIONAL USES**

WHEREAS, in reviewing the Big Rapids zoning ordinance provisions on conditional uses it was noticed that multiple family dwellings on a single lot and owner occupied condominiums were listed as permitted uses in the R-3 Residential District rather than conditional uses, and

WHEREAS, upon further review and analysis the Plan Board recommended modifying the Big Rapids zoning ordinance to list and describe multiple family dwellings on a single lot and owner occupied condominiums as conditional uses in the R-3 Residential District, and

WHEREAS, the Plan Board held a public hearing on the proposed amendments on November 8, 2006,

The City of Big Rapids ordains:

Section 1. Section 3.6:2 of the Big Rapids zoning ordinance is amended to read as follows, deleting subsections (15) and (16) which are shown as stricken:

3.6:2. Principal Uses and Structures:

(1) Single-family and two-family dwellings. The following combinations are also permitted:

a) Family.

b) Owner's family plus up to two (2) unrelated persons, depending on space and off-street parking availability.

c) Up to four (4) unrelated persons for each dwelling unit, depending on off-street parking and available space.

(2) Multiple-family dwellings.

(3) Licensed Group Day Care Homes and Day Care Centers.

(4) Bed & Breakfast Inns for the keeping of overnight guests for limited duration and providing breakfast meals for those guests subject to the conditions of Section 11.1:4.

(5) Churches; public, private and parochial schools; public libraries, museums and art galleries, subject to the conditions of Section 11.1:5.

(6) Fire stations and water towers when located at least fifty (50) feet from all property lines.

(7) Municipal, denominational and private cemeteries subject to the conditions of Section 11.1:15.

(8) Public and semi-public pools in compliance with Michigan Department of Environmental Quality (MDEQ) and other applicable State and local regulations.

(9) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, subject to the conditions of Section 11.1:22.

(10) Licensed Family Day Care Home.

(11) Licensed Adult Foster Care Family Home.

(12) Licensed Adult Foster Care Small, Medium and Large Group Homes, subject to the conditions of Section 11.1:2.

(13) Office buildings for occupancy by professional offices, office building for occupancy by financial, insurance, bookkeeping and real estate firms; and office of civic, religious and charitable organizations, subject to the conditions of Section 11.1:16.

(14) College and college-owned related uses, including:

a) Administrative buildings

b) Book and supply stores

c) Classroom buildings

- d) Food commissaries
- e) Hosing for students
- f) Laboratories
- g) Restaurants

h) Any other similar college uses, provided such uses comply with the provisions herein and are owned by the College

Section 2. Section 3.6:6 is amended by adding subsections (7) and (8), with new text in bold print, to read as follows:

3.6:6. Conditional Uses:

The following uses are permitted subject to issuance of a Conditional Use Permit and subject to the conditions in Article 11:

- (1) Planned Unit Development, subject to the conditions of Section 11.1:19.
- (2) Hospitals, sanatoriums, clinics, nursing and rest homes and charitable institutions of human care, subject to the conditions of Section 11.1:11.
- (3) Rooming and boarding houses, subject to the conditions of Section 11.1:25.
- (4) Home occupations, subject to the conditions of Section 11.1:10.
- (5) Radio and Television stations, subject to the conditions of Section 11.1:23.
- (6) Fraternities and sororities, subject to the conditions of Section 11.1:24.
- (7) Multiple Family Dwellings in Multiple Structures on a Single Lot, subject to the conditions of Section 11.1:13.
- (8) Owner occupied condominiums, subject to the conditions of Section 11.1:18.

Section 3. This ordinance shall be effective upon publication.

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the ordinance adopted.

Date: January 16, 2007

Published:

ITEMS ADDED TO THE AGENDA:

City Manager Sobers updated the City Commission regarding the Ice Mountain waste water dumping at the treatment plant. City staff met with the Ice Mountain representatives. They explained how they treat the wastewater before it comes to the plant. In the last six weeks there has not been the problem, and in the last two weeks City staff has backed off the UV from 100% to 75%. The test results are still good. On January 19th, Ice Mountain will be meeting with their chemists and they are confident to find a way to treat the syrup before it gets to the City plant. This seems to be good progress.

The City Manager updated the City Commission on the non-filing of City Income Tax by some City employees. The article in the paper referred to City employees not paying their income taxes, whereas, the problem is actually not "filing" their income tax form. In many cases the employee would have received a refund. Some employees were upset that the City employees were being talked about. In the past two weeks there are only three people left who have not been in to take care of their responsibility. All have been contacted and the issue is going away. The City Attorney pulled the Income Tax Policy to investigate the privacy issue more. The policy was initially presented to the Commission because management staff wanted to approach this aggressively, which it has, and employees are responding to the discussion.

There being no further business to come before the Commission, the Mayor declared the meeting adjourned at 8:35 p.m.

* * * * *

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
February 5, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 8:06 p.m.

Present: Commissioners Peggy Brennan, Tom Hogenson, Terry Harper, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 14 persons in the audience.

Pledge of Allegiance.

The minutes of the January 16, 2007 meeting were approved as presented.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

AT&T	64.55	Staples	298.21
Ferens, Melissa	51.50	Demco, Inc.	77.05*
Staples	119.49*	DTE Energy	208.29
DTE Energy	889.88*	AT&T	214.14*
Easton Telecom Serv.	3.05*	Amazon. Com.	533.09*
Baker & Taylor Books	318.75*	La Marche, Jacques	14.95*
Consumers Energy	304.33	Tri County Portable	100.00
Krob, Michelle	20.00	Mclean, Emily	10.00
Stiehl, Cody	50.00	Consumers Energy	8.00
Consumers Energy	531.23*	Staples	5.50*
Michigan, State of	19.95*	First National Bank Omaha	4,442.18*
Bottom Line Books	35.90*		

*Indicates Library bill

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY - None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA -

Sue Glatz, 405 Ives Street, referred to her letter to the City Commission pertaining to housing inspections. Her letter read as follows:

January 23, 2007

City Commissioners
Just to bring you up to date-

Today and yesterday, I had more Rental Inspections. Again 2 people from the City came and that made three of us (**WHY??**).

On January 23, we saw 6 houses (11 units), I paid \$270.00 in rental permit fees for the inspections that took 1.5 hours. (That makes it \$180.00/hr)

On January 22, 2005, we saw 6 houses (12 units), I paid \$300.00 in rental permit fees and it took 2.5 hours. (That makes it \$120.00/hr)

I know there will be 3 call backs that should take almost 5 minutes each and does not take 2 people to do.

Ruth and Frank York have Canterbury GreenApts. There are 32 units there. They pay \$650.00 for their 1 hour inspection.

I just don't get it! Last time I brought this to your attention, you said we'd look into it. The rates are scheduled to go up this Fall again. I'd like to "look at it" before too much longer, please.

Thank you for your consideration.

Sue Glatz
405 Ives
Big Rapids

Ms. Glatz stated that during the last four weeks, four City employees have been coming to do the rental inspections. She believes this to be an excessive number. She would like to know what is going on and would like the Commission to do something to address it.

She stated that last week she was out of town and her secretary was filling in for her at an inspection. The firefighters were concerned about the electrical power strips at one unit and wanted something done about it immediately. The secretary arranged for an 11:00 appointment the following Monday at which Ms. Glatz could be present. No one showed for that appointment and finally Mr. Peek finally did come. Mr. Peek, Zoning Administrator, explained that he received a call at 11:05 that a re-inspection was needed and the firefighter who had scheduled it was sick. He responded quickly and was there within 10 minutes, which included time to clean the snow off his car. The problem was not only the power strip, but also a fire alarm. He believes he responded in a very reasonable fashion.

Cathy Heavner, Big Rapids Property Owners Association Vice President, stated that the real concern pertains to the fee costs. As a representative of the landlords, she is trying really hard to bridge the gap between the landlords and the City. Many of the landlords now have stickers on their houses with a phone number of contact persons when there are problems. She believes she does a fine job of managing her properties and she suggests to her tenants that they introduce themselves to the neighbors.

Ms. Heavner stated that she received her notice of the inspection and did not go, but sent her maintenance person. Four City employees showed up for the inspection. Officer Liz West was among the four people. She questioned the right of the City to take a police officer into a tenant's unit when there was not a search warrant on that property. Ms. Heavner stated she was livid! The City has no right taking a police officer into someone's home without informing the tenants of that.

City Manger Sobers stated that Liz West has been transferred to the Neighborhood Services Department and is now a Code Enforcement Officer.

Ruth York, owner of Canterbury Green, stated that recently Liz West reported to her apartments on a broken window complaint. At that time, she was acting as a police officer. Ms. York believes the landlords are paying a high price for harassment. She is paying over \$1,000 in rental fees. When her fees go up, she passes them along to her tenants. When her tenants leave, they are moving outside of the City. Her tenants include professionals and senior citizens. One tenant has said that she does not want the inspection people in her apartment again. It is discouraging the number of people needed to go through these one and two bedroom units. Many of her tenants remove their shoes, but the inspectors do not.

Ms. Heavner stated that because of her teaching background, she is trying to be a buffer between the landlords and City. She too has had the situation with a sick firefighter. She has no problem with the job they do or the job Mr. Peek does. However, she has tenants who are sick and tired of how tenants and landlords are treated. She is tired of the disrespect she has received from many of the Neighborhood Services personnel.

Commissioner Harper believes that since this issue has arisen several times, there needs to be some understanding. Regarding Officer West going on inspections, there needs to be a determination if this is a legal issue. She would like some sort of report on the number of persons going on inspections. She would also like to see better communication with the landlord association and a review of the City's rental inspection process.

Mayor Burch requested a report from the City Manager and City Attorney.

RESOLUTION NO. 07-10

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

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AND GRANTING CONTRACTUAL RIGHTS IN THE USE OF A CITY PARKING LOT**

WHEREAS, the City holds an option to purchase certain real property at 223 North Michigan Avenue at the price of \$171,133.00, and

WHEREAS, a term of the purchase involves the granting of contractual rights to the owner of 219 North Michigan Avenue to use a portion of the City parking lot located on the West side of Michigan Avenue for a drive through window with vehicular access off Michigan Avenue and the alley on the West side of the parking lot, and

WHEREAS, the City Commission controls the use of the City parking lots that were constructed and improved as part of urban renewal in the City of Big Rapids,

BE IT RESOLVED that the City Commission approves and authorizes the purchase of the real property at 223 North Michigan Avenue, more particularly described as:

The West 80 feet of the North 41 feet of Lot 14, and the West 80 feet of the South 10 feet of Lot 15, Block 11 of Warren and Bronson's Second Subdivision to the City of Big Rapids, Mecosta County, Michigan, according to the recorded plat thereof,

for the price of \$171,133, and also authorizes the demolition of the structure on site, with DDA funding of \$49,726.00 and grant funding of up to \$149,177.00.

IT IS FURTHER RESOLVED that the owner of the parcel at 219 North Michigan Avenue, legally described as:

The North 2.9 feet of the West 80 feet of Lot 12 and the South 33.1 feet of the West 80 feet of Lot 13, Block 11 of Warren and Bronson's Second Subdivision to the City of Big Rapids,

shall have the contractual right to use the parking lot on the North side of the parcel for a drive through window, with vehicular access from Michigan Avenue through existing curb cuts, and with vehicular egress through the alley on the West side of the parking lot.

IT IS FURTHER RESOLVED that the City Attorney is authorized to sign those documents necessary to complete the closing on the acquisition of the real property, and the City Manager is

authorized to sign the documents and/or contract necessary to give record effect to the use of the City parking lot by the owner of the parcel at 219 North Michigan Avenue.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: February 5, 2007

RESOLUTION NO. 07-11

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

**RESOLUTION IN SUPPORT OF
LOAN APPLICATION TO USDA RURAL DEVELOPMENT
FOR ESTABLISHMENT OF REVOLVING LOAN PROGRAM**

WHEREAS, the City of Big Rapids intends to apply for a loan from the USDA Rural Development to fund a Revolving Loan Program, and

WHEREAS, the City of Big Rapids recognizes the proposed program would benefit businesses and the Big Rapids economy by offering low interest business loans, and

WHEREAS, the City of Big Rapids intends to apply for a loan of \$300,000 from the USDA Rural Development and agrees to contribute a total match of 25% of which \$45,000 is committed by the City and \$30,000 is committed by Chemical Bank for a total of \$75,000.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission is in support of the Revolving Loan Fund Program and application to the USDA Rural Development to procure loan funds for re-lending, and designates City Manager Steve Sobers as the authorized person to sign all documents.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: February 5, 2007

RESOLUTION NO. 07-12

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

**RESOLUTION DIRECTING CITY ASSESSOR TO PREPARE
AMENDED SPECIAL ASSESSMENT ROLL NO. 06-510
FOR 2005/2006 SIDEWALK PROGRAM
AND SETTING OF PUBLIC HEARING**

WHEREAS, the City Commission approved the 2005/2006 Sidewalk Improvement Project Special Assessment Roll No. 06-510 on August 7, 2006, 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. 06-510 to reflect actual square footages and unit costs, and

BE IT FURTHER RESOLVED, that the City Commission hereby sets a public hearing on Monday, March 5, 2007, at 7:30 p.m. in the Commission Meeting Room of City Hall to consider any objections to said amended roll, and

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: February 5, 2007

RESOLUTION NO. 07-13

Commissioner Harper moved, seconded by Commissioner Hogenson, the adoption of the following Resolution:

**RESOLUTION DIRECTING STAFF TO PREPARE ESTIMATES AND DIAGRAM
AND TO ESTABLISH A PUBLIC HEARING DATE FOR STREET IMPROVEMENTS
PARTIALLY FUNDED THROUGH SPECIAL ASSESSMENT
OF ADJACENT PROPERTY OWNERS – MAGNOLIA STREET
BETWEEN WILLOW AVENUE AND VACATED MECOSTA AVENUE**

WHEREAS, the City Commission of the City of Big Rapids determines that a public improvement through the reconstruction of Magnolia Street, between Willow Avenue and Vacated Mecosta Avenue, is necessary and shall be initiated by Special Assessment and therefore;

BE IT RESOLVED, that the reconstruction improvements to that section of Magnolia Street identified above shall take place adjacent to the following addresses:

Addendum A is attached.

BE IT FURTHER RESOLVED, that the expenses for the project therefore shall be paid on a cost sharing basis by each property owner benefited thereby and by the City of Big Rapids in the following apportionments:

Project cost as stipulated in Subsection 35.04 COST OF PUBLIC IMPROVEMENTS, Chapter 35: Public Improvements; Special Assessments, ordained by the City of Big Rapids, shall be paid according to a pro rata share based on the improvement made adjacent to the property and cost associated with the road improvements.

Work relating to paving sections of road not currently paved and including installation of concrete curb and gutter shall be paid at 50% by the owner of the property benefiting from the improvement and 50% by the City.

Work relating to installation of a hard surfaced driveway approach outside that area dedicated for public sidewalk shall be paid at 100% by the owner of the property benefiting from the improvement. Hard surfaces placed within that area dedicated for public sidewalk shall be paid at 50% by the owner of the property benefiting from the improvement and 50% by the City.

Work relating to replacement of water services that are not currently copper services shall be paid at the lump sum amount of \$600.00 per service and shall be charged to the property owner benefiting from the improvement.

BE IT FURTHER RESOLVED, that payment shall be levied in the following manner:

Full payment during a ten (10) year term payable in ten (10) annual installments with interest at the rate of six percent (6%) per annum on all unpaid sums with no interest charged until after the first installment of the special assessment.

BE IT FURTHER RESOLVED, that the said special assessment shall be upon each lot, premise and parcel of land benefiting from the public improvement on or next to the above list of properties according to lineal foot of road frontage as platted along the improvement; the expense for road and project cost are estimated to be \$16.00 per lineal foot. Installation of hard surfaced driveway approaches and/or installation of water services shall be considered additional cost not included in the estimate previously stated.

BE IT FURTHER RESOLVED, that the Director of Public Works shall have prepared estimates and diagrams and that the estimates and diagrams be filed with the City Clerk for public examination and the City Clerk shall publicize this public improvement in the Pioneer; and that the City Commission will conduct a public hearing on March 5, 2007 at 7:30 p.m. at the City Hall meeting room to consider any objections.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: February 5, 2007

RESOLUTION NO. 07-14

Commissioner Harper moved, seconded by Commissioner Brennan, the adoption of the following:

**RESOLUTION ACCEPTING BIDS FOR THE
SALE OF TWO VEHICLES AND EQUIPMENT**

WHEREAS, the City solicited bids to dispose of the following two pieces of equipment:

1993 International Truck	(minimum bid of \$4,500.00)
1995 L8000 Truck	(minimum bid of \$4,500.00)

WHEREAS, bids were received on each piece of equipment with the following being the best bids and staff's recommendation for acceptance:

1993 International Truck	Scott Morningstar	\$5,600.00
1995 L8000 Truck	Midwest Tractor & Equipment Co.	\$5,307.00

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts staff's recommendation for the disposal of City equipment for the amounts listed above.

BE IT FURTHER RESOLVED, that the funds from the sale of these vehicles be deposited into Account No. 661-000-693.000.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: February 5, 2007

RESOLUTION NO. 07-15

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

**RESOLUTION IN SUPPORT OF MICHIGAN COUNCIL FOR ARTS AND
CULTURAL AFFAIRS MINI-GRANT APPLICATION FOR THE BIG RAPIDS
BAND SHELL FREE SUMMER CONCERT SERIES**

WHEREAS, the City of Big Rapids intends to apply for a grant from the Michigan Council for Arts and Cultural Affairs to provide the *Big Rapids Band Shell Free Summer Concert Series*, a summer music series at the Riverwalk Band Shell, and

WHEREAS, the City of Big Rapids recognizes the proposed project would benefit the cultural/recreational enjoyment of area residents, and

WHEREAS, the Riverwalk Band Shell was constructed and gifted to the City specifically for this type of community cultural event, and

WHEREAS, the City of Big Rapids intends to apply for \$4,000 of grant money from the Michigan Council for Arts and Cultural Affairs and will match the requested amount with \$6,520 of donated money and in-kind services.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission is in support of the *Big Rapids Band Shell Free Summer Concert Series* Project and application to procure grant money from the Michigan Council for Arts and Cultural Affairs 2007 Mini-grant Program.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: February 5, 2007

RESOLUTION NO. 07-16

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

**RESOLUTION ACCEPTING BIDS FOR THE RENOVATION
OF THE CHARLES E. FAIRMAN COMMUNITY SWIMMING POOL**

WHEREAS, the City solicited bids to for the renovation of the Charles E. Fairman Community Swimming Pool, and

WHEREAS, the renovation will include a heater, relocation of the circulation pump, replace two motors, add an additional filter tank, and install a new type of chlorine disinfectant.

WHEREAS, one bid was received with staff recommending that the bid of Camp Services LTD of Fenton, Michigan, be accepted in the amount of \$169,500.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Camp Services LTD for the renovation of the Charles E. Fairman Community Swimming Pool be accepted.

BE IT FURTHER RESOLVED, that there is an additional expense of \$6,000 for electrical services provided by Consumers Energy and \$4,000 for a contingency.

BE IT FURTHER RESOLVED, that the cost be expensed from Account No. 208-249-967.800.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: February 5, 2007

RESOLUTION NO. 07-17

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

RESOLUTION ASKING MERS TO CONSIDER AMERICAN FUNDS AS AN INVESTMENT OPTION

WHEREAS, more and more City employees are participants in the MERS defined contribution plan, and

WHEREAS, these employees, in managing their funds, are aware of a family of funds entitled "American Funds", which have historically been a consistently stable and profitable choice to those able to choose this investment opportunity, and

WHEREAS, the MERS system does not presently offer this American Funds account as an investment choice, and

WHEREAS, several employees in the City of Big Rapids have inquired concerning the possibility of adding the American Funds option to the portfolio of available MERS investments, and

WHEREAS, MERS has advised that this request would receive a more thoughtful review if the proposal were backed by a resolution of support by the elected Commission of the City of Big Rapids, and

WHEREAS, the City Commission acknowledges that the American Funds option has produced a remarkable record of return for the City's Act 345 retirement accounts and through this direct experience with American Funds, highly recommends that MERS review this investment opportunity for the betterment of the municipal employees.

NOW, THEREFORE, BE IT RESOLVED, that the Commission of the City of Big Rapids, hereby asks the MERS system to review the American Funds investment option and to let the municipality know of their decision at their earliest convenience.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: February 5, 2007

UNSCHEDULED BUSINESS:

City Manager Sobers stated that the City Treasurer was preparing the budget timetable and that it will be presented at the next meeting.

Commissioner Harper stated that the latest insert in the water bill was extremely good.

There being no further business to come before the commission, the Mayor declared the meeting adjourned at 9:21 p.m.

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
February 19, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:48 p.m.

Present: Commissioners Peggy Brennan, Tom Hogenson, Terry Harper, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 17 persons in the audience.

Pledge of Allegiance.

The minutes of the February 5, 2007 meeting were approved as presented.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Ferguson Supply company	7.24	Consumers Energy	267.12
Krob, Michelle	70.00	Martin, Eric Raymond	10.00
Morey, Norita	18.00	Ferguson Supply Co.	17.56*
Kone, Inc.	321.93*	Baker & Taylor Books	371.89*
Audio Editions	1,265.16*	Charter Communications	270.65*
State Street Hardware	7.71	AT & T	65.33
Baker & Taylor Books	490.13*	Performing Artist Mgr.	130.00*
Xerox Corporation	91.42*		

*Indicates Library bill

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY - None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA -

Dick Hansen, 105 Rust Avenue, addressed the City Commission regarding the DDA proposal of expanding the DDA district. In his opinion, there is a better way to finance the DDA TIF, and that is through a surtax on everyone. He provided estimated revenues that could be generated from various percentages of surtax. This tax would be tax deductible and it would tax people across the board. Many cities in the US are doing this.

Other projects he believes should be addressed are (1) putting a dome on the swimming pool so that it can be used year-round and (2) the Community Library. He believes that Big Rapids could be a "destination" within the area – people should be coming to Big Rapids. He volunteered to serve on any committee to consider this concept.

Cathy Heavner, Big Rapids Property Owner's Associations (BRPOA), stated that the Association has sent a letter stating that the members are not going to endorse inspections until there is a conversation with the City Commission.

Roger Carver stated that he owns units north of campus and he has invested a lot of time and money to improve them to attract high quality students and provide quality housing to the students. He believes that Neighborhood Services does not want to share any of the property owner's goals. He does not know how this has been such an unsolvable thing.

Commissioner Brennan suggested that the City Commission expand one or two of their study sessions to let the Property Owners voice their concerns. She requested that the Property Owners put their concerns in writing and make that list available at least a week before the meeting. The Commission can deal with the items one at a time in an orderly manner with mutual respect.

Florence Froelich requested that copies of the rules and regulations for the housing units be made available.

PUBLIC HEARINGS

Mayor Burch opened the public hearing on the amendments to the Five Year Park and Recreation Master Plan at 8:17 p.m.

Tim Vogel, Director of Public Works, presented the proposed amendments to the Park and Recreation Master Plan as follows:

- (1) Land Acquisition – consists of 50 acres of land West of the community swimming pool.
- (2) Riverwalk Phase III – extension to the south of Maple Street.
- (3) Indoor/outdoor sports complex

Florence Froelich, 519 Linden Street and member of the Park and Recreation Board, stated that the Board is in agreement with the Riverwalk Committee to proceed with Phase III of the walk. She stated that the hard surfaced pedestrian path would be very nice. She personally has reservations regarding the river crossing since it will take people across the river to a dangerous pedestrian area. The river crossing to Third Avenue and Mill Pond area would be very dangerous to pedestrians.

Mrs. Froelich also questioned the safety of the walkway being so close to the sewage treatment plant. She is concerned with the safety of the plant.

Judy Irvin, 705 Novak, believes that the City does not have money for the things that need to be done; therefore, they should not be looking at extending the Riverwalk. The Library needs must be addressed.

City Manager Sobers provided the financial status for the Riverwalk project. The City will apply for a grant. There is \$50,000 left in the Riverwalk account from the Riverwalk Committee. This will help fund the trail to the south and the lighting of the trail in the Hemlock Park area. There will probably be a need for an amount of \$15,000 to \$25,000 from the General Funds. The proposed trail construction is over a sanitary sewer line that the City must maintain, so some of the funds will come from the sewer fund.

In order to get grant points, there must be handicapped parking, whereby 2 – 3 handicapped parking spaces will be added to the plan. Some funds will come from the street fund and some funds can come from the sidewalk fund. He estimated that along with the \$50,000 from the Riverwalk Committee, the City would need to contribute around \$80,000 as follows:

- \$20,000 – from the General Fund
- \$40,000 – from the Sewer Fund
- \$20,000 – from the Sidewalk Fund

The contribution of these funds will enable the City to get some money from the DNR.

Mary Ryan stated she is extremely concerned about a number of things on the plan.

- (1) Land being unstable on East Grand Traverse.
- (2) Extending the Riverwalk - vandalism and the recent drownings are a concern.
- (3) She is strongly opposed to people near the WWTP.
- (4) Riverwalk has handed money over to the City and the City needs to take care of the Riverwalk. DNR says that they do not have money, how can they come up with the funds?

Dr. Jerry Conrad, Riverwalk Committee member, believed that the best use of an opportunity was to add on to the Riverwalk and go south. The DNR had a meeting in Big Rapids last summer and the City and Riverwalk Committee took them to the Riverwalk to show them what we had done. They were very impressed and they

said they would do everything they can to give us more money. The DNR has money which they receive from gas and oil leases. The Riverwalk Committee has given \$35,000 and it has grown to \$43,000 in a fund. The interest generated from the fund will be used for maintenance.

There being no further comment, the Mayor declared the public hearing closed at 8:45 p.m.

RESOLUTION NO. 07-18

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

**RESOLUTION TO APPROVE THE LEASE WITH
NEXTEL WEST CORPORATION
FOR ANTENNA ON WATER TOWER
AT 1000 PERRY AVENUE**

WHEREAS, Nextel West Corporation has requested to lease space at the top of an existing water tower located at 1000 Perry Avenue for the erection of a cellular antenna, and

WHEREAS, such lease would limit the number of antennas to no more than twelve (12) on top of the tank and would include a 612 square foot area at the base of the water tower for a building, which is required for cables to connect the towers and the broadcasting equipment, and

WHEREAS, Nextel West Corporation will pay the City of Big Rapids a sum of \$1,300 per month as the monthly rental.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby authorizes the Mayor to sign the Site Lease with Nextel West Corporation for the rental of the top and base of the Perry Avenue Water Tower for the purpose of installing antennas and all revenue will be deposited in the Reserved Cell Tower Account number 101-006-690.591.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: February 19, 2007

Commissioner Harper expressed concern that the Riverwalk Phase III project was being driven by the DNR suggestion that funds were available for the project. She also expressed concerns regarding the proposal to asphalt the trail over leaving it a natural dirt trail. She believed the plan to be flawed.

RESOLUTION NO. 07-19

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

**RESOLUTION APPROVING PROPOSED AMENDMENT TO THE PARK
AND RECREATION BOARD MASTER PLAN**

WHEREAS, on March 6, 2006 the Park and Recreation Board passed a Five Year Parks and Recreation Plan which describes the physical features, existing recreation facilities and the desired actions to be taken to improve and maintain recreation facilities during the period between 2006 and 2011, and

WHEREAS, the Park and Recreation Board voted on January 18, 2007 to amend the plan, and requested the City Commission to conduct a public hearing, and

WHEREAS, the amendment is primarily to clarify the City's plan for Riverwalk Phase III, which includes the purchase of property for park purposes on the west side of Big Rapids along Mitchell Creek, and providing an indoor/outdoor sports complex, and

WHEREAS, the City Commission conducted a public hearing on February 19, 2007 on the proposed amendments to the Park and Recreation Master Plan.

NOW, THEREFORE BE IT RESOLVED that the City Commission hereby approves the amendments to the Five Year Park and Recreation Master Plan.

Yeas: Brennan, Hogenson, Rothstein, Burch

Nays: Harper

The Mayor declared the resolution adopted.

Dated: February 19, 2007

RESOLUTION NO. 07-20

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

**RESOLUTION AMENDING FISCAL YEAR 2006/2007
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2006/2007 General Appropriations on May 1, 2006 per Resolution No. 06-51, 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 attached Budget Adjustments to the FY 2006/2007 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2006/2007 City of Big Rapids Budget accordingly.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: February 19, 2007

RESOLUTION NO. 07-21

Commissioner Harper moved, seconded by Commissioner Hogenson, 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:

ASSESSMENT BOARD OF REVIEW

Betty VanAlstine reappointed to a term expiring February, 2009

Sue Glatz reappointed to a term expiring February, 2009

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: February 19, 2007

UNSCHEDULED BUSINESS:

Commissioner Harper questioned Director Frank West as to the status of the deer cull. Director West replied that only three deer had been harvested, due to the weather and that the deer were scattered.

There being no further business to come before the commission, the Mayor declared the meeting adjourned at 9:28 p.m.

* * * * *

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
March 5, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:39 p.m.

Present: Commissioners Peggy Brennan, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: Terry Harper who was excused.

There were 27 persons in the audience.

Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY -

**PROCLAMATION DECLARING MARCH 11-17, 2007 AS GIRL SCOUTS
"MAKE THE WORLD A BETTER PLACE WEEK".**

WHEREAS, Monday, March 12, 2007, marks the 95th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

WHEREAS, throughout its distinguished history, Girl Scouting has helped build millions of girls and women of courage, confidence and character; and,

WHEREAS, through the dedication, time, and talent of volunteers of different backgrounds, abilities, and areas of expertise, the Girl Scout organization thrives for girls in so many settings,

WHEREAS, through Girl Scouting's unique leadership development program, girls define leadership by making the world a better place by discovering, connecting, and taking action in their communities; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, sports, technology, health and fields that can expand their horizons; and,

WHEREAS, more than 3.7 million Girl Scout members nationwide will be celebrating 95 years of this American tradition, with nearly 50 million women who grew up participating in Girl Scouting and exemplify the impact of this amazing Movement;

NOW, THEREFORE, I Mayor Edward S. Burch, by virtue of the authority vested in me as Mayor of the City of Big Rapids do hereby applaud the commitment Girl Scouts has made to America's girls and proudly proclaim the week of March 11-17, 2007 as Girl Scouts "Make The World A Better Place Week".

APPROVAL OF AGENDA: Item 10(e) – Resolution Granting Permission for the Installation of a Pole within the City Parking Lot 100' North of Maple Street Right-of-way and West of North Warren Avenue was removed from the agenda.

The minutes of the February 16, 2007 meeting were approved as presented.

Approval of Library and Park and Recreation Bills.

Commissioner Hogenson moved, seconded by Commissioner Rothstein that the Park and Recreation and Library bills be approved.

Krob, Michelle	40.00	Great Lakes Office	57.38*
Raco Industries	260.11*	AT & T	219.84*
Body & Soul	14.95*	Car & Driver	12.00*
Consumer Reports	24.00*	Hemmings Motor News	34.95*
Great Lakes Office	84.99*	Easton Telecom Serv.	4.71*
Amazon.Com Credit	445.55*	Baker & Taylor Books	2,086.88*
Krob, Michelle	10.00	McLean, Emily	40.00
Stiehl, Cody	40.00	Quadrant Northwest	2,500.00
Consumers Energy	276.01	Tri County Portable	100.00
Consumers Energy	34.12	DTE Energy	259.54
Consumers Energy	6,032.00	Consumers Energy	503.75*
DTE Energy	2,027.22*		

*Indicates Library bill

Yeas: Brennan, Hogenson, Rothstein, Burch
Nays: None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA -

Florence Froelich, 519 Linden Street, expressed concerns regarding the safety of people who are running in the streets, particularly at night. She is hopeful that this can be discussed with the university.

PUBLIC HEARINGS

Mayor Burch opened the public hearing on the Amended Special Assessment Roll No. 06-510 at 7:49 p.m.

Public Works Director Tim Vogel stated that the information presented was for the 2006 sidewalk program. The sidewalk has been installed and the costs have been given to the property owners. The actual costs were less than originally estimated. Property owners are afforded the opportunity at this hearing to present any comments they may have to reserve their right to appeal to the Michigan Tax Tribunal.

The combination cost to the City and property owners is about \$23,000. The City picks up 100% of the sidewalk cost at the intersections. Total costs for the sidewalk improvements over the last years have totaled about \$750,000.

There were no comments from the audience in favor of or in opposition to the final amended special assessment roll.

The Mayor declared the public hearing closed at 7:52 p.m.

Mayor Burch called the public hearing on the estimates and diagram for the special assessment for street improvements for Magnolia Street at 7:54 p.m.

Director of Public Works Tim Vogel stated that there is one block of Magnolia, West of Willow Avenue, which is still gravel. Staff met with most of the residents to discuss the plan. The project has been approved and property owners were notified of the project, consisting of concrete curb and gutter, asphalt and concrete driveways. The street improvement program allows for a ten-year pay back or property owners may pay the entire amount up front. Any improvement to driveways will be the responsibility of the property owner.

There were no comments from the audience in favor or in opposition of the project.

The Mayor closed the public hearing at 7:58 p.m.

Mayor Burch opened the public hearing on the development of Riverwalk Phase III and the Michigan Department of Natural Resource Trust Fund application at 7:58 p.m.

Cindy Plautz, Neighborhood Services Coordinator and preparer of the grant application, presented the details of the project. She explained that last summer the DNR held a conference in Big Rapids and many of the attendees toured the current Riverwalk. After seeing the project, they encouraged the City to finish the Riverwalk by applying for additional grant funds.

The City intends to apply for grant money from the Michigan Department of Natural Resources Trust Fund. This Phase III section of Riverwalk is in the City's Park and Recreation Master Plan.

The Phase III project consists of approximately 3,000 lineal feet of paved handicap accessible walkway and about 2,200 feet of aggregate based nature trail. The walkway will include timber over look areas and two handicap assessable fishing access areas. The project also includes two interpretive signs and a relief map for persons with visual impairments.

The Phase III project cost is approximately \$440,230 comprised of \$308,162 from the DNR Trust Fund with a match of \$132,069 made up of \$40,000 from the Riverwalk "Access for All" Committee, \$10,000 from the Mecosta County Medical Center and \$82,069 of City funds.

Sue Glatz, 405 Ives Street, stated that at the last City Commission meeting there was a discussion pertaining to the amount of money needed to pay for this project. She questioned the construction of the parking lots and the type of construction material used. The City could save money if they used rotomilled concrete and limestone. City Manager Steve Sobers stated that in order for the project to be handicap accessible and allow for wheelchairs, the lots must be hard surfaced.

The Mayor opened the public hearing up to comments in favor of the project.

Florence Froelich, 519 Linden Street, stated that she is in support of the project. She expressed a safety concern with the previously proposed river crossing location and access to the sewage plant area. She stated she attended the last Riverwalk Committee meeting and these issues were addressed.

The Mayor opened the hearing up to comments from members of the audience opposed to the project.

Mr. John Schmidt, 708 Magnolia, stated he was speaking not necessarily in opposition to the project, but questioned if any environmental impact study has been completed on this section of the river project. Cindy Plautz stated that all necessary permits will be applied for by the contractor or landscape architect.

Commissioner Rothstein stated that the park system in the community continues to become more important to the community. More and more people are using the park system. Yes, the City will have to maintain it, but the City has to maintain the streets as well. He presented a story of an individual in a wheelchair who operates his wheelchair with his chin. He was in Big Rapids as a vendor during the Labor Day Arts and Crafts Fair. As his wife attended to setting up their vendor's booth, he went all the way to where Riverwalk meets the trail and back on his own. He has never been able to do anything like that. The DNR saw the City's stewardship and would like to see Riverwalk further expand. Commissioner Rothstein is supportive of the project.

Jim Peek stated that the Mecosta County Parks Board is going to express their support for the project.

Mr. Sobers will be talking with Mecosta County Medical Center administrators regarding bikes that can be ridden by handicapped persons.

Commissioner Hogenson stated that the trail is the best thing that the City has done. It is one of the best features of our community.

The following letter from Debra Mason is entered into the record:

806 Cherry Ave.
Big Rapids, MI 49307

March 5, 2007

Dear City Commissioners,

Thank you for the opportunity to comment on the proposed grant applications. My dad and I have greatly enjoyed River Walk in the four years since I came home to care for him. And for many more years, he has been a fixture (some may say a hazard) walking the streets near our home on Cherry Ave. For as long as I can remember, I've walked with Dad in the street because the sidewalks are discontinuous and in various states of disrepair. And now some of our streets are fast approaching the state of our sidewalks.

I'm motivated to comment because were my dad able, I'm quite sure he'd say this: ***Take the money you're proposing to spend on additional walking paths and public land and use it to improve and maintain what we already have in place.***

My dad has always been much more fiscally conservative than I, but on this point, I'm in full agreement. I've read the discussion about "free money" and how we can't afford to turn it down; just as shoppers buy things they don't need or want because the deals are too good to pass up.

While other projects and concerns identified by community members go begging for funds, you're ready to buy land and match grant monies for projects that require amendments to the master plan. This is a reactive mode of operation that is irresponsible, and costly in the long run. In addition to the short-term monetary investment these two projects require, both the new open space and the additional River Walk will require, yearly appropriations for maintenance and improvements. There are also indirect costs such as volunteer time and energy that might otherwise be unleashed to tackle downtown renewal, library improvement, and other projects already on the table. Likewise, the time and energy of City staff will have to be channeled to the development and maintenance of the new land and walking path. No doubt there will be requests for donations to add amenities not included in the original project costs, and local philanthropic resources will be channeled away from other community needs. These are only a few of the added costs that will surface.

Big Rapids has a beautiful, well designed system of municipal parks and green spaces woven together by a River Walk that serves as a portal to many more miles of walking and biking along the White Pine Trail. Could our parks and greenways be improved and expanded upon? Probably. But they're already one of our finest community assets. Meanwhile, we've got a downtown redevelopment plan that is struggling to get off the ground, and some of our other public facilities are notable substandard. We're not exactly in flush economic times. Let's focus our resources where they're needed, instead of chasing a carrot on a stick.

Sincerely,
Debra Mason

The Mayor declared the public hearing closed at 8:20 p.m.

Mayor Burch opened the public hearing on the acquisition of properties for the Mitchell Creek Nature Area at 8:20 p.m.

Liz West, Neighborhood Services Department representative, presented the grant information. The City intends to apply for grant money from the Michigan Department of Natural Resources for the acquisition of about 46 acres of wooded area, which Mitchell Creek runs through. The public currently uses this property and the Park and Recreation Plan was amended to include the land acquisition for City Park usage. Future plans include the possibility of linking this natural trail system to the current Riverwalk trail.

Total cost of the land acquisition is \$205,326. Trust Funds monies for \$143,728 are being requested. The City's match to the project will be \$61,598.

The Mayor asked for comments from the audience.

Paul DeNoyers questioned how much of the property is in Big Rapids Township. Mr. Sobers replied about ½ of it is located in the Township. The City owns other properties, which are not in the City limits, such as the Roben Hood Airport.

The following letter from Debra Mason is entered into the record:

806 Cherry Ave.
Big Rapids, MI 49307

March 5, 2007

Dear City Commissioners,

Thank you for the opportunity to comment on the proposed grant applications. My dad and I have greatly enjoyed River Walk in the four years since I came home to care for him. And for many more years, he has been a fixture (some may say a hazard) walking the streets near our home on Cherry Ave. For as long as I can remember, I've walked with Dad in the street because the sidewalks are discontinuous and in various states of disrepair. And now some of our streets are fast approaching the state of our sidewalks.

I'm motivated to comment because were my dad able, I'm quite sure he'd say this:
Take the money you're proposing to spend on additional walking paths and public land and use it to improve and maintain what we already have in place.

My dad has always been much more fiscally conservative than I, but on this point, I'm in full agreement. I've read the discussion about "free money" and how we can't afford to turn it down; just as shoppers buy things they don't need or want because the deals are too good to pass up.

While other projects and concerns identified by community members go begging for funds, you're ready to buy land and match grant monies for projects that require amendments to the master plan. This is a reactive mode of operation that is irresponsible, and costly in the long run. In addition to the short-term monetary investment these two projects require, both the new open space and the additional River Walk will require, yearly appropriations for maintenance and improvements. There are also indirect costs such as volunteer time and energy that might otherwise be unleashed to tackle downtown renewal, library improvement, and other projects already on the table. Likewise, the time and energy of City staff will have to be channeled to the development and maintenance of the new land and walking path. No doubt there will be requests for donations to add amenities not included in the original project costs, and local philanthropic resources will be channeled away from other community needs. These are only a few of the added costs that will surface.

Big Rapids has a beautiful, well designed system of municipal parks and green spaces woven together by a River Walk that serves as a portal to many more miles of walking and biking along the White Pine Trail. Could our parks and greenways be improved and expanded upon? Probably. But they're already one of our finest community assets. Meanwhile, we've got a downtown redevelopment plan that is struggling to get off the ground, and some of our other public facilities are notable substandard. We're not exactly in flush economic times. Let's focus our resources where they're needed, instead of chasing a carrot on a stick.

Sincerely,
Debra Mason

A letter of support previously submitted to the City Commission is entered in the record as follows:

February 22, 2007

Hon. Edward Burch
Mayor, City of Big Rapids
226 North Michigan Avenue
Big Rapids, Michigan 49307

RE: Proposed Mitchell Creek Walkway

Dear Ed,

Just a note to let you know that Colleen and I are very much in favor of the city purchasing the land, which is located on the North bank of Mitchell Creek, for a walkway.

We feel that this proposed walkway would be of great benefit to the citizens of Big Rapids and to other persons who grace our city with their visits. This purchase would be a natural extension of the River Walk and give citizens a variety of choices to walk, exercise, and enjoy our city.

Colleen and I would be more than happy to contribute financially to the project if contributions are solicited. Thank you for your time and we hope that your efforts to secure this new walkway will be successful.

Respectfully,
Ronald C. Nichols
Circuit Judge

There being no further comment, the Mayor closed the public hearing at 8:25 pm.

RESOLUTION NO. 07-22

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

**RESOLUTION ADOPTING AMENDED SPECIAL ASSESSMENT ROLL NO. 06-510
FOR 2005/2006 SIDEWALK IMPROVEMENT PROJECT**

WHEREAS, the City Commission approved Special Assessment Roll No. 06-510 on August 7, 2006, and

WHEREAS, the actual costs of the completed project were different than the estimated costs and the actual footages installed were different for some of the parcels than the original estimates, and

WHEREAS, on February 5, 2007, the City Commission directed the City Assessor or his/her designate to prepare an amended Special Assessment Roll No. 06-510 to reflect actual unit costs and actual square footages, and

WHEREAS, the Big Rapids City Commission held a public hearing on March 5, 2007, to consider any objections to said amended roll, at which time the amended special assessments were confirmed.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves said amended Special Assessment Roll No. 06-510, to be spread over a three (3) year term payable in three (3) annual installments with interest at five percent (5%) per annum due each February 1st, beginning February 1, 2007, and directs the City Assessor to deposit said amended roll with the City Clerk for endorsement as to the date of confirmation, and

BE IT FURTHER RESOLVED, that upon confirmation by the City Clerk, said roll shall be transmitted to the City Treasurer for collection.

Yeas: Brennan, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: March 5, 2007

RESOLUTION NO. 07-23

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

RESOLUTION DIRECTING CITY ASSESSOR TO PREPARE SPECIAL ASSESSMENT ROLL FOR STREET IMPROVEMENTS FOR MAGNOLIA STREET BETWEEN WILLOW AVENUE AND VACATED MECOSTA AVENUE

WHEREAS, the Big Rapids City Commission held a public hearing on Monday, March 5, 2007, on the estimates and diagrams for street improvements to Magnolia Street between Willow Avenue and vacated Mecosta Avenue, and

WHEREAS, the City Commission deems it to be in the public interest to make said improvements at the properties identified and to special assess a portion of the cost of said improvements to the property owners benefiting as follows:

Work relating to paving sections of road not currently paved and including installation of concrete curb and gutter shall be paid at 50% by the owner of the property benefiting from the improvement and 50% by the City.

Work relating to installation of a hard surfaced driveway approach outside that area dedicated for public sidewalk shall be paid at 100% by the owner of the property benefiting from the improvement. Hard surfaces placed within that area dedicated for public sidewalk shall be paid at 50% by the owner of the property benefiting from the improvement and 50% by the City.

Work relating to replacement of water services that are not currently copper services shall be levied as a flat charge and shall be paid at \$600 by the owner of the property benefiting from the improvement.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Big Rapids, that said estimates and diagrams are hereby adopted and approved for said street improvements.

BE IT FURTHER RESOLVED, that the City Assessor, or his/her designate, is hereby directed to prepare a Special Assessment Roll for the street improvements at the cost of \$15.98 per front foot and \$36.00 per square yard of hard surfaced driveway, and a flat charge of \$600.00 per water service replacement and to deposit said roll with the City Clerk for public examination thereof.

BE IT FURTHER RESOLVED, that the City Commission and City Assessor, or his/her designate, will meet and consider any objections to said roll at 7:30 p.m. on Monday, April 2, 2007, in the Commission Room of City Hall and that notice of said hearing shall be given by first class mail at least ten (10) days prior to said hearing to each owner of property to be assessed.

Yeas: Brennan, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: March 5, 2007

RESOLUTION NO. 07-24

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

RESOLUTION IN SUPPORT OF MITCHELL CREEK NATURE AREA LAND ACQUISITION GRANT APPLICATION

WHEREAS, the City of Big Rapids intends to apply for a grant from the Michigan Department of Natural Resources' Michigan Natural Resources Trust Fund to fund a portion of the land acquisition project referred to as Mitchell Creek Nature Area Acquisition and as defined with the attached maps, and

WHEREAS, the City of Big Rapids recognizes the proposed project would benefit the recreational enjoyment of area residents and preserve the area's natural beauty, and

WHEREAS, the proposed project is included in the Park and Recreation Board's Master Plan, and

WHEREAS, the City of Big Rapids intends to apply for \$143,278 of grant money from the Michigan Natural Resources Trust Fund and agrees to match the grant amount with 30% or \$61,598 of the total project cost of \$205,326.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission is in support of the Mitchell Creek Nature Area Acquisition project and application to procure grant money from the Michigan Natural Resources Trust Fund and City Manager, Steve Sobers, will be the agent in charge of signing grant documents.

Yeas: Brennan, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: March 5, 2007

City Manager Steve Sobers informed the City Commission that there are 3 lots that can be sold for residences. The grant amount does not include the cost to purchase those lots.

RESOLUTION NO. 07-25

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

**RESOLUTION IN SUPPORT OF
BIG RAPIDS RIVERWALK PHASE III
DEVELOPMENT PROJECT AND GRANT APPLICATION**

WHEREAS, the City of Big Rapids intends to apply for a grant from the Michigan Department of Natural Resources Trust Fund program to fund a portion of the Big Rapids Riverwalk as defined within the attached sketches, and

WHEREAS, the City of Big Rapids recognizes the proposed project would benefit the recreational enjoyment of area residents, especially those with handicaps and may enhance the use of the White Pine Trail State Park, and

WHEREAS, the proposed project is included in the Park and Recreation Board's Master Plan, and

WHEREAS, Phase III will consist of approximately 3,000 lineal feet of paved non-motorized, handicap accessible walkway and 2,200 feet of an aggregate based nature trail near the River with a small parking area off of River Street, interpretive signs, overlook and fishing areas.

WHEREAS, the City of Big Rapids, as the transportation agency with jurisdiction over the project area, is in support of construction of the Big Rapids Riverwalk, and

WHEREAS, the City of Big Rapids intends to apply for \$308,162 of grant money from the Michigan Department of Natural Resources Trust Fund Program and agrees to match the grant amount with 30% or, \$132,069 of the total project cost of \$440,231. The match is comprised of \$82,069 of City Funds, \$40,000 from "Access for All" and \$10,000 from the Mecosta County Medical Center.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission is in support of Phase III of the Big Rapids Riverwalk Project and application to procure grant money from the Michigan Department of Natural Resources Trust Fund Program and authorizes City Manager Steve Sobers to sign all grant documentation.

Yeas: Brennan, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: March 5, 2007

RESOLUTION NO. 07-26

Commissioner Rothstein moved, seconded by Commissioner Hogenson, 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:

INCOME TAX BOARD OF REVIEW

Patrick McNabb reappointed to a term expiring March, 2010.

ASSESSMENT BOARD OF REVIEW

Mary Jane Cook appointed to a term expiring February 2009.

Brian Montague appointed to a term expiring February 2008.

Yeas: Brennan, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: March 5, 2007

UNSCHEDULED BUSINESS:

Florence Froelich urged the City Commission to read the recent Pioneer article pertaining to the hospital and its building expansions.

Commissioner Rothstein congratulated Scott Mroz for his promotion to Fire Captain and the Street Department crew for the fine job they have done with the snow plowing.

Mayor Burch stated that on Tuesday evening the Joint Committee on Infrastructure will be meeting with Big Rapids Township representatives.

Commissioner Hogenson questioned if there has been any interest from the private sector to serve on the West Michigan Regional Planning Commission. Mayor Burch replied there has been no interest expressed.

The City Commission was reminded that they will begin the March 19th study session at 6:00 p.m. to meet with the Big Rapids Property Owners Association.

There being no further business to come before the commission, the Mayor declared the meeting adjourned at 8:54 p.m.

* * * * *

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
March 19, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:45 p.m.

Present: Commissioners Peggy Brennan, Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 33 persons in the audience.

Pledge of Allegiance.

APPROVAL OF AGENDA: Agenda was accepted as presented.

The minutes of the March 5, 2007 meeting were approved as presented.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Big Rapids Cash & Carry, Inc.	13.38	Newstripe, Inc.	382.28
Omara Products Inc.	161.67	Krob, Michelle	20.00
Staples	209.65*	Demco, Inc.	52.87*
First National Bank Omaha	1,232.75*	Baker & Taylor Books	1,454.81*
Thomson Gale	5.09*	Audio Editions	25.16*
Charter Communications	269.99*	First National Bank Omaha	217.40*
Consumers Energy	215.10	Ferguson Supply Co.	43.35
AT & T	68.35	Demco, Inc.	54.08*
Library Store	39.24*	Staples	308.09*
Detroit Newspapers	45.50*	Petty Cash-Treasurer's	104.81*
Ferris State University	7,537.87*	Demco, Inc.	62.05*
Staples	35.04*	Petty Cash-Treasurer's	16.56*
Kone, Inc.	321.93*		

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA -

Richard Hansen, 106 Rust Avenue, distributed an article regarding tax increment financing. He is an advocate for surtax for capital expenditures.

Florence Froelich, 519 Linden Street, stated that the Historic Preservation Committee is preparing a letter of what is needed for the Library, which they will be submitting in writing.

PUBLIC HEARINGS

Mayor Burch opened the public hearing on the close-out of the Wastewater Treatment Plant Improvement Project at 7:53 p.m.

Cindy Plautz, Neighborhood Services Coordinator, presented the background of the Michigan Economic Development Corporation (MEDC) grant application under the Community Development Block Grant program.

The City of Big Rapids was awarded an MEDC grant in April of 2005 to upgrade the Ultraviolet Disinfection System at the Wastewater Treatment Plant. The project consisted of constructing, retrofitting, and placing into operation an Ultraviolet Disinfection Facility consisting of a new building, new UV system and all controls and instrumentation for operation and maintenance.

The construction began in mid summer of 2005 and was completed by the fall of 2006. Total project cost was \$653,512, consisting of \$372,502 MEDC funds and \$281,010 local funds.

Don Greiner, City Engineer/Utilities Director, stated that the final bill has been paid. He also explained the status with the Ice Mountain water being dumped at the plant. Ice Mountain has installed equipment at their plant to do a plant scale test pertaining to the removal of potassium sorbate from the water.

There being no further comments, the Mayor closed the public hearing at 7:58 p.m.

During a discussion of Audit Proposal bids,

Commissioner Hogenson questioned the Charter requirement for new firms to bid on the audit contract after six successive years with the current firm. The City Manager explained that there is a need for a pair of 'fresh eyes' to review the City's accounts and that this often occurs when different individuals within a firm perform the audit. The City Attorney agreed that this is often the case.

The City Treasurer reported that in the past the City had used Rehman Robson for auditing services for six years, with one year off, and then contracted for another six years. Commissioner Harper questioned the appropriateness of hiring the firm with the lowest bid, as they had only left the Rehman Robson firm one year ago. For the public to have confidence in the objectivity and independence of the new firm, Commissioner Harper thought it would be appropriate to use the firm with the next highest bid.

RESOLUTION NO. 07-27

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

RESOLUTION ACCEPTING AUDIT PROPOSAL

WHEREAS, the City advertised for proposals for the audit of its financial statements for fiscal year ending June 2007, with a five-year option for renewal, and

WHEREAS, three proposals were received, with the audit firm of Vredeveld Haefner, LLC, being the lowest and best bid for fiscal year 2006/2007, as well as each of the next following five years, and

WHEREAS, staff is recommending that the bid of Vredeveld Haefner, LLC, in the amount of \$28,250 to complete the City audit for fiscal year 2006/07, plus \$2,500 if a single audit is required, be accepted.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the City's Fiscal year 2006/07 audit be awarded to Vredeveld Haefner LLC, in the amount of \$28,250 for the audit of its financial statements, with a five-year option for renewal at the City's discretion.

Yeas: Brennan, Hogenson, Rothstein, Burch

Nays: Harper

The Mayor declared the resolution adopted.

Dated: March 19, 2007

RESOLUTION NO. 07-28

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

**RESOLUTION EXTENDING SANITATION COLLECTION
AND DISPOSAL CONTRACT WITH ALLIED WASTE**

WHEREAS, per Resolution No. 04-70 dated May 2004, the City Commission awarded the contract to collect and dispose of residential and commercial garbage, rubbish, and trash to Allied Waste (Sunset Waste Services) for the period of July 5, 2004 to June 20, 2007.

WHEREAS, the contract allows for three two-year extensions, and

WHEREAS, staff hereby recommends extending the contract for sanitation services with Allied Waste.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby accepts the request for the extension of the contract with Allied Waste for a two-year period of July 1, 2007 to June 30, 2009, which will be acted upon by the City Commission when the rates for the extension are proposed.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: March 19, 2007

ORDINANCE NO. 578-03-07

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

**ORDINANCE AMENDING CHAPTER 55, SECTION 55.71
OF THE BIG RAPIDS CODE OF ORDINANCES
SCHEDULE OF FEES**

The City of Big Rapids ordains:

Section 1. Chapter 55, Section 55.71, Schedule of Fees, of the Big Rapids Code of Ordinances is amended to read as follows:

Storm water engineering review: \$50

Section 2. This ordinance shall be effective 20 days after publication.

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the ordinance adopted.

Dated: March 19, 2007

Published: March 23, 2007

RESOLUTION NO. 07-29

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

**RESOLUTION ACCEPTING BIDS FOR
RELINING OF SANITARY SEWER MAINS**

WHEREAS, the City solicited bids for the relining of sections of sanitary sewer main, whereby four bids were received, and

WHEREAS, the bids received were lower than expected which resulted in the staff expanding the number of sections to be relined from four to seven, and

WHEREAS, it is the staff recommendation that the bid of Insituform Technologies USA, Inc. of Chesterfield, MO (Detroit Office) be accepted for the relining of seven sections of sanitary sewer main in the amount of \$200,975 plus taps and connections.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Insituform Technologies USA, Inc. in the amount \$200,975 (plus taps and connections) be accepted for this year, with the bid prices being fixed for two years, copy attached.

BE IT FURTHER RESOLVED, that the cost be expensed from the following Account Numbers.

598-561-967.803	\$ 56,000
598-561-967.802	\$105,000
598-561-967.804	\$ 63,000

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: March 19, 2007

RESOLUTION NO. 07-30

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

**RESOLUTION FOR STREET ADDITION – ACCEPTING
CEDAR STREET INTO THE CITY LOCAL STREET SYSTEM**

WHEREAS, the City of Big Rapids did acquire title to Cedar Street on July 12, 1871, but the 170 foot section was omitted from the Act 51 Mileage Certification Report, and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this 170 feet of Cedar Street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:

1. That the section of Cedar Street is described as:
Being that part of Warren and Bronson's Third Addition, Plat #3 – A public right-of-way, 80 feet wide and 170 feet long, lying along side of block 59 thereof.
2. That said street is located within a City right-of-way and is under the control of the City of Big Rapids.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.

Dated: March 19, 2007

I hereby certify that the foregoing Resolution is a true and complete copy of a resolution of the City of Big Rapids duly adopted at a regular meeting of the City Commission of said City held March 19, 2007.

I further certify that said resolution has been recorded in the Minute Book of the City of Big Rapids and that such recording has been authenticated by the signatures of the Mayor and City Clerk.

Roberta R. Cline, City Clerk
Dated: March 19, 2007

RESOLUTION NO. 07-31

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

**RESOLUTION FOR DECERTIFICATION OF
PORTION OF OAK STREET**

WHEREAS, the City of Big Rapids does wish to decertify a portion of Oak Street.

NOW, THEREFORE BE IT RESOLVED, that this decertification of Oak Street is located between River Street and Willow Ave. for a total decertification length of 66 feet.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: March 19, 2007

I hereby certify that the foregoing Resolution is a true and complete copy of a resolution of the City of Big Rapids duly adopted at a regular meeting of the City Commission of said City held March 19, 2007.

I further certify that said resolution has been recorded in the Minute Book of the City of Big Rapids and that such recording has been authenticated by the signatures of the Mayor and City Clerk.

Roberta R. Cline, City Clerk
Dated: March 19, 2007

RESOLUTION NO. 07-32

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

**RESOLUTION TO APPROVE THE LEASE, AS AMENDED, WITH
NEW PAR, A DELAWARE PARTNERSHIP, DBA VERIZON
WIRELESS FOR ANTENNA ON WATER TOWER AT
615 SOUTH STATE STREET**

WHEREAS, the City of Big Rapids has executed a lease on December 8, 2006, with New Par, a Delaware Partnership, DBA Verizon Wireless, Inc. to lease space at the top of an existing water tower located at 615 South State Street for the erection of a cellular antenna, and

WHEREAS, such lease limits the number of antennas to no more than twelve (12) on top of the tank and would include a 765 square foot area at the base of the water tower for a building which is required for cables to connect the towers and the broadcasting equipment, and

WHEREAS, New Par, DBA Verizon Wireless, Inc. will pay the City of Big Rapids a sum of \$1,300 per month as the monthly rental, and

WHEREAS, New Par has requested the City to amend said lease adopted on December 8, 2006.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby authorizes the Mayor to sign the amended Site Lease with New Par, for the rental of the top and base of the State Street Water Tower for the purpose of installing antennas.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: March 19, 2007

UNSCHEDULED BUSINESS

City Manager Sobers complimented Director Frank West on receiving a FEMA grant in the amount of \$65,000 for an exhaust system in the fire vehicle bay. FEMA funds awarded total \$61,750 with the local match of \$3,250.

There being no further business to come before the commission, the Mayor declared the meeting adjourned at 9:08 p.m.

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
April 2, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:40 p.m.

Present: Commissioners Peggy Brennan, Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 21 persons in the audience.

Pledge of Allegiance.

APPROVAL OF AGENDA: Agenda was accepted as changed to include a resolution recognizing the Home Builder's Association as a non-profit organization for the purpose of obtaining a gaming license.

The minutes of the March 19, 2007 meeting were approved as amended. Commissioner Harper wanted the following discussion inserted for explanation of her negative vote pertaining to the audit bids.

Commissioner Hogenson questioned the Charter requirement for new firms to bid on the audit contract after six successive years with the current firm. The City Manager explained that there is a need for a pair of 'fresh eyes' to review the City's accounts and that this often occurs when different individuals within a firm perform the audit. The City Attorney agreed that this is often the case.

The City Treasurer reported that in the past the City had used Rehman Robson for auditing services for six years, with one year off, and then contracted for another six years. Commissioner Harper questioned the appropriateness of hiring the firm with the lowest bid, as they had only left the Rehman Robson firm one year ago. For the public to have confidence in the objectivity and independence of the new firm, Commissioner Harper thought it would be appropriate to use the firm with the next highest bid.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Different of Design	315.00	Krob, Michelle	30.00
McLean, Emily	50.00	Stiehl, Cody	20.00
AT & T	223.90*	Easton Telecom Services	4.15*
Brides	13.50*	Carus Publishing Group	35.97*
Horticulture	26.95*	Michigan, State of	11.95*
National Geographic	17.95*	PC World	24.95*
Amazon.Com Credit	563.95*	Book Links	36.00*
Booklist	84.00*	Sky Publishing Corp.	42.95*
Xerox Corp.	91.42*	Tractor Supply Co.	12.30
Consumers Energy	358.80	Michigan Municipal League	6.59
Krob, Michelle	20.00	McLean, Emily	10.00
Stiehl, Cody	60.00	Different by Design	272.00
Big Rapids Cash & Carry	111.39	Consumers Energy	8.00
DTE Energy	204.15	KSS Enterprises	158.00
Consumers Energy	632.02	DTE Energy	26.34
Michigan Municipal League	62.89	Grand Rapids Press	42.00

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA -

Dick Hansen, 106 Rust Avenue, offered the following comments:

- (1) He continues to research surtax. He thanked Steve Sobers, Mark Gifford, and Paul Cole for up-dated data provided him.
- (2) He presented an article pertaining to volunteers.
- (3) Regarding the talk of expanding the TIF, he is opposed to expanding the area and rezoning, particularly in the RR district. He is concerned about the change in the plan that would change the RR zone. He listed the types of businesses permitted in the RR district and the types of traffic they generate. He stated there are no alleys in the 100 and 200 block of State Street.

Mr. Hansen stated that MDOT has looked at State Street in the past in terms of a center turn lane and it was not well received by the City Commission. He would like to have that revisited. If there is a center lane, traffic can make safe left turns and it will provide an emergency lane.

Mrs. Judy Carver, Carver properties, presented two letters she received, one from Neighborhood Services, and one from the City Manager. She received the letters on Saturday and the Neighborhood Services letter stated that she would receive a civil infraction if her properties were not inspected by April 4, 2007. She is confused by the letters because the BRPOA has suspended inspections and the City Commission has granted the BRPOA two sessions to meet and discuss some issues. She considers the letters a form of bullying.

Mrs. Carver stated that on a positive note, she attended a Good Neighbors meeting and both groups have many of the same concerns. A committee has been formed with three members from the Good Neighbors and three members of the BRPOA.

Mrs. Carver stated that Mr. Peek was at the same Good Neighbors meeting and presented an update on windows. Mrs. Carver stated his "business as usual" fashion seems to not take into consideration that there are some discussions taking place between the BRPOA and the City Commission. She would like to see a little reluctance on the part of Jim Peek regarding any discussion of windows until this is resolved. She stated the BRPOA will not be dismissed on issues in this fashion and as far as the organization is concerned, the moratorium on inspections will continue.

Commissioner Brennan stated that her understanding is that they will address the issues until they are resolved, even if it takes more than two meetings. However, there is a need to go on with the inspections. She was in agreement with Mr. Sobers' letter, and believes that the problem will be worked through and that the proposal by the City Manager is an extremely reasonable solution.

Commissioner Harper stated that everyone needs to work together. The City Commission is responsible for the public health and welfare of the students in this community. She does not believe that the issuing of civil infractions at this time is appropriate. The April 10th meeting date for a joint meeting of two Commissioners and representatives from BRPOA is just around the corner. She does not think this is a crisis, nor should it be responded to as one.

Paul DesNoyers stated that the BRPOA has no problem with the firefighters doing the inspections. He believes the BROPA members present will probably agree on the safety inspections. The problem is with the Neighborhood Services Department and there are certain issues that need to be settled with them. If the fire department is willing to send one or two men, the BRPOA will probably agree to the inspections.

Commissioner Harper was concerned that there needed to be more discussion regarding the issuing of civil infractions and wanted to send the message that she did not expect there to be any action taken under the April 10th meeting date.

Commissioner Hogenson suggested that the fire staff doing the inspections should be considered a short-term solution at this time.

Mr. DesNoyers restated that he believes that the majority will support the inspections if they are completed by one or two firefighters.

Mr. Sobers explained the purpose of his letter. He wrote the letter, suggesting that inspections continue, but that the issues of contention be held in abeyance until they are resolved. He also stated that he has not been told by BRPOA that they would allow two firefighters to do the inspections. Constantly, City staff has not had an opportunity to sit down with the BRPOA. He is in agreement if the property owners call and say they would like an inspection with two firefighters.

PUBLIC HEARINGS

Mayor Burch opened the public hearing on Special Assessment Roll No. 07-511 for Street Improvements to Magnolia Street between Willow Avenue and vacated Mecosta Avenue at 8:15 p.m.

Roger Schneidt, Engineering Technician, stated this was the second public hearing in the special assessment process. The hearing gives the individuals affected by the special assessment an opportunity to speak for or against the project.

There were no comments from the audience for or against the Magnolia Street improvements.

The Mayor closed the public hearing at 8:17 p.m.

RESOLUTION NO. 07-33

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

**RESOLUTION ADOPTING SPECIAL ASSESSMENT ROLL NO. 07-511
FOR STREET IMPROVEMENTS
FOR MAGNOLIA STREET BETWEEN WILLOW AVENUE
AND VACATED MECOSTA AVENUE**

WHEREAS, Special Assessment Roll No. 07-511 has been submitted for street improvements for Magnolia Street between Willow Avenue and vacated Mecosta Avenue, and

WHEREAS, the City Commission held a public hearing on Monday, April 2, 2007, to consider any objections to said Roll, at which time the special assessments were confirmed.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves said Special Assessment Roll No. 07-511 to be spread over a ten (10) year term payable in ten (10) annual installments with interest at six percent (6%) per annum due each February 1st hereafter, beginning February 1, 2008, and directs the City Assessor to deposit the same with the City Clerk for endorsement as to the date of confirmation.

AND BE IT FURTHER RESOLVED, that upon confirmation by the City Clerk, said Roll shall be transmitted to the City Treasurer for collection.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: April 2, 2007

RESOLUTION NO. 07-34

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

**RESOLUTION ACCEPTING BIDS FOR HUNT STREET/
BJORNSON STREET WATER MAIN AND
RELATED MATERIALS**

WHEREAS, the City of Big Rapids has completed the preliminary design for the extension of water main along the Hunt Street right-of-way and along Bjornson Street, and

WHEREAS, the City solicited bids for said services, whereby five bids were received, and

WHEREAS, it is the staff recommendation that the bid of East Jordan Iron Works be accepted in the amount of \$42,529.

NOW, THEREFORE, BE IT RESOLVED, that the bid of East Jordan Iron Works in the amount of \$42,529 for extension of water main along the Hunt Street right-of-way and along Bjornson be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from Account No. 599-561-967.701.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: April 2, 2007

In the discussion of the Riverwalk South Expansion Project, Commissioner Harper stated that she has gone on record opposing the expenditure of funds for further Riverwalk expansion. However, knowing that this City Commission is support of the project, she feels obliged to support any money coming in towards the project.

RESOLUTION NO. 07-35

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

**RESOLUTION ACCEPTING FREMONT AREA COMMUNITY
FOUNDATION GRANT FOR RIVERWALK SOUTH
EXPANSION PROJECT – PHASE III**

WHEREAS, the City of Big Rapids has been notified by the Board of Trustees of the Fremont Area Community Foundation approval of grant #20070245-MCCF in the amount of \$10,000 for the Riverwalk South Expansion Project, and

WHEREAS, this grant was recommended by the Mecosta County Community Foundation Board of Trustees and has been awarded from the Big Rapids Riverwalk Flexible Fund of the Fremont Area Community Foundation, and

WHEREAS, the Fremont Area Community Foundation would appreciate copies of the written progress reports required by the Michigan Department of Natural Resources for the Riverwalk Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Manager are hereby authorized to sign grant documents and the Revenue Account No. is 719-000-675-301.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: April 2, 2007

RESOLUTION NO. 07-36

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

**RESOLUTION ACCEPTING MICHIGAN DEPARTMENT OF
TRANSPORTATION AIRPORT BLOCK GRANT
FOR LAND ACQUISITION CONSULTANT
AND APPRAISAL SERVICE**

WHEREAS, the City has applied for and has been granted the first of several grants from MDOT for projects at Roben-Hood Airport, and

WHEREAS, this grant will be used to begin the process of acquiring avigation easements over the Big Rapids Township Industrial Park, and

WHEREAS, the total amount of the project is \$17,000, whereby \$16,575 comes from grant monies consisting of 90% Federal and 7.5% State monies, with a 2.5% City match of \$425.

NOW, THEREFORE, BE IT RESOLVED that the Commission authorize the Mayor to sign Contract No. 2007-0458 for the Federal/State/Local Airport Project under the MDOT Block Grant program in the amount of \$17,000.

BE IT FURTHER RESOLVED, that the City's share of \$425 be expensed to Account No. 295-249-971.800.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: April 2, 2007

RESOLUTION NO. 07-37

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

**RESOLUTION APPROVING CONSENT JUDGMENT IN CASE # 07-
17809-CH AND AUTHORIZING THE CITY ATTORNEY TO SIGN**

WHEREAS, the Fribley family owned and occupied land at 303 Hemlock Street prior to 1915, for which a quit claim deed was requested and obtained from the City of Big Rapids, and

WHEREAS, the East 50 feet of Block 7 of Warren and Bronson's First Subdivision was occupied and improved by the Fribley family but not included in the legal description requested and obtained from the City in 1915, and

WHEREAS, the City has not used, improved, or expended funds on the East 50 feet of Block 7, and

WHEREAS, the City never claimed or recognized ownership of the East 50 feet of Block 7 in the name of the City of Big Rapids, and

WHEREAS, the successors to the Fribley family are Brad and Kimberly Brew, who have filed a quiet title action seeking to confirm their title in and to the East 50 feet of Block 7, and

WHEREAS, a proposed Consent Judgment has been prepared and submitted by which the quiet title claim can be resolved, and which has been approved and signed by Plaintiffs' counsel.

NOW THEREFORE, BE IT RESOLVED that the City Commission approves the proposed Consent Judgment in Case # 07-17809-CH, a copy of which is attached, and authorizes the City Attorney to sign it.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: April 2, 2007

RESOLUTION NO. 07-38

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

RESOLUTION APPROVING TRAFFIC CONTROL ORDER 463 FOR TEN MINUTE PARKING ON BELLEVUE STREET AND N. WARREN AVENUE DURING SCHOOL DAYS

WHEREAS, in accordance with the provisions of Act 32, Public Acts of 1956, Section 2.53, the Department of Public Safety has made the following Traffic Control Order:

Parking on Bellevue Street between N. Michigan Avenue to N. Warren shall be 10 minute parking between 8am and 4pm school days.

Parking on N. Warren Avenue, from Bellevue to Grand Traverse shall be 10 minute parking between 8am and 4pm school days.

NOW, THEREFORE, BE IT RESOLVED, the effective date of the Traffic Control Order is April 2, 2007.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: April 2, 2007

RESOLUTION NO. 07-39

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES (Required by MCL.432.103(9))

At a regular meeting of the City Commission called to order by Mayor Edward S. Burch on April 2, 2007 at 7:30 p.m. the following resolution was offered:

Moved by Commissioner Harper and supported by Commissioner Hogenson that the request from Home Builders Association of Big Rapids, county of Mecosta, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

APPROVAL

Yeas: 5
Nays: 0
Absent: 0

DISAPPROVAL

Yeas: 0
Nays: 0
Absent: 0

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission at a regular meeting held on April 2, 2007.

Roberta R. Cline, City Clerk

ORDINANCE NO. 579-04-07

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

**ORDINANCE AMENDING SECTION 71.06 OF CHAPTER 71,
TITLE VII OF THE BIG RAPIDS CITY CODE OF ORDINANCES,
TO CHANGE OF EXPIRATION DATE OF PROHIBITED ON STREET
ALL NIGHT PARKING FROM APRIL 1 TO MARCH 1**

WHEREAS, the Big Rapids Code of Ordinances Section 70.04, sub-section 8.26, All Night Winter Parking, was revised by Ordinance No. 488-12-01 on December 3, 2001, which changed the expiration date of the all night winter on-street parking prohibition from April 1 to March 1, and

WHEREAS, Section 71.06, Schedule of Violations, contains the penalty fee for violating the all night winter on-street parking prohibition, and

WHEREAS, Section 71.06 was not previously revised and contains the incorrect date of April 1 as the ending date for the all night winter parking prohibition.

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 71.06 (A), Schedule of Violations, be amended to read as follows:

Prohibited parking (signs unnecessary):

On street, 2:00 a.m. – 6:00 a.m.
from November 15 to March 1 \$15

Section 2. This ordinance shall be effective 20 days after publication.

Section 3. The City Clerk shall publish this ordinance in the *Pioneer*.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the ordinance adopted.

Dated: April 2, 2007

Published: April 6, 2007

UNSCHEDULED BUSINESS

Paul DesNoyers, BRPOA, asked for clarification if the April 4, 2007, date would be enforced. Mayor Burch responded that the April 4th date would not be immediately enforced, but he would hope that the property owners would make arrangements to get their property inspections done as they together work through the issues before them.

There being no further business to come before the commission, the Mayor declared the meeting adjourned at 9:01 p.m.

* * * * *

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
April 16, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 8:25 p.m.

Present: Commissioners Peggy Brennan, Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 18 persons in the audience.

Pledge of Allegiance.

The agenda was approved as presented.

The minutes of the April 2, 2007, meeting were approved as presented.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

First National Bank Omaha	46.00	Consumers Energy	217.31
Krob, Michelle	80.00	Mclean, Emily	10.00
Miller, Becky	30.00	Stiehl, Cody	30.00
First National Bank Omaha	55.00	Ferens, Melissa	35.16
Camps Services LTD	39,240.00	Hurst Industries, Inc.	427.82*
First National Bank Omaha	12.41*	Baker & Taylor Books	37.45*
First National Bank Omaha	5.48*	BBC Audiobooks America	559.56*
Charter Communications	269.99*	State Street Hareware	5.96
Petty Cash-Treasurer	16.20	Krob, Michelle	20.00
Stiehl, Cody	10.00	Morey, Norita	27.00
State Street Hardware	2.79	AT & T	68.35
Lowes	66.44*	AT & T	191.94
Petty Cash-Treasurers	14.40*		

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY

Presentation of the Park and Recreation Board Citizen Recognition Award: Tim Vogel stated that since 1983, the Park and Recreation Board has recognized a citizen or group for work they have done in the Park and Recreation area. This year the Park and Recreation Board recommended that two awards be presented.

Mayor Burch presented the Citizen Recognition Award to the following: Dr. Leonard Johnson for the development of the Frisbee golf course at North End Riverside Park and to Charmin Lucas of the Big Rapids Garden Club for the rain garden on the Riverwalk Phase II.

Arbor Day:

Mayor Burch presented Tim Vogel with the following 2007 Arbor Day Proclamation:

CELEBRATE ARBOR DAY

Whereas: In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas: this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas: Arbor Day is now observed throughout the nation and the world, and

Whereas: trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas: trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and beautify our community, and

Whereas: trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas: trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Edward Burch, Mayor of the City of Big Rapids, do hereby proclaim

Friday, April 27, 2007 as

Arbor Day

in the City of Big Rapids, Michigan, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further: I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 10th day of April, 2007. Mayor _____

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA -

Richard Hansen, 106 Rust Avenue, up-dated the Commission on the feasibility of an amendment to Public Act 284 of 1964 which pertains to income tax. In reading the act he was hopeful that the City could increase its income tax, until he got to the section that says only cities with much larger populations than Big Rapids. He thanked Paul Cole for providing him with research information.

He is still looking at the possibility of surtax to help with capital improvement projects. He continues to talk with Rep. Booher. He believes that for the long term success of the community, the City should take a serious look at this opportunity.

Rose Mary Jennings, 606 Bjornson, expressed disappointment that she was not recognized to talk during the study session.

Mary Ryan, 327 S. Stewart Avenue, reminded everyone that Saturday, April 21, 2007, is Earth Day clean up. It is the 17th annual event and will start at 9:00 a.m. The event started in 1990 as Adopt-A-Block program.

Mrs. Ryan also reminded the Commission that Monday, April 23, 2007, the Muskegon River Water Shed will be meeting at 7:00 p.m. She believes this is a very important meeting because the Muskegon River is a cold water river and it needs to be protected.

PUBLIC HEARINGS

Mayor Burch opened the public hearing on the 2007/2008 Fiscal Year Budget at 8:55 p.m.

The City Commission stated they were confused with the public hearing process. They have not been presented with any up-dated materials since their April 10th meeting with department heads and questioned the purpose of the hearing and lack of revised information.

City Clerk Roberta Cline stated that the public hearing was listed on the budget summary schedule for this meeting. The public hearing was advertised as the required legal notice to review the budget and solicit citizen comments.

City Manager Sobers explained the budget process and how it was done a little different this year. Prior to the Capital Improvement Plan going to the City Plan Board, the City Treasurer calculated the amount of money that was available in the various funds. Once that was done, the Capital Improvement Plan "wish list" information went to the Plan Board and they determined what projects to recommend for funding with the amount of money available. That list was provided to the City Commission on April 10th. The Capital Improvement Plan was available as handouts.

At the April 10th meeting with the department heads, the Plan Board CPI recommendations were reviewed. The Commission discussed the desire to include funds for an update to the Master Plan. Since \$27,000 in funds were available, the funds were included in the budget for the Master Plan. City Manager Sobers stated that the Capital Improvement list distributed remains the same with the addition of \$27,000 for the Master Plan.

Commissioner Harper wanted to be sure that the citizen's concerns were addressed. Mr. Sobers replied that everything brought before the Commission by the citizens were incorporated into the budget book that had previously been provided to the Commission.

Richard Hansen suggested that in future years the CIP list be published in the paper to make citizens aware of what is being proposed.

Jerry Bennett questioned the airport line item of \$80,000 to redo the driveway and parking lot to the terminal building on 18 Mile Road. It is included within a \$750,000 grant amount, which requires a 2.5% City match. The grant is administered by the Michigan Bureau of Aeronautics. He questioned why pavement resurfacing needs to be done when there are no holes in the pavement. Mr. Vogel replied that the paving was done in 1987. He explained that this is preventive maintenance before the surface gets bad and cannot be as easily repaired.

Florence Froelich thanked the City Commission for receiving her letter pertaining to the Library feasibility study.

The public hearing was closed at 9:23 p.m.

RESOLUTION NO. 07-40

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

**RESOLUTION ACCEPTING GRANT CONTRACT NO. 07-5146 FROM
MICHIGAN DEPARTMENT OF TRANSPORTATION
FOR RECONSTRUCTION OF MAPLE STREET**

WHEREAS, the City has applied for and has been granted a Category F funded status for reconstruction work along E. Maple Street from Third Avenue to Bronson Avenue, and

WHEREAS, the project would consist of reconstruction of new sidewalk, curb and gutter, storm sewer, signage, detour and road surface, and

WHEREAS, the project estimate is \$493,700, where federal funding is \$375,000 with a City match of \$118,700, and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Big Rapids accepts the grant funding and authorizes the Mayor to sign the MDOT Contract No. 07-5146.

BE IT FURTHER RESOLVED, that the cost be expensed from account number 202-451-967.804.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: April 16, 2007

RESOLUTION NO. 07-41

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

RESOLUTION ACCEPTING BID FOR IMPROVEMENTS TO MAGNOLIA STREET

WHEREAS, the City solicited bids for the improvement of Magnolia Street which includes constructing concrete curb, gutter and driveway approaches, storm sewer system and pavement surface, and

WHEREAS, seven bids were received with staff recommending that the bid of Fenstermacher Asphalt and Paving, Big Rapids, MI be accepted in the amount of \$51,299.78.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Fenstermacher Asphalt and Paving for improvements of Magnolia Street in the amount of \$51,299.78 be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from Account No. 203-451-967.704.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the Resolution adopted.

Dated: April 16, 2007

RESOLUTION NO. 07-42

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

RESOLUTION APPROVING BARTON TOWNSHIP FIRE PROTECTION CONTRACT RENEWAL

WHEREAS, the current fire protection contract with Barton Township expired on July 31, 2006, and

WHEREAS, Barton Township wishes to renew the contract with the City of Big Rapids.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves the attached fire protection contract with Barton Township for a period of August 1, 2006 through July 31, 2009.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: April 16, 2007

RESOLUTION NO. 07-43

Commissioner Harper moved, seconded by Commissioner Hogenson, 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:

ZONING BOARD OF APPEALS

Brian Pacholka appointed to the Zoning Board of Appeals as the Plan Board representative as required by law for a term expiring May 2010.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: April 16, 2007

UNSCHEDULED BUSINESS

- The MML Regional meeting will be held in Kentwood on May 4th. Any Commissioner interested in attending should notify the City Clerk.
- Big Rapids will be hosting the Michigan Utilities Directors organization on April 26 and 27.
- April 23rd will be the Maple and DeKrafft Streets meeting.
- Together, the University, Big Rapids community, Immanuel Lutheran Church and MCC Amicorps*VISTA is sponsoring two projects: Dump and Run and Dump and Party. The projects network with the students to encourage them to donate unwanted items such as food, clothing, and sporting goods. The items will be given to Starburst, Big Brothers/Big Sisters, Eagle Village or community youths.
- The Mayor and City Manager met with Congressman Camp regarding the Wastewater Treatment Plant project. Staff will up-date the grant request document. It is hopeful that the City will receive \$3.4 million from Congress for the project.

There being no further business to come before the commission, the Mayor declared the meeting adjourned at 9:42 p.m.

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
May 7, 2007

Mayor Pro-Tem Dan Rothstein called the regular meeting of the City Commission to order at 7:40 p.m.

Present: Commissioners Peggy Brennan, Terry Harper, Tom Hogenson, and Mayor Pro-Tem Dan Rothstein; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: Mayor Edward Burch, excused due to illness.

There were 37 persons in the audience.

Pledge of Allegiance.

The agenda was approved as amended: the public hearing pertaining to the suspension of the taxicab company's license was cancelled.

The minutes of the April 16, 2007, meeting were approved as presented.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Farm Plan Corp	208.05	Mollema & Sons	411.31
Omara Products	422.40	Krob, Michelle	30.00
McLean, Emily	10.00	Stiehl, Cody	10.00
Kone, Inc.	321.93*	Medler Electric	49.71*
Sherwin Williams	30.58*	A T & T	28.72*
Baker & Taylor Books	26.31	Xerox Corp.	149.52*
Staples	38.45	Consumers Energy	338.76
Krob, Michelle	30.00	McLean, Emily	60.00
Miller, Becky	50.00	Stiehl, Cody	10.00
Consumers Energy	26.35	DTE Energy	126.91
Consumers Energy	528.32*	DTE Energy	577.56*
Staples	114.62*	A T & T	204.47*
Easton Telecom	1.41*	Demco, Inc.	265.60*
Amazon. Com Credit	61.35*	Baker & Taylor Books	291.92*
Wilson Company Lockbox	167.00*	Big Rapids Cash & Carry	177.89
Golden West Industrial	155.40	New Horizon Landscape	2,224.00
Omara Products	33.90	Rieth-Riley Construction	556.80
Tri County Portable	368.00	Different by Design	225.00
Krob, Michelle	80.00	McLean, Emily	16.00
Miller, Becky	24.00	Stielh, Cody	72.00
Morey, Norita	36.00	Ferens, Melissa	50.93
Baker & Taylor Books	819.29*	Audio Editions	2,225.10*
Artworks/Speakers Bureau	25.00*	Charter Communications	269.99*
Tri County Portable	100.00		

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

SPECIAL ORDERS OF THE DAY – None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA -

Dick Hansen, 202 Rust Avenue, addressed the Commission with updated information regarding his research into surtax. He has written twenty State Representatives trying to get them on board with the possibility of surtax. He addressed the BRPOA on Tuesday informing them how surtax would work – voted by the people with a sunset date.

He is opposed to a proposed TIF that would include State Street, or the rezoning to C-2. He is interested in any proposal to help the downtown, but not in favor of any inequalities.

He thanked the City Manager, Mark Gifford and Paul Cole for the information they have provided.

City Manager Steve Sobers presented the Fiscal Year 2007/2008 budget. He stated that all major changes and revised capital expenditures were included into the up-dated budget.

Commissioner Harper made a suggestion for next year's Capital Improvement Plan. This year's plan included items such as zinnias and MOARC use. Next year she would like to see the projects that are truly capital improvement projects on the CIP and the other items on a separate listing.

She stated that the City Commission did include every public concern into the budget except one street paving. All requests were either partial or fully funded.

RESOLUTION NO. 07-44

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

**RESOLUTION ADOPTING THE CITY OF BIG RAPIDS
GENERAL APPROPRIATIONS ACT FOR FY 07-08**

WHEREAS, the City of Big Rapids is required to adopt a budget for the fiscal year beginning July 1, 2007, and

WHEREAS, the City Manager presented a budget in accordance with Public Act 621 of 1978 (MCL 141.435) to the City Commission on May 7, 2007, being the General, Special Revenue, Debt Service, and Capital Projects Funds and Information Summaries of the Enterprise, Internal Service and Fiduciary Funds, and

WHEREAS, a duly advertised, charter required public hearing was held May 7, 2007, to receive comments regarding the FY 07-08 proposed City Budget.

NOW, THEREFORE, BE IT RESOLVED, that the budget document presented with this resolution be adopted as the City's 2007/08 fiscal year budget and that the revenues for fiscal year commencing July 1, 2007, and ending June 30, 2008, on a fund and source basis are estimated as follows:

GENERAL FUND

Taxes	\$4,115,100
Licenses & Permits	42,500
Grants	1,641,500
Charges	216,700
Fines & Forfeits	120,300
Interest & Rents	79,100
Other	66,700
Transfers-In	<u>623,500</u>

TOTAL GENERAL REVENUES		\$6,905,400
<u>MAJOR STREETS FUND</u>		
State Trunkline Maintenance	\$ 89,000	
State Gas & Weight Tax	4 80,000	
Interest Earned	20,000	
Other	<u>1,000</u>	
TOTAL MAJOR STREET REVENUES		\$590,000
<u>LOCAL STREETS FUND</u>		
State Gas & Weight Tax	\$160,000	
Interest Earned	20,000	
Interest Charged	200	
Other	2,000	
Transfers-In	<u>140,000</u>	
TOTAL LOCAL STREET REVENUES		\$322,200
<u>POOL FUND</u>		
Interest Earned	\$ 5,000	
Charges for Services	29,300	
Transfers-In	140,0 00	
Other	<u>100</u>	
TOTAL POOL REVENUES		\$174,400
<u>DOWNTOWN DEVELOPMENT AUTHORITY FUND</u>		
Property Taxes – Current	\$22,000	
Property Taxes – Prior Years	400	
Interest Earned	2,000	
Loan Interest	4,500	
Loan Principal	<u>22,600</u>	
TOTAL DDA REVENUES		\$51,500
<u>LIBRARY FUND</u>		
State Grants	\$ 12,000	
Sales & Services	3,500	
Income Tax Donation	1,200	
Penal Fines	137,000	
Library Fines	5,500	
Interest Earned	6,600	
Other	12,400	
Transfers-In	<u>240,000</u>	
TOTAL LIBRARY REVENUES		\$418,200
<u>AIRPORT FUND</u>		
Leasing	\$ 1,500	
Fees	8,700	

Interest Earned	2,000	
Fuel Sales	60,000	
Other	500	
Transfers-In	<u>100,000</u>	
TOTAL AIRPORT REVENUES		\$172,700
<u>PS BLDG DEBT SERVICE FUND</u>		
Transfers-In	<u>\$320,800</u>	
TOTAL PS BLDG DEBT SERVICE REVENUES		\$320,800
<u>WATER DEBT SERVICE FUND</u>		
Transfers-In	<u>\$324,100</u>	
TOTAL WATER DEBT REVENUES		\$324,100
<u>SEWER DEBT SERVICE FUND</u>		
Transfers-In	<u>\$174,700</u>	
TOTAL SEWER DEBT REVENUES		\$174,700
<u>BLDG IMPROVEMENT FUND</u>		
Interest Earned	\$1,500	
Transfers-In	<u>5,000</u>	
TOTAL BLDG IMPR REVENUES		\$6,500
<u>LIBRARY IMPROVEMENT FUND</u>		
Interest Earned	\$2,500	
Transfers-In	<u>5,000</u>	
TOTAL LIBRARY IMPR REVENUES		\$7,500
<u>DIAL-A-RIDE FUND</u>		
Grants	\$208,200	
Fares & Sales	71,000	
Interest Earned	1,000	
Other	200	
Transfers-In	<u>72,000</u>	
TOTAL DIAL-A-RIDE REVENUES		\$352,400
<u>SEWAGE DISPOSAL SYSTEM FUND</u>		
Sales & Services	\$ 7,000	
Sewer Charges	2,090,100	
Interest Earned	25,000	
Other	<u>102,000</u>	
TOTAL SEWAGE DISPOSAL REVENUES		\$2,224,100
<u>WATER SUPPLY SYSTEM FUND</u>		
Sales & Services	50,000	
Water Sales	1,850,000	

Interest Earned	1,200	
Other	<u>2,000</u>	
TOTAL WATER SUPPLY REVENUES		\$1,903,200
 <u>SANITATION FUND</u>		
Sales & Services	<u>\$740,000</u>	
TOTAL SANITATION REVENUES		\$740,000
 <u>SEWER REPLACEMENT FUND</u>		
Interest Earned	\$ 50,000	
Transfers-In	<u>297,600</u>	
TOTAL SEWER REPLACEMENT REVENUES		\$ 347,600
 <u>WATER EXPANSION & REPLACEMENT FUND</u>		
Interest Earned	\$ 20,000	
Transfers-In	<u>180,000</u>	
TOTAL WATER REPLACEMENT REVENUES		\$200,000
 <u>DPW SERVICES FUND</u>		
Services	<u>\$772,100</u>	
TOTAL DPW SERVICES REVENUES		\$772,100
 <u>MOTOR POOL FUND</u>		
Rentals	\$684,100	
Interest Earned	15,000	
Other	<u>11,000</u>	
TOTAL MOTOR POOL REVENUES		\$710,100
 <u>SELF INSURANCE FUND</u>		
Charges	\$940,200	
Interest Earned	10,000	
Interest Charged	<u>100</u>	
TOTAL SELF INSURANCE REVENUES		\$950,300
 <u>MILLER & AHLGREN TRUST FUND</u>		
Interest Earned	<u>\$200</u>	
TOTAL MILLER & AHLGREN REVENUES		\$ 200
 <u>SUSAN JENNINGS MEMORIAL FUND</u>		
Interest Earned	<u>\$200</u>	
TOTAL SUSAN JENNINGS REVENUES		\$ 200
 <u>PLAYSCAPE FUND</u>		
Interest Earned	<u>\$700</u>	
TOTAL PLAYSCAPE REVENUES		\$ 700

ACT 345 RETIREMENT FUND

DB Employee Contributions	\$ 5,000	
DC Employee Contributions	115,000	
DB Employer Contributions	325,000	
DC Employer Contributions	192,600	
457 Plan	3,000	
Interest Earned	4,000	
Stock Dividends	135,000	
Bond Interest	122,000	
Gain on Sale of Stocks/Bonds	<u>10,000</u>	
TOTAL ACT 345 REVENUES		\$911,600

BE IT FURTHER RESOLVED, expenditures for the fiscal year commencing July 1, 2007 and ending June 30, 2008, are appropriated on a fund and activity basis as follows:

GENERAL FUND

City Commission	\$ 83,500
Mayor	5,000

GENERAL FUND-continued

City Manager	152,000
Elections	20,000
City Assessor	136,000
City Attorney	172,800
City Clerk	337,500
City Treasurer	441,800
Income Tax	97,200
Information Management	461,900
Public Buildings	103,400
Police	1,879,300
Fire	860,900
Public Safety	303,700
Plan Board	4,600
Neighborhood Services	2 89,400
Public Works	382,800
Sidewalks, Alleys and Storm Sewers	145,100
Parking	67,300
Engineering	251,300
Decorations	61,700
Park Facilities	287,900
Recreation	44,800
Debt Service	0
Transfers-Out	<u>592,000</u>

TOTAL GENERAL EXPENDITURES

\$7,181,900

MAJOR STREETS FUND

Public Services	\$ 4,100
Street Construction	101,500
Routine Maintenance	138,600
Sweeping & Flushing	16,600
Trees & Shrubs	4,700
Drainage Structures	33,200
Grass & Weed Control	1,700
Routine Maintenance-Bridges	1,900
Traffic Signs-Maintenance	23,200
Traffic Signals-Maintenance	14,000
Pavement Markings	12,600
Winter Maintenance	91,200
State Trunkline-Traffic Signal Maintenance	6,900
State Trunkline-Surface Maintenance	17,900
State Trunkline-Sweeping & Flushing	4,600
State Trunkline-Trees & Shrubs	400
State Trunkline-Drainage Structures	9,900
<u>MAJOR STREETS FUND-continued</u>	
State Trunkline-Roadside Cleanup	1,300
State Trunkline-Grass & Weed Control	2,200
State Trunkline-Traffic Signs	1,200
State Trunkline-Winter Maintenance	48,400
Transfers-Out	<u>178,500</u>

TOTAL MAJOR STREET EXPENDITURES

\$714,600

LOCAL STREETS FUND

Public Services	\$ 3,700
Street Construction	355,500
Routine Maintenance	107,500
Sweeping & Flushing	15,200
Trees & Shrubs	6,300
Drainage Structures	36,100
Grass & Weed Control	2,100
Traffic Signs-Maintenance	20,600
Traffic Signals-Maintenance	3,000
Pavement Markings	6,600
Winter Maintenance	75,400
Transfers-Out	<u>57,200</u>

TOTAL LOCAL STREET EXPENDITURES		\$689,200
<u>POOL FUND</u>		
Operational	\$108,900	
Equipment & Project Costs	0	
Transfers-Out	<u>13,000</u>	
TOTAL POOL EXPENDITURES		\$121,900
<u>DOWNTOWN DEVELOPMENT AUTHORITY FUND</u>		
DDA	\$ 300	
Transfers-Out	<u>6,000</u>	
TOTAL DDA EXPENDITURES		\$6,300
<u>DRUG LAW ENFORCEMENT</u>		
CMET – 2007-08	<u>\$2,000</u>	
TOTAL DRUG LAW EXPENDITURES		\$2,000
<u>LIBRARY FUND</u>		
Public Buildings	\$ 44,500	
Community Library	339,100	
Transfers-Out	<u>34,600</u>	
TOTAL LIBRARY EXPENDITURES		\$418,200
<u>AIRPORT FUND</u>		
Operational	\$174,400	
Capital Projects	4,500	
Transfers-Out	<u>16,800</u>	
TOTAL AIRPORT EXPENDITURES		\$ 195,700
<u>PS BLDG DEBT SERVICE</u>		
Debt Service	<u>\$320,800</u>	
TOTAL PS BLDG DEBT SERVICE EXPENDITURES		\$320,800
<u>WATER DEBT SERVICE</u>		
Debt Service	<u>\$324,100</u>	
TOTAL WATER DEBT SERVICE EXPENDITURES		\$324,100
<u>SEWER DEBT SERVICE FUND</u>		
Debt Service	<u>\$174,700</u>	
TOTAL SEWER DEBT SERVICE EXPENDITURES		\$174,700

BLDG IMPROVEMENT FUND

General Government	\$5,000	
TOTAL BLDG IMPROVEMENT EXPENDITURES		\$5,000

LIBRARY IMPROVEMENT FUND

General Government	\$15,000	
TOTAL LIBRARY IMPR EXPENDITURES		\$15,000

DIAL-A-RIDE FUND

Labor	\$242,500	
Administrative & General	43,800	
Materials & Supplies	93,700	
Transfers-Out	<u>32,000</u>	
TOTAL DIAL-A-RIDE EXPENDITURES		\$412,000

SEWAGE DISPOSAL SYSTEM FUND

Production	\$889,200	
Transmission	312,000	
Customer Service	15,800	
Industrial Treatment	76,200	
Lift Stations	5,500	
Transfers-Out	<u>591,100</u>	
TOTAL SEWAGE DISPOSAL EXPENDITURES		\$1,889,800

WATER SUPPLY SYSTEM FUND

Production	\$754,000	
Transmission	519,500	
Customer Service	15,800	
Transfers-Out	<u>641,900</u>	
TOTAL WATER SUPPLY EXPENDITURES		\$1,931,200

SANITATION FUND

Leaf Pickup & Composting	\$45,000	
Garbage Disposal/Composting	625,000	
Transfers-Out	<u>64,200</u>	
TOTAL SANITATION EXPENDITURES		\$734,200

SEWER REPLACEMENT FUND

Equipment & Project Costs	<u>\$232,500</u>	
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TOTAL SEWER REPLACEMENT EXPENDITURES		\$232,500
<u>WATER EXPANSION & REPLACEMENT FUND</u>		
Equipment & Project Costs	\$407,000	
TOTAL WATER EXPAN & REPL EXPENDITURES		\$407,000
<u>DPW FUND</u>		
Administrative & General	\$752,100	
Transfer-Out	<u>10,000</u>	
TOTAL DPW EXPENDITURES		\$762,100
<u>MOTOR POOL FUND</u>		
Administrative & General	\$407,800	
Transfer-Out	<u>64,600</u>	
TOTAL MOTOR POOL EXPENDITURES		\$472,400
<u>SELF INSURANCE FUND</u>		
Claims & Premiums	\$994,100	
TOTAL SELF INSURANCE EXPENDITURES		\$994,100
<u>PLAYSCAPE FUND</u>		
Operational	\$700	
TOTAL PLAYSCAPE EXPENDITURES		\$ 700
<u>ACT 345 RETIREMENT FUND</u>		
Administration	\$1,208,700	
TOTAL ACT 345 RETIREMENT EXPENDITURES		\$1,208,700

BE IT FURTHER RESOLVED, the City Manager is authorized to amend individual line items within the FY 07-08 City of Big Rapids Budget such that the General Fund and all other fund totals remained unchanged, and

BE IT FURTHER RESOLVED, it is recognized that FUND 671 -- Utilities Receivable, FUND 701 - Trust & Agency, FUND 703 -- Tax Collection, FUND 705 -- Income Tax, FUND 731 --Supplemental Pension, and FUND 750 -- Payroll do not have budgeted revenues or expenditures, are balance sheet accounts, and therefore, do not have fund balances.

BE IT FURTHER RESOLVED, the FY 07-08 anticipated fund balance carry-overs are recognized such that the expenditures appropriated do not exceed the sum of the anticipated revenues plus the carry-overs on a fund-by-fund basis as attached.

BE IT FURTHER RESOLVED, the City Commission levies a tax of 10.2000 mills for the period of July 1, 2007 through June 30, 2008, on all real and personal taxable property in the City of Big Rapids, according to the valuation of the same. The remainder of the tax is levied for the purpose of defraying the general expense and liability of the City of Big Rapids and is levied pursuant to the Charter of the City of Big Rapids. The maximum authorized levy according to the City Charter is 15.0 mills, and

BE IT FURTHER RESOLVED, the City Commission levies a tax of 3.0550 mills for the period of July 1, 2007 through June 30, 2008, on all real and personal taxable property in the City of Big Rapids, according to the valuation of the same. This tax is levied for the purpose of defraying the cost of supporting the retirement plan for qualified personnel of the Department of Public Safety of the City of Big Rapids pursuant to the provisions of ACT 345 of the Public Acts of 1937, as amended, as approved by a vote on August 7, 1972, and

BE IT FURTHER RESOLVED, the City Commission levies a tax of 1.7482 mills for the period of July 1, 2007 through June 30, 2008, on all real and personal taxable property in the City of Big Rapids, according to the valuation of the same. This tax is levied for the purpose of defraying the cost of paying principal and interest payments and agent fees for the Public Safety Building bond, and

BE IT FURTHER RESOLVED, the City Commission does hereby levy a tax of 2.0000 mills for the period of July 1, 2007 through June 30, 2008 on all real and personal taxable property in the City of Big Rapids, according to the valuation of the same in a district known as Downtown Development District. This tax is levied for the purpose of defraying the cost of Downtown Development Authority, and

BE IT FURTHER RESOLVED, the City Commission imposes a 1% administration and collection fee on all levies of property taxes pursuant to MCL 211.44.

Yeas: Brennan, Harper, Hogenson, Rothstein
Nays: None
The Mayor Pro-Tem declared the Resolution adopted.
Dated: May 7, 2007

RESOLUTION NO. 07-45

Commissioner Brennan moved, supported by Commissioner Harper, the adoption of the following:

**RESOLUTION AMENDING THE INVESTMENT
POLICY FOR THE CITY OF BIG RAPIDS**

WHEREAS, the City of Big Rapids passed Resolution No. 92-186 on October 5, 1992, which adopted the Investment Policy of the City of Big Rapids, and

WHEREAS, it is occasionally necessary to amend this policy, and

WHEREAS, it is recommended that Section 7.1 of said Policy entitled "Depositories" be amended to reflect the addition of the local branch of the Lake Osceola State Bank to the City's investment policy.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves the revisions to Section 7.1 of the Investment Policy for the City of Big Rapids.

Yeas: Brennan, Harper, Hogenson, Rothstein
Nays: None
The Mayor Pro-Tem declared the resolution adopted.
Dated: May 7, 2007

RESOLUTION NO. 07-46

Commissioner Harper moved, seconded by Commissioner Brennan, the adoption of the following:

**RESOLUTION AMENDING FISCAL YEAR 2006/2007
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2006/2007 General Appropriations on May 1, 2006 per Resolution No. 06-51, 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 attached Budget Adjustments to the FY 2006/2007 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2006/2007 City of Big Rapids Budget accordingly.

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the resolution adopted.

Dated: May 7, 2007

RESOLUTION NO. 07-47

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

**RESOLUTION ACCEPTING BIDS FOR THE
SALE OF VEHICLES AND EQUIPMENT**

WHEREAS, the City solicited bids to dispose of the following vehicles and equipment:

1994 Ford 4X4 Pickup Truck	(minimum bid of \$3,000.00)
1998 Champion transit Bus	(no minimum bid)
Three John Deere 32" Walk Behind Mowers	(no minimum bid)
Two Wizard Push Mowers	(no minimum bid)
One Onan single Phase 2,500 Watt Generator	(no minimum bid)

WHEREAS, bids were received on each piece of equipment with the following being the best bids and staff's recommendation for acceptance:

1994 Ford 4X4 Pickup Truck	Gale Mortensen	\$ 4,975.00
1998 Champion Transit Bus	David Kelwyn	\$ 1,800.00
Three John Deere 32" Walk Behind Mowers	Randy Schuberg	\$ 250.00
	Randy Schuberg	\$ 250.00
	Van Johnson	\$ 251.90
Two Wizard Push Mowers	Nola Manchip	\$ 21.00
	Craig McDonald	\$ 25.00
One Onan Single Phase 2,500 Watt Generator	Matthew Myers	\$ 20.00

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts staff's recommendation for the disposal of City equipment for the amounts listed above.

BE IT FURTHER RESOLVED, that the funds from the sale of these vehicles and equipment be deposited into Account No. 661-000-693.000.

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the resolution adopted.

Dated: May 7, 2007

RESOLUTION NO. 07-48

Commissioner Harper moved, supported by Commissioner Hogenson, the adoption of the following resolution:

**RESOLUTION AWARDING BIDS FOR 2007 CONSTRUCTION
SEASON MATERIALS AND EQUIPMENT**

WHEREAS, the City of Big Rapids Department of Public Works maintains the streets within the City limits, which necessitates the need for maintenance materials and rental of maintenance equipment, and

WHEREAS, bids were solicited for construction materials and equipment with the lowest and best bids being as follows and outlined on the attached summary sheet:

Materials

Sylvax

1. Rieth Riley \$80.00/tn pick up, \$82.00/tn delivered

No other bids were received.

20A/20AA or 13AA

1. Rieth Riley \$39.50/tn pick up
2. Michigan Asphalt & Materials \$40.65/tn pick up, \$50.90 delivered (plant is 52 miles away)

25AW or 35A

1. Rieth Riley \$44.00/tn pick up

Coat Tack

1. Rieth Riley \$2.50/gl pick up

13A Asphalt

1. Rieth Riley \$39.50/tn pick
2. Michigan Asphalt & Materials \$38.85/tn pick up, \$49.10/tn delivered (plant is 52 miles away)

22A Gravel

1. Morningstar Enterprises \$5.30/tn pick up, \$7.00/tn delivered
2. Rieth Riley \$5.75/tn pick up, \$7.00/tn delivered
3. Fred Myers \$11.00/tn delivered

23A Gravel

1. Morningstar Enterprises \$5.30/tn pick up, \$7.00/tn delivered
2. Rieth Riley \$5.75/tn pick up, \$7.00/tn delivered

Crusher Dust

1. Rieth Riley \$12.00/tn pick up, \$14.00/tn delivered
2. Fred Myers \$20.90 delivered

Cement

1. Lake City Redi Mix \$82.00/yd + \$8.00/truck fuel charge

Reprocess Crushed Concrete

1. Fenstermacher Asphalt Paving \$10.00 pick up, \$13.00 delivered
2. Morningstar Enterprises \$11.00 pick up, \$13.00 delivered
3. Rieth Riley \$12.00 pick up, \$14.00 delivered

Reprocessed Asphalt/RAP

1. Fenstermacher Asphalt Paving \$10.00 pick up, \$13.00 delivered
2. Morningstar Enterprises \$11.00 pick up, \$13.00 delivered

F-4 Curb

1. Fred Myers \$10.49/ft
2. D & R Concrete \$10.84/ft

4" Flatwork

1. Fred Myers \$2.30/sft
2. D & R Concrete \$3.10/sft

6" Flatwork

1. D & R Concrete \$2.35/sft
2. Fred Myers \$3.10/sft

ADA Ramps

1. D & R Concrete \$4.95/sft
2. Fred Myers \$8.50/sft

Note: D & R Concrete is the low bidder overall for concrete work.

Ultra Thin Paving Low Density

1. Rieth Riley 0-2,000 syd - \$4.10, 4,000 – 6,000 syd - \$3.70, 6,000 + syd - \$3.60
2. Michigan Paving & Materials - \$3.14 (10,000 syd minimum order) Did not meet specs.

Ultra Thin Paving Medium Density

1. Rieth Riley 0-2,000 syd - \$4.50, 4,000 – 6,000 syd - \$4.10, 6,000 + syd - \$3.97
2. Michigan Paving & Materials - \$3.25 (10,000 syd minimum order) Did not meet specs.

Ultra Thin Paving High Density

1. Rieth Riley 0-2,000 syd - \$4.75, 4,000 – 6,000 syd - \$4.40, 6,000 + syd - \$4.30
2. Michigan Paving & Materials - \$3.32 (10,000 syd minimum order) Did not meet specs.

Roller/Paver with operators

- | | | | |
|----|------------------------------|----------------------|---------------------|
| 1. | Rieth Riley | Roller - \$125.00/hr | Paver – \$500.00/hr |
| 2. | Fenstermacher Asphalt Paving | Roller - \$125.00 | Paver – \$575.00/hr |

Sand/Gravel Roller with operator

- | | | |
|----|-------------------------|-------------|
| 1. | Morningstar Enterprises | \$100.00/hr |
|----|-------------------------|-------------|

Bulldozer with operator

- | | | |
|----|------------------------------|------------|
| 1. | Morningstar Enterprises | \$80.00/hr |
| 2. | Fenstermacher Asphalt Paving | \$85.00/hr |
| 3. | Fred Myers | \$95.00/hr |

Hydraulic Excavator with operator

- | | | |
|----|------------------------------|-------------|
| 1. | Morningstar Enterprises | \$115.00/hr |
| 2. | Fred Myers | \$120.00/hr |
| 3. | Fenstermacher Asphalt Paving | \$125.00/hr |

Hydraulic Excavator without operator

- | | | |
|----|-------------------------|------------|
| 1. | Morningstar Enterprises | \$30.00/hr |
|----|-------------------------|------------|

Rotomilling

- | | | |
|----|-----------------------------|----------|
| 1. | D.C. McQuestion | \$.16/ft |
| 2. | Michigan Paving & Materials | \$.17/ft |

Tri Axle Truck with operator

- | | | |
|----|------------------------------|---|
| 1. | Morningstar Enterprises | \$65.00/hr |
| 2. | Rieth Riley | \$70.00/hr |
| 3. | Fenstermacher Asphalt Paving | \$75.00/hr (he also supplies laborers to do shoveling so our DPW can do other work) |

Quad Truck with operator

- | | | |
|----|------------------------------|---|
| 1. | Rieth Riley | \$75.00/hr |
| 2. | Fred Myers | \$80.00/hr |
| 3. | Fenstermacher Asphalt Paving | \$85.00/hr (he also supplies laborers to do shoveling so our DPW can do other work) |

Semi with lead trailer & operator

- | | | |
|----|------------------------------|---|
| 1. | Morningstar Enterprises | \$75.00/hr |
| 2. | Rieth Riley | \$80.00/hr |
| 3. | Fenstermacher Asphalt Paving | \$95.00/hr (he also supplies laborers to do shoveling so our DPW can do other work) |
| 4. | Fred Myers | \$95.00/hr |

8 Axle Flowboy with operator (not specified in bid)

- | | | |
|----|-------------|-------------|
| 1. | Rieth Riley | \$110.00/hr |
|----|-------------|-------------|

WHEREAS, on occasion, the requested material or equipment is not available from the lowest bidder, whereby it is recommended that the City then go to the next low bidder for the material or equipment, and

WHEREAS, prices are good May 1, 2007 through December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the low bids outlined above, and per the attached bid sheet, with the understanding that if materials and/or equipment are not available, the City will proceed to the next lowest bidder within each category as outlined on the summary sheet.

BE IT FURTHER RESOLVED, that the costs will be expensed to the various 782 maintenance material budget line items in the major and local streets, alley, parks and parking lots accounts and Account Nos. 590-561-732.000 and 591-561-732.000.

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the resolution adopted.

Dated: May 7, 2007

RESOLUTION NO. 07-49

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

**RESOLUTION AUTHORIZING MICHIGAN DEPARTMENT OF
TRANSPORTATION CONTRACT FOR FEDERAL/STATE/LOCAL AIRPORT PROJECT
CONTRACT NO. 2007-0548
(FEDERAL PROJECT NO. B-26-0013-0704)**

WHEREAS, the City has applied for and has been granted several grants from MDOT for projects at Roben-Hood Airport, and

WHEREAS, this grant will be use to provide engineering services to design a 10 unit T-Hanger and Taxistreet, hanger demolition, building for storage of snow removal equipment, rehabilitation of an entrance road and terminal parking area, windcone, paint markings and relocation of the Automated Weather Observation Station power cable and sanitary sewer for the terminal building, and

WHEREAS, the total amount of the project is \$56,000, whereby \$54,600 comes from grant monies consisting of \$44,800 Federal and \$9,800 MDOT, with a City match of \$1,400.

NOW, THEREFORE, BE IT RESOLVED that the Commission authorize the Mayor to sign Contract No. 2007-0548, Federal Project No. B-26-0013-0704 for the engineering service to develop plans and specifications for the above mentioned components.

BE IT FURTHER RESOLVED, that the City's share of \$1,400 be expensed to Account No. 295-249-802.800.

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the resolution adopted.

Dated: May 7, 2007

In considering the resolution authorizing Engineering Services to Peckham Engineering to design improvements listed under Project No. B26-0013-0707 at Roben Hood Airport, Commissioner Harper reminded staff about a letter from Mr. Walcheski, which was included in the March Manager's Newsletter, requesting the purchase of the old hanger

at the airport. She questioned whether the resolution authorizing the MDOT contract for the airport project would preclude the sale of this hanger, as the resolution indicated the demolition of the hangar. The City Manager stated that this would not prevent a future sale of the old hanger.

RESOLUTION NO. 07-50

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

**RESOLUTION AUTHORIZING ENGINEERING SERVICES TO PECKHAM ENGINEERING
TO DESIGN IMPROVEMENT LISTED UNDER
PROJECT NO. B26-0013-0707 AT ROBEN-HOOD AIRPORT**

WHEREAS, the City has received Block Grant Funds for airport engineering services under the Michigan Department of Transportation Project No. B26-0013-0707, and

WHEREAS, Peckham Engineering will provide the professional engineering services to design airport improvements as outlined in PEI Job No. 1108 and 1109, and

WHEREAS, PEI Job No. 1108 agreement includes the preparations of construction documents for:

- ❖ Taxiway, T-Hanger area
- ❖ Rehabilitated existing entrance road and car parking lot
- ❖ Electrical power to AWOS
- ❖ Replace existing wind sock
- ❖ Runway markings
- ❖ Sanitary sewer

at the cost of \$20,249.47, and

WHEREAS, PEI Job No. 1109 agreement includes the preparations of construction documents for:

- ❖ Preparation of construction documents PEI Job #1109
- ❖ Design & build plan/specification/engineer report for construction of a 10 unit T-Hanger
- ❖ 40' x 40' SRE building
- ❖ Demolish old hanger

at the cost of \$28,657, and

WHEREAS, the City's cost of these services equal 2.5% or \$1,300.

NOW, THEREFORE, BE IT RESOLVED, the Mayor is authorized to sign agreements, Contract No. FM54-01-C20 and FM54-01-C21, PEI Job No. 1108 and 1109, with Peckham Engineering in the amount of \$20,249.47 and \$28,657.

BE IT FURTHER RESOLVED, that the City's share of 2.5% or \$1,300 be expensed to Account No. 295-249-971.800.

Yeas: Brennan, Harper, Hogenson, Rothstein
Nays: None
The Mayor Pro-Tem declared the resolution adopted.
Dated: May 7, 2007

RESOLUTION NO. 07-51

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

RESOLUTION AUTHORIZING PROFESSIONAL CONSULTANT SERVICES WITH FIRST ROW, INC. FOR THE PURPOSE OF REAL ESTATE ACQUISITION AND TECHNICAL SERVICES

WHEREAS, in the City’s five-year development plan for Roben-Hood Airport, the extension of Runway 9 is planned to be extended to a length of 5,000 feet from its present length of 4,300, and

WHEREAS, the City Commission approved Resolution No. 07-36, MDOT Block Grant of \$17,000 to cover 97% of the expense for the work coordinated by First ROW, Inc., and

WHEREAS, one of the requirements for an Airport to expand its runway is to control the airspace, and

WHEREAS, to accomplish this, the City shall obtain an avigation easement over the land west of this runway, which is owned by Big Rapids Township, and

WHEREAS, the consultant, First ROW, Inc. will coordinate obtaining the title, perform appraisals and reviews and negotiations and closing.

NOW, THEREFORE, BE IT RESOLVED, that the Commission authorize the Mayor to sign agreement for professional services with First ROW, Inc. for the amount of \$15,168.

BE IT FURTHER RESOLVED, that the following budget adjustments be made and the City’s share of \$400 be expensed to Account No. 295-249-971.800.

<u>Account No.</u>	<u>Balance</u>	<u>Revision</u>	<u>New balance</u>
295-000-529.200	214,000	(214,000)	0
295-249-971.800	223,600	(223,200)	400

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the resolution adopted.

Dated: May 7, 2007

RESOLUTION NO. 07-52

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

RESOLUTION FOR SUBMITTAL OF THE APPLICATION TO MDOT LOCAL BRIDGE PROGRAM TO REPLACE THE BALDWIN STREET BRIDGE

WHEREAS, the Baldwin Street Bridge was constructed in 1966, and is listed on the critical bridge list, and

WHEREAS, the Baldwin Street Bridge serves as a major transportation link as it is one of only two bridges that connect traffic from the east and west side of the City of Big Rapids, and

WHEREAS, the City of Big Rapids desires to make application to the MDOT Local Bridge Program, that replacement of the bridge would be eligible in 2010, and

WHEREAS, the City of Big Rapids is seeking to replace the Baldwin Street Bridge with a new bridge designed to accommodate all types of commercial traffic, and accommodate pedestrian traffic on both sides of the bridge, and under the east side of the bridge creating a safe connect to the City's linear parkway known as Riverwalk, and improve the bridge alignment.

NOW, THEREFORE, BE IT RESOLVED, that the City of Big Rapids, hereby approves the submittal of the application to MDOT Local Bridge Program to replace the Baldwin Street Bridge.

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the resolution adopted.

Dated: May 7, 2007

RESOLUTION NO. 07-53

Commissioner Harper moved, seconded by Commissioner Brennan, 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:

PARK AND RECREATION BOARD

JoAnn Miller reappointed to a full term expiring May, 2012.

PLAN BOARD

Susan Bean appointed to a term expiring May 2009.

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the resolution adopted.

Dated: May 7, 2007

RESOLUTION NO. 07-54

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

RESOLUTION AUTHORIZING GRANT APPLICATION TO THE U.S. DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT COMMUNITY FACILITIES GRANT PROGRAM ECONOMIC IMPACT INITIATIVE

WHEREAS, the City of Big Rapids is seeking funding in the amount of \$41,250 to purchase five (5) in-car digital video recording systems and five (5) in-car mobile data computers to be used in the marked Police vehicles; and a server to store the recorded data, and

WHEREAS, according to the Michigan Department of Labor and Economic Growth, the City of Big Rapids has a 24.5% unemployment rate and the Rural Development Division of the U.S. Department of Agriculture has authorized the submission of a grant application, and

WHEREAS, the proposed project is consistent with the Capital Improvement Plan, and

WHEREAS, the City of Big Rapids will contribute \$33,750 to the total purchase of \$75,000.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Big Rapids authorizes the submission of a 2007 Rural Development Community Facilities Grant under the Economic Impact Initiative, and appoints Mayor Edward Burch as Official Representative with authority to sign the grant documents.

Yeas: Brennan, Harper, Hogenson, Rothstein
Nays: None
The Mayor Pro-Tem declared the resolution adopted.
Dated: May 7, 2007

RESOLUTION NO. 07-55

Commissioner Brennan moved, seconded by Commissioner Harper, the adoption of the following:

**RESOLUTION ADJOURNING TO CLOSED SESSION
TO DISCUSS THE PERFORMANCE REVIEW AND CONTINUING
PERFORMANCE OPTIONS OF THE CITY TREASURER
AND UNION NEGOTIATION MATTERS**

WHEREAS, City Treasurer Lorraine James has requested a closed session for the discussion of the performance review and continuing performance options of the City Treasurer, and

WHEREAS, the City Manager has requested a strategy session pertaining to the negotiation of a collective bargaining agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission adjourns to closed session for the purpose of discussing the performance review and continuing performance options of the City Treasurer and a strategy session pertaining to the negotiation of a collective bargaining agreement.

Yeas: Brennan, Harper, Hogenson, Rothstein
Nays: None
The Mayor Pro-Tem declared the resolution adopted.
Dated: May 7, 2007

The City Commission adjourned to closed session at 8:20 p.m. to discuss the performance review and continuing performance options of the City Treasurer and union negotiation matters. They returned to regular session at 9:15 p.m.

The City Commission discussed the personnel status of the Public Safety Fire Division, which includes the absence of one employee due to illness and the potential vacancy within the department.

There being no further business to come before the commission, the Mayor Pro-Tem declared the meeting adjourned at 10:10 p.m.

Mayor Pro-Tem Dan Rothstein

Roberta R. Cline, City Clerk

City Commission
May 21, 2007

Mayor Pro-Tem Dan Rothstein called the regular meeting of the City Commission to order at 7:30 p.m.

Present: Commissioners Peggy Brennan, Terry Harper, Tom Hogenson, and Mayor Pro-Tem Dan Rothstein; City Manager Steve Sobers.

Absent: Mayor Edward Burch and City Attorney Eric D. Williams whom were excused.

There were 44 persons in the audience.

Pledge of Allegiance.

Approval of the Agenda: (1) The resolution accepting the Plan Board's recommendation regarding a PILOT request for County Place Apartments was removed from the agenda per the requestor. (2) Action regarding the suspension of the Taxicab Company's License was added to the agenda.

The minutes of the May 7, 2007, meeting were approved as amended as follows.

In considering the resolution authorizing Engineering Services to Peckham Engineering to design improvements listed under Project No. B26-0013-0707 at Roben Hood Airport, Commissioner Harper reminded staff about a letter from Mr. Walcheski, which was included in the March Manager's Newsletter, requesting the purchase of the old hanger at the airport. She questioned whether the resolution authorizing the MDOT contract for the airport project would preclude the sale of this hanger, as the resolution indicated the demolition of the hangar. The City Manager stated that this would not prevent a future sale of the old hanger.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Lowes	96.27	Medler Electric	173.09
Consumers Energy	187.13	Bradley, Diann	30.00
Foster, Mike	30.00	Franck, Tim	30.00
Hampel, Rex	25.00	Kuzee, Fonda	25.00
Pyles, Kimberly	25.00	Ruelle, Rich	25.00
Smith, Chris	30.00	Taylor, Gail	30.00
Wilber, Kim	25.00	Krob, Michelle	8.00
McLean, Emily	48.00	Miller, Becky	8.00
Stiehl, Cody	40.00	Dornbos sign & Safety	755.62
Camps Services	41,445.00	First National Bank	53.11*
Tumbleweed Press	40.80*	Outdoor Life	21.97*
Real Simple	23.94*	This Old House	24.95*
First National Bank	215.30*	State Street Hardware	29.67
Weiskopf Industries	148.50	Petty Cash-Treasurer's	45.52
Morey, Norita	18.00	Retired Senior Volunteer	15.00
A T & T	68.97	Petty Cash-Treasurer's	2.97*
Kone, Inc.	321.93*	Demco, Inc.	130.17*
Library Store	34.45*	Petty Cash Treasurer's	5.79*
Raco Industries	260.10*	A T & T	229.65*
Baker & Taylor Books	1,626.60*	Xerox Corporation	91.42*

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

SPECIAL ORDERS OF THE DAY - None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA -

Gary Fitch reminded the City Commission of the Saturday, May 26th dedication celebration of the river signs. Ten thousand invitations were published and sent to area schools, the University, area libraries, etc. The dedication is from 1 – 4 p.m. Some of the river signs are already in place. He thanked the City staff for their help, along with thanking the community.

Commissioner Harper added that the Library summer program includes a couple of programs on river safety.

Ruth York expressed concern regarding the payment of her fees for her rental inspections. She stated she received her notice that payment was due with very little time before the due date. She received her notice on Saturday stating the payment was due on Monday. She talked to Warren Hansen who informed her there was a timing conflict pertaining to the mailing of the letter. She also stated she has not received any Maintenance Certificates for the last two years. She did not know that people were receiving extensions.

PUBLIC HEARINGS

Mayor Pro-Tem Dan Rothstein opened the public hearing on the suspension of Affordable Taxi Inc. Taxicab license at 7:40 p.m.

The Mayor Pro-Tem requested staff comment. Fred Byrne, associate of City Attorney Eric D. Williams, stated that several complaints have been received involving the Affordable Taxi Inc. service.

One issue pertaining to the cab company was the inappropriate insurance coverage the owner, Mr. Bill Miller, provided. The City Clerk stated that between January 2006 and April 2007, the cab company carried inappropriate insurance coverage. The Clerk's Office called his insurance company and was informed that he was not covered as a taxicab service. The owner was contacted pertaining to this matter and he, at that time, proceeded to obtain the proper coverage.

The second issue was a complaint filed with the Department of Public Safety regarding the conduct of Mr. Miller. Director Frank West stated that his job was to oversee the safety of the citizens of Big Rapids. There has been a Criminal Sexual Conduct complaint filed against Mr. Miller. There was a careless driving complaint filed as late as last Friday by a school crossing guard against one of the taxicab drivers.

Timothy Williams, attorney on behalf of Mr. Miller, addressed the Commission. Regarding the insurance issue, he believes there was a misunderstanding by the insurance company. Mr. Miller looked at the ordinance requirement and explained what he needed to his insurance company. Mr. Miller was told he was covered. When Mr. Miller was notified that the insurance was inappropriate, he proceeded to correct the error.

Mr. Williams stated that Mr. Miller is trying to be a good community partner. He has donated money to community projects. It would be counterproductive for Mr. Miller to act outside of the regulations. Mr. Williams stated he is convinced that it is not Mr. Miller's intention to fraud the citizens or the community.

Regarding the CSC charge, Mr. Williams stated that that issue is in the process of being resolved. The complaint did not occur while Mr. Miller was driving a cab. He was off duty and having some beers with his buddies. Just because someone has been accused of something, that person should not be deprived of his livelihood. He is innocent until proven guilty. If he is ultimately convicted, the matter of the license suspension can be reviewed at that time.

Mr. Williams explained that Mr. Miller is going through a nasty divorce and his ex-wife is attempting to destroy the business he has worked hard to build. He stated that Mr. Miller demands perfection and because of that, he has lost some drivers.

Regarding the careless driving complaint, Mr. Miller stated that the driver involved is no longer employed by him.

The public hearing was opened for comments from the audience. The following individuals spoke.

Paul Wright works for Lawrence Curtis Trucking and All City Cab. He previously worked for Affordable Taxi Inc. and during that time Mr. Miller made reference that only two or three insurance companies insure taxicab operations. Mr. Miller was not insured with any of them. He stated that while working for All City Cab he has been cut off by Affordable Taxi Inc. several times. He has been followed. He has had doorways and alleys blocked off to prohibit his movement. If this public hearing were held when students were here, there would be some of them in attendance with complaints. He has filed a complaint with the City police that Mr. Miller has attempted to assault him at the Scoreboard and followed him to Crankers.

Mr. Miller stated that Mr. Wright used to work for him and the accusations never occurred. He did not attempt to assault him.

Paul Raffel, another former driver of Affordable Taxi Inc., stated that Mr. Miller threatened to sue all drivers that went to All City Cab. He also witnessed some of the items summarized by Mr. Wright.

Mr. Williams stated that this is an issue of competition.

Gary Fitch, Co-chair of the River Safety Committee, stated that Mr. Miller has not kept his promises of financial help that he has continually pledged. He is not a man of his word. Mr. Miller stated he has given some donations.

Mr. Wright stated that Mr. Miller has a practice of over charging his riders; driving off if the riders were not immediately at the curb; refusing rides to certain people.

Mr. Robert Rednour, owner of All City Cab, stated that the reason he started a cab company was that he saw how mean Mr. Miller was to the students and citizens. Mr. Miller instructed his drivers to return change with the dome lights off so that riders could not see the change. Affordable Taxi Inc. drivers are continually cutting his cabs off and giving them the finger.

Kinna Anderson, wife of an All City Cab driver who previously was with Affordable Taxi Inc., has listened to much of the conversation between her husband and Mr. Miller. Mr. Miller expected her husband to work with as little as two – three hours sleep. One-half of the tip money went to Mr. Miller and the employees needed to fill up their own cabs with gasoline. There are contract runs her husband has not been paid for. Drivers were told that if the passengers were not outside, they were not to wait for them. They were told not to give rides to black people.

Shantell Miller rebutted Mrs. Anderson's accusation of no payment. According to her, Mr. Anderson made as much as \$112,000. She stated many of the people speaking this evening were previous drivers of Affordable Taxi Inc. and the issue is really about competition.

Mayor Pro-Tem Rothstein closed the public hearing at 8:18 p.m. stating that the Commission would address the issue later on in the agenda process.

Mayor Pro-Tem Rothstein opened the public hearing on the Close Out of Community Parking Lot Project Grant # MSC 205035-ICE at 8:18 p.m.

Cindy Plautz, Neighborhood Services Coordinator, presented project information. The Michigan Economic Development Corporation (MEDC) requires all applicants for funding under the Community Development Block Grant (CDBG) program to adhere to public participation provisions set forth in Title I of the Housing and Community Development Act of 1974. A public hearing is required to inform the community of the closing of such a grant and to hear any comments.

On April 1, 2006, the City of Big Rapids was awarded a Community Development Block Grant under the Infrastructure Capacity Enhancement program. The project consisted of constructing a parking lot off of Oak and Willow Streets to serve Riverview Elementary School, Mecosta Community Medical Center and Centennial and River Street Parks. The parking lot was needed in this area to address a lack of available parking and to improve traffic flows – especially during the school year.

Construction began in September of 2006 and was completed in January of 2007. Total cost of the project was \$176,902. The City received \$108,416 from the MEDC and contributed \$68,486.

Ms. Plautz stated that the project consisted of 38 parking spaces (2 being handicapped spaces), nine light poles and landscaping.

There were no comments from the audience or from the City Commission.

The Mayor Pro-Tem declared the public hearing closed at 8:20 p.m.

RESOLUTION NO. 07-56

Commissioner Harper moved, seconded by Commissioner Brennan, the adoption of the following:

**RESOLUTION ACCEPTING LORRAINE JAMES
RETIREMENT NOTIFICATION**

WHEREAS, Lorraine James was appointed City Treasurer on May 12, 1982, and has completed 25 years as Chief Financial Officer for the City of Big Rapids, and

WHEREAS, Lorraine James in her service tenure has received 22 consecutive GFOA Excellence Awards for financial reporting and was the “2006 Michigan Finance Officer of the Year”, and

WHEREAS, most of all, Lorraine James has been a friend of the City and an innovator in providing a high level of service to the citizens and employees at an efficient cost, and

WHEREAS, the City Treasurer serves at the pleasure of the City Commission, and

WHEREAS, Lorraine James has submitted her letter of retirement effective July 7, 2007.

NOW, THEREFORE BE IT RESOLVED, that the City Commission celebrates her years of service, and expresses thanks for her dedication, and hereby accepts the letter of retirement submitted by City Treasurer Lorraine James, and wishes her all the joy and comfort that retirement can offer.

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the resolution adopted.

Dated: May 21, 2007

RESOLUTION NO. 07-57

Commissioner Brennan moved, seconded by Commissioner Harper, the adoption of the following:

**RESOLUTION EXTENDING CROSS
CONNECTION INSPECTION CONTRACT
WITH HYDRODESIGNS**

WHEREAS, the City Commission entered into a contract with HydroDesigns by Resolution 03-60 on May 19, 2003, for the City's Cross Connection Control Inspection Program for a period of three years, plus two one-year extensions, and

WHEREAS, it is the end of the first of two one-year extensions and since the City continues to be pleased with the Cross Connection Control Program that HydroDesigns has implemented, staff is recommending that the second one-year extension be authorized, and

WHEREAS, HydroDesigns renewal contract amount is \$15,900.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby authorizes the last one-year extension contract with HydroDesigns for the City's Cross Connection Control Inspection Program for Fiscal Year 2007-2008.

BE IT FURTHER RESOLVED, that the cost be expensed to Account No. 591-561-801-100.

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the resolution adopted.

Dated: May 21, 2007

RESOLUTION NO. 07-58

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

**RESOLUTION AUTHORIZING BID AWARD FOR
EAST MAPLE STREET RECONSTRUCTION PROJECT**

WHEREAS, the City solicited bids for the reconstruction of East Maple Street from Elm Street to Bronson Avenue, and

WHEREAS, four bids were received with City's consultant, Wilcox Professional Services, LLC, recommending awarding the bid to the lowest and best bidder, Reith-Riley Construction Co., be accepted in the amount of \$426,437.85, and

WHEREAS, before the bid award is final, MDOT must issue a Notice to Proceed, and

WHEREAS, the City received a grant from MDOT and the City's share is 20% of the total which is \$86,000.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves the bid award to Reith-Riley Construction Co. for \$426,437.85 contingent upon receiving a Notice to Proceed from MDOT.

BE IT FURTHER RESOLVED that the cost be expensed from Account Number 202-451-967.804.

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the Resolution adopted.

Dated: May 21, 2007

Pertaining to the consideration of the resolution authorizing Contract No. 07-5166 with MDOT for advanced construction Contract for South DeKrafft Avenue, there was discussion regarding the financial risk of prepaying the federal portion of the construction costs. While Tim Vogel agreed that there is a risk, he state that federal monies have always come through to the City in the past.

RESOLUTION NO. 07-59

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

**RESOLUTION AUTHORIZING CONTRACT NO. 07-5166
WITH MDOT, FOR ADVANCED CONSTRUCTION CONTRACT FOR
SOUTH DEKRAFFT AVENUE**

WHEREAS, the City of Big Rapids received funding for the construction of South DeKrafft Avenue from Maple Street to Colburn Avenue in the amount of \$176,000 from the Federal Surface Transportation Fund Grant, and \$44,000 from the State Local Job Today Grant, and

WHEREAS, the project also requires City funds consisting of City non-participating funds in the amount of \$2,400 and the City's 20% match of \$19,400, and

WHEREAS, the project was scheduled for State fiscal year 2008, but the City will be doing construction during the State's fiscal year 2007, and

WHEREAS, due to the advance project schedule, MDOT Contract No. 07-5166 for this project requires the City to pay MDOT the \$176,000 and \$2,400 in advance of their 2008 fiscal year, and

WHEREAS, the State monies will be released to the City after the State receives its share of Federal Transportation funds after October 1, 2007.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission authorize the Mayor to sign Contract 07-5166, Control Section STUL 54436, Job Number 88358, Project STP 0754(093), CFDA No. 20.205 Highway Research Planning and Construction.

BE IT FURTHER RESOLVED that the cost be expensed to Account No. 202-451-967.802 in the amount of \$241,800.

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the Resolution adopted.

Dated: May 21, 2007

The City Commission discussed the resolution accepting bids for the demolition of 223 N. Michigan Avenue, 119 Second Avenue, and 217 Second Avenue. Commissioner Harper questioned the demolition of 119 Second Avenue. The property was acquired as part of the "Buy Back the Neighborhood" project, whereby, the goal was to rehabilitate the property and sell it. The goal was not to buy and demolish it. She questioned the value of the property.

City Manager Sobers explained that 119 Second Avenue was one of the first properties acquired under the Buy Back the Neighborhood program. It is a house in very bad condition, on a very small lot that is 25 feet wide. If the structure is demolished, it makes the lot available for either of the properties on the other two sides, making a more desirable lot size.

Virginia Kienitz questioned if the three properties belong to the City. Mr. Sobers responded that 223 N. Michigan Avenue and 119 Second Avenue are City properties. The structure at 217 Second Avenue belongs to the Housing Commission.

Mrs. Ruth York, member of the Housing Commission, stated that 119 Second Avenue is a very bad house in that neighborhood and that Mr. Sobers is correct regarding the necessity to demolish the unit. The removal of the house will be a very good influence on the neighborhood.

Commissioner Harper moved that the resolution accepting the bids be tabled for further information. There was a lack of a second of the motion.

Commissioner Harper suggested that the demolition of 119 Second Avenue be removed from the resolution. She would like to allow the public to weight in on the demolition of 119 Second Avenue.

Tim Vogel, Director of Public Works, stated that the City receives a \$600 discount if the City accepts the three bids together.

MOTION NO. 07-60

Commissioner Harper moved, seconded by Commissioner Hogenson that the City Commission accept the bid of Specialized Demolition for the demolition of structures at 223 N. Michigan Avenue (\$6,400) and 217 Second Avenue (\$5,200), and that the bid for the demolition of 119 Second Avenue be removed at this time.

Yeas: Brennan, Harper, Hogenson

Nays: Rothstein

The motion was declared passed.

Dated: May 21, 2007

ORDINANCE NO. 580-05-07

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

**AN ORDINANCE AMENDING SUBSECTIONS 6.6:1, 6.6:6 AND 6.9:1 (2)
OF SECTION 6.6 OF THE ZONING ORDINANCE REGARDING SIGNS**

WHEREAS, on May 16, 2007, the Plan Board conducted a public hearing on an amendment to the Zoning Ordinance Section 6.6 "Signs Permitted in Commercial and Industrial District, and

WHEREAS, the Plan Board recommended that the City Commission approve the requested Zoning Ordinance amendment, and

WHEREAS, the Big Rapids City Commission accepts the recommendation of the City Plan Board.

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Subsections 6.6:1, 6.6:6 and 6.9:1 (2) of Zoning Ordinance Section 6.6 are repealed.

Section 2. Zoning Ordinance Section 6.6:1 is adopted to read as follows:

One (1) freestanding sign per parcel with 25-200 ft. of street frontage, two (2) per parcel with 201-500 ft. of street frontage and three (3) per parcel with 501 ft. or more street frontage. The sign has a maximum base area of sixty (60) square feet and sixteen (16) ft. in height. The height to the bottom of the sign shall not exceed ten (10) ft. in height. If the sign has a dark or opaque background, it is allowed an additional ten (10) sq. ft. in size. Freestanding signs must be setback a minimum of two (2) feet from any property line.

Section 3. Zoning Ordinance Section 6.6:6 is adopted to read as follows:

One (1) portable sign per business on private property for a maximum of fourteen (14) days. Portable signs have a maximum size of 32 sq. ft. A business is only allowed a portable sign for (4) separate times in one calendar year and two (2) days must elapse between periods. The portable sign must be removed on the date stated and cannot be stored on the property unless covered in the rear yard or in a building.

Section 3. Zoning Ordinance Section 6.9:1 (2) is adopted to read as follows:

(2) Two or more businesses on the same parcel;

Section 4. The City Clerk shall publish this Ordinance in The Pioneer.

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

Yeas: Brennan, Harper, Hogenson, Rothstein

Nays: None

The Mayor Pro-Tem declared the ordinance adopted.

Date: May 21, 2007

Published: May 25, 2007

The City Commission discussed the revocation of the Affordable Taxi Inc. business license.

Commissioner Harper compared the discussion of the issue with the Padlock Ordinance procedure; hereby review is triggered by the issuance of three tickets. The ordinance covering taxicabs indicate that the City Clerk or City Manager has the authority to revoke the license, not the Director of Public Safety. Do two incidents result in the ability to revoke? She questioned if there were any provisions for probation.

City Manager Sobers stated that the items for consideration are the conduct of the owner, the inappropriate insurance coverage, and the careless driving of one of the drivers.

Mr. Miller stated that he would not personally operate a taxi in the City until the court matter is resolved. Commissioner Harper stated that since he has corrected the insurance issue and careless driving involving one of the drivers and not Mr. Miller, she is in favor of something less of revoking.

MOTION NO. 07-61

Commissioner Harper moved, seconded by Commissioner Hogenson that the resolution revoking the business license for Affordable Taxi Inc. be tabled until the court resolves the criminal charges or for 90 days, whichever is the lesser.

Yeas: Harper, Hogenson, Rothstein

Nays: Brennan

The Mayor Pro-Tem declared the motion passed.

Date: May 21, 2007

UNSCHEDULED BUSINESS

City Manager Sobers reviewed the tentative schedule for replacing the City Treasurer.

Week of May 22nd – advertise in the various Municipal websites and in the Pioneer and Grand Rapids Press

June 18th – applications due

July 10 – July 20th – review the applications

August 1st – new City Treasurer on staff

Commissioner Harper referred to the article in the Great Lakes Reporter, a publication of the American Public Works Association – Michigan Chapter, pertaining to the new water main crossing to the east side of the Muskegon River and commended City staff for their work on the project.

There being no further business to come before the Commission, the Mayor Pro-Tem declared the meeting adjourned at 10:05 p.m.

* * * * *

Mayor Pro-Tem Dan Rothstein

Roberta R. Cline, City Clerk

City Commission
June 4, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 8:43 p.m.

Present: Commissioners Peggy Brennan, Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None.

There were 25 persons in the audience.

Pledge of Allegiance.

The agenda was approved as presented.

The minutes of the May 21, 2007, meeting were amended by Commissioner Harper as follows:

Pertaining to the consideration of the resolution authorizing Contract No 07-5166 with MDOT for advanced construction Contract for South DeKrafft Avenue, there was discussion regarding the financial risk of prepaying the federal portion of the construction costs. While Tim Vogel agreed that there is a risk, he stated that federal monies have always come through to the City in the past.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Haviland Products Co.	740.00	State of Michigan	275.00
Farm Plan Corp.	37.50	Midwest Sales, Inc.	113.76
Stanley Security Solutions	44.47	Tri County Portable	492.00
Staples	444.52*	Easton Telecom Serv.	.81*
Amazon.Com Credit	272.55*	Baker & Taylor Books	229.53*
Omara Products	127.80	State chemical MFG	231.46
Tractor Supply	197.70	Consumers Energy	412.09
Schuberg & Sons Electric	530.00	Hansen, Robert	50.00
St. Paul's Chapel	50.00	Leslies Poolmart	137.92
Consumers Energy	62.69	DTE Energy	1,266.33
Camps Services LTD	71,865.00	Consumers Energy	506.41*
DTE Energy	72.41*	Baker & Taylor Books	1,262.88*

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY - None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA -

Sue Glatz, 405 Ives Avenue, referred to the Study Session discussion regarding BRPOA issues and the appointment of a committee. Since the major concerns of the BRPOA are inspections and inspection fees, she believed that perhaps the Good Neighbors should not be a part of the committee.

Mary Ryan, 327 S. Stewart Street, thanked the Commission and staff for allowing Plan Board and Zoning Board of Appeals members to attend a Risk Management program in Grand Rapids. The conference dealt with the potential risk issues pertaining to being Plan Board or ZBA members.

Florence Froelich, 519 Linden Street, questioned the status of the Library Feasibility Study. City Manager Sobers stated that the study is included in the 2007/2008 budget which starts in July. The City currently has an intern who is reviewing if there are any grants available.

Gary Fitch, 13375 220th Avenue and Co-chair of the River Safety Committee, explained the problems they had with the new river safety signs that were displayed during the dedication. The epoxy formula used on the signs as adhesive did not set up properly and the signs have been taken down for repair. The vendor is fixing the problem and all the signs will be installed.

They are also working on getting the call boxes and safety rings installed. The boxes will ring directly into Central Dispatch. When the rings are removed, there will be a signal into Central Dispatch, as well as a blue flashing light at the sight.

Mr. Fitch thanked Mary Ryan for her support.

Ruth York commented on the proposed committee for working on the housing inspection issues. She stated that the issues are with inspection fees and windows. She is not sure that individuals beside the Commission and BRPOA should be discussing this. She stated that she and her husband are contemplating the sale of their units on Colburn Avenue. It has been two years since she has received a Housing Certification and she is concerned that this will hamper the sale of her properties.

At their May 21, 2007 meeting, the City Commission discussed the demolition bids for 223 N. Michigan Avenue, 217 Second and 119 Second Avenue. Action at that meeting was acceptance of the bids except for 119 Second Avenue, which was tabled for further review. The City Manager stated that some of the Commissioners and residents have visited the structure. It is still the recommendation of the administration that the structure be removed to assist the neighborhood. The property is very run down and on a small lot.

Commissioner Harper stated she has looked at the property on a couple of different occasions. She stated that Sue Glatz has also looked at it and it is Ms. Glatz's belief that with the current market, no one would purchase the property. She stated it is important to recognize that there are still several small lots in the City. A smaller structure on that lot may be affordable for someone. She also suggested that perhaps the lot could be used as a neighborhood garden. Her first concern was to determine if the property could be rehabilitated to support the intent of the Buy Back the Neighborhood program. She believes the money necessary to invest for rehabilitation would be better spent to build a new house.

City Attorney Eric Williams believes that the 25-foot lot would need a variance in order to put a house on it, or the property would need to be put with another lot.

Virginia Kienitz questioned why the house was in such bad condition when housing inspections are done.

RESOLUTION NO. 07-62

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

**RESOLUTION ACCEPTING BIDS FOR DEMOLITION
OF 119 SECOND AVENUE**

WHEREAS, the City solicited bids for the demolition of three properties, 223 N. Michigan Avenue, 119 Second Avenue, and 217 Second Avenue (Housing Commission property), and

WHEREAS, the bid of Specialized Demolition for the three parcels was the lowest and best bid in the amount of \$14,800, which included a \$600 discount for acceptance of the three parcels, and

WHEREAS, the City Commission accepted the bids for the demolition of 223 N. Michigan Avenue and 217 Second Avenue at their May 21st meeting, tabling the bid for 119 Second Avenue for more information.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves the bid of Specialized Demolition for the demolition of 119 Second Avenue.

BE IT FURTHER RESOLVED that the demolition costs will be expended from the following Account Numbers:

248-806-967.000	223 N. Michigan Avenue
101-267-801.000	119 Second Avenue
Paid by Housing Commission	217 Second Avenue

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the Resolution adopted.
Dated: June 4, 2007

MOTION NO. 07-63

Commissioner Hogenson moved, seconded by Commissioner Harper, that the City Commission direct the City staff to research and report to the City Commission the legality and feasibility of constructing a house on the lot at 119 Second Avenue, after the existing structure is demolished.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the motion adopted.
Dated: June 4, 2007

RESOLUTION NO. 07-64

Commissioner Harper moved, seconded by Commissioner Rothstein, 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:

PLAN BOARD

Kathy Hooley reappointed to a term expiring May 2012
Paul Jackson reappointed to a term expiring May 2012

ZONING BOARD OF APPEALS

Mary Ryan reappointed to a term expiring May 2010

DART LOCAL ADVISORY COUNCIL

Bernard Randolph reappointed to a term expiring May 2009

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: June 4, 2007

The City Commission revisited the study session discussion pertaining to the appointment of a committee to review and discuss the issues raised by the BRPOA. The makeup of the Committee and committee members were reviewed. The decision was to form a committee of seven individuals, two from the BRPOA, two from the Good Neighbors group, two from the City Commission and the city Attorney.

MOTION NO. 07-65

Commissioner Hogenson moved, seconded by Commissioner Harper that the Mayor appoints a committee to review the issues raised by the BRPOA pertaining to property inspection issues and make recommendations back to the City Commission on those issues.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the motion passed.

Dated: June 4, 2007

The Mayor's committee appointments to review the issues raised by the BRPOA pertaining to property inspection issues and make recommendations back to the City Commission on those issues consisted of Terry Harper, Peg Brennan, Mary Ryan, Lynn Anderson, Sue Glatz, Paul DesNoyers and Eric Williams. It was suggested that a member of the Neighborhood Service Department, a firefighter and Joe Bechaz be involved as advisory members.

UNSCHEDULED BUSINESS

The City Manager reported that in seeking grants, the DEQ has reviewed the City's ordinance and informed the City that an amendment is required. The City must change its charge structure to insure that the charge for sewer usage is based on actual usage and not on minimum gallons associated with any meter size.

Commissioner Harper questioned if the City has a procedure for checking the taxicab meters. Commissioner Brennan requested updates on the status of Affordable Cab during the next 90 days before the issue comes back to the Commission.

There being no further business to come before the Commission, the Mayor declared the meeting adjourned at 8:44 p.m.

Mayor Edward S. Burch

* * * * *

Roberta R. Cline, City Clerk

City Commission
June 18, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:35 p.m.

Present: Commissioner Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: Commissioner Peggy Brennan

There were 19 persons in the audience.

Pledge of Allegiance.

The agenda was approved as revised to include the addition of a Proclamation for the Voca Lyrica and the submission of a revised Notice of Intent resolution.

The minutes of the June 4, 2007, meeting were approved as revised as follows.

It was Commissioner Brennan who requested updates on the status of Affordable Cab, not Commissioner Harper.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Bradley, Diann	25.00	Pyles, Kimberly	5.00
First National Bank Omaha	72.99	Big Rapids Housing	630.00
Ferris State University	1,998.00	Big L Corp.	51.80
American Society of Compose	284.00	Consumers Energy	158.05
Great lakes Office	24.00	Hamberg Fence Co.	545.00
Great lakes Office	937.06*	First National Bank	369.83*
Detroit Newspapers	45.50*	Xerox Corp.	91.42*
Charter Communications	269.99*	Big Rapids Rent It All	88.00
Ferguson Supply Company	11.68	Lowes	92.21
Sherwin Williams	52.07	Spartan Distributers	218.67
Vickie Gasko	640.00*	Ferguson Supply Co.	133.44
Haviland Products	370.00	Leslies Poolmart	380.80
Lowes	25.99	A T & T	77.20
Cook's Blacksmith Welding	376.91	Hurst Industries	328.00*

Yeas: Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY

Sara Staffen and Caitlin Brochette were presented checks as the 2007 recipients for the Big Rapids Employee's Fund Scholarship.

A proclamation was presented to the Voca Lyrica in honor of their tour to Australia and New Zealand.

PROCLAMATION OF RECOGNITION

WHEREAS, the City of Big Rapids has gained a reputation for excellence in the arts including downtown concerts, summer band shell performances, Art Works retail outlet, Stage-M theater, local high school programming and more, and

WHEREAS, Voca Lyrica, directed by Virginia Kerwin, is renown for its women's vocal music, having performed locally, in the State of Michigan, across the United States (in Carnegie Hall in New York City), and now preparing to sing to the world, and

WHEREAS, Voca Lyrica is on the advent of a tour of Australia and New Zealand, highlighted by a performance at the famed Sydney Opera House, on July 3, 2007.

NOW THEREFORE, the Commission of the City of Big Rapids, in proud recognition of efforts and excellence of the women of Voca Lyrica, hereby proclaims the members of Voca Lyrica to be Goodwill Ambassadors from Big Rapids to the people of Australia and New Zealand, bringing them joy in music and peace in song.

Adopted this 18th day of June, 2007

Mayor Edward S. Burch

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Florence Froelich, 519 Linden Street, spoke to the following:

- The selling of jet fuel at the airport – she would like people to be conscious of our resources and saving those resources for our children and grandchildren.
- Concerns regarding a windsock at 303 S. Michigan Avenue. She had previously expressed concerns about a windsock attached to a front porch that she considered to be too close to some torches also located on the porch. She had Public Safety check it and they reported there was no danger. Since that time, however, the windsock has been moved to a safer location.
- The Garden Club will be receiving State and National recognition, which will be revealed in the near future.

Mary Ryan, 327 S. Stewart Avenue, reminded the Commission and audience of the Library benefit at the Sawmill Saturday June 23rd from 3:00 p.m. until it ends. The proceeds go to the Library Building Fund.

RESOLUTION NO. 07-66

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

RESOLUTION AUTHORIZING PERMANENT TRAFFIC CONTROL ORDER NO. 466 MAKING MORRISON AVENUE ONE-WAY WESTBOUND BETWEEN STATE STREET AND CLARK STREET

WHEREAS, on May 1, 2006 the City Commission adopted Resolution No. 06-53 making a portion of Morrison one-way for a one-year trial period, and

WHEREAS, staff has reviewed the effects of this traffic change and recommends its continuation, and

WHEREAS, in accordance with the provisions of Act 32, Public Acts of 1956, Section 2.53, the Department of Public Safety has made the following Traffic Control Order.

Morrison Street shall become a one-way street allowing westbound traffic only between State Street and Clark Street.

Yeas: Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: June 18, 2007

Commissioner Hogenson stated that he would like to see the lighting at that corner of S. State Street and Morrison reviewed. It is difficult to see pedestrians in the dark. Mary Ryan requested if signage could be improved with the addition of one-way arrow signs.

RESOLUTION NO. 07-67

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

**RESOLUTION AUTHORIZING TRAFFIC CONTROL NO. 467 –
PARKING ON DAMASCUS**

WHEREAS, on June 5, 2006 the City Commission passed Resolution No. 06-74 adopting temporary Traffic Control Order 459, and

WHEREAS, this temporary Traffic Control Order was in effective from August 1, 2006 to August 1, 2007, and

WHEREAS, the Director of Public Safety has been requested to review temporary Traffic Control Order 459 and replace all “No Parking” signs as outlined in numbers 1 - 6 of the Order, and

WHEREAS, it has been requested that the parking restrictions removed from Damascus Street during this Temporary Traffic Control Order remain open for parking.

NOW THEREFORE BE IT RESOLVED, in accordance with the provisions of Act 32, Public Acts of 1956, Section 2.53, the City Commission adopts the following permanent Traffic Control Order as recommended by the Department of Public Safety.

Remove “No Parking” signage and allow parking on the North side of Damascus Street.

Yeas: Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: June 18, 2007

RESOLUTION NO. 07-68

**NOTICE OF INTENT RESOLUTION
SEWAGE DISPOSAL SYSTEM REVENUE BONDS
City of Big Rapids
County of Mecosta, State of Michigan**

Minutes of a regular meeting of the City Commission of the City of Big Rapids, County of Mecosta, State of Michigan held on the 18th day of June, 2007, at 7:30 o'clock p.m. Eastern Daylight Time.

PRESENT:
Commissioners Harper, Hogenson, Rothstein; Mayor Edward Burch

ABSENT:
Commissioners Peggy Brennan

The following preamble and resolution were offered by Commissioner Rothstein and supported by Commissioner Hogenson:

WHEREAS, the City of Big Rapids, County of Mecosta, State of Michigan (the "City") intends to issue and sell revenue bonds (the "Revenue Bonds"), pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in one or more series, in an amount not to exceed Eight Million Dollars (\$8,000,000) for the purpose of paying all or part of the cost of acquiring, constructing, furnishing and equipping additions and improvements to the City's Sewage Disposal System, together with all necessary appurtenances and attachments (the "Project "); and

WHEREAS, the City has been advised by the Michigan Department of Environmental Quality ("MDEQ") that financial assistance to accomplish the acquisition and construction of the Project is available through the State Revolving Fund ("SRF ") Loan Program administered by the Michigan Municipal Bond Authority (the "MMBA"); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the Revenue Bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the Project prior to issuance of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in The Pioneer, a newspaper of general circulation in the City.
2. The notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO ELECTORS
OF THE CITY OF BIG RAPIDS AND
USERS OF THE CITY'S SEWAGE DISPOSAL
SYSTEM OF INTENT TO ISSUE REVENUE BONDS
PAYABLE FROM THE REVENUES
OF THE SEWAGE DISPOSAL SYSTEM
AND OF RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City Commission of the City of Big Rapids, Mecosta County, Michigan, intends to issue and sell Revenue Bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Eight Million Dollars (\$8,000,000) for the purpose of paying all or part of the cost of acquiring, constructing, furnishing and equipping additions and improvements to the City's Sewage Disposal System, together with all necessary appurtenances and attachments.

BOND DETAILS

The bonds will mature in annual installments not to exceed twenty-five (25) in number, with interest rates to be determined at public sale or negotiated sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on the bonds. The bonds may be issued in one or more series as shall be determined by the City Commission.

SOURCE OF PAYMENT OF
REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the City from the operations of the sewage disposal system except as provided below in the case of bonds sold to the Michigan Municipal Bond Authority in connection with the State of Michigan's State Revolving Fund program. The revenues will consist of rates and charges billed to the users of the system, a schedule of which is presently on file in the office of the City Clerk. The rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the system, to pay the principal of and interest on the bonds and to pay other obligations of the system.

ADDITIONAL SOURCES OF PAYMENTS IN THE EVENT BONDS
ARE SOLD TO MICHIGAN MUNICIPAL BOND AUTHORITY

IN THE EVENT THAT THE CITY DEEMS IT DESIRABLE TO SELL THE REVENUE BONDS TO THE MICHIGAN MUNICIPAL BOND AUTHORITY, THE CITY MAY PLEDGE ITS LIMITED TAX FULL FAITH AND CREDIT AS SECURITY FOR THE REVENUE BONDS, IN WHICH EVENT DEBT SERVICE ON THE BONDS SHALL BE PAYABLE EITHER FROM REVENUES OF THE SYSTEM OR FROM AD VALOREM TAXES THAT MAY BE LEVIED ON ALL TAXABLE PROPERTY IN THE CITY, SUBJECT HOWEVER, TO CONSTITUTIONAL, STATUTORY AND CHARTER TAX RATE LIMITATIONS.

THE CITY MAY ALSO PLEDGE FOR THE PAYMENT OF THE BONDS MONEY RECEIVED OR TO BE RECEIVED BY THE CITY DERIVED FROM IMPOSITION OF TAXES BY THE STATE AND RETURNED OR TO BE RETURNED TO THE CITY AS PROVIDED BY LAW, except for money the use of which is prohibited for such purposes by the State Constitution. The City may enter into an agreement providing for the payment of taxes, which taxes are collected by the State and returned to the City as provided by law, to the authority or a trustee, and such funds may be pledged for the payment of the revenue bonds.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

Roberta Cline
Clerk, City of Big Rapids

3. The City Commission does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the sewage disposal system's users and the City's taxpayers and electors of this Council's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City Manager, Clerk and Treasurer are further authorized to execute and deliver such applications, documents or certificates with the MDEQ, the MMBA or other entities as may be necessary or advisable to enable the City to issue and sell the Revenue Bonds as contemplated herein and to meet its obligations under SRF Loan Program.

5. The City recognizes that Miller, Canfield, Paddock and Stone, P.L.C., has represented from time to time, and currently represents the Michigan Municipal Bond Authority, underwriting firms, financial institutions, and other potential participants in the bond financing process for unrelated projects, any of

which might offer to purchase the Revenue Bonds or to act as Transfer Agent for the Revenue Bonds. The City appoints Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel for this issue, notwithstanding the potential concurrent representation of any such bidder regarding any unrelated matter, or the potential concurrent representation of the Michigan Municipal Bond Authority with respect to issuance of bonds which the Michigan Municipal Bond Authority might issue to finance purchase of the City's Revenue Bonds.

6. The City appoints Raymond James & Associates, Inc. as financial advisor for the issuance of the Revenue Bonds.

7. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$8,000,000.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.
- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).
- (f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Commissioners Harper, Hogenson, Rothstein, Burch

NAYS: None

RESOLUTION DECLARED ADOPTED.

City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Big Rapids, County of Mecosta, State of Michigan, at a regular meeting held on June 18, 2007, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

City Clerk

ORDINANCE NO. 581-06-07

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

ORDINANCE ADOPTING NEW SANITATION RATES

The City of Big Rapids Ordains:

Section 1. Title V, Section 50.12 is hereby amended and the sanitation rates for the City of Big Rapids are established according to the following schedule:

Section 2. SCHEDULE OF SANITATION RATES – Effective August 1, 2007.

Schedule of Sanitation Rates

Effective **August 1, 2007**

20% City Charges

Cubic Yards		2	3	4	6	8	13
Frequency Per Week	1						
	Allied Charges	28.95	40.41	46.83	59.49	71.90	116.77
	City Charges	5.79	8.08	9.37	11.90	14.38	23.35
	Total	34.74	48.49	56.20	71.39	86.28	140.12
2	Allied Charges	57.97	76.08	88.14	111.92	135.60	220.27
	City Charges	11.59	15.22	17.63	22.38	27.12	44.05
	Total	69.56	91.30	105.77	134.30	162.72	264.32
3	Allied Charges	85.70	111.84	129.92	164.33	199.27	323.78
	City Charges	17.14	22.37	25.98	32.87	39.85	64.76
	Total	102.84	134.21	155.90	197.20	239.12	388.54
4	Allied Charges	131.59	148.84	170.28	218.20	326.69	427.29
	City Charges	26.32	29.77	34.06	43.64	65.34	85.46
	Total	157.91	178.61	204.34	261.84	392.03	512.75

	Total	157.91	178.61	204.34	261.84	392.03	512.75
5	Allied Charges	155.14	182.91	211.90	268.67	326.99	530.96
	City Charges	<u>31.03</u>	<u>36.58</u>	<u>42.38</u>	<u>53.73</u>	<u>65.40</u>	<u>106.19</u>
	Total	186.17	219.49	254.28	322.40	392.39	637.15
6	Allied Charges	185.42	219.48	254.81	321.90	389.76	633.38
	City Charges	<u>37.08</u>	<u>43.90</u>	<u>50.96</u>	<u>64.38</u>	<u>77.95</u>	<u>126.68</u>
	Total	222.50	263.38	305.77	386.28	467.71	760.06
7	Allied Charges	214.42	254.81	296.43	375.86	454.08	737.79
	City Charges	<u>42.88</u>	<u>50.96</u>	<u>59.29</u>	<u>75.17</u>	<u>90.82</u>	<u>147.56</u>
	Total	257.30	305.77	355.72	451.03	544.90	885.35

Residential		Commercial	
Garbage	6.99	1 Yard - 1 Time/Week	14.68
Clean - Up	0.62	City Charges	<u>2.94</u>
Curbside Recycle	1.19	Monthly Fee	17.62
Yard Waste	<u>2.19</u>		
	10.99		
City Charges	<u>2.20</u>		
Monthly Fee	13.19		

Customers can be charged an additional \$14 per yard for garbage exceeding the capacity of the container.
After 30 days, if special project roll offs have not been moved, there will be a rental charge of \$50.00 per week.
One yard waste charge per residential property lot.

Section 3. This Ordinance shall be effective on August 1, 2007.

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

Yeas: Harper, Hogenson, Rothstein, Burch

Nays: None
The Mayor declared the Ordinance adopted.
Dated: June 18, 2007
Published: June 26, 2007

RESOLUTION NO. 07-69

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

RESOLUTION ADOPTING CIVIL RIGHTS POLICY

WHEREAS, communities are required to comply with the equal opportunity and non-discrimination laws, both state and federal, in designing Community Development Block Grant (CDBG) projects, and

WHEREAS, these laws were established to ensure that members of protected groups are not excluded from participation, denied benefit of, or subjected to discrimination under any program supported in whole or in part with State CDBG funds, and

WHEREAS, in order to meet the requirements associated with federal grant monies, the City has summarized the requirements in policy form.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby adopts the following Civil Rights Policy and hereby directs it to be incorporated in the City's Policy Book.

Yeas: Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: June 18, 2007

RESOLUTION NO. 07-70

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

**RESOLUTION APPROVING WORK ORDER AGREEMENT
WITH CONSUMERS ENERGY FOR PRIMARY
ELECTRIC SERVICE TO BANDSHELL**

WHEREAS, the Riverwalk Bandshell was constructed and gifted to the City to benefit the cultural/recreational enjoyment of area residents, and

WHEREAS, City staff believes that providing electricity to the Bandshell will enhance the enjoyment, and

WHEREAS, in order to provide electric service to the Bandshell, Consumers Energy must put in place a primary service line, and

WHEREAS, the cost estimate for the primary service line is \$9,970, with an additional cost of 1,500 to bury the service line, which will be taken out of the park maintenance budget.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts staff's recommendation to approve the work order agreement with Consumers Energy.

BE IT FURTHER RESOLVED, that the cost be expensed from Account Nos:

702-249-967.000	\$6,055
-----------------	---------

101-756-967.900
101-756-930.000

\$3,500 – 2008 FY budget
\$2,000

Yeas: Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: June 18, 2007

UNSCHEDULED BUSINESS

Commissioner Hogenson referred to the meeting of the committee to address the Big Rapids Property Owner Association's concerns. There are still matters that the BRPOA members need to take up with staff pertaining to regulatory items. The intent of the appointed Committee is to allow discussion and an opportunity to clarify issues as to what the community can and cannot live with. Its purpose is not a committee to supersede the City Commission.

Commissioner Harper confirmed that the committee is going to make recommendations to the City Commission.

Mayor Burch extended an invitation to the City Commissioners to attend. The final decision is with the Commission.

Commissioner Rothstein referenced the June 15th City Manager's newsletter pertaining to costs of the two cold cases. In his opinion, the solving of the cases outweighs the costs of either case.

Mayor Burch stated that he would like something done regarding the removal of winter maintenance debris on State Street.

Florence Froelich expressed concern regarding the heavy traffic on River Street created by the Ice Mountain trucks. She does not feel that the trucks are compatible with R-1 Streets. Sue Glatz stated that the breaks are noisy.

There being no further business to come before the Commission, the Mayor declared the meeting adjourned at 9:20 p.m.

* * * * *

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
July 2, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:35 p.m.

Present: Commissioner Peggy Brennan, Commissioner Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; and City Attorney Eric D. Williams.

Absent: City Manager Steve Sobers whom was excused.

There were 18 persons in the audience.

Pledge of Allegiance.

The agenda was approved as presented.

The minutes of the June 18, 2007, meeting were approved with the correction of a typographical error.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Farm Plan	182.00	Grunst Brothers	401.80
Rieth-Reley Const.	2,000.00	Spartan Distributors	53.79
State Street Hardware	2.79	Arborvision Software	1,020.00
Different by Design	180.00	American Red Cross	128.00
Easton Telecom Service	1.40	District Health Dept.	70.00
Demco, Inc.	59.99*	Staples	66.95*
Easton Telecom Service	.94*	Mid-Michigan Library League	3,922.57*
Baker & Taylor Books	127.20*	Kammeraad, Kevin	520.00*
Farm Plan	281.20	National Recreation	35.00
State Street Hardware	7.29	Tractor Supply Co.	98.85
Consumers Energy	1,043.90	Wonsey Tree Service	981.00
Tri County Portable	368.00	Cook's Blacksmith Welding	208.10
Ferguson Supply Co.	61.83	Great Lakes Office	128.73
Kmart	7.50	Leslies Pool Mart	186.15
Lowe's	120.51	Medler Electric	30.44
State Street Hardware	123.54	Van's Plumbing & Heating	76.00
Consumers Energy	807.22	DTE Energy	740.13
Electric Motor Sales	200.00	Camps Services LTD	16,950.00
Professional Pool Techs	6,200.00	Demco, Inc.	36.51*
Great Lakes Office	14.50*	Library Store	30.95*
Petty Cash-Treasurer's	118.96*	Baker & Taylor	768.58*
Amazon.Com	340.13*	Big Rapids Printing	13.68*
Kelley, Rick	650.00*	KSS Enterprises	32.11*
Consumers Energy	760.51*	DTE Energy	20.00*
Hurst Industries	1,659.42*	Petty Cash-Treasurer's	20.91*
Consumers Energy	8.00	Acme Pool	390.02
Leslies Pool Mart	14.98	Kone, Inc.	321.93*
Baker & Taylor Books	13.95*	Michigan Recreation	330.00
Consumers Energy	3,500.00	First National Bank	782.28
First National Bank	600.68	First National Bank	321.18*

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None

SPECIAL ORDERS OF THE DAY - None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Sue Glatz presented a report from the Inspection Review Committee. The committee has met four times and is working hard to address the issues. She believes they may be close to adopting the 2006 International Property Maintenance Code (IPMC). She presented the scope of the code. The City is now working with the 1996 BOCA Code. The IPMC has taken the BOCA and Fire Codes and tweaked them into a set of standards for the State.

Mayor Burch thanked Sue for the report.

Jane Johansen, 117 S. Stewart and 414 Maple Street presented two items:

- 414 Maple have had guests from the UP, various parts of the State of Michigan, and Florida. The guests from Florida were very impressed with Big Rapids. They enjoyed the walking area and the downtown.
- She has been facing the problem of thief, vandalism, and breaking and entering. She can report nine separate incidents. At 414 Maple, she has had four breakings and entering. She has had a yew tree taken from the front yard. Someone broke a Victorian lamppost. She hopes to get some help with this problem. She is concerned with the people who walk the streets and alley and often go through the dumpsters and remove cans from private property. There seems to be many children wandering the streets late at night.

Commissioner Rothstein suggested that Ms. Johansen continue to call with her problem and hopefully the problem can be rectified.

Mayor Burch stated that many communities have been successful with a Neighborhood Watch program.

RESOLUTION NO. 07-71

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

**RESOLUTION ACCEPTING BIDS
FOR RADIO MAINTENANCE SERVICE**

WHEREAS, the City of Big Rapids solicited bids for a five-year radio maintenance contract for Public Safety, Public Works, Dial-A-Ride and the Water Filtration Plant radios, and

WHEREAS, the current service firm, Chrouch Communications, Saranac, MI, submitted the only bid for a five-year contract for a yearly cost of approximately \$9,850.80, based on hours of work.

NOW, THEREFORE BE IT RESOLVED, that the City Commission hereby approves a five-year contract with Chrouch Communications in the amount of an anticipated annual cost of \$9,850.80.

BE IT FURTHER RESOLVED, that the cost be expensed to the following accounts: 101-441-801.000, 101-336-801.000, 101-301-801.000, 588-536-801.000, and 591-560-801.000.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: July 2, 2007

RESOLUTION NO. 07-72

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

**RESOLUTION FOR EASEMENT TO
CONSUMERS ENERGY FOR BAND SHELL
ELECTRICAL INSTALLATION**

WHEREAS, the City Commission passed Resolution No. 07-70 on June 18, 2007 authorizing a work order agreement with Consumers Energy for primary electric service to the Band Shell, and

WHEREAS, Consumers Energy requires an easement 10 foot wide from the old restroom building across Hemlock Park to the pedestrian bridge crossing Mitchell Creek to be used to bury the electrical line.

NOW, THEREFORE BE IT RESOLVED, that the City Commission grant to Consumers Energy an easement for electrical power and appurtenances.

BE IT FURTHER RESOLVED, that the City Commission hereby authorizes the Mayor to sign the 10 foot wide easement with Consumers Energy.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: July 2, 2007

RESOLUTION NO. 07-73

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

**RESOLUTION AMENDING FISCAL YEAR 2007/2008
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2007/2008 General Appropriations on May 7, 2007 per Resolution No. 07-44, 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 attached Budget Adjustments to the FY 2007/2008 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2007/2008 City of Big Rapids Budget accordingly.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: July 2, 2007

City Attorney Eric Williams explained the proposed 425 Agreement with Big Rapids Township pertaining to Venlo Drive. The roadway strip of land is owned by the City, but is outside of the City boundary. The City is maintaining the street. Without the agreement, the City cannot obtain the State maintenance costs. The proposed resolution will set a public hearing for the next City Commission meeting.

RESOLUTION 07-74

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

**A RESOLUTION SETTING A PUBLIC HEARING ON THE PROPOSED ACT 425 AGREEMENT
BETWEEN BIG RAPIDS TOWNSHIP AND THE CITY
OF BIG RAPIDS REGARDING THE CONDITIONAL TRANSFER OF LAND**

WHEREAS, ACT 425 authorizes the conditional transfer of land by contract between municipalities, and

WHEREAS, Venlo Drive is maintained by the City of Big Rapids, and

WHEREAS, if Venlo Drive were located within the City of Big Rapids there would be funding available to the City to defray the costs of maintenance, and

WHEREAS, the development and maintenance of the public street or road is an economic development project as described in MCL 124.21(a), and

WHEREAS, MCL 124.24 requires that “the legislative body of each local unit affected by a proposed transfer of property under this act shall hold at least 1 public hearing before entering a contract under this act,”

NOW, THEREFORE, BE IT RESOLVED, that the proposed Act 425 Agreement between Big Rapids Township and the City of Big Rapids for the conditional transfer of property generally known as Venlo Drive, a copy of which is attached, shall be set for public hearing at the next regular meeting of the Big Rapids City Commission.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: July 2, 2007

UNSCHEDULED BUSINESS

There being no further business to come before the Commission, the Mayor declared the meeting adjourned at 8:20 p.m.

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
July 16, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:40 p.m.

Present: Commissioner Peggy Brennan, Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 14 persons in the audience.

Pledge of Allegiance.

The agenda was approved as presented.

The minutes of the July 2, 2007, meeting were approved.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Ferens, Melissa	161.14	WYBR/Y102	300.00
New Horizon Landscape	900.00	Lake City Redi Mix	180.88
Audio File publications	60.00*	Bookpage	360.00*
Christian Science Monitor	219.00*	Grand Rapids Press	42.00*
Harper's Magazine	31.00*	MI Library Assoc.	340.00*
MI Library Consortium	1,125.00*	Allen, Teresa	16.95*
Brodart Company	617.40*	Thomson Gale	20.69*
Baker & Taylor Books	200.47*	Xerox Corp.	165.94*
Charter communications	269.99*		

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA - None

PUBLIC HEARING

Mayor Edward Burch opened the public hearing on the Proposed Act 425 Agreement between the City of Big Rapids and Big Rapids Township for the Conditional Transfer of land generally known as Venlo Drive at 7:45 p.m.

Steve Sobers, City Manager along with staff viewed this as a clinical issue. The City of Big Rapids purchased a portion of land anticipating that a street would be made to connect the land between Perry and Fuller Avenues. Venlo Drive currently only reaches half that distance. It is maintained by Big Rapids City crews, but because the property is in Big Rapids Township, the City cannot get State or Federal funds to maintain the road.

Virginia Kienitz asked why the Big Rapids Township was not present at this meeting. Mr. Sobers responded that this issue would be taken up at their Township meeting.

The Mayor closed the public hearing at 7:55 p.m.

Venlo Drive will be under the City of Big Rapid's jurisdiction for the next fifty years. After that it will remain in the City. Discussion was made as to whether or not the road would be completed to Fuller Avenue. The City has submitted to DEQ and DEQ would like to get MDOT's support. DEQ is investigating the wetlands with a long-term hope of connecting the two avenues. An advantage to connecting the two avenues would be fewer accidents along Perry Avenue.

RESOLUTION 07-75

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

**A RESOLUTION AUTHORIZING ACT 425 AGREEMENT BETWEEN
BIG RAPIDS TOWNSHIP AND THE CITY
OF BIG RAPIDS REGARDING THE CONDITIONAL TRANSFER OF LAND**

WHEREAS, ACT 425 authorizes the conditional transfer of land by contract between municipalities, and

WHEREAS, Venlo Drive is maintained by the City of Big Rapids, and

WHEREAS, if Venlo Drive were located within the City of Big Rapids there would be funding available to the City to defray the costs of maintenance, and

WHEREAS, the development and maintenance of the public street or road is an economic development project as described in MCL 124.21(a), and

WHEREAS, MCL 124.24 requires that "the legislative body of each local unit affected by a proposed transfer of property under this act shall hold at least 1 public hearing before entering a contract under this act", and the City Commission held a public hearing at their July 16, 2007 meeting and,

WHEREAS, there is a 30 day waiting period after the public hearing before the Act 425 Agreement can be signed by the Mayor and City Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission authorizes the Mayor and City Clerk to sign on August 16, 2007 the Act 425 Agreement between Big Rapids Township and the City of Big Rapids for the conditional transfer of property generally known as Venlo Drive, a copy of which is attached. The City Clerk is directed to file a duplicate original of the contract with the County Clerk, and with the Secretary of State.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: July 16, 2007

Discussion was made on accepting petitions from citizens calling for a referendum on City of Big Rapids Ordinance No. 570-07-06. There was some confusion as how the language was worded on the petition. A copy of the petition was inadvertently omitted from the Commission packet. After a short break, copies were made and passed to the Commission and the regular meeting of the City Commission resumed. After the acceptance of the petitions, the matter will automatically go to the Plan Board for recommendations. Mayor Burch questioned the time frame for the wording to be put on the ballot for the November election. Mr. Williams will get with the City Clerk to write and approve the language for the ballot.

RESOLUTION NO. 07-76

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

**RESOLUTION ACCEPTING PETITIONS REGARDING A REFERENDUM
ON CITY OF BIG RAPIDS ORDINANCE NO. 570-07-06 REZONING CERTAIN
PROPERTY FROM R-3 RESIDENTIAL DISTRICT TO
RP RESIDENTIAL-PROFESSIONAL DISTRICT**

WHEREAS, for the health, welfare and safety of its residents, the City of Big Rapids maintains a Zoning Ordinance, and

WHEREAS, Ordinance No. 570-07-06 was adopted on July 27, 2006 which rezoned certain properties from R-3 Residential to R-P Residential-Professional, and

WHEREAS, Section 7.10 of the Big Rapids City Charter provides for the submission of a petition calling for a referendum on any ordinance enacted by the Commission, and

WHEREAS, petitions containing sufficient signatures have been filed by citizens calling for a referendum on City of Big Rapids Ordinance No. 570-07-06.

NOW, THEREFORE BE IT RESOLVED that the City Commission accepts the petitions as submitted by the citizens group and shall within thirty days decide the appropriate action to be taken per Section 7.11 of the City Charter; the rezoning issue is referred to the Plan Board for review and recommendation.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: July 16, 2007

ORDINANCE NO. 582-07-07

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

**AN ORDINANCE IMPOSING A MORATORIUM ON ZONING PERMITS
IN THE AREA ZONED R-P, WHILE THE ORDINANCE REZONING
THAT AREA FROM R-3 TO R-P IS SUBJECTED TO A REFERENDUM.**

WHEREAS, an area of the City was rezoned from R-3 to R-P and the ordinance by which that rezoning was accomplished has been the subject of a referendary petition, and

WHEREAS, Section 7.13 of the Big Rapids City Charter provides that "Certification of a referendary petition shall automatically suspend the ordinance in question, pending repeal by the Commission or determination by the electors," and

WHEREAS, while the ordinance is suspended there should be no conversion of structures or changes in use contrary to zoning regulations specific to the R-P zoning district.

NOW, THEREFORE, THE City of Big Rapids ordains:

Section 1. A moratorium is imposed immediately on issuing zoning permits in the R-P zoning district for any change of use, alteration of a structure, or construction that involves the specific regulations of the R-P zoning district, which moratorium shall end when the City Commission repeals Ordinance No. 570-07-06, or when the vote occurs on the referendum on Ordinance No. 570-07-06.

Section 2. This ordinance shall be effective upon publication.

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the ordinance adopted.

Date: July 16, 2007

Published:

RESOLUTION NO. 07-77

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

**RESOLUTION AMENDING FISCAL YEAR 2007/2008
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2007/2008 General Appropriations on May 7, 2007 per Resolution No. 07-44, 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 attached Budget Adjustments to the FY 2007/2008 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2007/2008 City of Big Rapids Budget accordingly.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: July 16, 2007

RESOLUTION NO. 07-78

Commissioner Rothstein moved, seconded by Commissioner Harper, 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:

DOWNTOWN DEVELOPMENT AUTHORITY

Bob Patterson appointed to a term expiring August 2009

Charlene Nowlin appointed to a term expiring August 2011

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: July 16, 2007

RESOLUTION NO. 07-79

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

**RESOLUTION ADJOURNING TO CLOSED SESSION
TO DISCUSS LABOR NEGOTIATION
WITH THE AFSCME EMPLOYEE GROUP**

BE IT RESOLVED, that the City Commission adjourn to closed session for the purpose of discussing matters pertaining to the AFSCME labor negotiations.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: July 16, 2007

The City Commission adjourned to closed session at 8:55 p.m. to discuss labor negotiation with the AFSCME Employee group. They returned to regular session at 10:13 p.m.

MOTION NO. 07-80

Commissioner Rothstein moved, seconded by Commissioner Brennan that the City Commission approve the proposed contract between for July 1, 2007 to June 30, 2011, AFSCME Employee Group and the City of Big Rapids.

Yeas: Brennan, Hogenson, Rothstein, Burch
Nays: Harper
The Mayor declared the motion adopted.
Dated: July 16, 2007

UNSCHEDULED BUSINESS

There being no further business to come before the Commission, the Mayor declared the meeting adjourned at 10:16 p.m.

Mayor Edward S. Burch

* * * * *

Tamyra K. Gillis, Deputy Clerk

Special Meeting of the City Commission
July 30, 2007

Mayor Edward Burch called the special meeting of the City Commission for interviewing candidates for the City Treasurer position to order at 1:30 p.m.

Present: Commissioners Peggy Brennan, Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch.

Also present was City Manager Steve Sobers.

There were 8 – 10 persons in the audience throughout the interviews.

Pledge of Allegiance.

The first interviewee was Phil Keating. The Commission asked a series of questions of the candidate. The interview session went from 1:30 p.m. to 2:18 p.m.

The Commission took a recess from 2:18 p.m. to 2:30 p.m.

The second interviewee was Karen Ruddy. The Commission asked the same series of questions. The interview session went from 2:30 p.m. to 3:25 p.m.

The Commission took a recess from 3:25 p.m. to 3:35 p.m.

The third interviewee was Lynn Fields. The Commission asked the same series of questions of the candidate. The interview session went from 3:25 p.m. to 4:15 p.m.

The Commission took a recess from 4:18 p.m. to 4:37 p.m. which staff tallied the results of the City Commissioners' response scores. The tally was presented to the City Commission.

A discussion of the tally results took place, whereby the City Commissioners discussed the candidates' responses.

MOTION NO. 07-81

Commissioner Harper moved, seconded by Commissioner Hogenson that the City Commission extend an offer of employment to Lynn Fields as the Big Rapids City Treasurer.

Yeas: Brennan, Harper, Hogenson

Nays: Rothstein, Burch

The motion passed.

Dated: July 30, 2007

There being no further business to come before the special meeting, the Mayor declared the meeting adjourned at 5:31 pm.

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
August 6, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:50 p.m.

Present: Commissioner Peggy Brennan, Commissioner Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 22 persons in the audience.

Pledge of Allegiance.

The agenda was approved as amended: Addition of resolution appointing Lynn Fields as City Treasurer and Taxi Cab Business update.

The minutes of the July 16, 2007 regular and July 30, 2007 special meeting were approved.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Windemuller Electric, Inc.	3,749.46	Midwest Safety Products	113.76
Tri County Portable	368.00	AT&T	117.77
Easton Telecom Services	2.64	AT&T	234.94*
Easton Telecom Services	.91*	Thomson Gale	47.18*
Baker & Taylor Entertain	636.09*	Brookshear, Karen	65.00*
Consumers Energy	275.81	Consumers Energy	1,962.53
Michigan, State of	55.00	Kone, Inc.	321.93*
Consumers Energy	850.40*	DTE Energy	30.48*
Audio File Publications	99.00*	Pioneer Group	137.50*
Baker & Taylor Books	1,864.22*	Recorded Books	855.38*
Omara Products	117.04	Stan's Backhoe Service	4,830.00
Consumers Energy	326.05	DTE Energy	2,454.98
Quill	265.18*	Green, Dennis	26.95*
Baker & Taylor	2,557.73*	Thomson Gale	65.15*
Audio Editions	1,873.19*	Random House	215.50*
Recorded Books	6.95*	Charter Communications	269.99*

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY

Mayor Burch allowed Mr. Gary Johnson of Billboards by Johnson, to speak regarding the litigation he has with the City of Big Rapids. Mr. Johnson started Billboards by Johnson twenty years ago, but sold the majority of it about one year ago. He had leases on property for billboards located on Third Avenue, N. State Street, and Perry Street. The City's ordinance does not allow off-premise signs or billboards. At one time, State law stated that local ordinances could not ban billboards, but recently the State of Michigan passed a law banning billboards on State highways. He presented a request to the ZBA and received a variance to put up a billboard 4 feet by 5 feet. He filed suit, his case was sent to Ionia, and the court sent it back to the Zoning Board of Appeals to be reviewed.

Mr. Johnson proposed to the City Commission that he would not pursue billboards at the S. Third Avenue and N. State Street sites if the Commission would allow him to construct a 12' by 24' LED sign at the Perry Street location that is next to Checkers. The billboard would cost about \$200,000 to \$250,000. The sign would be V-shaped on a single pole. There would be no ladder and it would be 11 to 12 feet off the ground.

The lease with the property owner is a 20-year lease. Local business people want billboards for advertising. The billing will be on a monthly basis and would change monthly.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Sue Glatz, BRPOA, had hoped the adoption of the IPMC Code adoption would have been on the agenda. The Inspection Review Committee voted to adopt the International Code. Many college towns in Michigan have adopted it, including the City of Ann Arbor. The Committee urges the City Commission to adopt the Code. She also requested a secretary for the meetings.

Florence Froelich, 519 Linden, appreciated the Park's personnel efforts for the Mary Lindbloom memorial service. She registered a complaint regarding the brake noise from the Ice Mountain water trucks. She also expressed a concern regarding the ecological effects of the disposal of plastic water bottles.

Gary Fitch reported that the life ring supports had been placed on their stands, but unfortunately, one has already been stolen. They have pulled the others until such time as they can get the alarms installed. The cost is \$79.84 per throw ring for the alarms, but there is also the challenge of the wiring. He suggested that they should look into plaques stating that if any person is caught tampering with the life ring and a person drowns as a result, it is a felony, and if a person does not drown, it is a misdemeanor.

RESOLUTION NO. 07-82

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

**RESOLUTION ACCEPTING CITY PLAN BOARD RECOMMENDATION
REGARDING R-P ZONE REFERENDUM AND REFERRING THE
REFERENDUM TO THE NOVEMBER MUNICIPAL ELECTION**

WHEREAS, Ordinance No. 570-07-06 was adopted on July 27, 2006 which rezoned certain properties from R-3 Residential to R-P Residential-Professional, and

WHEREAS, petitions containing sufficient signatures have been filed by citizens with the City Clerk calling for a referendum on City of Big Rapids Ordinance No. 570-07-06, and

WHEREAS, the rezoning issue was referred to the Plan Board for review and recommendation, and

WHEREAS, the Plan Board, according to the best of their ability and knowledge, decided to create the R-P district and supports the referendum to let the people decide to withhold the R-P District.

NOW, THEREFORE, BE IT RESOLVED that the City Commission accept the Plan Board's recommendation and directs the City Clerk to place the R-P Referendum on the November 6, 2007 Municipal Election.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare the necessary ballot wording for placement on the November 2007 Municipal Election.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: August 6, 2007

RESOLUTION NO. 07-83

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

**RESOLUTION DIRECTING CITY ASSESSOR TO PREPARE
AMENDED SPECIAL ASSESSMENT ROLL NO. 07-511
FOR STREET IMPROVEMENTS FOR MAGNOLIA STREET
BETWEEN WILLOW AVENUE AND VACATED MECOSTA AVENUE
AND SETTING OF PUBLIC HEARING**

WHEREAS, the City Commission approved Special Assessment Roll No. 07-511, on April 2, 2007, for street improvements to Magnolia Street between Willow Avenue and Vacated Mecosta Avenue, and

WHEREAS, the actual costs incurred by the City differ from the original estimates, requiring an amendment to reflect 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. 07-511 to reflect actual unit costs, and

BE IT FURTHER RESOLVED, that the City Commission hereby sets a public hearing on Monday, August 20, 2007, at 7:30 p.m. in the Commission Meeting Room of City Hall to consider any objections to said amended roll, and

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: August 6, 2007

ORDINANCE NO. 583-08-07

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

ORDINANCE ADOPTING NEW SANITATION RATES

The City of Big Rapids Ordains:

Section 1. Title V, Section 50.12 is hereby amended and the sanitation rates for the City of Big Rapids are established according to the following schedule:

Section 2. SCHEDULE OF SANITATION RATES – Effective August 1, 2007.

Schedule of Sanitation Rates

Effective **August 1, 2007**

20% City Charges

Cubic Yards	2	3	4	6	8	13	
Frequency Per Week							
1	Allied Charges	28.95	40.41	46.83	59.49	71.90	116.77

	City Charges	<u>5.79</u>	<u>8.08</u>	<u>9.37</u>	<u>11.90</u>	<u>14.38</u>	<u>23.35</u>
	Total	34.74	48.49	56.20	71.39	86.28	140.12
2	Allied Charges	57.97	76.08	88.14	111.92	135.60	220.27
	City Charges	<u>11.59</u>	<u>15.22</u>	<u>17.63</u>	<u>22.38</u>	<u>27.12</u>	<u>44.05</u>
	Total	69.56	91.30	105.77	134.30	162.72	264.32
3	Allied Charges	85.70	111.84	129.92	164.33	199.27	323.78
	City Charges	<u>17.14</u>	<u>22.37</u>	<u>25.98</u>	<u>32.87</u>	<u>39.85</u>	<u>64.76</u>
	Total	102.84	134.21	155.90	197.20	239.12	388.54
4	Allied Charges	131.59	148.84	170.28	218.20	262.99	427.29
	City Charges	<u>26.32</u>	<u>29.77</u>	<u>34.06</u>	<u>43.64</u>	<u>52.60</u>	<u>85.46</u>
	Total Allied Charges	157.91	178.61	204.34	261.84	315.59	512.75
5	City Charges	<u>155.14</u>	<u>182.91</u>	<u>211.90</u>	<u>268.67</u>	<u>326.69</u>	<u>530.96</u>
	City Charges	<u>31.03</u>	<u>36.58</u>	<u>42.38</u>	<u>53.73</u>	<u>65.34</u>	<u>106.19</u>
	Total	186.17	219.49	254.28	322.40	392.03	637.15
6	Allied Charges	185.42	219.48	254.81	321.90	389.76	633.38
	City Charges	<u>37.08</u>	<u>43.90</u>	<u>50.96</u>	<u>64.38</u>	<u>77.95</u>	<u>126.68</u>
	Total	222.50	263.38	305.77	386.28	467.71	760.06
7	Allied Charges	214.42	254.81	296.43	375.86	454.08	737.79
	City Charges	<u>42.88</u>	<u>50.96</u>	<u>59.29</u>	<u>75.17</u>	<u>90.82</u>	<u>147.56</u>
	Total	257.30	305.77	355.72	451.03	544.90	885.35

Residential

Commercial

Garbage	6.99	1 Yard - 1 Time/Week	14.68
Clean - Up	0.62	City Charges	<u>2.94</u>
Curbside Recycle Yard Waste	1.19	Monthly Fee	17.62
	<u>2.19</u>		

	10.99
City Charges	<u>2.20</u>
Monthly Fee	13.19

Customers can be charged an additional \$14 per yard for garbage exceeding the capacity of the container.
 After 30 days, if special project roll offs have not been moved, there will be a rental charge of \$50.00 per week.
 One yard waste charge per residential property lot.

Section 3. This Ordinance shall be effective on August 1, 2007.

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
 Nays: None
 The Mayor declared the ordinance adopted.
 Dated: August 6, 2007
 Published: August 15, 2007

ORDINANCE NO. 584-08-07

Commissioner Rothstein moved, supported by Commissioner Harper, the adoption of the following ordinance.

**AN ORDINANCE APPROVING AND ADOPTING THE
 2007 CODIFICATION OF THE BIG RAPIDS CITY CODE OF ORDINANCES**

WHEREAS, the Big Rapids City Charter requires the City Commission to provide for the compilation or codification and publication of the Charter and all City ordinances then in force at least once every ten years, (Charter §7.2), and

WHEREAS, the codification of current City ordinances is helpful to the public and City staff in providing a single publication in which all City ordinances can be arranged, indexed, and made available to all interested persons, and

WHEREAS, the City Commission has authorized and approved the budgetary expenditure necessary for the codification process, and

WHEREAS, the City Clerk has worked with the codifier in assembling, reviewing, and proofreading all of the City's ordinances currently in force, and

WHEREAS, the City Attorney has reviewed and approved the proposed codification,

NOW, THEREFORE, The City of Big Rapids ordains:

Section 1. The 2007 codification prepared by American Legal Publishing Corporation is approved and adopted as the codification of the Big Rapids City Charter and Big Rapids City Code of Ordinances.

Section 2. Copies of the codification shall be kept in the City Clerk's office and made available to the general public for review, inspection, and obtaining copies of the City Charter and Code of Ordinances.

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

Section 4. The ordinance shall become effective upon publication.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the ordinance adopted.

Dated: August 6, 2007

Published: August 13, 2007

RESOLUTION NO. 07-84

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

**RESOLUTION AUTHORIZING AGREEMENT WITH
HOPE NETWORK WEST MICHIGAN FOR
DOWNTOWN CLEANING**

WHEREAS, the City has used MOARC workers from Hope Network for the past few years to clean the downtown area during the summer months, and

WHEREAS, Hope Network will provide all the workers compensation insurance for the employees along with general and automobile liability and will be considered an independent contractor, and

WHEREAS, the cost for this service is \$6.25 per crew member per hour for no more than 75 hours per month, not to exceed \$4,999.99 (800 hours) over the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission authorize the Director of Public Works to sign an agreement with Hope Network for summer cleanup not to exceed \$4,999.99.

BE IT FURTHER RESOLVED, that the cost be expensed from account number 101-452-801.002.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: August 6, 2007

RESOLUTION NO. 07-85

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

**RESOLUTION ACCEPTING BID FOR PURCHASE
OF A FOUR WHEEL DRIVE 1/2 TON PICKUP TRUCK**

WHEREAS, the City solicited bids for the purchase of a four wheel drive 1/2 ton pickup truck for the Department of Public Works, and

WHEREAS, two bids were received with staff recommending that the bid of Gary Trimarco Automotive, Big Rapids be accepted in the amount of \$19,012.93

NOW, THEREFORE, BE IT RESOLVED, that the bid of Gary Trimarco in the amount of \$19,012.93 for a four wheel drive 1/2 ton pickup truck be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from account number 661-444-981.903.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the Resolution adopted.
Dated: August 6, 2007

RESOLUTION NO. 07-86

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

**RESOLUTION CHANGING MERS BENEFITS FOR
AFSCME DEFINED BENEFIT EMPLOYEES**

In accordance with the MERS Plan Document of 1996, the City of Big Rapids #5402 adopts the following benefits for Division 10 – General Union. [A division is defined as an employee or group of employees covered by the same benefit programs and the same employee contribution program. Each division has a specific MERS number and name, such as “Div. 10, General-Admin.”, and is part of a Reporting Unit, such as “01.”]

Supporting Supplemental Valuation is dated July 9, 2007.

EMPLOYEE CONTRIBUTION RATE

New Rate – 1.00% Effective August 1, 2007

ADDITIONAL BENEFITS AFFECTING FUTURE RETIREES

FAC 3

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the Resolution adopted.
Dated: August 6, 2007

I CERTIFY THAT THE ABOVE WAS ADOPTED BY the City of Big Rapids on August 6, 2007.

Roberta R. Cline, City Clerk

Dated: _____

RESOLUTION NO. 07-87

Commissioner Harper, seconded by Commissioner Hogenson, the adoption of the following:

**RESOLUTION AMENDING THE MERS UNIFORM
DEFINED CONTRIBUTION PROGRAM AGREEMENT
FOR AFSCME EMPLOYEES**

WHEREAS, the City of Big Rapids adopted the MERS Uniform Defined Contribution Program Agreement for the AFSCME employee group by Resolution No. 04-132, dated September 7, 2004 , and

WHEREAS, the City's ratified contract with the AFSCME group changes the amount of contribution by the City as follows:

2007 9.00 % contribution by the City

2008 9.00 % contribution by the City
2009 9.50% contribution by the City
2010 10.00% contribution by the City

NOW, THEREFORE, BE IT RESOLVED, that the City Commission authorizes the amendment in the MERS Uniform Defined Contribution Program for the AFSCME employee group by changing the employer's contribution as outlined about, effective August 1, 2007.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: August 6, 2007

RESOLUTION NO. 07-88

Commissioner Harper moved, seconded by Commissioner Rothstein, 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:

ZONING BOARD OF APPEALS

Todd Price appointed as an alternate with a term expiring May 2010.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: August 6, 2007

RESOLUTION NO. 07-89

Commissioner Brennan moved, seconded by Commissioner Harper, the adoption of the following:

**RESOLUTION APPOINTING LYNN FIELDS
TO BIG RAPIDS CITY TREASURER**

BE IT RESOLVED that Lynn Fields is appointed to the position of City Treasurer effective on or about September 1, 2007.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: August 6, 2007

RESOLUTION NO. 07-90

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

**RESOLUTION ADJOURNING TO EXECUTIVE SESSION
TO DISCUSS SETTLEMENT OF PENDING LITIGATION BETWEEN
BILLBOARDS BY JOHNSON AND THE CITY OF BIG RAPIDS**

BE IT RESOLVED, that the City Commission adjourn to executive session for the purpose of discussing the settlement of pending litigation between Billboards by Johnson and the City of Big Rapids.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: August 6, 2007

UNSCHEDULED BUSINESS

- Announcement that National Night Out is scheduled for August 7, 2007, at Public Safety.
- City Picnic is Wednesday, August 8, 2007.
- ICMA requires that the City Manager be evaluated every five years. They have an on-line evaluation, which can be done by a maximum of 20 people. City Manager Sobers requested that the City Commission allow the ICMA evaluation to be his evaluation for this year. The City Commission was in agreement.
- The City Manager is proposing a financial report at every City Commission meeting.
- The City Manager proposed a new room arrangement for the City Commission meetings.
- City Manager Sobers recommended that if there is a fund balance at the end of the year, the balance be earmarked for the Library Fund and for the purchase of a new Arial ladder truck.
- Director West reported on the status of Affordable Cab. Two things have happened. The first thing - the cab owner's insurance company called stating his insurance was cancelled. The Police were looking for him to deliver a cease business message. The second thing regards the court case that is pending on the owner. Mr. Miller pleaded guilty to an assault charge and the courts ordered him to sell his taxicab business and leave the community.

The Commission adjourned to closed session at 9:20 p.m. They returned to regular session at 9:53 p.m.

The Mayor directed the City Attorney to proceed with the Billboards by Johnson litigation as instructed by the City Commission.

There being no further business to come before the Commission, the Mayor declared the meeting adjourned at 9:54 p.m.

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
August 20, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:45 p.m.

Present: Commissioner Peggy Brennan, Commissioner Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 22 persons in the audience.

Pledge of Allegiance.

The agenda was approved with the following revisions:

Added discussion of pending litigation with Billboards by Johnson to
Unscheduled Business.

Added the consideration of the Housing Inspection Fees as 10d(3)

The minutes of the August 6, 2007 regular meeting were approved with the typographical correction of "off-premise".

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Intelligent Products	149.62	Omara Products	317.60
First National Bank	24.08	First National Bank	1,957.19
Great Lakes Office	267.06	Vredeveld Haefner	34.00
AT&T	112.09	Kone	321.93*
First National Bank	473.02*	Great Lakes Office	57.38*
Vredeveld Haefner	37.00*	Business Week	39.97*
Health	26.97*	Hearst Corp	15.94*
Time	72.20*	Traverse Subscription	29.95*
First National Bank	799.11*	Baker & Taylor	11.86*
Farm Plan	65.00	Lowe's	112.00
Medler Electric	121.78	Spartan Distributors	186.47
Lowe's	14.55	Water Specialists	286.48
Demco, Inc.	755.05*	Library Store	120.53*
AT&T	253.05*	Baker & Taylor	543.60*
Mid-Michigan Library	50.00*	Thomson Gale	47.18*
Xerox Corp.	91.42*		

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY - None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Sue Glatz spoke on behalf of the BRPOA, recommending a freeze on the housing inspection fees for one year. The BRPOA believes that the fees are inappropriate for the following reasons:

- 1) Deputy Director Warren Hansen should not be doing any paper work.
There is an understanding that Nancy Haight will now be doing the paper work.
- 2) One inspector can do the inspection unless there is a trainee.

- 3) Good inspections vs. bad inspections.
- 4) Would like to give the process one year to see if costs savings can occur.

Virginia Kienitz stated it took 15 minutes to inspect her five units and she paid a \$120 fee. She believes the cost figures are inflated, as well as, inspections are a part of the firefighters' jobs.

City Manager Steve Sobers briefed the City Commission on a letter he received from Jim White, representing Big Rapids and Green Townships regarding the user charges. He read the letter, which informed the City that the townships would be obtaining a consultant to compute the user charge costs. Mr. Sobers stated that many things have changed since the original user charges were figured in 1995. Don Greiner, Engineer and Utilities Director is now in charge of the utilities, the townships are using lift stations and the plant renovations need to be considered in the computation. Mr. Sobers felt that he and Mr. White had a good discussion on how these fees will be charged and little more understanding where everyone was going from here.

Commissioner Harper stated that the City rate increase to residents includes Mr. Greiner. The City needs to charge what is fair. She stated she was surprised that Green Township has been talking about extending services to Nineteen Mile Road and it appears they do not want to pay their fair share.

Mayor Burch stated that the City will need to continue to move forward. The City has negotiated in good faith and the discussions have been going on for about a year. At the 13th hour, the townships send a letter stating they will get their own consultant. The Commission has an obligation to its residents and it is time for the City to conduct business as usual by figuring the townships' costs and implementing them.

PUBLIC HEARINGS

Public hearing on the Amended Special Assessment Roll No. 07-511 for the street improvements to Magnolia Street between Willow Avenue and vacated Mecosta Avenue was opened by Mayor Burch at 8:12 p.m.

City Manger Steve Sobers stated that the public hearing was on the amended roll. The improvements have been completed. There are five properties involved in this improvements and the costs came in under the original estimates. No one from Magnolia Street was present in the audience. They were notified of the public hearing. Mr. Sobers stated that he heard from one property owner that they are very happy with the new street improvements.

The Mayor opened the floor for any comment from the audience. There were no comments.

The Mayor closed the public hearing at 8:15 p.m.

RESOLUTION 07-91

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

RESOLUTION AMENDING FISCAL YEAR 2006/2007 GENERAL APPROPRIATIONS

WHEREAS, the City of Big Rapids adopted FY 2006/2007 General Appropriations on May 1, 2006 per Resolution No. 06-51, 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 attached Budget Adjustments to the FY 2006/2007 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2006/2007 City of Big Rapids Budget accordingly.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Date: August 20, 2007

RESOLUTION NO. 07-92

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

**RESOLUTION AMENDING FISCAL YEAR 2007/2008
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2007/2008 General Appropriations on May 7, 2007 per Resolution No. 07-44, 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 attached Budget Adjustments to the FY 2007/2008 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2007/2008 City of Big Rapids Budget accordingly.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: August 20, 2007

RESOLUTION NO. 07-93

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

**RESOLUTION AMENDING SPECIAL ASSESSMENT ROLL NO. 07-511 FOR STREET
IMPROVEMENTS FOR MAGNOLIA STREET
BETWEEN WILLOW AVENUE AND VACATED MECOSTA AVENUE**

WHEREAS, the City Commission approved Special Assessment Roll No. 07-511 on April 2, 2007 and

WHEREAS, the actual costs of the completed project were different than the estimated costs and the actual quantities installed were different for some of the parcels than the original estimates, and

WHEREAS, on August 6, 2007, the City Commission directed the City Assessor or his/her designate to prepare an amended Special Assessment Roll No. 07-511 to reflect actual unit costs and actual quantities, and

WHEREAS, the Big Rapids City Commission held a public hearing on August 20, 2007, to consider any objections to said amended roll, at which time the amended special assessments were confirmed.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves said amended Special Assessment Roll No. 07-511, to be spread over a ten (10) year term payable in ten (10) annual installments with interest at six percent (6%) per annum due each February 1st, beginning

February 1, 2008, and directs the City Assessor to deposit said amended roll with the City Clerk for endorsement as to the date of confirmation, and

BE IT FURTHER RESOLVED, that upon confirmation by the City Clerk, said roll shall be transmitted to the City Treasurer for collection.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: August 20, 2007

ORDINANCE NO. 585-08-07

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

**AN ORDINANCE ADOPTING THE 2006
INTERNATIONAL PROPERTY
MAINTENANCE CODE (IPMC) AS MODIFIED FOR
THE CITY OF BIG RAPIDS.**

WHEREAS, clear standards for the maintenance of real property are important to the City of Big Rapids, and

WHEREAS, the 2006 edition of the *International Property Maintenance Code* will regulate and govern the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Big Rapids and providing for the issuance of permits and collection of fees therefore, and

WHEREAS, the BOCA 1996 Property Maintenance Code, as amended, will no longer be necessary,

THE CITY OF BIG RAPIDS ORDAINS:

1. Section 1. The 2006 International Property Maintenance Code (IPMC), as modified, is adopted in the form that follows.

Section 2. The 1996 BOCA Property Maintenance Code, Chapter 151, Section 151.01, is repealed.

Section 3. The City Clerk is directed to publish this ordinance, with a summary of the 2006 Property Maintenance Code, (IPMC), as modified and adopted by the City Commission, in the Pioneer.

Section 4. This ordinance shall be effective 20 days after publication.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the ordinance adopted.

Date: August 20, 2007

Published: August 28, 2007

ORDINANCE NO. 586-08-07

Commissioner Harper moved, supported by Commissioner Brennan, the adoption of the following Ordinance.

**AN ORDINANCE ADOPTING THE HOUSING LAW OF MICHIGAN,
BEING ACT 167 OF 1917, AS AMENDED,
FOR ADMINISTRATION AND ENFORCEMENT
WITHIN THE CITY OF BIG RAPIDS**

WHEREAS, the City of Big Rapids is a home rule city with a population exceeding 10,000 residents, and Ferris State University is located within the City of Big Rapids, and

WHEREAS, the City of Big Rapids is interested in the goals described in the title of the Housing Law of Michigan: "An act to promote the health, safety, and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings," and

WHEREAS, the Housing Law of Michigan, Act 167 of 1917, as amended, provides a detailed framework of administration, standards, inspections, and enforcement procedures, and

WHEREAS, the Housing Law of Michigan, Act 167 of 1917, as amended, provides "minimum requirements adopted for the protection of health, welfare and safety of the community" while authorizing the City of Big Rapids to impose "requirements higher than the minimum requirements laid down in this act relative to light, ventilation, sanitation, fire prevention, egress, occupancy, maintenance and uses for dwellings," and

WHEREAS, it is important to clarify and declare that the City of Big Rapids will administer and enforce the Housing Law of Michigan, Act 167 of 1917, as amended,

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The Housing Law of Michigan, Act 167 of 1917, as amended, is adopted by reference for administration and enforcement by the City of Big Rapids, as authorized by MCL 125.523.

Section 2. The City of Big Rapids shall be the enforcing agency within the City of Big Rapids of the Housing Law of Michigan, Act 167 of 1917, as amended, through the City departments and officers designated by the City Manager.

Section 3. Complete copies of the Housing Law of Michigan, Act 167 of 1917, as amended, can be reviewed and obtained in the office of the City Clerk, City Hall, 226 N. Michigan Avenue, Big Rapids, MI 49307, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

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

Section 5. This ordinance shall be effective upon publication.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the ordinance adopted.

Date: August 20, 2007

Published:

The City Commission discussed the rental inspection fees as established by Ordinance No. 546-05-05. City Manager Sobers stated the inspection process is a work in progress. He anticipates moving recordkeeping to Public Safety staff Nancy Haight, so that the work will be close to where it is being done. He presented the cost analysis as prepared by Public Safety employee Scott Mroz. He stated that if the scheduling and inspections were changed to include only one person per each duty as requested by the BRPOA, Scott's figures would still be \$44,000. Fees collected in 2005-06 were only \$36,825. He stated that staff will work this next year to make sure of costs and will bring the matter back to City Commission. He believes it makes no sense to postpone the fee increase.

Commissioner Harper stated it was important to hear what City Attorney Eric Williams had said at the Committee meeting when they reviewed this matter.

Mr. Williams stated he voted in favor of the recommendation of postponing the fees because he viewed it as an ending to the discussion of the cost. He felt that it was important to get endorsement of the BRPOA, because what he was hearing was they did not want to pay any amount. He believed that foregoing the increase would be a workable compromise and put to rest the current rate structure to stop the debate. He did that recognizing that it would not recoup the costs the staff had analyzed, but he felt it was worthwhile to get agreement on the current rate structure and get things moving.

Commissioner Harper stated she felt strongly that the Housing Law of 1917 says that fees must be reasonable costs of what we provide and are not to exceed those costs. She believes to address the concerns of the landlords, there should be a rate study to identify actual costs and how those costs were determined. An actual rate study will support any increase.

Commissioner Brennan stated that she voted against freezing the housing fees for one year. The fee estimates were based on one person. Even though everyone has not agreed on the estimates, there are still more expenses than what the City is recouping. She does not feel there should be a one-year freeze.

Commissioner Hogenson believes that staff has the knowledge to estimate the fees. These are revenues in the form of fees and he believes they should stay as they are.

Sue Glatz argued that Scott Mroz developed the recent figures and he has never done these before. No one is sure how the figures were decided upon. The committee voted to freeze the rental inspection fees increase and she hopes the City Commission will respect that motion.

Rose Mary Jennings questioned why the City does not have on paper a justified rate study. Mayor Burch stated that a study was done two years ago. Mr. Sobers confirmed that the City has put together a number of studies that show that expenses exceed revenues.

Mrs. Ruth York stated that the inspection of her 32 units cost \$650 and took 45 minutes. She stated that other cities have a bonified Building Inspectors doing the inspections instead of firefighters.

Mrs. Froelich believes two sets of eyes are better than just one set of eyes. She is concerned about fire safety. The City has an obligation because of the college.

Joe Bechaz stated that the BRPOA questions the mileage and high salary people in the program. What is the justification? If the firefighters were not used for the inspections, would they be laid off?

The Mayor directed the City Manager to have staff keep accurate records. He is supportive of the current fee but believes the City owes it to landlords to keep very accurate records for the next year.

MOTION NO. 07-94

Commissioner Brennan moved, supported by Commissioner Harper that the City Commission repeals the fee increase for housing inspections, as set in Ordinance No. 546-05-05, for a one-year period.

Yeas: Harper
Nays: Brennan, Hogenson, Rothstein, Burch
The Motion failed.
Dated August 20, 2007

RESOLUTION NO. 07-95

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

**RESOLUTION ACCEPTING GRANT TO RECEIVE FUNDING FOR A TEN
T-HANGAR BUILDING AND PAINTING AND STRIPING OF RUNWAYS
AT 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, this grant will be used to build a 10 T-Hangar building, painting and striping of airport runways, and construction supervision and inspection services, and

WHEREAS, the total amount of these two projects is \$353,000, whereby \$344,175.00 comes from grant monies consisting of 90% Federal and 7.5% State monies, with a 2.5% City match of \$8,825.00.

NOW, THEREFORE, BE IT RESOLVED that the City Commission authorize the Mayor to sign Contract No. 2007-0774, Federal Project No. B-26-0013-0806 for the Federal/State/Local Airport Project under the MDOT Block Grant program in the amount of \$353,000.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: August 20, 2007

RESOLUTION NO. 07-96

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

**RESOLUTION AUTHORIZING CONSTRUCTION SUPERVISION AND
INSPECTION SERVICES OF PECKHAM ENGINEERING FOR A
10 T-HANGAR BUILDING AND RUNWAY STRIPING**

WHEREAS, the City contracted with Peckham Engineering as the consulting firm for Roben Hood Airport by Resolution No. 06-133 dated November 6, 2006, and

WHEREAS, the City has taken bids for the construction of a 10 T-Hangar building and the repainting and striping of the runway, and

WHEREAS, Peckham Engineering will perform construction supervision and inspection for both projects, and

WHEREAS, the cost of the supervision and inspection for the 10 T-Hangar building is \$13,578.00 and the cost of the supervision and inspection for the repainting and striping of the runway is \$2,091.00.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the services of Peckham Engineering to provide supervision and inspection for the 10 T-Hangar building and runway striping and authorizes the Mayor to sign agreement for engineering services.

BE IT FURTHER RESOLVED, that the City's cost for this service equals 2.5% or \$391.00 and it is to be expensed to account number 101-441-967.900.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: August 20, 2007

RESOLUTION NO. 07-97

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

**RESOLUTION ACCEPTING BID FOR A TEN
T-HANGAR BUILDING AT ROBEN HOOD AIRPORT**

WHEREAS, the City applied for and received a grant for a 10 T-Hangar building under Resolution No. 07-49 dated May 7, 2007, and

WHEREAS, the City has contracted with Peckham Engineering as the consulting firm for Roben Hood Airport, and

WHEREAS, the City solicited bids for a 10 T-Hangar building, whereby five bids were received with Peckham Engineering recommending the lowest and best bid of DCM Construction, Inc. for \$319,908.09, and

WHEREAS, the City's cost of this service equals 2.5% or \$7,997.70.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the bid of DCM Construction, Inc. in the amount of \$319,908.09 and the City's share of 2.5% or \$7,997.70 be expensed from account number 101-441-967.900.

BE IT FURTHER RESOLVED, that this approval is subject to approval by the Michigan Department of Transportation.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the Resolution August 20, 2007.

Dated: August 20, 2007

RESOLUTION NO. 07-98

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

**RESOLUTION ACCEPTING BID FOR PAINTING AND
STRIPING OF AIRPORT RUNWAYS**

WHEREAS, the City applied for and received a grant for runway markings under Resolution No. 07-49 dated May 7, 2007, and

WHEREAS, the City has contracted with Peckham Engineering as the consulting firm for Roben Hood airport, and

WHEREAS, the City solicited bids for runway markings, whereby two bids were received with Peckham Engineering recommending the lowest and best bid of Kenmark, Inc. for \$10,991.47, and

WHEREAS, the City's cost of this service equals 2.5% or \$274.79.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the bid of Kenmark Inc. in the amount of \$10,991.47 and the City's share of 2.5% or \$274.79 be expensed from account number 295-249-930.000.

BE IT FURTHER RESOLVED, that this approval is subject to approval by the Michigan Department of Transportation.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the Resolution adopted.
Dated: August 20, 2007

RESOLUTION NO. 07-99

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

**RESOLUTION ACCEPTING BID FOR PURCHASE
OF A MULTI-PURPOSE TRACTOR/MOWER**

WHEREAS, the City solicited bids for the purchase of a multi-purpose tractor/mower for the Department of Public Works, and

WHEREAS, three bids were received with staff recommending that the bid of Burnips Equipment, Big Rapids be accepted in the amount of \$45,575.00.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Burnips Equipment in the amount of \$45,575.00 for a multi-purpose tractor/mower be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from account number 661-444-981.901.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the Resolution adopted.
Dated: August 20, 2007

RESOLUTION 07-100

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

**A RESOLUTION ACCEPTING AND APPROVING WORDING OF
NOVEMBER 2007 BALLOT QUESTION ON THE REFERENDUM ON
ORDINANCE NO. 570-07-06, WHICH REZONED CERTAIN
PROPERTY FROM THE R-3 RESIDENTIAL ZONE DISTRICT TO THE
R-P RESIDENTIAL ZONE DISTRICT**

WHEREAS, a petition containing sufficient signatures was filed with the City Clerk requesting a referendum on Ordinance No. 570-07-06, and

WHEREAS, the City Commission declined to repeal Ordinance No. 570-07-06 in response to the petition, and

WHEREAS, the question shall be presented to the electorate in the November 2007 election, and

WHEREAS, the City Attorney was directed to prepare the ballot wording of the referendum,

NOW, THEREFORE, BE IT RESOLVED that the following ballot question is accepted and approved for placement on the November 2007 election ballot:

REFERENDUM ON ORDINANCE NO. 570-07-06

SHALL ORDINANCE NO. 570-07-06, WHICH REZONED THE FOLLOWING DESCRIBED PROPERTY WITHIN THE CITY OF BIG RAPIDS FROM THE R-3 RESIDENTIAL ZONE TO THE R-P RESIDENTIAL-PROFESSIONAL ZONE, BE REPEALED?

That part of Court House Square bounded on the north by Elm Street, on the east by S. Stewart Avenue, on the south by Linden Street and on the west by S. Warren Avenue; that part of Court House Square bounded on the north by Elm Street, on the east by Ives Avenue, on the south by Linden Street and on the west by S. Stewart Avenue; being Lots 1 through 16 inclusive of Block 21; Lots 1 through 16 inclusive of Block 22; Lots 9 through 16 inclusive of Block 29; Lots 1 through 8 inclusive of Block 30; all being a part of Warren and Ives' Plat (Original Plat), and

Lots 1 through 16 inclusive of Block A; Lots 1 through 16 inclusive of Block B; all being a part of Warren and Bronson's Subdivision of South Half of Warren and Ives' Plat (Original Plat) Reservation, and

Lots 1 through 7 inclusive of Block 23; Lots 1 through 8 inclusive of Block 26; all being a part of Warren and Bronson's Third Subdivision, Plat #2.

YES ()

NO ()

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: August 20, 2007

RESOLUTION NO. 07-101

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

**RESOLUTION ISSUING PERMIT FOR
FERRIS STATE UNIVERSITY FIREWORKS DISPLAY**

WHEREAS, Ferris State University has requested a fireworks display permit for September 8, 2007, beginning approximately 9:30 p.m. (dusk) after the football game, and

WHEREAS, the fireworks display will be located at the Ferris State University East Intramural Field, located south of the FSU football field, behind student housing.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby issues a permit for fireworks display, contingent on site inspection once the contractor is on site, in accordance with the provisions of Act 358 of 1968, and directs the Department of Public Safety to coordinate this event with Ferris State University Security and,

BE IT FURTHER RESOLVED, that the City Clerk is authorized to sign said permit on behalf of the City Commission.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: August 20, 2007

RESOLUTION NO. 07-102

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

**RESOLUTION APPROVING TRAFFIC CONTROL ORDER
469 TO CREATE TWO HANDICAP ONLY LOADING
AND UNLOADING ON EAST SIDE OF THE
500 BLOCK OF WILLOW AVENUE**

WHEREAS, in accordance with the provisions of Act 32, public Acts of 1956, Section 2.53, the Department of Public Safety has made the following Traffic Control order:

Create two handicap only loading and unloading zone equal to two parking spaces on the East side of the 500 block of Willow Avenue, one north and one south of the curb cut directly in front of Riverview School in the area currently listed as no parking from 8 a.m. to 4 p.m. These parking spots usage shall be limited to 10 minutes.

Install "Handicap loading and unloading zone" signage adjacent to the new handicapped only parking spaces.

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: August 20, 2007

RESOLUTION NO. 07-103

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

**RESOLUTION APPROVING TRAFFIC CONTROL ORDER 470 TO
ESTABLISH TEMPORARY "NO PARKING PARADE ROUTE" SIGNAGE
TO BE USED FOR TRAFFIC CONTROL DURING PARADES**

WHEREAS, in accordance with the provisions of Act 32, public Acts of 1956, Section 2.53, the Department of Public Safety has made the following Traffic Control order:

Establish temporary "No Parking Parade Route" signage to be used for traffic control during parades.

The temporary signs shall be posted no later than eight (8) hours prior to the parade, and shall have the times when parking is not allowed printed clearly on the signage. They shall be removed within eight (8) hours after the parades completion.

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: August 20, 2007

RESOLUTION NO. 07-104

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

**RESOLUTION APPOINTING OFFICER DELEGATE AND
ALTERNATE TO ANNUAL MEETING OF THE
MICHIGAN MUNICIPAL LEAGUE**

BE IT RESOLVED, that City Commissioner Terry Harper be appointed Delegate and Steve Sobers be appointed as Alternate to the Annual Meeting of the Michigan Municipal League to be held on September 18 – 20, 2007, in Acme, Michigan.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: August 20, 2007

RESOLUTION NO. 07-105

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

**RESOLUTION AUTHORIZING EARLY RETIREMENT WINDOW
OF SEPTEMBER – DECEMBER 2007
FOR AFSCME AND NON-BARGAINING MERS
DEFINED BENEFIT EMPLOYEES**

In accordance with the MERS Plan Document of 1996, the City of Big Rapids #5402 adopts the following benefits for Division 10 – General Union and Division 11 – General Non-Union.

Supporting Supplemental Valuation is dated August, 2007.

PROVISION FOR EARLIER NORMAL RETIREMENT

F(N) – 20

(Twenty years and out)

WINDOW PERIOD

From September 1, 2007 to December 31, 2007

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the Resolution adopted.

Dated: August 20, 2007

I CERTIFY THAT THE ABOVE WAS ADOPTED BY the City of Big Rapids on August 20, 2007.

Roberta R. Cline, City Clerk

Dated: _____

RESOLUTION NO. 07-106

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

**RESOLUTION ACCEPTING WATER MAIN EASEMENT
FOR UNIVERSITY PARKE SUITES APARTMENTS**

WHEREAS, Big Rapids Development LLC is constructing the University Parke Suites Apartments on a parcel of land located on 14 Mile Road, Big Rapids Township, and has requested City water service, and

WHEREAS, staff has reviewed and approved the water service easement agreement, copy attached.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the easement agreement between the City and University Parke Suites Apartments for the water service line for the University Parke Suites Apartments and the Mayor is authorized to sign the easement on behalf of the City and the City Clerk is authorized to record the easement and retain the original document.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: August 20, 2007

UNSCHEDULED BUSINESS

Gary Johnson, Billboards by Johnson, addressed the City Commission regarding the pending lawsuit he has with the City of Big Rapids. He stated that he appeared before the Zoning Board of Appeals on August 16th. The decision of the ZBA was that he had previously not been treated fairly with 4' by 5' sign under the then existing ordinance.

The City's current ordinance allows for a 6' by 10" sign. A week from this date, the case will go to court. Mr. Johnson proposed settling the lawsuit by permitting him to have a 192 square foot sign on only Perry Avenue with a cap of 20-years. He suggested that the City would be gambling with the chance of the courts awarding a sign at each of the three locations.

City Attorney Eric Williams questioned Mr. Johnson if he would consider a billboard on E M-20 and dropping the other two locations. Mr. Johnson replied "no", that FSU and Perry Avenue is the most favorable location. He stated the businesses south of town are very interested in this sign for advertising purposes and they will testify in court that they want the sign.

Mr. Williams questioned Mr. Johnson if he would accept a 10' by 10' sign with a 10 foot height to the bottom for 20 years. Mr. Gary stated that most cities allow a 300 square foot sign. A sign on Perry Avenue will be competing with the other large signs in the area. He proposed 15' to the bottom, which is the height of Kentucky Fried Chicken.

Mr. Williams questioned Mr. Johnson if he would consider a 10' x 12' sign, like Kentucky Fried Chicken, with 15' to the bottom for 20 years.

Mr. Johnson stated the smallest he would like is 10' x 16' or 160 square feet with a height of 15 feet to the bottom. In reply to a question regarding his lease of the land for the signs, he stated that he has had the lease for 5 years, but the time does not go into effect until the billboard is built.

MOTION NO. 07-107

Commissioner Hogenson moved, seconded by Commissioner Rothstein that the City Commission adjourn to closed session to discuss the pending litigation of Billboards by Johnson verse the City of Big Rapids.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The motion passed.
August 20, 2007

The City Commission adjourned to closed session at 9:56 p.m. to discuss the pending litigation of Billboards by Johnson verses the City of Big Rapids. They returned to regular session at 10:15 p.m.

The City Commission directed the City Attorney to proceed as discussed.
There being no further business to come before the Commission, the meeting was adjourned at 10:16 p.m.

* * * * *

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
August 28, 2007

Mayor Edward Burch called the special meeting of the City Commission to order at 7:00 p.m.

Present: Commissioner Peggy Brennan, Commissioner Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 21 persons in the audience.

Pledge of Allegiance.

MOTION NO. 07-108

Commissioner Harper moved, seconded by Commissioner Hogenson that the resolution pertaining to the Fiscal year 2006/2007 General Appropriations be tabled for further information.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None

RESOLUTION 07-109

Commissioner Brennan moved, seconded by Commissioner Harper, the adoption of the following:

**RESOLUTION AMENDING FISCAL YEAR 2007/2008
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2007/2008 General Appropriations on May 7, 2007 per Resolution No. 07-44, 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 attached Budget Adjustments to the FY 2007/2008 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2007/2008 City of Big Rapids Budget as follows:

	<u>Original</u>	<u>Changed</u>	<u>Amended</u>
<u>DDA Fund</u>			
248-806-967.000	0	+ 6,200	6,200
101-267-801.000	0	+ 3,600	3,600

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Date: August 28, 2007

MOTION NO. 07-110

Commissioner Harper moved, seconded by Commissioner Hogenson that the resolution pertaining to the Fiscal Year 2006/2007 General Appropriations be taken for the table for consideration.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

RESOLUTION NO. 07-111

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

**RESOLUTION AMENDING FISCAL YEAR 2006/2007
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2006/2007 General Appropriations on May 1, 2006 per Resolution No. 06-51, 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 attached Budget Adjustments to the FY 2006/2007 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2006/2007 City of Big Rapids Budget as follows:

	<u>Original</u>	<u>Changed</u>	<u>Amended</u>
<u>General Fund</u>			
101-966-999.208	115,000	+36,000	151,000
<u>Pool Fund</u>			
208-931-699.101	115,000	+36,000	151,000

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Date: August 28, 2007

There was a lengthy discussion regarding the Resolution of Intent for filing a Vibrant Small Cities Grant.

City Manager Steve Sobers explained the events that brought the Vibrant Small Cities Grant before the City Commission. Staff received a call from Wilcox Engineering that the City should be looking at this grant. The State of Michigan is considering a one million dollar grant for six communities in Michigan to spend in their downtowns. The grant applications are due on September 7th.

The engineers believe the Vibrant Small Cities Grant to be well suited to Big Rapids. Since the City has just finished the Hyatt Palma Downtown Blue Print Plan there are a number of projects that could be considered for this type of grant.

Façade Project	Sewer renovations
Pocket Park renovations	Relocation of Library/Cultural Center
Lighting upgrades	
Other projects as identified by Hyatt Palma	

The community and Commission will need to decide whether or not they want to apply for this grant. There is a one million dollar match to the one million grant monies. If the City is selected, they will need to make a presentation in Lansing outlining the proposed projects. The Michigan State Housing Development Authority (MSHDA) representative said that they looked strongly at low/moderate income communities. Grant monies should be expended by 2009.

Mr. Sobers suggested that since the City has the infrastructure and Hyatt Palma Plan in place, the City has a chance of obtaining the grant. Since there needs to be letters of support, staff will be going to the community clubs to look for input. Final projects would be the decision of the Commission.

Mr. Sobers explained that there is a match requirement for the one million dollars. Currently \$200,000 of budget carry-overs are earmarked for the arial ladder and the Library. The City will continue to do that. There will be four budget periods between now and 2009, and there will likely be an extension to the grant timetable because it is difficult to spend two million dollars.

He outlined possible grant matches:

- \$100,000 in Fremont Foundation with Friends of the Library.
- Streetlights could use highway and road construction monies
- Michigan Avenue improvements
- USDA has planning grants and low interest loans
- There could be a community wide campaign drive for the library in hopes of raising \$250,000 or more.
- There are a number of potential income sources between now and 2009.

Cities are required to certify that they have one million dollars by March of next year. We have the reserve in General Fund. It could be used up front as the match, but we could then replace with the money we get as we go along. MSHDA wanted 2 or 3 projects to add to that figure.

Florence Froelich, 519 Linden, member of Park and Recreation Board, is concerned with rumors she is hearing regarding the Library. She is opposed to moving the Library. She questioned the status of the feasibility study for the Library to determine if that current building is okay to continue to use.

Mr. Sobers replied the feasibility study is anticipated as a January project. Plans were to appoint a committee to review it and come back with a recommendation of what we could do at the present site for about \$1,500,000. That is the amount identified to renovate the Lutheran Church into a library and this same amount of money could be needed at the present Library. The Vibrant Small Cities Grant of one million dollars cannot be used at the present Library site. It must be used in the downtown district. Possible locations are the parking lot across from City Hall or the Swears Building at the corner of Maple and State Street. Both share the green space at Mitchell Creek

Mrs. Froelich believes that Mitchell Creek is at a level difficult to use in connection with either location. She believes the Library should be in a quiet place. She is supportive of the aerial ladder idea.

Commissioner Rothstein stated that every year the Library is discussed and the City has started putting funds together. This grant provides funds that can be used.

Dale Hobart, member of Library Board, strongly encouraged favorably action on this grant. The cost to stay in the current building may be more than the cost of a new facility. He would hate to have the community not act on the opportunity. If members of the community are not willing to grow and change, residents will loose a community that they love. There are things that must be done differently then what has been done in the past.

Jeanette Fleury, past member of the Library Board, stated it was the recommendation of the architect that the center of the floors at the Library not be used for books. The bookshelves in the center of the rooms needed to be removed and books are now on the outer walls. Space is limited. There are no handicapped parking spaces. The Library is at a busy intersection. On-street parking is dangerous for parents with small children. She does not believe that it is the best situation the City could have. A new Library would allow for all space to be used. A new building would be designed as a Library so that people who work there can manage the books and people as a Library should. She urged the City to apply for the grant.

Jim Peek, resident of Green Township and a City employee, addressed the Lions Club last evening. The Lions think that the City should move forward. He stated he lives outside of the community, but this is his community. There are all sorts of uses for a cultural center and it is his belief that as a community we should look at the potential of this grant.

Dr. Jeff Mossell stated that when his family moved to the community, the first thing they looked at was the Library. The first time his wife saw it, she was not impressed. The Rotarians discussed this grant. Even though the Rotary Club recently put money into the literacy center at the current library, everyone was excited to move forward to get this grant and the possibility of a new Library.

Commissioner Hogenson stated he did not necessarily want this grant pegged to the Library. He would like to see the feasibility study at the current Library and believes it can be done rather quickly.

Commissioner Harper agreed with Commissioner Hogenson that a feasibility study can be arranged. A feasibility study is going to address the issues at the library and she would like that completed. She questioned if there were still enough projects available to pursue the grant.

Mayor Burch stated that the City currently has reserves to get it through a disaster. There are enough resources to get the City over the hump until help comes in. The City is looking at six months to get one million dollars for a match. The only funds the City has is in the General Fund. The current ladder truck must be replaced at the cost of about three quarters of a million dollars. In addition, the Wastewater Treatment Plant needs to be taken care of at about seven million dollars. This one million dollars grant or match cannot be used for any project that is already underway.

The City must submit a list of five to ten projects, after which there will be hearings and input. Letters of support for the projects must be obtained. The money cannot be spent for any current project. The City will have a difficult time pulling this together without dipping into the General Fund. The money must be spent in two years. The Mayor questioned if the Commission members wanted him to support the grant and direct to staff to spend down those reserve funds. He hopes that people who back this will be willing to help support it.

Commissioner Harper stated she has no problem tabling this matter to bring back to the next meeting. She would like to see what the projected budgets would be over the next three years, **as well as revenues available for the match**. She would also like to know for sure whether the intent could include the existing Library, **but than later have it dropped**.

City Manager Sobers stated that the listing in the proposed Resolution of Intent can be more inclusive then what the final projects will be. Seven projects are listed, but this will be reduced to three or four. The sums of the projects need to be one million dollars. One thing that must happen is that there needs to be community support and letters of support. Staff needs direction from the City Commission if they are to proceed with the grant process. The Resolution of Intent is a wish list.

MOTION NO. 07-112

Commissioner Harper moved, seconded by Commissioner Hogenson that the City staff present at the next City Commission meeting a list of possible projects for consideration for the Vibrant Small Cities Initiative Grant.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None

City Manager Sobers explained the new redevelopment liquor license program administered through the Liquor Control Commission. The liquor licenses are used for restaurants. The City received an inquiry from the new owners of the previous Two Sisters Restaurant on N. State Street. The new program allows restaurants in the downtown area an opportunity to obtain liquor licenses. The new owners of this restaurant are not within our current downtown area, but for the purpose the redevelopment liquor license, the City can define what the downtown is to be. The program allows one liquor license for each \$11,000,000 spent in redevelopment. These expenditures can include public expenditures, such as Ferris or the City.

The City Commission can define what its downtown district is. If it chooses, it can expand to the east side and maybe to the Gate, or, it may designate the entire town as downtown. These licenses are approved by address only. The license does not move if the owner moves. There is a great deal of local control. Staff would like the Commission's direction as how to proceed with the current request.

Mark Gifford further explained that there are two ways the community can grant the licenses:

- A – To businesses in a defined redevelopment project area
- B – Only the City downtown area

Commissioner Hogenson questioned if the City has an opportunity to deny a license.

Commissioner Harper would like staff to come back with scenarios of what this would look like if the area permitted to use the licenses is the downtown, or if it is on a citywide basis.

There being no further business to come before the Commission, the meeting was adjourned at 8:43 p.m.

* * * * *

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
September 4, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:46 p.m.

Present: Commissioner Peggy Brennan, Commissioner Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 46 persons in the audience.

Pledge of Allegiance.

The agenda was approved as modified adding discussion of the depot and International Fire Code under Public Comments Not Related to Items on the Agenda.

The minutes of the August 20, 2007 meeting were approved as presented. The minutes of August 28th meeting, under discussion of the Vibrant Small Cities Grant, were revised by Commissioner Harper as follows:

“Commissioner Harper stated she has no problem tabling this matter to bring back to the next meeting. She would like to see what the projected budgets would be over the next three years, **as well as revenues available for the match**. She would also like to know for sure whether the intent could include the existing Library, **but than later have it dropped**. “

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

New Horizon Landscape LLC	772.00	State Street Hardware	18.54
Tri County Portable	368.00	Big Rapids Printing	32.08
State Street Hardware	8.99	DTE Energy	5,033.10
Easton Telecom Service	2.60	DTE Energy	20.99*
Demco, Inc.	78.36*	Raco Industries	429.82*
Staples	551.51*	Easton Telecom	2.00*
Kable Fillment Services	59.95*	Amazon.Com	362.97*
Baker & Taylor Books	1,196.74*	Audio Editions	311.88*
State Chemical MFG	183.46	Consumers Energy	617.52
Consumers Energy	1,624.33	Consumers Energy	835.97*
Thomson Gale	65.15*	Baker & Taylor Books	19.53*
Audio Editions	56.00*	Random House	12.00*
Baker & Taylor Books	54.42*		

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY

A proclamation was presented to Joan Timmer, member of DAR, in honor of Constitution Week.

**PROCLAMATION DECLARING CONSTITUTION WEEK
September 17 – 23, 2007**

WHEREAS, Public Law 915 establishes September 17 as Constitution Day and September 17 – 23 as Constitution Week, and

WHEREAS, September 17, 2007 marks the two hundred twentieth anniversary of the drafting of the Constitution of the United States of America by the constitutional convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion, and

NOW, THEREFORE I, Edward Burch, by virtue of the authority vested in me as Mayor of the City of Big Rapids, Michigan do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 4th day of September of the year of our Lord two thousand and seven.

Mayor Edward Burch

A proclamation was presented on behalf of Relay for Life

**PROCLAMATION
AMERICAN CANCER SOCIETY**

WHEREAS, The American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service.

WHEREAS, Dr. Gordon Klatt, founded the Relay for Life idea and ran and walked for 24 hours around a track in Tacoma, Washington in 1985. He raised over \$27,000 and traveled some 81 miles for the American Cancer Society.

WHEREAS, In 1994, the American Cancer Society adopted this activity as it's signature event to hold nationwide. This is the 13th annual event to be held in Mecosta County.

WHEREAS, Our symbol is the Sword of Hope which represents the might, spirit, and determination of over two million volunteers nationwide to eliminate cancer.

NOW, THEREFORE, I Edward S. Burch, Mayor of the City of Big Rapids do hereby proclaim the month of September 2007 as

RELAY FOR LIFE MONTH

and urge all citizens to continue their generous support to the mission of the American Cancer Society of Michigan.

Edward S. Burch, Mayor of the
City of Big Rapids

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Staff updated the City Commission on the existing Lamar Advertising billboard on M-20. It is non-conforming on a piece of City property that was obtained as the result of an easement. The City receives \$100 a month from Lamar Advertising. Staff is interested in removing the sign because it is non-conforming and does not comply with the City's regulations. Lamar is interested in keeping the sign because they have a list of businesses that use it. Communications have gone back and forth between the City and Lamar. The City has instructed them to remove the sign; they reply that the sign is being used. Staff needs direction from the City Commission regarding its removal.

The City was taken to court by another sign company and forced to have a sign they did not want. Commissioner Rothstein and Commissioner Hogenson agreed that this is a different situation and the sign should be removed.

Commissioner Harper understands the sign is grandfathered in under the City's ordinance. She had not heard complaints on the sign and the City receives \$100 a month.

City Attorney Eric Williams explained the sign is non-conforming and was put up when the Curries owned the property. Through an easement, the City acquired the sign. The City took the stand that when the lease was up, the usage would be terminated. The City negotiated a new lease with an end date, which was this year, with agreement that the City would notify Lamar when it was to come down. Staff has requested that the sign be taken down. It has outlived its lease. The existing lease between Lamar and the City was prepared with the idea the sign would come down at the end of the lease. Jim Peek sent the letter and Lamar has asked the City to reconsider. Lamar asked that the City Manager bring it to the City Commission for review.

Jim Peek, Zoning Administrator, stated he has sent three letters to Lamar Advertising. The City should at least follow rules it would ask any other business to follow. Any other business with a non-conforming sign leaving its location must come into compliance.

Mayor Burch questioned the possibility of offering the same terms as extended to Billboard by Johnson with some kind of money from taxes. The City Attorney stated that the City needs to follow its own ordinances. The lease has expired; they were given additional years. It is time for the sign to be removed.

The City Commission directed the City Manager to order the sign removed.

City Manager Sobers up-dated the City Commission on the status of the Depot on Maple Street. The Chamber of Commerce is interested in moving to the depot building. Currently the Chamber has a lease with the City for their building on N. State Street. The lease states that if they stay in the building for the term of their lease, the building is theirs. If they leave before the lease reaches its end date, they walk away from the building. Over the years, the lease does not match to what has actually happened. It is the hopes of the Chamber that they could sell the building and use the proceeds to as a match for grant monies to be used at the new depot.

Commissioner Harper would like the Commission provided with a copy of the lease with the Chamber.

Commissioner Brennan expressed hope that with the improvements to Maple Street and any improvements to the depot, it would be the beginning of many other improvements on the east side.

City Manager Sobers stated the recent codes adopted by the City Commission – the IPMC and the Housing Code of 1917 - reference the International Fire Code. He asked the Commission to direct staff to take the 2006 International Fire Code to the selected review committee next week for consideration.

Commissioner Brennan questioned the need for the Code to go to the Committee since the previous two codes reference the Fire Code. The committee was formed to address the windows issue and fees, but

issues have grown and she prefers that the committee not go on forever. City Attorney Williams stated it should go back to the Inspection Review Committee for review and recommendation.

Joe Bechaz requested that the Code be referred to the Inspection Review Committee. The Inspection Review Committee wanted a public hearing on the other two codes, but there were no hearings. This code affects every house in the City. Paul DesNoyers supported the request for referral to the Inspection Review Committee.

Cathy Heavner supported the International Fire Code being referred to the Inspection Review Committee. She stated that not a university in Michigan (except Ann Arbor) requires a different window size. The code is a building code.

The International Fire Code was referred to the Inspection Review Committee.

Mary Ryan reported that the Friends of the Library made \$4,324 through the Library book sale this past weekend. She thanked everyone who helped. Dale Hobart thanked Mary and the Friends for all they have done and the funds that they raised.

Mark Gifford, Neighborhood Services Director, informed the City Commission that the Lake Osceola Bank will receive an award for the number one downtown redevelopment in the State.

City Attorney Eric Williams provided the City Commission with background information on on-premises liquor licenses under the "Redevelopment Project Area and Development District or Area" Act. The Act allows cities to establish the location of a redevelopment project area for the purpose of these liquor licenses to be either the entire City or a portion of the City. The businesses utilizing the licenses must provide dining. The license is assigned to the business at their business location. If they go out of business, they surrender the license. There are no guidelines established giving directions to cities regarding their prerogative to grant or deny the licenses.

The City Commission directed staff to refer the matter to the City Plan Board for review and determination of the area or district to be included for the purpose of allowing the special on-premise liquor licenses.

RESOLUTION NO. 07-113

Commissioner Brennan, seconded by Commissioner Hogenson, the adoption of the following:

RESOLUTION AUTHORIZING LYNNE M. FIELDS TO SIGN AS CITY TREASURER

WHEREAS, Lynne M. Fields was appointed City Treasurer by Resolution No. 07-89 on August 6, 2007.

NOW, THEREFORE, BE IT RESOLVED, that Lynne M. Fields, City Treasurer, and Jean C. Schneidt, Assistant City Treasurer, each are authorized and empowered on behalf of the City of Big Rapids, a municipal corporation, to transfer, endorse, sell, assign, and deliver any and all certificates of stock, bonds, debentures, notes, subscriptions, warrants, stock purchase warrants, evidences of indebtedness, other securities, or any financial account now or hereafter registered in the name of or owned by the City of Big Rapids, and to make, execute and deliver any and all written instruments necessary to effectuate the authority hereby conferred.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: September 4, 2007

RESOLUTION NO. 07-114

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

**RESOLUTION AMENDING FISCAL YEAR 2007/2008
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2007/2008 General Appropriations on May 7, 2007 per Resolution No. 07-44, 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 attached Budget Adjustments to the FY 2007/2008 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2007/2008 City of Big Rapids Budget accordingly.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: September 4, 2007

ORDINANCE NO. 587-09-07

Commissioner Harper, seconded by Commissioner Brennan, the adoption of the following:

**ORDINANCE ON REQUEST FOR REZONING
PROPERTY AT 125 E. BELLEVUE STREET FROM
INDUSTRIAL TO C-2 COMMERCIAL**

WHEREAS, it was requested that the property located at 125 E. Bellevue Street be rezoned from Industrial to C-2 Commercial, and

WHEREAS, the Plan Board conducted a public hearing on the requested rezoning on August 15, 2007, and

WHEREAS, the Plan Board recommends to the City Commission that the requested rezoning be granted.

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The parcel at 125 E. Bellevue Street is rezoned from industrial to Commercial C-2, and the zoning map is revised to reflect the rezoning; the legal description of the rezoned parcel is:

Warren and Bronson's First Subdivision, Block 2, Lots 21 through 27
Inclusive.

Section 2. The Clerk is directed to publish this ordinance in the Pioneer.

Section 3. This ordinance shall be effective upon publication.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the ordinance adopted.

Dated: September 4, 2007

Published: September 7, 2007

ORDINANCE NO. 588-09-07

Commissioner Hogenson, seconded by Commissioner Harper, the adoption of the following:

**ORDINANCE REZONING PROPERTY AT
544 S. STATE STREET FROM RESTRICTED
RESIDENTIAL TO C-3 COMMERCIAL**

WHEREAS, it was requested that the property located at 544 S. State Street be rezoned from Restricted Residential to C-3 Commercial, and

WHEREAS, the Plan Board conducted a public hearing on the requested rezoning on August 15, 2007, and

WHEREAS, the Plan Board recommends to the City Commission that the requested rezoning be granted.

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The parcel at 544 S. State Street is rezoned from Restricted Residential to C-3 Commercial, and the zoning map is revised to reflect the rezoning; the legal description of the rezoned parcel is:

Section 15, T15N, R10W. A Parcel of Land Beginning on the W Line of S. State Street 225 Ft. S. of SE Corner of Lot 7 of Stimson's Addition; TH W 148.5 Ft; TH S. to N Line of Block 8 of Clark and Fuller's Addition; TH E 148.5 Ft. to W Line of S. State Street; TH N to POB. Also, Clark and Fuller's Addition, Block 8, The E ½, Except Beginning at the SE Corner of Said Block 8, TH W 5 Ft. Along Block Line, TH NE'y to a Point on E Block Line 5 Ft. N of POB, TH S. 5 Ft Along Block Line to POB.

Section 2. The Clerk is directed to publish this ordinance in the Pioneer.

Section 3. This ordinance shall be effective upon publication.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the ordinance adopted.

Dated: September 4, 2007

Published: September 7, 2007

Commissioner Harper stated that the requests for rezoning further support the need to update the Master Plan.

MOTION NO. 07-115

Commissioner Harper moved, seconded by Commissioner Rothstein that the City Commission table the ordinance amendment to the fence regulations to allow electric fences by permit only, to gather information on a possible fee structure, annual review and notification to surrounding neighbors.

Yeas: Harper, Hogenson, Rothstein, Burch

Nays: Brennan

The motion passed.

September 4, 2007

RESOLUTION NO. 07-116

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

**RESOLUTION RESERVING GENERAL FUND BALANCE
FOR LIBRARY AND AERIAL LADDER**

WHEREAS, the City of Big Rapids is interested in funding the major projects of Library renovation and aerial ladder purchase over the next several years, and

WHEREAS, both of these projects will likely cost over a million dollars causing the City to need to build earmarked reserves for their purchase, and

WHEREAS, it shall be the policy of this Commission to keep a minimum of \$1,000,000 on unrestricted reserve in the General Fund of the City against future emergencies which may occur not related to these capital purchases, and

WHEREAS, the carryover balance of unrestricted funds grew in the 2006-07 Fiscal year to an estimated \$1,420,000.

NOW, THEREFORE, BE IT RESOLVED, that the Commission of the City of Big Rapids, hereby authorizes and directs the City to transfer

\$150,000 into the Library Improvement fund
and
\$150,000 into the Aerial Ladder reserve account

to be kept for the future purchase of these important projects.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: September 4, 2007

The City Commission continued their discussion and review from the study session of the Vibrant Small Cities Initiative Grant. Commissioner Harper moved and it was seconded by Commissioner Hogenson, that the two proposed resolutions before the Commission be considered together for discussion purposes.

Commissioner Harper stated that she favored the option that specially supported the improvements mentioned in the Hyatt Palma Report. That report did not include a cultural center/library. She expressed concern for the large amount of money that would need to be committed to the cultural center/library proposal. If the Hyatt Palma enhancements were in place, it would bring forth further donations for a library. The City is already looking at the Wastewater Treatment Plant improvements of \$7.5 million.

Jim Peek projected the importance of a cultural center/library in the downtown area by personally committing \$1,000 by December 1st of this year.

Commissioner Hogenson believes that the Library feasibility study needs to be completed. He also believes that if the cultural center/library is wanted, funds will be raised. He has no problem with the concept if there is a good plan and funding available.

RESOLUTION NO. 07-117

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

**RESOLUTION OF NOTICE OF INTENT
TO APPLY FOR MICHIGAN STATE HOUSING
DEVELOPMENT AUTHORITY
VIBRANT SMALL CITIES INITIATIVE GRANT**

WHEREAS, the Michigan State Housing Development Authority (MSHDA) has announced its Vibrant Small Cities Initiative (VSCI), which is a part of Governor Granholm's efforts to create vibrant Michigan communities to serve low and moderate income residents, and

WHEREAS, through this program, six Michigan communities will be selected to receive \$1,000,000 each to benefit their downtown based on the grant applications they submit, and

WHEREAS, City and community members have met and identified several projects in the downtown plan that would qualify for funding such as wireless internet access, signature building acquisition, façade grant, lighting/electrical/street improvements, pocket park, implement plan for Chinese restaurant lot, wayfaring signage, utility work, streetscape/benches, and other projects identified in the Hyatt Palma Downtown Blue Print.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission is in support of the Vibrant Small Cities Initiative Project and the submission of a Notice of Intent apply for grant money from the Michigan State Housing Development Authority for projects to benefit the downtown area.

Yeas: Harper, Hogenson, Burch
Nays: Brennan, Rothstein
The Mayor declared the resolution adopted.
Dated: September 4, 2007

RESOLUTION NO. 07-118

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

**RESOLUTION AUTHORIZING A ONE YEAR EXTENSION OF TREE TRIMMING AND
REMOVAL CONTRACT TO WONSEY TREE SERVICE**

WHEREAS, the City authorized a two year contract with Wonsey Tree Service, Resolution No. 05-115 for a period of October 1, 2005 through September 30, 2007, with a one year extension option for tree trimming and removal services, and

WHEREAS, Wonsey Tree Service will extend the contract under the one year option for the same 2006/2007 prices as follows:

2007-2008	12 inches diameter	12-24 inches diameter	24-36 inches diameter	36-48 inches diameter	48-60 inches diameter
Removal	89.00	185.00	189.00	220.00	256.00
Trimming	89.00	74.00	70.00	110.00 (130-3 person)	
Stumps	38.00	38.00	39.00	50.00	56.00

NOW, THEREFORE, BE IT RESOLVED, that the City extend the tree trimming and removal contract with Wonsey Tree Service for the period of October 1, 2007 to September 30, 2008.

BE IT FURTHER RESOLVED, that the cost be expensed to Account No. 101-756-801.000.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the Resolution adopted.
Dated: September 4, 2007

RESOLUTION NO. 07-119

Commissioner Harper, seconded by Commissioner Hogenson, the adoption of the following:

**RESOLUTION AMENDING MICHIGAN DEPARTMENT
OF TRANSPORTATION SECTION 5311 OPERATING ASSISTANCE
AND AUTHORIZING MAYOR AND CITY CLERK TO SIGN
CONTRACT NO. 2007-0177/Z1/R1**

WHEREAS, the Big Rapids Dial-A-Ride Transportation (DART) system derives approximately 15% of its operating revenue from the Federal Transit Administration (FTA), and

WHEREAS, FTA funds are 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, 2006 through September 30, 2007, the City has requested federal funding in the amount of 16% of the City's proposed operating budget (\$61,200), and

WHEREAS, the attached Agreement No. 2007-0177/Z1/R1 represents a revision from 16% to 17% which provided an additional \$3,825.00 for the City of Big Rapids Dial-A-Ride Transportation System.

NOW, THEREFORE, BE IT RESOLVED, that the City of Big Rapids hereby agrees to enter into the Project Authorization Agreement for FY 2007 Section 5311 Operating Assistance for the additional \$3,825.00 and authorizes the Mayor and City Clerk to sign the contract documents.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: September 4, 2007

RESOLUTION NO. 07-120

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

**RESOLUTION AUTHORIZING AND APPROVING A LEASE OF
SPACE ON THE PERRY AVENUE WATER TOWER BY TUCKER
COMMUNICATIONS**

WHEREAS, the City has leased space on its water towers to communications businesses for the purpose of installing and operating communications equipment, and

WHEREAS, the City leases space on its water towers by standardized lease provisions and uniform terms, and

WHEREAS, the proposed lease between the City of big Rapids and Tucker Communications is in substantially the same form as other leases approved by the City for the installation and operation of communications equipment,

NOW, THEREFORE, BE IT RESOLVED that the lease between the City of Big Rapids and Tucker Communications is authorized and approved in the form that is attached.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: September 4, 2007

Dale Hobart stated he was very concerned with the request for the feasibility study for the current library location, believing the study is restrictive. Previous discussions of the library included what could be done with the current library for one and one-half million dollars, but the Commission is concerned with spending that much on a new building. A couple of years ago, the projected cost to renovate the current building was four and one-half million dollars. Renovation involves finding a place to temporarily relocate to during renovation process and then moving back into the building.

City Manager Sobers stated that the first phase of the study referred to by Mr. Hobart was to determine what could be done for one and one-half million dollars, because that was the cost of the Lutheran Church, which was an option for a possible library.

There being no further business to come before the Commission, the meeting was adjourned at 10:26 p.m.

* * * * *

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
September 17, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:45 p.m.

Present: Commissioner Peggy Brennan, Commissioner Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 21 persons in the audience.

Pledge of Allegiance.

The agenda was approved with the addition of the following items to Public Comment:

- 1) Well Head Protection
- 2) Vibrant Small Cities Initiative
- 3) Charter School Pedestrian Bridge

The minutes of the September 4, 2007, meeting were approved with the correction to the vote on Resolution No. 07-117.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Northern First Aid	48.04	Consumers Energy	8.00
Tri County Portable	368.00	First National Bank	150.75
Lab Safety Supply	58.30	Petty Cash	13.42*
Hurst Industries	89.95*	First National Bank	1,612.15*
Baker & Taylor	347.87*	Audio Editions	16.00*
Random House	6.00*	Recorded Books	13.90*
Charter Communications	269.99*	Big Rapids Printing	75.25
Delta Labs	277.49	Lowes	22.62
Ferens, Melissa	48.02	Big Rapids Automotive	59.88
Great Lakes Office	14.68	Lowes	1,968.39
Vredevelde Haefner	236.00	AT&T	89.90
Great Lakes Office	57.38*	Vredevelde Haefner	257.00*
AT&T	237.06*	Audubon	40.00*
Kids Discover	19.95*	Michigan Sportsman	14.97*
Motor Trend	12.00*	National Automobile	70.00*
National Geographic	34.00*	New York Times	369.20*
Science News	54.50*	Sports Illustrated	89.04*
US News & World Report	44.00*	Mecosta Co. Genellogical	60.00*
Baker & Taylor	139.53*		

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

City Manager Steve Sobers presented information on the Vibrant Small Cities Initiative grant. The grant requires the City to show that it has \$1,000,000 in funds by March 2008 to match the \$1,000,000 grant if the City is successful in obtaining it. The proposed accounts identified to do that are:

\$487,000	Reserve for Ice Mountain
\$ 88,000	Reserve for cell tower rentals
\$200,000	Major Streets – Michigan Avenue
\$250,000	Sewer Capital

By identifying these funds, it will not involve the City's fund balance. The City needs to certify that we have \$1,000,000 with the clear understanding that 50 – 60% of the funds identified will not actually be spent.

The actual project will involve the State putting in a minimum of \$200,000 to be matched by \$200,000 from the merchants for the façade program. That \$200,000 will not be in a City fund because the State matches other funds spent by merchants and it will not be in the treasury by March of next year. It is estimated that the cost to renovate the façade of the furniture store building alone will be in the \$250,000 range. Signage is a part of the grant for the façade, whereby DDA will supply a match for the wayfare signage. Artworks will match some monies. The City will use Major Street and Sewer capital funds as a match for the infrastructure work to be done downtown.

Neighborhood Services Director Mark Gifford stated that the façade grant has not been applied for yet. The City will apply for that grant, but it will also be a part of the Vibrant Small Cities grant. If the City gets the Vibrant Small Cities grant, it will also get the façade grant. Mr. Sobers added that even if the City does not get the Vibrant Small Cities grant, it could still get the façade grant.

Mr. Sobers stated that the application is not a crapshoot, but an investment in the community. It is similar to the county garage project, where other funds were committed and then monies were borrowed for the other projects. He believes it will help the downtown. The project does not touch the City's reserves.

Commissioner Hogenson stated that the community must believe in Big Rapids and do something like this.

Commissioner Harper stated she voted in favor of this package because there are matched funds. It is not tapping into the City's reserve funds.

Mr. Sobers stated that the presentation strategy would start at the DBA meeting that meets tomorrow. The 30-minute presentation before the State is September 28.

MOTION NO. 07-121

Commissioner Harper moved, seconded by Commissioner Hogenson that the City Commission accept the Vibrant Small Cities Initiative anticipated March 2008 funding mechanism, as attached, to be submitted to the State.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The motion passed.

Dated: September 17, 2007

Florence Froelich, 519 Linden, expressed concerns regarding the façade program and questioned if everyone will be required to have a uniform façade. Mr. Sobers replied that the facades will not be uniform. The consultant has put together something that includes both new and aged. The goal is to keep the feeling that is currently generated from the downtown. Eleven businesses are participating in the program and fronts have been drawn for these businesses. When the eleven businesses upgrade their facades there will be a more cheerful place to come down and shop.

City Manager Sobers stated he has met with the new superintendent of the Crossroads Charter Academy regarding the pedestrian walkway across N. State Street. The school does not use the bridge and would like it removed. They obtained the bridge when they acquired the building from the Big Rapids School

District. They keep the fence gate on their property locked so their students do not use the bridge. Without the use of the gate, there is no connection between the bridge and City walkway on the west side of the street. Pedestrians must go down a steep hill to get to the City sidewalk. There has been talk regarding the bridge removal for a long time and there is a need to come to a definite decision.

Commissioner Harper stated she would like to know how many people use the crosswalk and would like to have public reaction before any definite action to remove the bridge is taken.

Mary Ryan wants to make sure the children are not using it before any action is taken.

Mayor Burch was concerned on how do you tell the Charter School that they need to help pay for it when they do not use it.

City Manager Sobers stated it would be easier to justify keeping and maintaining the bridge if it was at the intersection. But at its current location there is not a connector on the west side.

Commissioner Brennan stated that when the building was owned by the Public Schools there was an open campus and the children would use the bridge to go downtown at noon. With the current closed campus, it is not used.

Don Greiner, City Engineer/Utilities Director reported that the City of Big Rapids received the 2007 Exemplary Wellhead Protection Program Award from the American Waterworks Association at their annual conference. The award recognized the combined program of the City and Green and Big Rapids Townships.

Mary Ryan reminded the City Commission of the Pride of the Neighborhood Awards to be held at the Comstock House on Monday, September 24, 2007, at 7:00 p.m.

City Manager Sobers stated that the proposed User Charge System is a analysis of what the City has done in the past and not a proposal of what is to be used in the future. Staff will need to come back to the Commission regarding the rates.

RESOLUTION NO. 07-122

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

**RESOLUTION ADOPTING 2007/2008
USER CHARGE SYSTEM**

WHEREAS, the City is required by the Michigan Department of Environmental Quality to update the actual costs of operating and maintaining the Wastewater Treatment System, and

WHEREAS, the data is contained in the attached User Charge System Annual Report.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission adopt the Fiscal Year 2007/2008 User Charge System Annual Report.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: September 17, 2007

RESOLUTION NO. 07-123

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

**RESOLUTION AUTHORIZING CONTRACT NO. 2007-0789
FEDERAL PROJECT NO. B-26-0013-1007
FOR AVIGATION EASEMENT FOR ROBEN HOOD AIRPORT**

WHEREAS, in order to accomplish the City's goal of extending runway 9-27 from its current length of 4,300 feet to 5,000 feet, an avigation easement must be obtained to control the airspace above the land parcels to the west of the runway, and

WHEREAS, the needed airspace is over two parcels of land, parcel 21 owned by Big Rapids Township in the industrial park and parcel 22 owned by the Windemuelle family, and

WHEREAS, appraisals must be obtained on both these pieces of property and the final cost of the easements will not be known until the appraisals and negotiations are completed, and

WHEREAS, the Michigan Department of Transportation is providing the City with Block Grant Funds for this easement based upon the remainder of the funds available to the City for airport projects for year 2007, and

WHEREAS, those funds will be used for the acquisition project as follows:

Federal Share	\$259,200
State Share	\$ 56,700
City Share	<u>\$ 8,100</u>
	\$324,000

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to sign the Michigan Department of Transportation Contract No. 2007-0789 for Federal Project No. B-26-0013-1007, Agenda: DAB

BE IT FURTHER RESOLVED, that the City's share of \$8,100 be expensed to Account No. 101-441-967.900.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: September 17, 2007

RESOLUTION NO. 07-124

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

**RESOLUTION APPROVING TRAFFIC ORDER NO. 471 –
TEMPORARY PARKING IN NO PARKING ZONES
FOR FUNERAL AND SPECIAL EVENT**

WHEREAS, in accordance with the provisions of Act 32, public Acts of 1956, Section 2.53, the Department of Public Safety has made the following Traffic Control order:

Allow temporary parking in no parking zones for funeral services and special events to be determined case by case. The requesting entity shall contact the Department of Public Safety no later than 24 hours prior to the request for the temporary parking permit. The temporary parking authorization shall not be valid for more than six hours without special permission by the Director of Public Safety.

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: September 17, 2007

RESOLUTION NO. 07-125

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

**RESOLUTION AUTHORIZING MAYOR TO ENTER INTO AGREEMENT
WITH DR. ROBERT DONNELL TO LEASE AIRPORT
PROPERTY FOR THE PURPOSE OF AIRCRAFT HANGAR CONSTRUCTION**

WHEREAS, there is a need for indoor aircraft storage space at the terminal location beyond that provided by the existing municipal hangar at Roben Hood Airport, and

WHEREAS, the City recognizes that improving services and facilities at Roben Hood Airport well lead to increased aircraft operations, and

WHEREAS, the City has engaged in an effort to encourage construction of private hangars at Roben Hood Airport in compliance with the Airport Layout Plan, and

WHEREAS, the City has the option to acquire the privately constructed hangar facility upon conclusion of the land lease term,

NOW, THEREFORE, BE IT RESOLVED, that the City Commission authorizes the Mayor to sign a lease agreement with Dr. Robert Donnell, which will provide land for construction of a 55' by 55' box hangar.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: September 17, 2007

UNSCHEDULED BUSINESS:

Commissioner Harper stated that the Region 8 Notes indicated that there is Master Plan consulting available to small communities and she would like this looked into for the City. Mark Gifford indicated that was being pursued.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:51 p.m.

* * * * *

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
October 1, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:45 p.m.

Present: Commissioner Peggy Brennan, Commissioner Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 28 persons in the audience.

Pledge of Allegiance.

The agenda was approved with the addition of the pedestrian bridge up-date.

The minutes of the September 17, 2007 meeting were approved with a typographical correction.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Farm Plan	174.00	Midwest Safety Products	56.88
Easton Telecom	2.81	City of Big Rapids	845.00*
Staples	127.10*	Kone, Inc.	321.93*
Michigan Office Solutions	1,543.00*	Easton Telecom Service	2.96*
Detroit Media Partnership	286.56*	Grand Rapids Press	168.00*
Baker & Taylor Books	170.58*	Thomson, Gale	47.18*
North Star Audio Books	10.00*	Xerox Corp.	91.42*
Medler Electric	308.04	Consumers Energy	501.08
Krizka, James	20.00	Krob, Michelle	30.00
Stiehl, Cody	30.00	Delaney, Stephanie	36.00
Morey, Norita	18.00	Randolph, Sandra	30.00
Medler Electric	281.42	Consumers Energy	240.10
DTE Energy	2,326.21	Consumers Energy	721.66*
Amazon. Com Credit	207.82*	Baker & Taylor	777.95*
Proquest	547.10*		

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY

Jim Chapman, Craig Davison, and Keith Butterfield from the Big Rapids Township Fire Department presented a Life Saving award to Simone Smith for her assistance at a traffic accident at which the car was on fire while the driver was still in the vehicle.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Betty VanAlstine, 1111 Catherine St, complimented the City of Big Rapids for putting together all the events this summer. She stated it made her proud to be a resident of the City.

Mary Ryan, member of the Good Neighbors Association, summarized the Pride of the Neighborhood Award recipients: Robert and Darlene Novak, Jane and Jullian Johanson, Rose Mary and Richard Jennings, Roger and Judy Carver, and Jana Lee Farrier.

City Manager Steve Sobers stated that he has received some letters and calls from individuals who wish to keep and improve the pedestrian footbridge on State Street. If the Commission directs staff to do so, they will get together costs of what it will take to renovate it and construct necessary steps. He will go back to the Charter School and discuss it with them.

RESOLUTION NO. 07-126

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

**RESOLUTION AMENDING FISCAL YEAR 2007/2008
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2007/2008 General Appropriations on May 7, 2007 per Resolution No. 07-44, 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 attached Budget Adjustments to the FY 2007/2008 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2007/2008 City of Big Rapids Budget accordingly.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: October 1, 2007

RESOLUTION NO. 07-127

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

**RESOLUTION IN SUPPORT OF
BIG RAPIDS RIVERWALK PHASE III
DEVELOPMENT PROJECT AND GRANT APPLICATION**

WHEREAS, the City of Big Rapids intends to apply for a grant from the Michigan Department of Natural Resources Trust Fund program to fund a portion of the Big Rapids Riverwalk as defined within the attached sketches, and

WHEREAS, the City of Big Rapids recognizes the proposed project would benefit the recreational enjoyment of area residents, especially those with handicaps and may enhance the use of the White Pine Trail State Park, and

WHEREAS, the proposed project is included in the Park and Recreation Board's Master Plan, and

WHEREAS, Phase III will consist of approximately 3,000 lineal feet of paved non-motorized, handicap accessible walkway and 2,200 feet of an aggregate based nature trail near the River with a small parking area off of River Street, interpretive signs, overlook and fishing areas, and

WHEREAS, the City of Big Rapids, as the transportation agency with jurisdiction over the project area, is in support of construction of the Big Rapids Riverwalk, and

WHEREAS, the City of Big Rapids intends to apply for \$309,400 of grant money from the Michigan Department of Natural Resources Trust Fund Program and agrees to match the grant amount with 30% or, \$135,700 of the total project cost of \$445,100. The match is comprised of \$72,700 of City Funds, \$50,000 from "Access for All" and \$10,000 from the Mecosta County Medical Center, and \$3,000 of Braille signage from the Big Rapids Lion's Club.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission is in support of Phase III of the Big Rapids Riverwalk Project and application to procure grant money from the Michigan Department of Natural Resources Trust Fund Program and authorizes City Manager Steve Sobers to sign all grant documentation.

Yeas: Brennan, Hogenson, Rothstein, Burch

Nays: Harper

The Mayor declared the resolution adopted.

Dated: October 1, 2007

Commissioner Harper clarified her "no" vote expressing concerns regarding the City's match of \$73,000 when the City is looking at the \$1,000,000 project downtown. She believes that Riverwalk has served the community well, but is concerned with a fishing platform near the Wastewater Treatment Plant and of what is now a beautiful, naturalized park area.

RESOLUTION NO. 07-128

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

RESOLUTION ACCEPTING PLAN BOARD RECOMMENDATION ON THE REDEVELOPMENT LIQUOR LICENSE DISTRICT

WHEREAS, the Michigan Legislature passed a law to allow businesses more ability to acquire liquor licenses by offering cities additional licenses beyond the quota currently allowed and an option as to where these licenses should be available through the development of a "Project Redevelopment Area", and

WHEREAS, the City Commission referred the establishing of a Project Redevelopment Area to the City Plan Board for their consideration and study, and

WHEREAS, the City Plan Board reviewed their options of establishing the redevelopment area within the current DDA district or expanding it to the entire City, and

WHEREAS, the City Plan Board recommends to the City Commission that the Project Redevelopment Area be established to include the area within the entire City limits.

NOW, THEREFORE, BE IT RESOLVED that the City Commission accepts the recommendation of the City Plan Board to include the entire City limits within the Project Redevelopment Area and authorize the City Attorney to prepare the necessary ordinance.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: October 1, 2007

The City Commission discussed the proposed agreement with Charles Howell and Associates, Inc. for income tax collection. Commissioner Harper suggested that perhaps there are local attorneys who may be able to perform the task. She would like to see it put out for bid for local individuals.

Commissioner Hogenson and Paul DesNoyers both expressed the concern over ethics of some of the collection businesses.

MOTION NO. 07-129

Commissioner Harper moved, seconded by Commissioner Brennan that the City Commission tables the collection agreement with Charles Howell and Associates, Inc., until the next meeting.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: October 1, 2007

RESOLUTION NO. 07-130

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

**RESOLUTION ADJOURNING TO EXECUTIVE SESSION
FOR THE PURPOSE OF DISCUSSING NEGOTIATION
STRATEGY WITH THE FIRE UNION**

BE IT RESOLVED, that the City Commission adjourn to executive session for the purpose of discussing matters pertaining to the Fire labor negotiations.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: October 1, 2007

The City Commission adjourned to executive session at 8:29 p.m. to discuss negotiation strategy with the Fire Union. They returned to regular session at 9:25 p.m.

The City Commission discussed the non-bargaining pay scale. Currently non-bargaining wage increases are based on a 6-step scale. The non-bargaining employees proposed tweaking to the system which involved a revised scale which establishes 3% between steps and a 2.6 wage increase for three years. The Commission discussed that the unions have a four-step system, whereby they are at the top of the scale within 2 years and receive negotiated yearly increase after that. With City Commission consensus on the pay revisions and other personnel matters, the City Manager will bring back the non-bargaining proposed pay and personnel changes to the next meeting.

There being no further business to come before the Commission, the meeting was adjourned at 9:56 p.m.

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
October 15, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:37 p.m.

Present: Commissioner Peggy Brennan, Commissioner Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 34 persons in the audience.

Pledge of Allegiance.

The agenda was approved as presented.

The minutes were approved as amended. Commissioner Harper amended her concerns of the Riverwalk Phase III by added the following underlined text: "but is concerned with a fishing platform near the Wastewater Treatment Plant and of what is now a beautiful, naturalized park area."

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Medler	165.38	State Street Hardware	53.94
Consumers	167.30	Schuberg & Sons Electric	50.00
Krizka, James	20.00	Stiehl, Cody	20.00
State Street Hardware	.29	Ferguson Supply Co.	14.78
State Street hardware	16.02	Professional Pool Techs	75.00
DTE Energy	35.99*	Library Journal	149.00*
First National Bank	494.98*	Thomson, Gale	65.15*
Consumers Energy	65.00	Lowes	36.97
State Street Hardware	15.58	Krizka, James	20.00
Krob, Michelle	20.00	Hurst, Industries	328.00*
Quill Corp.	12.99*	Raco Industries	914.89*
Baker & Taylor	1,089.89*	Recorded Books	134.50*
Quill Corp.	39.99*	Charter Communications	269.99*

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY

Mayor Burch presented the following proclamation to Cindy Linebaugh, Ena Dakkuri, Judy Irwin and Joanne Brown, members of General Federation of Women Club, in honor of Women Veterans Recognition Week.

**PROCLAMATION DECLARING WOMEN VETERANS
RECOGNITION WEEK NOVEMBER 5 – 11**

WHEREAS, the US Armed Forces have relied on the skill and courage of women for two centuries, and

WHEREAS, women have served the country in all capacities both during war and peace times, and

WHEREAS, women veterans have provided their knowledge and leadership to our country by serving in all branches of the Armed Services.

NOW THEREFORE, I Edward S. Burch, Mayor proclaim the week of November 5th through November 10, 2007, which precedes Veterans Day as

WOMEN VETERANS RECOGNITION WEEK

in the City of Big Rapids and ask all citizens of Big Rapids to observe the week of November 5th with your thoughts and prayers to all women who have served from our community.

Adopted this 15th day of October, 2007

Mayor Edward S. Burch

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Sue Glatz, member of the Big Rapids Property Owner's Association, presented a written wrap-up summary of the Mayor's Committee appointed to review items of concern expressed by the BRPOA.

City Manager Sobers stated that this committee has no more meetings scheduled. Staff has agreed to the three items identified. During the last meeting, the possibility of a discounted fee for those who handle their property and have clean inspections was discussed. He stated that the fee reduction must be done by Ordinance. Regarding the number of persons on an inspection, after there was the problem of four-five people, staff has reviewed that and since that incident there has been only two inspectors. Eric Williams is handling the privacy rights aspect.

Paul DesNoyers, President of the BRPOA, stated that the organization requests that they be part of the dialogue. They want to be a part of the process. He stated they are a multi-million dollar business in the community.

Mayor Burch directed staff to bring back the three items. He also suggested that if there were some legal way to keep the dialogue going, he would like to see that.

City Attorney Eric Williams suggested quarterly meetings with reports to the Commission on the state of the dialogue. The group wants to be recognized and there needs to be some sort of reporting to the Commission. He believes it is primarily a staff job right now.

Mr. DesNoyers stated he would like to see monthly meetings for three months to see if it can get to quarterly. It is important to know that there is some dialogue.

Commissioner Brennan feels that there is a lot of momentum going in the right direction.

Mayor Burch stated he would like to see monthly meetings for the next three months and then have quarterly meetings.

Ms. Glatz stated that the property owners would like to see that things discussed are being done. For example - letters were recently mailed from Neighborhood Services and this function was to be moved to Nancy Haight at Public Safety. The new ordinances also need to be on the website.

Mayor Burch stated he has talked to staff and they are trying to get that change accomplished. Commissioner Brennan stated she would like to hear at the next meeting as to how this has been done.

Commissioner Harper also added that she would like to see a revised form as to how the housing inspections are being done.

Mayor Burch would like to see a letter to the Committee members informing them that the Committee is done as of this evening.

Cathy Heavner invited the City Commission to drive by 431 S. Warren. The owner has been presented the BRPOA's Pride in Ownership plaque.

PUBLIC HEARINGS

Mayor Burch opened the public hearing on the Fluid Routing Solutions, Inc., applications for personal property tax abatements at 8:10 p.m.

City Manager Sobers stated that Fluid Routing Solutions, Inc. (FRS) has purchased the Marc IV assets and wants to consolidate these new assets and continue production lines. They are requesting Industrial Facilities Exemptions for a \$3.4 million investment, retaining 400 jobs and creating 30 new jobs. In addition, FRS is looking at the research side of their business at 123 N. DeKrafft Avenue, which is the empty Benedict Manufacturing building.

Julie May, representing Fluid Routing Solutions, Inc., stated that there are three abatement applications. An application under PA 1 98 for the personal property at 600 DeKrafft Avenue – this includes equipment, which was purchased from May to December of 2007 for \$3.4 million. The other two abatement applications are personal property applications, which the company plans to start on January 1, 2008. These equipment additions will make the company more competitive to maintain and expand. The company has been here a long time and would like to stay here for a long time. She emphasized that FRS is not asking for abatement on everything at this site, only newly purchased equipment. FRS is one of the largest businesses in this community.

There were no persons in the audience who spoke in favor or against the applications.

The Mayor closed the public hearing at 8:18 p.m.

RESOLUTION NO. 07-131

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

RESOLUTION AUTHORIZING AGREEMENT WITH FLUID ROUTING SOLUTIONS, INC. FOR TAX ABATEMENT APPLICATION

WHEREAS, Act 334, P.A. 1993, amended Act 198, P.A. 1974, requiring a written agreement be executed between the operator of a facility seeking an Industrial Facilities Exemption Certificate and the local Governing body.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby authorizes the Mayor and City Clerk to sign the agreement with Fluid Routing Solutions pertaining to their Industrial Facilities Exemption Certificate.

Yeas: Brennan, Hogenson, Rothstein, Burch

Nays: Harper

The Mayor declared the resolution adopted.

Dated: October 15, 2007

Commissioner Harper stated she voted no because of her concerns about the lack of the claw back phase in the agreement. She believes the claw back phase is important to let the community know the City is serious about increasing and retaining jobs.

Commissioner Harper referred to information provided the Commission pertaining to the number of abatements the City has already approved. She requested that the City put better guidelines in effect for approving the tax abatement requests.

City Manager Sobers stated that with Ferris State University, about 60% of the land in the City is tax exempt. That is why the City passed the income tax a number of years ago. This proposal will provide an increase in employees who will bring in new income tax, which the City relays on.

RESOLUTION NO. 07-132

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

**RESOLUTION APPROVING APPLICATION
OF FLUID ROUTING SOLUTIONS, INC.
FOR AN INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE FOR MACHINERY AND EQUIPMENT –
600 N. DEKRAFFT AVENUE**

WHEREAS, pursuant to P.A. 198 of 1974, as amended, M.C.L. 207.551 et seq., after a duly noticed public hearing held on November 3, 1980, the City Commission by resolution, established Industrial Development District No. 3; and

WHEREAS, Fluid Routing Solutions, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to machinery and equipment to be acquired and installed at their facility within Industrial Development District No. 3; and

WHEREAS, before acting on said application, the City of Big Rapids held a public hearing on October 15, 2007, in the City Commission meeting area of City Hall at 7:30 p.m., at which hearing the applicant, the City Treasurer and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of the machinery and equipment had not begun earlier than six (6) months before the filing of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the acquisition of the machinery and equipment is calculated to retain 400 jobs and add 30 new jobs in the City of Big Rapids; and

WHEREAS, the aggregate state equalized value of real and personal property exempt from ad valorem taxes within the City of Big Rapids, after granting this certificate, will exceed five percent (5%) of an amount equal to the sum of the state equalized value of the unit, plus the state equalized value of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Big Rapids, Michigan, that:

1. The City Commission finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the operation of the City of Big Rapids, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Big Rapids.

2. The application of Fluid Routing Solutions, Inc., for an Industrial Facilities Exemption Certificate with respect to machinery and equipment to be acquired and installed on the following described parcel of real property situated within the Big Rapids Industrial Development District No. 3, to-wit:

Legal Description

Land situated in the City of Big Rapids, State of Michigan, County of Mecosta, and described as follows:

A parcel of land in the Southeast ¼ of the Northeast ¼ of Section 11, Town 15 North, Range 10 West, City of Big Rapids, Mecosta, County Michigan described as follows: Commencing at the East ¼ corner of said Section 11; Thence North 00 degrees 16 minutes 27 seconds West along the East section line 860.87 feet to the point of beginning; thence South 87 degrees 50 minutes 40 seconds West 1273.94 feet (previously described as 1278.77 feet) to a point on the East right of way line of North DeKrafft Avenue; thence North 00 degrees 11 minutes 59 seconds West (previously described as North 00 degrees 11 minutes 49 seconds East) along the East line of North DeKrafft Avenue 467.66 feet (previously described as 470.00 feet) to a point on the North 1/8 line; thence North 87 degrees 47 minutes 54 seconds East (previously described as North 87 degrees 50 minutes 17 seconds East) along the North 1/8 line 1273.36 feet (previously described as 1274.91 feet) to a point on the East section line; thence South 00 degrees 16 minutes 27 seconds East long the East section line 468.66 feet (previously described as 470.00 feet) to the point of beginning.

Commonly known as: 600 N. DeKrafft Avenue, Big Rapids, Michigan
Parcel Number : 5417-11-200-015

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 12 years ending December 30, 2019.

Yeas: Brennan, Hogenson, Rothstein, Burch
Nays: Harper
The Mayor declared the resolution adopted
Dated: October 15, 2007

RESOLUTION NO. 07-133

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

**RESOLUTION APPROVING EXEMPTION OF
NEW PERSONAL PROPERTY FOR FLUID ROUTING SOLUTIONS, INC.
AT 600 N. DEKRAFFT AVENUE**

WHEREAS, Public Act (PA) 328 of 1998, as outlined in State Tax Commission Bulletin No. 9 of 1998, provides for a tax exemption on certain new personal property for companies located in an Eligible Local Assessing District, and

WHEREAS, Fluid Routing Solutions, Inc., an industrial manufacturing company, has acquired new personal property and is located in Industrial Development District No. 3, and

WHEREAS, Fluid Routing Solutions, Inc., 600 N. DeKrafft Avenue, has complied with the City's request for a Letter of Understanding that it is their intent to retain 400 jobs and increase the employment 30 new job opportunities, and

WHEREAS, Fluid Routing Solutions, Inc., is applying for a personal property tax exemption for a twelve-year period, ending year 2019, and

WHEREAS, the extension of this exemption is contingent upon approval of the automotive contract by the manufacturer and the effective date of this resolution and abatement will be January 2008, and

WHEREAS, they have filed the required Application for Exemption of New Personal Property as set forth in the State Tax Bulletin No. 9 of 1998.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves the Application for Exemption for New Personal Property as filed by Fluid Routing Solutions, Inc. for a twelve year tax exemption ending year 2019.

Yeas: Brennan, Hogenson, Rothstein, Burch

Nays: Harper

The Mayor declared the resolution adopted.

Dated: October 15, 2007

RESOLUTION NO. 07-134

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

**RESOLUTION APPROVING EXEMPTION OF
NEW PERSONAL PROPERTY FOR FLUID ROUTING SOLUTIONS, INC.
AT 123 N. DEKRAFFT AVENUE**

WHEREAS, Public Act (PA) 328 of 1998, as outlined in State Tax Commission Bulletin No. 9 of 1998, provides for a tax exemption on certain new personal property for companies located in an Eligible Local Assessing District, and

WHEREAS, Fluid Routing Solutions, Inc., 123 N. DeKrafft Avenue, an industrial manufacturing company, has acquired new personal property and is located in Industrial Development District No. 2, and

WHEREAS, Fluid Routing Solutions, Inc. has complied with the City's request for a Letter of Understanding that it is their intent to retain 400 jobs and increase the employment 30 new job opportunities, and

WHEREAS, Fluid Routing Solutions, Inc., is applying for a personal property tax exemption for a twelve-year period, ending year 2019, and

WHEREAS, the extension of this exemption is contingent upon approval of the automotive contract by the manufacturer and the effective date of this resolution and abatement will be January 2008, and

WHEREAS, they have filed the required Application for Exemption of New Personal Property as set forth in the State Tax Bulletin No. 9 of 1998.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves the Application for Exemption for New Personal Property as filed by Fluid Routing Solutions, Inc. for a twelve year tax exemption ending year 2019.

Yeas: Brennan, Hogenson, Rothstein, Burch

Nays: Harper

The Mayor declared the resolution adopted

Dated: October 15, 2007

Commissioner Rothstein stated that he attended a meeting months ago where Marc IV expressed serious concerns regarding their company and being faced with a possible closing. The City was looking at 400 people out of jobs. He stated he was relieved when he heard about Fluid Routing Solutions taking the company over. The City has been fortunate to have stable employment in this community.

Commissioner Harper would like an update at a study session as to what companies the City has issued abatements to and if jobs have increase as promised.

Paul Griffith, Michigan Works, commended the City Commission for their action. He knows there are communities by the dozens who would love to have this on their agenda. He will provide Mr. Sobers with a list of all the companies that have closed.

RESOLUTION NO. 07-135

**RESOLUTION APPROVING THE REQUEST FOR LIQUOR LICENSE
TRANSFER FOR BLUE COW RESTAURANT
LOCATED AT 119 N. MICHIGAN**

At a regular meeting of the City Commission called to order by Mayor Burch on October 15, 2007 at 7:30 p.m.

The following resolution was offered:

Moved by Commissioner Harper and supported by Commissioner Hogenson.

That the request from TRANSFER OWNERSHIP OF 2007 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED IN ESCROW AT 134 MAIN, MECOSTA, MI 49332, MECOSTA COUNTY, FROM ISABELLA BANK & TRUST TO BLUE COW, LLC; AND TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 119 N. MICHIGAN, BIG RAPIDS, MI 49307, MECOSTA COUNTY.

Be considered for Approval
(Approval/Disapproval)

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
Absent:

It is the consensus of this legislative body that the application be:
Recommended for issuance.
(Recommended/Not Recommended)

State of Michigan

County of Mecosta

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City commission at a regular meeting held on October 15, 2007.

(Signed) _____
Roberta R. Cline, City Clerk

RESOLUTION NO. 07-136

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

**RESOLUTION AUTHORIZING GRANT APPLICATION
TO THE RURAL TRANSIT ASSISTANCE PROGRAM (RTAP)
FOR DIAL-A-RIDE EMPLOYEE TRAINING**

WHEREAS, Michigan Department of Transportation (MDOT) through the MPTA/Michigan Public Transit Association has available to rural transits systems funding for training, and

WHEREAS, the City of Big Rapids is seeking the available funding from the Rural Transit Assistance program (RTAP) to cover capital training aids, for example, training Dial-A-Ride staff in first aid, CPR, Wheelchair training and to attend the Annual Michigan Public Transportation Conference, and

WHEREAS, the attached contract between the Big Rapids Dial-A-Ride Transit and MPTA/Michigan Public Transit Association will outline the purpose of the program, available funding, accounting and recordkeeping.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby authorizes the Director of Public Works to sign the third party contract for funding from RTAP.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: October 15, 2007

City Manager Sobers presented the proposed water and sewer rate ordinances. He explained that the DEQ is interested in the philosophy as to how the City charges for water and sewer rates; that it is considered fair and equitable. He stated that there have not been discussions with the townships regarding these rates because it is a contractual relationship with the City citizens. The revised rates represent an increase of 30 cents per 1,000 gallons of water with another 30 cents per 1,000 gallons next year.

ORDINANCE NO. 589-10-07

Commissioner Harper moved, supported by Commissioner Hogenson, the adoption of the following Ordinance:

**AN ORDINANCE AMENDING THE WATER RATES TITLE V,
SECTION 54.11 OF THE
BIG RAPIDS CITY CODE OF ORDINANCES**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Title V, Section 54.11 is hereby amended to read:

§ 54.11 WATER RATES.

The rates to charge monthly for water service shall be as follows, effective November 1, 2007:

INSTITUTIONAL

Meter Size, Inches	Administrative Fee	Base Capacity Charge	Total Charge
5/8	\$0.60	\$4.65	\$5.25
3/4	\$0.60	\$11.40	\$12.00
1	\$0.60	\$19.15	\$19.75
1 1/2	\$0.60	\$42.15	\$42.75
2	\$0.60	\$81.65	\$82.25

3	\$0.60	\$140.15	\$140.75
4	\$0.60	\$267.15	\$267.75
6	\$0.60	\$432.65	\$433.25

COMMODITY CHARGE:

All water shall be charged at the rate of \$4.30 per 1,000 gallons of use

Beginning on July 1, 2008, all water shall be charged at the rate of \$4.60 per 1,000 gallons of use

RESIDENTIAL/COMMERCIAL/INDUSTRIAL

Meter Size, Inches	Administrative Fee	Base Capacity Charge	Total Charge
5/8	\$0.60	\$0.70	\$1.30
3/4	\$0.60	\$7.25	\$7.85
1	\$0.60	\$13.55	\$14.15
1 1/2	\$0.60	\$27.05	\$27.65
2	\$0.60	\$50.15	\$50.75
3	\$0.60	\$86.15	\$86.75
4	\$0.60	\$159.15	\$159.75
6	\$0.60	\$230.15	\$230.75

COMMODITY CHARGE:

All water shall be charged at the rate of \$4.00 per 1,000 gallons of use.

Beginning on July 1, 2008, all water shall be charged at the rate of \$4.30 per 1,000 gallons of use.

Section 2. This ordinance shall be effective November 1, 2007.

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the Ordinance adopted.

Dated: October 15, 2007

Published: October 18, 2007

ORDINANCE NO. 590-10-07

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

**AN ORDINANCE AMENDING THE SEWER RATES TITLE V,
SECTION 54.12 OF THE
BIG RAPIDS CITY CODE OF ORDINANCES**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Title V, Section 54.12 is hereby amended to read:

§ 54.12 SEWER RATES.

The rates to charge monthly for sewer service shall be as follows, effective November 1, 2007:

Residential/Commercial/Industrial/Institutional

Meter Size, Inches	Administrative Fee	Debt Service	Total Charge
5/8	\$0.60	\$1.19	\$1.79
¾	\$0.60	\$8.33	\$8.93
1	\$0.60	\$15.47	\$16.07
1 ½	\$0.60	\$39.27	\$39.87
2	\$0.60	\$83.30	\$83.90
3	\$0.60	\$142.80	\$143.40
4	\$0.60	\$285.60	\$286.20

COMMODITY CHARGE:

All sewer shall be charged at the rate of \$4.01 per 1,000 gallons of use.*
Commercial, Industrial and Institutional users shall be charged an additional \$0.49 per 1,000 gallons of use for IPP.
All users shall be charged an additional \$0.90 per 1,000 gallons for Capital Replacement.

* The sewer rates charged to customers in Big Rapids Township and Green Township shall remain at the 2005/2006 User Charge system rate of \$3.53 per 1000 gallons of use, until the 2007/2008 User Charge system report is approved by Big Rapids Township, Green Township and the City of Big Rapids.

Section 2. This ordinance shall be effective November 1, 2007.

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the Ordinance adopted.

Dated: October 15, 2007

Published: October 18, 2007

RESOLUTION NO. 07-137

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

**RESOLUTION ESTABLISHING FISCAL YEARS 2007, 2008 AND 2009
COMPENSATION FOR NON-BARGAINING EMPLOYEES**

WHEREAS, the Fiscal Year 2007/2008, 2008/2009 and 2009/2010 full-time non-bargaining compensation plan establishes a 2.6% COLA per each of the three years and a Four-Step compensation scale for full-time employees, and

WHEREAS, the compensation COLA for part-time employees is established at 2.00% for Fiscal Year 2007.

NOW, THEREFORE, BE IT RESOLVED, that the three year 2.6% per year compensation adjustment for full-time non-bargaining employees, and the 2.00% compensation adjustment for part-time employees, shall take effect as of July 1, 2007, or as indicated on the attached charts.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: October 15, 2007

RESOLUTION NO. 07-138

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

**RESOLUTION AUTHORIZING AMENDMENTS TO THE
NON-BARGAINING EMPLOYEES
PERSONNEL POLICY AND PROCEDURE MANUAL**

WHEREAS, the Big Rapids City Commission adopted a Personnel Policy and Procedure Manual for Non-Bargaining Employees by Resolution 93-74, and

WHEREAS, periodically, the need arises to make revisions to these existing policies and procedures, and

WHEREAS, the following amendments dated October 8, 2007 (see attached) to the Non-Bargaining Personnel Policy and Procedure Manual are recommended.

1. Sections 5.10, 6.10, and 36.30 shall be revised detailing how an employee is promoted or transferred as it pertains to wage scales.
2. Section 53.80 shall be revised changing the percentage under Option II of the sick leave payout from 55% to 60%.
3. Section 63.20 shall be revised to update the employee contributions to the City's self-insurance program.
4. Section 71.30 (1) and (2) shall be revised to correct the definition of retirement age.
5. Section 63.50 shall be revised to increase the payment in lieu of insurance coverage for employees who decline coverage and for employees who also have spouses covered under the City's plan.
6. Section 51.10 shall allow a department to arrange with non-bargaining employees either Martin Luther King Day or Good Friday as a holiday.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves the amendments to the Personnel Policy and Procedures Manual as per the attached summary and that the City Manager be directed to revise the current Manual to reflect these changes.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: October 15, 2007

RESOLUTION NO. 07-139

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

**RESOLUTION AMENDING FISCAL YEAR 2007/2008
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2007/2008 General Appropriations on May 7, 2007 per Resolution No. 07-44, 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 attached Budget Adjustments to the FY 2007/2008 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2007/2008 City of Big Rapids Budget accordingly.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: October 15, 2007

RESOLUTION NO. 07-140

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

**RESOLUTION APPROVING TRAFFIC ORDER NO. 472 –
“HANDICAP ONLY” PARKING SPACE LOCATED ON THE SOUTH
SIDE OF BIG RAPIDS PUBLIC LIBRARY**

WHEREAS, in accordance with the provisions of Act 32, public Acts of 1956, Section 2.53, the Department of Public Safety has made the following Traffic Control order:

Create “handicap only” parking space on the North side of the 100 block of Oak Street, located on the South side of Big Rapids Public Library between the alley cut and Michigan Avenue.

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

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: October 15, 2007

RESOLUTION NO. 07-141

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

**RESOLUTION EXTENDING AGREEMENT FOR
ROBEN HOOD AIRPORT FIXED BASE OPERATOR
WITH COLT AVIATION, INC.**

WHEREAS, per Resolution No. 04-166, dated November 1, 2004, the City Commission awarded the agreement for Fixed Base Operator (FBO) and Manager for the Roben Hood Airport to Colt Aviation, Inc., and

WHEREAS, the agreement allows for two two-year extensions, and

WHEREAS, the City has been satisfied with the progressive management of the airport and recommends extending the FBO services agreement, as revised, with Colt Aviation, Inc. for the allowed first two-year extension.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby authorizes the extension of the agreement with Colt Aviation, Inc., for a two-year period of November 1, 2007 to October 31, 2009.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: October 15, 2007

RESOLUTION NO. 07-142

Commissioner Harper moved, seconded by Commissioner Hogenson, 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:

ZONING BOARD OF APPEALS

Sandra Modena appointed to a term expiring May 2009

LIBRARY BOARD

Dorothy Burch appointed to a term expiring May 2011

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: October 15, 2007

RESOLUTION NO. 07-143

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

**RESOLUTION ADJOURNING TO EXECUTIVE SESSION
FOR EVALUATION OF CITY MANAGER**

WHEREAS, the City Commission regularly meets to evaluate the City Manager, and

WHEREAS, City Manager Steve Sobers has requested that said evaluation be done at closed session.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission adjourns to executive session for the purpose of evaluating the City Manager.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: October 15, 2007

The City Commission adjourned to closed session at 9:33 p.m. to discuss the evaluation of the City Manager. The Commission returned to regular session at 10:18 p.m.

There being no further business to come before the Commission, the meeting was adjourned at 10:18 p.m.

Mayor Edward S. Burch

Roberta R. Cline, City Clerk

City Commission
November 5, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:47 p.m.

Present: Commissioner Peggy Brennan, Commissioner Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 24 persons in the audience.

Pledge of Allegiance.

The agenda was approved as revised to include the possible action on the Firefighter's Union contract depending on the discussions of the executive session.

The minutes of the October 15, 2007 meeting were approved as presented.

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Delta Labs, Inc.	277.50	Farm Plan Corp	345.48
Rak Industries	186.43	Stiehl, Cody	20.00
Consumers Energy	411.77	Different by Design	36.00
Krizka, James	20.00	Krob, Michelle	20.00
Stiehl, Cody	30.00	AT&T	67.89
Cook's Blacksmith	184.30	Demco, Inc.	198.90*
Staples Business	169.67*	AT&T	165.95*
Baker & Taylor Books	262.15*	Genessee Library	15.00*
Xerox Corp.	130.03*	Vredevelde Haefner	163.00
Consumers Energy	81.32	Consumers Energy	553.28*
Vredevelde Haefner	178.00*	Easton Telecom Serv.	1.21*
Martha Stewart Living	28.00*	People	113.88*
Silver Bells	17.95*	Amazon.Com	193.95*
Baker & Taylor	41.87*	Consumers Energy	173.68
Tri County Portable	400.85	Petty Cash	18.25
Krizka, James	20.00	Stiehl, Cody	20.00
DTE Energy	122.51*	Baker & Taylor	357.10*
Gale Group	65.15*	Audio Editions	8.00*
Wheatland Music	25.00*		

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

SPECIAL ORDERS OF THE DAY

Mayor Burch presented the following proclamation to Chris Mondrella and Todd Price, in honor of National Hospice Month.

**PROCLAMATION DECLARING NOVEMBER
NATIONAL HOSPICE MONTH**

WHEREAS, Hospice of Michigan extends care to all citizens who need and seek end-of-life care; and strives to improve hospice and palliative care for all people in Michigan and across the nation, and

WHEREAS, Hospice of Michigan was the first certified hospice in the State of Michigan, and

WHEREAS, now nearly 4,000 professionals and 9,000 volunteers provide end-of-life services to more than 40,000 people in approximately 119 licensed hospice programs throughout the State of Michigan, and

WHEREAS, there is a need to increase public discussion about care choices at the end of life; including advances in pain control, and the importance of comfort at this important life passage, and

WHEREAS, Hospice of Michigan joins the National Hospice and Palliative Care Organization and an estimated 3,100 hospice providers nationwide in declaring November 2007 as national Hospice Month and calls on all Americans to honor this occasion with ceremonies and activities.

NOW THEREFORE, I Edward S. Burch, Mayor do hereby proclaim November 2007 as

NATIONAL HOSPICE MONTH

in the city of Big Rapids and encourage the support and participation of all citizens in learning more about the hospice concept of care for those with a life-limiting illness.

Adopted this 5th day of November, 2007

Mayor Edward S. Burch

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Rose Mary Jennings, 606 Bjornson Street, questioned if there is any health hazard connected with the cell phone antennas on the water towers. She also questioned if the cell phone personnel were accompanied when they are at the towers.

Don Greiner, City Engineer/Utilities Director, stated that all towers have locked access. Cell phone personnel report to the water plant and are accompanied by water plant staff to the tower location. Water plant staff will either wait at the site or go on to other activities.

Ms. Jennings stated she has read that there may be a health hazard with the antennas. Mayor Burch stated that he has not read of any health hazards. Ms. Florence Froelich stated that her son works in that field and she would ask him the question.

Commissioner Brennan questioned if the BRPOA has received the information provided the City Commission regarding the transition of building inspection record keeping. City Manager Steve Sobers replied that he has a meeting set with Mr. Paul DesNoyers to review and discuss the transition.

PUBLIC HEARINGS – None

RESOLUTION NO. 07-144

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

**RESOLUTION AWARDING AN EMERGENCY CONTRACT TO
ASSESSMENT AND VALUATION SERVICES FOR THE
CITY OF BIG RAPIDS ASSESSING SERVICES**

WHEREAS, according to State law, the City must obtain the services of a Level III assessor in order to provide fair and accurate tax valuation, and

WHEREAS, Joyceann Francis, the City's Level III assessor, has retired from the City, effective October 31, 2007, and

WHEREAS, between the period of November 2007 and April 2008 there is a number of required responsibilities to be performed by a Level III Assessor, and

WHEREAS, the City has received a proposal from AVS (Assessment and Valuation Services) for the required service through April 5, 2008 not to exceed \$25,000.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby awards an emergency contract to AVS to perform the necessary assessing services as outlined in the attached proposal and agreement for the period of November 2007 through April 5, 2008 for a cost not to exceed \$25,000.

BE IT FURTHER RESOLVED that the cost be expensed to Account No. 101-209-801.000.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: November 5, 2007

RESOLUTION NO. 07-145

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

**RESOLUTION ACCEPTING BIDS FOR PURCHASE
OF ONE TON, 4 WHEEL DRIVE, DIESEL PICKUP
TRUCK WITH SINGLE REAR WHEELS FOR
THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the City solicited bids for the purchase of a one ton, 4 wheel drive, diesel pickup truck with single rear wheels for the Department of Public Works, and

WHEREAS, four bids were received with staff recommending that the bid of Phillips Auto Group of Big Rapids, MI be accepted in the amount of \$25,892.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Phillips Auto Group in the amount of \$25,892 for a one ton, 4 wheels drive, diesel pickup truck with single rear wheels be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from Account Number 661-444-981.902.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: November 5, 2007

RESOLUTION NO. 07-146

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

**RESOLUTION APPROVING BIDS FOR
EQUIPMENT RENTAL FOR SNOW REMOVAL**

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 07-08 budget.

NOW, THEREFORE, BE IT RESOLVED that the Big Rapids City Commission hereby accepts the following snow removal bids and directs Tim Vogel, Director of Public Works, to use the following dump trucks and loaders for snow removal purposes on an as-needed basis in accordance with the following priority listing:

Trucks

	Contractor	Size	Price per yd.	Hourly Rate	# of Trucks
1	Morningstar Enterprises	20 yd.	\$4.00/yd	\$80.00	2
		40 yd.	\$2.50/yd	\$100.00	3
2	Greenscape	15 yd.	\$4.00	\$60.00	1
		20 cy	\$3.15	\$63.00	1
		30 cy	\$2.33	\$70.00	1
		40 cy	\$1.88	\$75.00	1
3	Neals Lawnservice	3 cy	\$8.33	\$25.00	1

Front End Loader

	Contractor	Size	Price per yd.	Price/hr.	# of Loaders
1	Morningstar Enterprises	3 cy	\$26.67/yd	\$80.00	1
		5 cy	\$18.00/yd	\$90.00	1
	Loader with snow pusher			\$100.00	2
2	Greenscape	4 cy	\$21.25/yd	\$85.00	1
	Loader with snow pusher			\$85.00	2
3	Neals Lawnservice	1/3	\$8.25	\$25.00	1

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

202-497-801.600 - \$3,900 State Highway 131 Winter Maintenance
202-497-801.700 - \$3,900 State Highway M-20 Winter Maintenance

203-478-801.000 - \$1,000 Local Streets Winter Maintenance
202-478-801.000 - \$7,800 Major Streets Winter Maintenance

101-443-803.000 - \$3,500 Parking Lot Winter Maintenance

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the Resolution adopted.

Date: November 5, 2007

RESOLUTION 07-147

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

**RESOLUTION ACCEPTING BIDS FOR
THE SALE OF A CITY VEHICLE**

WHEREAS, the City solicited bids to dispose of a 1995 One Ton Pickup Truck with Dump Bed and

WHEREAS, four bids were received, whereby staff is recommending the acceptance of the best bid of Gregory Olsson in the amount of \$1,500.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts staff's recommendation for the disposal of the City vehicle for the amount listed above.

BE IT FURTHER RESOLVED, that the funds from the sale of this vehicle be deposited into Account No. 661-000-693.000.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: November 5, 2007

RESOLUTION NO. 07-148

Commissioner Rothstein moved, seconded by Commissioner Brennan, 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:

ZONING BOARD OF APPEALS

Richard Hansen appointed as an alternate to a term expiring May 2008

DOWNTOWN DEVELOPMENT AUTHORITY

Carlleen Rose reappointed to a term expiring August 2011

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: November 5, 2007

RESOLUTION NO. 07-149

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

**RESOLUTION APPROVING THE 2007 - 2009
COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY REPORT**

WHEREAS, the U.S. Economic Development Administration (EDA) requires the submission of a Comprehensive Economic Development Strategy (CEDS) report from districts wishing to maintain eligibility for EDA grant and loan programs; and

WHEREAS, the City of Big Rapids currently and actively participates in the economic development district activities of the West Michigan Regional Planning Commission (Region 8), and

WHEREAS, the Region 8 Comprehensive Economic Development Strategy (CEDS) Committee has overseen the development of a CEDS Report including the review of goals and objectives, project development and prioritization, and plan implementation strategies; and recommends the submission of the CEDS Report to EDA as the 2007 -2009 CEDS for the Region 8 District, and

WHEREAS, members of the West Michigan Regional Planning Commission (WMRPC) have approved Region 8's 2007 -2009 Comprehensive Economic Development Strategy.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the 2007 - 2009 Comprehensive Economic Development Strategy of the West Michigan Regional Planning Commission.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: November 5, 2007

RESOLUTION NO. 07-150

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

RESOLUTION AUTHORIZING AGREEMENT WITH FERRIS STATE UNIVERSITY FOR THE LEASING OF SPACE ON AND BELOW THE WATER TOWER ON SOUTH STATE STREET FOR COMMUNICATIONS FACILITIES

WHEREAS, Ferris State University granted an easement to the City on August 19, 1961 for a parcel of land for the purpose of constructing, repairing, replacing, removing, remodeling, relocating a water tower, stand-pipes and other mains, laterals and connectors or water works equipment necessary for water service to Ferris State University and the public, and

WHEREAS, the communication industry has developed a need to place transmitters, receivers, and electronic equipment on elevated towers or structures, including the City water tower located on the Ferris easement area, and

WHEREAS, the City would like the opportunity to lease space on its Ferris water tower and ground beneath it to businesses in the communication industry for the placement their required communications equipment, and

WHEREAS, the attached agreement identifies the terms and conditions for which the City will enter into lease agreements with communications companies for placement of their communication equipment at the water tower located at the Ferris site.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby authorized the Mayor and City Clerk to sign the attached Agreement for leasing space on and below the City of Big Rapids Water Tower on South State Street for communications facilities.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch

Nays: None

The Mayor declared the resolution adopted.

Dated: November 5, 2007

RESOLUTION NO. 07-151

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

**RESOLUTION AMENDING MECOSTA COUNTY
FIRE PROTECTION AGREEMENT**

WHEREAS, various area municipalities have entered into an agreement under the terms and conditions as outlined in and entitled the MECOSTA COUNTY FIRE PROTECTION AGREEMENT, approved by the City Commission Resolution No. 92-21, on January 20, 1992, for the providing of mutual protection in cases of conflagration, natural disaster, or other fire and/or rescue emergencies, and

WHEREAS, said agreement is periodically amended, which improves fire protection to area citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the amendment to the Mecosta County Fire Protection Agreement, copy hereto attached, and the Mayor and City Clerk are hereby authorized to sign the agreement on behalf of the City of Big Rapids.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: November 5, 2007

RESOLUTION NO. 07-152

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

**RESOLUTION ADJOURNING TO EXECUTIVE SESSION
FOR THE PURPOSE OF DISCUSSING NEGOTIATION
STRATEGY WITH THE FIREFIGHTERS UNION**

BE IT RESOLVED, that the City Commission adjourn to executive session for the purpose of discussing matters pertaining to the Firefighters labor negotiations.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the resolution adopted.
Dated: November 5, 2007

The City Commission adjourned to executive session at 8:26 p.m. to discussion labor negotiations with the firefighters union. They returned to open session at 9:12 p.m.

MOTION NO. 07-153

Commissioner Rothstein moved, seconded by Commissioner Hogenson that the City Commission approve the proposed contract with the firefighters union, which includes the current contract language with revised changed and authorize the Mayor to sign said contract.

Yeas: Brennan, Harper, Hogenson, Rothstein, Burch
Nays: None
The Mayor declared the motion passed.
Dated: November 5, 2007

Commissioner Harper referred to the summary sheet pertaining to the City Manager's evaluation and requested that the City Commissions be provided with all available information so that they can have an opportunity to be more informed on issues. Commissioners should be provided with as much complete information as possible.

There being no further business to come before the Commission, the meeting was adjourned at 9:28 p.m.

* * * * *

Edward S. Burch

Roberta R. Cline, City Clerk

City Commission Organizational Meeting
November 19, 2007

Mayor Edward Burch called the regular meeting of the City Commission to order at 7:30 p.m.

Present: Commissioners Peggy Brennan, Terry Harper, Tom Hogenson, and Dan Rothstein; Mayor Edward Burch; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None

There were 36 persons in the audience.

Pledge of Allegiance.

The minutes of the regular meeting of November 5, 2007 were approved as presented.

Mayor Burch closed the meeting of the City Commission at 7:32 p.m.

The City Commission was called to order by City Clerk Roberta Cline at 7:32 p.m.

City Clerk Roberta Cline administered the Oaths of Office to Mark Warba, Mayor and Lynn Anderson and Terry Harper, City Commissioners.

The gavel was passed to Mayor Mark Warba.

The City Commission recessed the meeting to allow the audience to greet both the new and outgoing City Commissioners. The Commission returned to session at 7:53 p.m.

Mr. Robert Horan, 504 Rust Avenue, addressed the City Commission and audience. He expressed appreciation to the outgoing Commission members who served the City with class and dignity. He recognized and thanked Ed Burch and Dan Rothstein for their dedicated service to the City. He thanked Terry Harper for her continued service to the City. He recognized Lynn Anderson for her willingness to serve on the Commission.

Mr. Horan stated that there were no losers in this election as he recognized the others who had run for office. All were winners because it brought discussion.

Mr. Horan asked this new Commission to review the issues of housing. He believes there is a lack of communication, which needs to be addressed. He is also concerned that the City is stifled regarding growth and it is important that the City work with neighboring townships.

APPROVAL OF THE AGENDA:

Mayor Warba stated that item 8f would be moved to after 9d on the agenda.

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson, that the Park and Recreation and Library bills be approved.

Big Rapids Automotive Supply	29.94	Delta Labs	288.58
Farm Plan	37.50	Medler Electric	233.62
State Street Hardware	70.74	Consumers Energy	57.13
Muskegon River Watershed	946.87	Ferens, Melissa	70.48
Krizka, James	20.00	Krob, Michelle	50.00

Stiehl, Cody	30.00	Ferens, Melissa	194.49
First National Bank	254.93*	Baker & Taylor	246.21*
Southfield Public Library	23.95*	Thomson, Gale	71.15*
Xerox Corp.	91.42*	Charter Comm.	269.99*
Michigan State of	111.46	Midwest Safety	33.33
Sherwin Williams	10.80	Different by Design	341.76
Krizka, James	40.00	Krob, Michelle	40.00
Michigan State of	60.00	Kone, Inc.	321.93*
Great Lakes Office	59.38*	A T & T	180.26*
Atlantic Monthly	24.95*	Backpacker	24.94*
Carus Publishing	35.97*	Consumer Reports	26.00*
Grand Rapids Magazine	24.00*	In Fisherman	9.99*
Kiplinger's	23.95*	New Republic	79.97*
New Yorker	39.95*	Self	16.00*
Traditional Home Magazine	22.00*	Worldwatch Institute	74.95*
Baker & Taylor	163.79*	Thomson Gale	23.22*

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Paul DesNoyers, 20391 Coolidge, stated he has been a businessperson in Big Rapids for over 30 years and has owned a number of properties in town for a number of years. The Rental Housing Committee has discussed a proposed position of Fire Marshall. At the last Committee meeting, Mr. Sobers stated the possibility of the Fire Marshal being a part of Neighborhood Service. The BRPOA believes the Fire Marshall belongs in the fire department. The housing inspections are to be moved over to the Public Safety Department. This has not happened after months of discussing it at the meetings. It was agreed to by the Committee that this would be transferred to Public Safety. If this is backsliding, he believes it is a shame.

Mary Ryan, 327 S. Stewart St., thanked the DDA for the downtown Christmas parade.

Mr. Sobers stated that the City Holiday luncheon is scheduled for December 19th here at City Hall for the Commission and staff. The Chamber of Commerce Holiday Gala is November 30th and if anyone would like tickets to go, please let Roberta or him know.

Mark Bolek, 18505 Northland Drive, stated he was proud to see people in the streets of Big Rapids this summer picking up downtown. The Mecosta County Blue Tiger Democratic Club has adopted a part of McKinley Road for trash pickup.

RESOLUTION NO. 07-154

Commissioner Harper moved, supported by Commissioner Brennan, the adoption of the following:

RESOLUTION DESIGNATING MAYOR PRO-TEM

BE IT RESOLVED that Commissioner Tom Hogenson be designated as Mayor Pro-Tem.

Yeas: Anderson, Brennan, Harper, Warba

Abstained: Hogenson

Nays: None

The resolution motion was declared adopted.

Dated: November 19, 2007

Mark Gifford explained the makeup of the West Michigan Region Planning Commission stating that there needs to be three private sector representatives. Currently those representatives are the new Economic

Development Director and Cindy Plautz. There needs to be an appointment of one more individual from the private sector.

RESOLUTION NO. 07-155

Commissioner Harper moved, seconded by Commissioner Brennan, the adoption of the following:

**RESOLUTION APPOINTING MARK GIFFORD
AND TOM HOGENSON TO THE WEST MICHIGAN
REGIONAL PLANNING COMMISSION**

BE IT RESOLVED, that the City Commission hereby reappoints Mark Gifford and Tom Hogenson to the West Michigan Regional Planning Commission for the 2008 Calendar Year.

Yeas: Anderson, Brennan, Harper, Warba
Abstained: Hogenson
Nays: None
The Mayor declared the resolution adopted.
Dated: November 19, 2007

RESOLUTION NO. 07-156

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

**RESOLUTION AMENDING FISCAL YEAR 2007/2008
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2007/2008 General Appropriations on May 7, 2007 per Resolution No. 07-44, 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 attached Budget Adjustments to the FY 2007/2008 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2007/2008 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: November 19, 2007

RESOLUTION NO. 07-157

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

**RESOLUTION ADOPTING BENEFIT PROGRAM 'E'
INCREASE TO BE EFFECTIVE ON ADJUSTMENT DATE
JANUARY 1, 2008**

1. As authorized by Section 20 of the MERS Plan Document as revised the City of Big Rapids, Municipality No. 5402 adopts for the following (circle **only** A or B):

- A. All retirees and beneficiaries.

B. Retirees and beneficiaries in Divisions: Group 10 and 11

2. The increase will be (circle **only** A or B; if B, complete as indicated):

A. **Traditional** (For all who retired on or before December 31, 2006, as computed in the actuary's cost analysis).

Two percent (2%) of the retirement allowance payable immediately prior to the adjustment date, for each complete calendar year since the last adjustment date for which Benefit E was adopted, or effective date of retirement allowance, whichever is shorter.

B. **Flexible**

1. Type of increase 0% adjustment factor **OR flat dollar amount per month - \$15.00.**

2. Increase applies in the following manner:

(a) Only those retired on or before December 31, 1997

(b) Number of years for adjustment _____.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: November 19, 2007

Project Updates Report

City Manager Steve Sobers updated the City Commission with a list of projects that will be coming before the City Commission.

1) Library

- Citizen Committee (of 9?) to review the 2000 design drawings and the location potentials for an improved Library.
- General directions

A discussion of the Library followed.

Mrs. Froelich, 519 Linden Street, questioned the status of the structure study for the current Library that is a budgeted item. Mayor Warba replied that this is one of the projects the Commission will be looking at.

Mr. Sobers stated that the Commission came to a general agreement that there will be a committee. There are currently three or four interest indicators on file for that Committee.

Mayor Warba stated that he would like to see something done within his two-year term. He would like to see a Library Committee by January. Between now and January 1, there needs to be a discussion of how to get the committee appointed and how many members should be on the committee.

Mrs. Froelich stated that the Library question is not one of remodeling. It is a re-evaluation of the soundness of the building. She believes it is time for engineers to come with input pertaining to the structural soundness.

Commissioner Harper explained that the Commission set aside \$20,000 in the budget for a feasibility study.

Mr. Sobers provided background into the past review of the Library renovations for \$4.5 million and the possible purchase of the Lutheran Church for \$1.5 million. It was suggested that a review be made of what \$1.5 million could accomplish at the current Library.

Commissioner Brennan believes it is important to do the feasibility study since there are several people who would like to see the Library kept where it is.

Commissioner Hogenson stated that along with deciding whether or not it is feasible in that location, the following need to be considered:

- (1) Determine if it is a prudent to keep the Library at its current site.
- (2) Determine what the patrons and the community wants.
- (3) Determine where do we get the money – what resources are available.

Mayor Warba stated that this would be put on the next study session.

2)

Grants

- Mitchell Creek Land Purchase
- Riverwalk III
Mitchell Creek and the Riverwalk both scored high with the DNR.
- Depot
The Depot is driven by the Chamber of Commerce. The City has an opportunity to lease the depot at no cost to the City. The Chamber and Visitor's Bureau would like to occupy the building. The question is what will be done with the current building on State Street. The Chamber would like to use any proceeds from the sale of the building to renovate the depot.
- Vibrant City
Staff will be meeting with the State in Lansing on November 30th.
- DART Office
The City has received a grant for a new DART office in the amount of \$150,000. The status is that the City is trying to determine where that will be.
- Airport
Many good things are happening at the airport. The City is still working on the potential of extending the runway.
- Baldwin Street Bridge
The bridge is expected for the 2010 State funding year.

3)

Wastewater Funding

Proposed Wastewater funding is anticipated in the amount of \$8 million for plant upgrades.

4)

Personnel

New organization chart – The City is looking at a number of retirements, which gives an opportunity to look at the organizational chart.

Commission Comments and Concerns:

Commissioner Harper questioned if leaf pickup activity would be extended since the leaves have hung onto the trees for so long. Tim Vogel, Director of Public Works, stated that the staff would continue to pick up leaves weather permitting.

Commissioner Harper suggested that the City look at televised Commission meetings. She would like the discussion of doing so taken to a study session or retreat.

As Commissioner Harper is taking a class in quality improvement, she would like the City to consider looking into how it could make improvements and what it might entail.

City Treasurer Lynne Fields presented the City Financial Report - a summary of Fund Balances and Pooled Cash/Investment Balances.

Mayor Warba offered "food for thought", suggesting that the Commission review different sites for the Commission meetings, allowing people in different areas to attend meetings.

Mayor Warba suggested reviewing the City Commission Rules of Procedures for possible changes.

RESOLUTION NO. 07-158

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

**RESOLUTION ADJOURNING TO EXECUTIVE SESSION
FOR THE PURPOSE OF DISCUSSING NEGOTIATION
STRATEGY WITH THE FIREFIGHTERS UNION**

BE IT RESOLVED, that the City Commission adjourn to executive session for the purpose of discussing matters pertaining to the Firefighters labor negotiations.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 19, 2007

The City Commissioner adjourned to Executive Session at 9:18 p.m. to discuss matters pertaining to the Firefighters labor negotiations. They returned to regular session at 9:47 p.m.

UNSCHEDULED BUSINESS

City Manager Sobers presented a proposed organizational chart to work with the upcoming retirements. Discussion included the proposed position of a Fire Marshall.

There being no further business to come before the Commission, the meeting was adjourned at 10:31 p.m.

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
December 3, 2007

Mayor Mark Warba called the regular meeting of the City Commission to order at 7:35 p.m.

Present: Commissioners Lynn Anderson, Peggy Brennan, Terry Harper, and Tom Hogenson; and Mayor Mark Warba; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 22 persons in the audience.

Pledge of Allegiance.

The agenda was approved as modified to include a resolution adjourning to executive session for the discussion of negotiations with the firefighters union and changing the December 17th meeting to begin at 6:30 p.m.

Commissioner Harper moved, seconded by Commissioner Hogenson that the minutes of the November 19, 2007 meeting be approved as presented.

Yeas: Unanimous

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Farm Plan Corp.	43.50	Consumers Energy	389.16
Krizka, James	10.00	Krob, Michelle	50.00
Stiehl, Cody	50.00	Delaney, Stephanie	54.00
Morey, Norita	54.00	Consumers Energy	8.00
Consumers Energy	458.31*	DTE Energy	105.53*
Demco, Inc.	172.42*	A T & T	.52*
Gale Group	65.15*		

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

SPECIAL ORDERS OF THE DAY

Mayor Mark Warba presented retired City Treasurer Lorraine James with the Finance Officers Association (GFOA) award.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Mr. Paul DesNoyers spoke on behalf of the BRPOA. He stated that the housing inspection operations still have not been moved to Public Safety. It is the belief of the BRPOA that as result of the Housing Committee meetings, the operations were to be moved to and conducted through Public Safety.

Mr. Sobers stated that the issue has not yet been put to a vote. Mr. Peek, Zoning Administrator, has announced his retirement. Mr. Sobers will be bringing to the December 17th meeting a proposed organizational structure for consideration in light of the six retirements that will be taking place by the end of the year. He will be coming to the City Commission with a formal request with a specific organizational structure.

Sue Glatz stated it was agreed that the inspection process may be better served through Public Safety with the firefighters. In terms of the Fire Marshall, no one is trained to do that. Nancy Haight is all trained to do the inspection recordkeeping. Ms. Glatz believes it makes sense for it to be at Public Safety and there needs to be follow through with what was agreed to be done.

Mayor Warba questioned if there was an agreement to have the inspections done out of the Public Safety Department.

Mr. Sobers responded for the last six months, other than by mutual agreement by the property owner, there has been no Neighborhood Services people on the inspections. This will continue until the reorganization structure is defined.

RoseMary Jennings commented that she misses the decorations on the bank corners. She is of the understanding that the decorations are on a three-year rotation. She believes that the town needs to be dressed up.

Mr. Vogel replied he does not know of the three-year turnover. The City currently rents the decorations and staff can certainly look into rotating them. Mr. Sobers added that the problem is the electrical circuitry downtown. Hopefully the Vibrant Cities grant will address the level of the power distributed to the downtown.

Gary Fitch spoke as Co-chairperson of the River Safety Committee. With the river freezing, he is concerned that it looks inviting. The throw rings are being stored at the Public Safety Building. If someone is to fall into the river, the rings are not there. The two problems currently being faced are (1) vandalism and (2) cellular service to dispatch. The wiring is not available in some locations – there is no electricity or phone lines, both which are a necessity. Areas needing the wiring are North End Park, Swede Hill Park, behind the Middle School and three throw rings at Hemlock Park. He is asking for any help to make the system work.

RESOLUTION NO. 07-159

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

**RESOLUTION AUTHORIZING 2007
VIBRANT SMALL CITIES INITIATIVE
APPLICATION GRANT**

WHEREAS, the City of Big Rapids intends to utilize \$1 million in MSHDA CATeam CDBG funds in conjunction with \$1 million in match dollars for priority projects within a target district defined within the previously submitted Notice of Interest, and

WHEREAS, the City of Big Rapids understands that the community must work with MSHDA to prepare specific project proposals that must be submitted in the format of a Request for Grant Funding (RFG) for eligible CDBG activities not later than March 15, 2008 or that the grant set-aside amount will be reduced accordingly by close of business on March 16, 2008, and

WHEREAS, the City of Big Rapids understands that the \$1 million in matching funds must be placed in an escrow account not later than March 15, 2008 or that the grant set-aside amount will be reduced accordingly by close of business on March 16, 2008, and

WHEREAS, the priority order of projects within the community's application submission is consistent with the Hyett/Palma Blueprint Plan and local community development plans described in the Notice of Interest, and

WHEREAS, the City of Big Rapids is comprised of 63.9% low or moderate income individuals and at least 51% of the beneficiaries of the proposed projects would be low and moderate income persons, and

WHEREAS, no project costs (CDBG and non-CDBG) will be incurred prior to a formal grant award, completion of the environmental review procedures and formal, written authorization to incur costs is received from the Community Assistance Team, and

WHEREAS, Stephen Sobers, City Manager is hereby authorized to submit the Michigan CDBG Vibrant Small Cities Initiative Application and associated documents on behalf of the City of Big Rapids, and

WHEREAS, Stephen Sobers, City Manager, Mark Gifford, Neighborhood Services Director, and Cindy Plautz, Neighborhood Services Coordinator shall be the contact persons, and

WHEREAS, Stephen Sobers, City Manager shall be the certifying officer for the environmental review, and

NOW, THEREFORE, BE IT RESOLVED, the City Commission of the City of Big Rapids authorize the submission of the 2007 Vibrant Small Cities Initiative Application Grant in compliance with the VSCI program rules, regulations, and state as well as federal policies and recognizes requirements vary dependent upon funding categories selected including, but not limited to, reuse/resale provisions, Uniform Relocation Act, and Section 106 review.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 3, 2007

RESOLUTION NO. 07-160

Commissioner Harper 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 9.25% per annum or .0002534 per day to be effective on July 1, 2007 – December 31, 2007 and 9.2% per annum or .0002514 per day to be effective on January 1, 2008 – June 30, 2008.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted

Dated: December 3, 2007

RESOLUTION NO. 07-161

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

**RESOLUTION AMENDING FISCAL YEAR 2007/2008
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2007/2008 General Appropriations on May 7, 2007 per Resolution No. 07-44, 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 attached Budget Adjustments to the FY 2007/2008 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2007/2008 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted

Dated: December 3, 2007

RESOLUTION NO. 07-162

Commissioner Harper, seconded by Commissioner Hogenson, the adoption of the following:

**RESOLUTION ACCEPTING MICHIGAN DEPARTMENT
OF TRANSPORTATION SECTION 5311 OPERATING ASSISTANCE
AND AUTHORIZING MAYOR AND CITY CLERK TO SIGN
AGREEMENT NO. 2007-0177/Z2**

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

WHEREAS, FTA funds are 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, 2007 through September 30, 2008, the City has requested federal funding in the amount of 16% of the City's proposed operating budget (\$62,096).

NOW, THEREFORE, BE IT RESOLVED, that the City of Big Rapids hereby agrees to enter into the Project Authorization Agreement for FY 2007 Section 5311 Operating Assistance Agreement No. 2007-0177/Z2 in the amount of \$62,096 and authorizes the Mayor and City Clerk to sign the agreement documents.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 3, 2007

RESOLUTION NO. 07-163

Commissioner Brennan moved, seconded by Commissioner Harper, the adoption of the following:

RESOLUTION AUTHORIZING DEER CULL

WHEREAS, the City of Big Rapids is faced with a large deer herd in one section of the City, and

WHEREAS, the City Commission shall direct the Director of Public Safety to proceed with the culling of a maximum of ten deer during December 16, 2007 - January 5, 2008, within the area identified and in accordance with all Department of Natural Resource requirements for the cull, and

WHEREAS, the area is identified as along the Muskegon River south of the Wastewater Treatment Plant and between St. Paul’s Church, Ives, Cypress and the river, and

WHEREAS, the area shall be posted that a hunt is in progress and notification shall be given to all residents within 300 feet of the area where the cull will occur, and

WHEREAS, any direct expenses beyond personnel costs will be passed on to the benefiting property owners and not to the City.

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Safety is hereby authorized to conduct a deer cull during December 16, 2007 - January 5, 2008 within the specified area.

Yeas: Brennan, Harper, Hogenson, Warba
Nays: Anderson
The Mayor declared the resolution adopted.
Date: December 3, 2007

RESOLUTION NO. 07-164

Commissioner Harper moved, seconded by Commissioner Brennan, the adoption of the following:

**RESOLUTION ADJOURNING TO EXECUTIVE SESSION
FOR THE PURPOSE OF DISCUSSING NEGOTIATION
MATTERS WITH THE FIREFIGHTERS UNION**

BE IT RESOLVED, that the City Commission adjourn to executive session for the purpose of discussing matters pertaining to the Firefighters labor negotiations.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: December 3, 2007

The City Commission adjourned to executive session at 8:35 p.m. to discussion negotiations with the firefighters union. They returned to regular session at 8:46 p.m.

RESOLUTION NO. 07-165

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

**RESOLUTION ACCEPTING CHANGES TO
FOUR-YEAR SALARY INCREASES AS PART OF THE
NEGOTIATIONS WITH THE FIREFIGHTER’S UNION**

WHEREAS, at the November 5, 2007, meeting of the City Commission, the Commission passed Motion 07-153, ratifying the proposed contract with the Firefighter’s Union, International Association of Firefighters Local No. 1776, and

WHEREAS, the Union has taken the proposed contract to their members and ratified all TAs, which included a 9% wage increase over four years, and

WHEREAS, the Union is requesting that the four-year 9% wage increase be revised from the original proposal presented to the City Commission to include wage increases of 2.9% - 2.1% - 2.0% and 2.0%, respectively for years 2007-2008, 2008-2009, 2009-2010 and 2010-2011.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the change to the four-year contract, whereby, the yearly wage increases will be based on 2.9% - 2.1% - 2.0% - 2.0%.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 3, 2007

UNSCHEDULED BUSINESS:

Commissioner Brennan questioned the concerns of the BRPOA. Mr. Sobers explained that the location of the Fire Marshall will be determined as the staff organizational structure is reviewed. At the December 17th meeting, he will lay out a proposed organizational chart and let the Commission decide where it will be.

Mayor Warba stated that at the January 7th meeting, the Rules of Procedures will be reviewed. It was requested that any proposed revisions be delivered to the City Clerk ahead of that meeting.

There being no further business to come before the Commission, the meeting was adjourned at 8:55 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

**Special meeting of the City Commission
December 10, 2007
5:30 p.m.**

Mayor Mark Warba called the special meeting of the City Commission to order at 5:30 p.m.

Present: Commissioners Peggy Brennan, Terry Harper, and Tom Hogenson; and Mayor Mark Warba; City Manager Steve Sobers; and City Attorney Eric D. Williams. Commissioner Lynn Anderson arrived at 6:15 p.m.

There were 19 persons in the audience.

Mayor Warba welcomed the audience, township officials and engineers, stating that the purpose of the meeting was to discuss the improvements to the Wastewater Treatment Plant. The Commission was looking for explanations regarding the cost of the project.

City Manager Sobers stated the goal is to present as much as possible regarding the proposed improvements to the plant. The engineers have revisited the project and have identified some area to cut. The Ferris environmental engineers, Hubble, Roth and Clark, can do another report to see if there are other areas, which can be cut.

Mayor Warba stated that the City would be meeting with the townships at 1:30 p.m. on Wednesday, December 12th so that the City can make a presentation to them. The matter before the Commission consists of:

- (a) Assume there is need for improvements to the WWTP.
- (b) How did the City get to where it needs to be regarding the cost of the project.
- (c) Recommendation as how to proceed and where does the City go from here.

Bruce Everitt, Superintendent of the Wastewater Plant, presented his report on the Need for Wastewater Treatment Plant Improvements, dated December 2006. The report summarized the current status and proposed plan for the plant buildings and operational equipment. Bruce stated that a large part of the project is demolition.

Mayor Warba questioned what happens if the project does not go forward. Mr. Everitt replied that staff cannot predict when or how long things will operate correctly. He knows that there are things in bad repair. He believes it is better to move forward with some of the improvements. He does not want to see any part of the processing system scarified.

Mayor Warba questioned how much of the improvements were driven by the DEQ. Commissioner Hogenson added that he would like to know what is engineering driven verse employee driven.

Mr. Sobers explained that it is in a sense DEQ driven. The DEQ never gets in out front. They always drive from the back, waiting for some part of the plant to fail, whereby, they fine. If any failures continue, the cost of the fine is upped.

The Manager explained the funding qualifications.

Jim Haggerty and Kathy Prien summarized the project budget estimates. The estimates are their projection, which are developed in conjunction with a contractor who works with Prein and Newhoff. The estimated contingencies are for unforeseen conditions on the job site. This is a base bid.

Kathy Prein stated that it is important to proceed with the building process. It is beneficial for the City to meet the required final date so that Bruce can continue to meet requirements.

Mr. Sobers reviewed the peer spec review consisting of:

1. Recommendation for internal review with new engineer, Tom Newhoff and Fred Eyer for no additional charge.
2. Recommendation that Ferris environmental engineer Hubble, Roth and Clark review drawings for additional savings. Could cost up to \$10,000.
3. Recommendation for estimator review comment on clarity of specifications as written. No additional charge.

He stated that staff recommends these three items.

Mr. Sobers explained the ~~FRS~~ SRF funding procedure and cycle. The City has lobbied ~~Senator~~ Representative Camp for the project. The project made both Stabenow's and Levin's list, did not make the US list. He would like to see this go forward the best it can. Can the plant run three to four years more without failure? No one knows. He likes the engineer's recommendation of alternates in the bidding. Once the bids come in, there is always the option of rebidding. **Waiting for the 2009 SRF cycle could cost the city another \$50,000 in re-engineering costs.**

Mayor Warba opened the floor for public comment. There were no comments from the audience.

Commissioner Harper questioned the use of the other study by Hubble, Roth and Clark. Mr. Sobers stated that if they start the review tomorrow, the work can be done within two weeks. Don stated that if it waits another week, they may not be able to get it done until into January.

Mayor Warba stated that he is not in favor of another review until the City has been able to meet with the townships on December 12th. This can be considered at the December 17th meeting.

Mr. Haggerty stated that they are not yet done with their estimate review, since they only had one week to review. They will continue to work on possible revisions.

Ms. Prein explained that they need to bid the project by the end of January. Decisions need to be made between now and the end of December to bid in January. **Bids in January will provide the "actual" costs of the project. At that time, the decisions can be made to fund with a bond or wait until the 2009 SRF cycle in October.** Mr. Haggerty added that Ferris is driving the bid, so that the contractors are not in the middle of construction when Ferris comes back.

Commissioner Harper suggested that while \$5,000 to \$8,000 is hard to spend, but because of the time, perhaps it is beneficial to have an outside firm give the City one more suggestion of revisions to the plant project.

Mayor Warba is interested in knowing what things will play out on December 12th. He heard that the engineers would continue to look at the cost figures. If, after the Thursday meeting, the City Commission still feels it is important for the review, the Commission can take action on December 17th.

MOTION NO. 07-166

Commissioner Brennan moved, seconded by Commissioner Hogenson that the City Commission authorizes the City Manager to contract the engineering services of Hubble, Roth and Clark to do a peer review of the Wastewater Treatment Plant improvements not to exceed \$8,000.

Yeas: Anderson, Brennan, Harper, Hogenson

Nays: Warba

The motion passed.

December 10, 2007

The staff and engineering will continue to review potential savings.

The special meeting of the City Commission was adjourned at 7:55 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
December 17, 2007

Mayor Mark Warba called the regular meeting of the City Commission to order at 7:30 p.m.

Present: Commissioners Lynn Anderson, Peggy Brennan, Terry Harper, and Tom Hogenson; Mayor Mark Warba; City Manager Steve Sobers; and City Attorney Eric D. Williams.

Absent: None

There were 21 persons in the audience.

Pledge of Allegiance.

Commissioner Harper moved, seconded by Commissioner Hogenson that the minutes of the regular meeting of December 3, 2007 be approved as presented.

Yeas: Unanimous

Commissioner Hogenson moved, seconded by Commissioner Harper that the minutes of the special meeting of December 10, 2007 be approved with the following revisions offered by Commissioner Harper.

Mr. Sobers explained the ~~FRS~~ SRF funding procedure and cycle. The City has lobbied ~~Senator~~ Representative Camp for the project. The project made both Stabenow's and Levin's list, did not make the US list. He would like to see this go forward the best it can. Can the plant run three to four years more without failure? No one knows. He likes the engineer's recommendation of alternates in the bidding. Once the bids come in, there is always the option of rebidding. **Waiting for the 2009 SRF cycle could cost the City another \$50,000 in re-engineering costs.**

Ms. Prein explained that they need to bid the project by the end of January. **Bids in January will provide the "actual" costs of the project. At that time, the decision can be made to fund with a bond or wait until the 2009 SRF cycle in October.** Decisions need to be made between now and the end of December to bid in January. Mr. Haggarty added that Ferris is driving the bid, so that the contractors are not in the middle of construction when Ferris comes back.

Yeas: Unanimous

Nays: None

Approval of Library and Park and Recreation Bills.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Big Rapids Cash & Carry	111.02	Fenstermacher Asphalt	351.00
Consumers Energy	157.49	Tri County Portable	134.85
Charter Comm.	269.99*	Bags on the Net	1,773.00
State Street Hardware	12.84	Krizka, James	112.00
Krob, Michelle	40.00	A T & T	67.61
First National Bank	264.00*	Kone, Inc.	643.86*
Staples	58.03*	Checkpoint System	400.00*
A T & T	174.51*	Ebony Magazine	35.97*
Hearst Corp.	23.97*	Michigan, State of	19.95*
Money	39.95*	Readers Digest	29.96*
Scientific American	34.97*	First National Bank	164.00*
Baker & Taylor Books	764.21*	Audio Editions	1,594.82*
First National Bank	124.90*	Xerox Corp.	91.42*

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Sue Glatz addressed the Commission, requesting that the following letter be made a part of the minutes:

December 14, 2007

Mayor Warba and Commissioners;

Recently in the BRPOA discussions, Mayor Burch's Select Committee, and now "talks" with Mr. Sobers, we had been assured that the rental inspection paperwork would be handed over to Nancy at DPS. Now since Mr. Sobers wants a Fire Marshall, he intends to house the paperwork at Neighborhood Services at City Hall. I just don't see how that makes sense, and we had discussed it and agreed – Mayor and Commissioners – to have the paperwork be at the DPS. The licensing fees we raised because, in part "Nancy was trained and the new computer program for her was purchased." Now Nancy will not be getting the paperwork and not be doing the work she was trained to do, so I would suggest a rebate of that cost.

Yesterday I received 8 letters from the City, signed by Cindy Plautz, advising me that there were 8 properties not inspected, when in fact they had been inspected on December 6. In addition, the owners got letters. So it made us look bad – like we are not doing our job. When I called and talked to Cindy, she said she "must not have gotten the paperwork from the firemen yet".

There has got to be a better way of doing this and I thought we had agreed to it. Let's stick with the plan and get it transferred as soon as possible. It should lessen the frustration on our part, and unnecessary letters going out on your part. Time and money better spent.

Yours truly,
Sue Glatz

PS I'm not the only one with this problem.

Mr. Sobers responded stating that he has been meeting with the BRPOA folks and has talked about the possible personnel reorganization, which he will be presenting to the Commission this evening. He has attempted to explain to them that there could be some changes in the Fire Marshall process due to Jim Peek's announcement that he will be retiring in February. He stated he informed the BRPOA not to expect a decision until January or February. Things have changed since the initial discussions.

He further explained that the BRPOA recommended that the City adopt the Property Maintenance Code and the Michigan Housing Code, which has been done. Neighborhood Services and the Department of Public Safety both need the housing inspection information and will have access to the data base. There has been no lack of training and wherever the Fire Marshall position is placed, there will need to be more training.

Mayor Warba inquired as to whether the transfer of the rental inspection paperwork has been agreed upon.

Commissioner Hogenson stated there has not been action taken by the City Commission to officially move the paperwork. Two Commissioners were a part of the Committee but actions of the Committee were not to be final. The City Commission has not discussed this as a whole, nor have they voted on these issues.

Sue Glatz questioned why Nancy Haight in DPS has been trained to do this job if there is not a decision to move the duties down there.

Commissioner Harper commented generally that while the previous Mayor's review committee did indeed discuss the anticipated placement of both the inspection and recordkeeping program at DPS, the Committee's report was only advisory. **Several public statements have been made by the City Manager in the Housing Inspection Review Committee meetings and at the regular Commission meetings regarding the proposed transfer of the housing inspection program to the DPS, which included actions of the computer program purchases and training DPS staff.** The Commission discussed the issue of increased rental fees, **and was aware of this proposed program transfer when it took action on the resolution to increase rental inspection fees that were based on the program costs of operation through the neighborhood services department and not DPS.** The housing rental fees were raised because the financial records showed that the fees were below what it actually cost the City's Neighborhood Services to handle. They were not raised because of a transfer of recordkeeping to DPS. Mayor Burch requested that records be kept yearlong so that better accounting could be made on the program after the next yearly inspection cycle.

Mr. Sobers explained that the Fire Marshall position will be looked at during an upcoming Commission meeting, probably in January. Wherever the Fire Marshal position is put, clerical support will follow.

Wayne O'Neil, Big Rapids Township trustee, noted that Wednesday's wastewater treatment plant improvement meeting was attended by about 20 people representing Green Township, Big Rapids Township, and the City of Big Rapids. The recommendations that are being made to the City come from and are the consensus of both township boards.

Pat Currie, businessperson in Big Rapids, expressed concern that he has heard that the new Fire Marshall may inspect commercial and industrial businesses. Years ago, the Fire Department would review businesses for free and he is concerned that if a fee is charged, it is another expense placed on businesses. The cost of doing business in town is the number one reason businesses are going into the township.

Introduction of Bill Mrdeza – City Manager Sobers introduced Mr. Bill Mrdeza, the new Mecosta County Economic Development Director.

Housing Commission Update by Mark Sochocki - Housing Director Mark Sochocki briefed the Commission on what the Housing Commission has accomplished this last year.

Discussion of Library Study Committee – City Manager Sobers and Library Director Gaylynn Rorabaugh presented the position paper on the Library Committee. The appointment of the Committee will be on the January 7, 2008 Commission agenda.

Discussion of Wastewater Treatment Plant Improvements –

City Manager Sobers noted that much had been done since the last Commission meeting. At 7:30 this morning the Manager, Mayor Mark Warba, Mayor Pro-Tem Tom Hogenson, City Attorney Eric Williams, and Engineer Don Greiner had engaged in telephone calls to State officials to review the last minute status of the Wastewater Treatment Plant upgrade plans.

Mr. Dave Timm, the DEQ Regional Director for Enforcement/Compliance was the first call. Mr. Timm commented that his staff was very concerned about the mechanical status of the Big Rapids plant. They were aware of several weak points and stressed the need to continue in a positive direction with the upgrade program. He also advised that DEQ was generally very pleased with the design and adequacy of Prein and Newhof's design approach.

When questioned about DEQ's philosophy about future violations if the City elected to postpone immediate action at the plant in order to try for a future SRF loan, which would save \$2-3 million, Mr.

Timm commented that DEQ also had a job to do. Violations would certainly result in a 'demand' for an Administrative Consent Order, requiring construction of the upgrade on a mandatory timetable, which would include an immediate fine and daily stipulated assessments for those violations.

The discussion moved to things that the City could do to help in this determination, one of which was to authorize the bidding of the plant now (in December) for a bid date in September 2008. This would indicate to DEQ that the decision was already made to proceed; only the financing was left to be determined. Mr. Timm indicated that would be a positive thing, which would be taken into consideration. He also advised that having an advance agreement would result in a lower fine position for the City.

Another call was made to Mr. Chip Heckathorn, the Chief Staff Officer for the SRF Loan Program. He indicated that funding in 2008 was a very unlikely possibility. He noted that all 2008 projects have a Consent Order in place, which gets them an additional 300 points on the priority list. The 2008 funded cities ranged from 300 to 700 points. Big Rapids scored a 150. Mr. Heckathorn was 'guardedly optimistic about Big Rapids' chances in 2009. He noted that if Big Rapids had a Consent Order with a fixed date compliance schedule our possibilities would increase dramatically. The staff questioned if the City could voluntarily negotiate such an ACO. While this would be an unusual request, he advised that it was a possibility. Mr. Heckathorn saw no real change coming in the interest rates for SRF, predicting no more than a .2% increase at most. SRF loans were for construction only, so once construction was started there would be no chance to 'refinance' at a later time using this program.

Mr. Sobers indicated that despite the seeming attraction of waiting, realistic caution was in order. A 'Perfect Storm' of worst conditions could be equally catastrophic:

- Plant Malfunction. Significant failure at the plant could result in \$100,000s of dollars in penalties, both as fines and daily penalties. The maximum fine administered by DEQ could be \$25,000 per day (the City is 1,000 days away from completion of any construction plan)
- SRF. We would work hard to qualify for the SRF and still not reach the fundable range in competition with other Michigan communities.
- Private funding. If the City missed the SRF program again, and private funding rates increased, the City could look at a 5-6% loan (rather than the 4% presently offered)
- Interim plant repairs. If failure occurred, the City could spend \$100,000s on those repairs on a TEMPORARY basis, which would not be usable in the new plant design.
- Poor Bids. Escalating steel and concrete prices and poor bidding competition could inflate the new bids.
- No option. If the City had already committed to a fixed construction schedule, they would have no option but to complete the project despite these poor conditions.

These are not pleasant thoughts and should be taken seriously in the deliberations.

From the last meeting, Mr. Sobers noted that Prein and Newhof had identified \$160,000 in potential savings. The peer review firm of Hubbell, Roth and Clark had been authorized to review the plans and try to identify other savings.

Mr. Sobers noted that after the special meeting of the Townships, Jim White drafted a summarizing letter, which included several points that should be commented upon.

1. Payback of the S-2 grant.

This issue may now 'go away' if the City is successful in an SRF loan in 2009. If not however, the City and Townships need to lobby DEQ and the legislature to change this payback provision. Staff understands this is a significant issue to be resolved BEFORE obtaining conventional financing if it is at all possible.

2. Financial considerations.

The City agrees with the analysis that this a \$2-3 million decision over the life of a 20 year debt retirement. This, of course, is balanced by the unknown cost changes that might occur in inflation and DEQ fines should the plant 'implode' in a major way.

3. Consider phases.

The City has already phased several projects in this WWTP upgrade process – screw pumps, outfall piping, UV system and blower motors. Additional phasing would continue to be proposed if it were felt that it could be done without disrupting the treatment processes. Consistent and continuous treatment processes now make further phasing unwise and risky. Multiple mobilizations would also drive the costs higher and create accountability issues with multiple construction contractors.

4. Use of Funds

The City has an Equipment and Replacement Account with \$1,450,000 in it. The early rate increase funds are a part of that account. It should grow an additional \$300,000 or so with the decision to await the 2009 SRF determination. It is the City's plan to keep about \$500,000 on hand for the 'rainy day' balance into the future and apply all the remaining funds to the reduction in the need to borrow. It will be determined later if the City wishes to use the portion of the Ice Mountain funds, which have been segregated for street repair and other costs associated with TRUCKING rather than WASTEWATER TREATING to assist in the loan reduction process.

5. Competitive bond bidding.

It has always been assumed that the bonds would be competitively bid.

As a result of the discussions with the Township, the calls to State officials, the analysis provided by Jim White, review of the condition of the plant with its operators and conversations with Commission members, Mr. Sobers recommended that the resolution authorizing the City to offer the project for bid be removed from the Commission agenda. Instead, he recommended that the Commission direct the administration to aggressively pursue the SRF program for 2009. In addition to this directive, the Commission should:

- Establish a bid date in the September time frame (with or without SRF funding) (we should know of SRF funding in late July).
- Finalize the Construction pricing as a result of the Prein and Newhof / Hubbell, Roth and Clark reviews.
- Finalize Bid Documents with deducts and alternatives for analysis of the component costs of the project in the September time frame.
- Solicit letters of support in this approach ... and letters concerning the SRF issue from Big Rapids, Green and Ferris – keeping the communication channels open for discussion and other input during the process.

Mayor Warba thanked the City staff for diligence in seeking the most cost effective methods to cut cost. The staff and engineers have gone back to the drawing Board. He thanked Big Rapids and Green Township officials, stating that the receipt and review of proposals from the townships that are helpful.

Mayor Warba opened the discussion up to public comment.

City Manager replied to Joe Bechaz's question as to what the perfect storm was by stating it is examples of everything that could go wrong.

RoseMary Jennings questioned if action would be taken at this evening's meeting. Mayor Warba stated that the action would not be taken this evening, giving more time and opportunity for review.

Virginia Kienitz questioned if there was any chance the City could declare poverty status to increase their chances for funding. Mr. Sobers replied that the SRF does take into account the poverty and violations.

Maxine McClelland, Big Rapids Township Supervisor, thanked the Mayor and City Manager for allowing township's input and for listening.

The Commission further discussed the agenda item.

Commissioner Harper questioned the "no construction prior to SRF" and what would happen if the plant has a failure between now and next September. Mr. Sobers explained that needed repairs can be made.

Commissioner Harper also questioned the **potential costs of delaying the project** and if there could be one more meeting to help determine **these costs**. **She requested that we forecast the increased material costs, increased labor costs, DEQ fines, plant repairs, and increased interest rate costs that might occur with a delay. There was discussion regarding the ability to accurately predict these figures.** It was confirmed that the City will further review the positioning with the DEQ at the upcoming meeting.

MOTION NO. 07-167

Commissioner Hogenson moved, supported by Commissioner Harper that the City Commission authorize the City Manager to contact the Department of Environmental Quality to discuss negotiating a volunteer Consent Order which would help the City qualify for an SRF loan in 2009 and come back to the Commission by the first meeting in February with the results.

Yeas: Unanimous
Nays: None
The motion passed.
December 17, 2007

RESOLUTION NO. 07-168

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

RESOLUTION AUTHORIZING ENGINEERING CONTRACT WITH WILCOX PROFESSIONAL SERVICES, LLC ENGINEERING FOR WATER, STORM AND SANITARY SEWER AND STREETS

WHEREAS, the City utilizes the services of professional engineering firms for water main, storm and sanitary sewer and street improvements, and

WHEREAS, the City solicited Requests for Qualifications from engineering firms for water, storm and sanitary sewer and street improvements for a term from January 1, 2008 through June 30, 2010, and

WHEREAS, after reviewing the four finalists engineering proposals, staff is recommending Wilcox Professional Services, LLC to provide engineering services.

NOW, THEREFORE, BE IT RESOLVED, the Big Rapids City Commission accept the bid of Wilcox Professional Services LLC., for water main, storm and sanitary sewer and street improvements.

BE IT FURTHER RESOLVED, that the City Commission hereby authorizes the Mayor to sign the contract between Wilcox Professional Services, LLC and the City of Big Rapids.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: December 17, 2007

RESOLUTION NO. 07-169

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

**RESOLUTION AMENDING FISCAL YEAR 2007/2008
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2007/2008 General Appropriations on May 7, 2007 per Resolution No. 07-44, 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 Adjustments to the FY 2007/2008 General Appropriations.

Mecosta County Community Foundation Grant	\$ 6,000.00
Donation received from Meijer Corporation	\$ 2,000.00
MDOT Advance Construction Contract	\$ 178,400.00
MDOT share of East Maple	\$ 314,763.53

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2007/2008 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: December 17, 2007

RESOLUTION NO. 07-170

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

**RESOLUTION ADDING VENLO DRIVE TO THE
CITY STREET SYSTEM**

WHEREAS, the City of Big Rapids did on October 18, 2007 acquire title to Venlo Drive Street, and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED that the road-way is described as:

A Parcel of Land in the S.W. ¼, Section 15 and the S.E. ¼, Section 16, T15N-R10W, Big Rapids Township, Mecosta County, Michigan.

Being Describe as: Beginning at the S.W. Corner of Said Section 15; Thence N01°-17'-12"E, 1472.00 Feet to the North Right of Way (R/W) of M-20 (Perry Avenue), Also being the point of Beginning (P.O.B.); Thence S80°-46'-38"E, Along said R/W Line, 60.58 Feet; Thence N01°-17'-12"E, Parallel with Section Line, 500.00 Feet; Thence N90°-00'-00"W, 66.02 Feet; Thence S01°-17'-12"W, 489.32 Feet to the North R/W Line of M-20; Thence S80°-46'-38"E, Along said R/W, 6.06 Feet.

BE IT FURTHER RESOLVED, that said street is located within a City right-of way and is under the control of the City of Big Rapids, is a public street, is for public street purposes and that said street is accepted into the City Local Street System.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 17, 2007

RESOLUTION NO. 07-171

Commissioner Harper moved, seconded by Commissioner Brennan, the adoption of the following:

RESOLUTION ACCEPTING BIDS FOR FIVE IN-CAR DIGITAL VIDEO SYSTEM FOR PUBLIC SAFETY

WHEREAS, the City solicited bids for the purchase of five in-car digital video system for the Department of Public Safety – Police Division with the grant money received from the US Department of Agriculture Rural Development Community Facilities Grant Program Economic Impact Initiatives, and

WHEREAS, four bids were received with staff recommending that the bid of ICOP Digital, Incorp. be accepted in the amount of \$ 41,123.07

NOW, THEREFORE, BE IT RESOLVED, that the bid of ICOP Digital, Incorp. in the amount of \$ 41,123.07 for five in-car digital video recording systems be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from account number 101.301.977.900.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 17, 2007

Presentation of City Administration Reorganization – City Manager Sobers presented the position paper on the administrative reorganization. **Commissioner Harper questioned the advertising for a full-time recreation coordinator when the Commission had not approved the full-time position as part of the reorganization process. She reminded the Commission that the past Commission had approved a full-time position for Melissa Ferens that was a part-time recreation coordinator and a part-time meter reading position. She questions whether Melissa might have stayed on if she knew that the Commission was considering a full-time recreation coordinator position.**

Commissioner Harper also questioned the need for a Fire Marshal and the proposed implementation of a business fire inspection. The City Attorney confirmed that the State does not require that the City inspect businesses as it does rentals.

Commissioner Brennan asked for clarification regarding the duties to the proposed fire marshal.

City Financial Update – City Treasurer Lynne Fields presented an update on the City's Interest Earnings for Fiscal Year 2007/08 and the Income Tax Revenue for 2007-08.

UNSCHEDULED BUSINESS:

The City Manager reported on the Deer Cull. Thirty-seven deer were seen in the woods. Eight deer were harvested. Director West will request another cull.

There being no further business to come before the Commission, the meeting was adjourned at 9:23 p.m.

Mayor Mark J. Warba

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Roberta R. Cline, City Clerk