

City Commission  
January 20, 2015

Mayor Mark Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Tom Hogenson, Lorraine James, and Dan Rothstein; Mayor Mark J. Warba; City Attorney Eric D. Williams; City Manager Steve Sobers; and City Treasurer Jon Locke.

Absent: None

There were nine persons in the audience.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA** – Replacement resolution presented.

**APPROVAL OF MINUTES**

Commissioner Anderson moved, seconded by Commissioner Hogenson that the minutes of January 5, 2015 meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

**SPECIAL ORDERS OF THE DAY** – none

**STUDY SESSION**

a. Paving of Trestle Bend

Mr. Sobers presented background information received from property owners in Trestle Bend, requesting that the City pave the approximately 3,000 feet of the easement that passes through the City's Northend Riverside Park to Trestle Bend.

In 1985, there was a lawsuit settlement which ruled that the developers of that plat must be allowed to cross the City park lands, but that the City had no obligation to pave or maintain the access roadway. The roadway has reached the point of where it may have to have another layer of asphalt.

Roger Schneidt, Deputy Director of Public Works, explained the history of the property. It is a very old plat. Originally, it was a piece of land that was landlocked, accessible only by two-tracks across City property. The City owned the park property before the current residential development was established. At one time there was a gate at the access of

the City property because it was a seasonal park. The lawsuit, in part, was about keeping the gate open to allow access to the Trestle Bend property.

Mr. Jens Ricks, 17799 Trestle Bend, spoke to the City Commission. The owners of the property have access across the City park lands. It was originally a two-track, but property owners of Trestle Bend wanted a paved roadway. He believes that the road's role has changed. Originally it was to give the property owners access to the property, but today it is an instrument used by the City to service the park. There are 3,000 feet of roadway that allows the City to make this park available to handicapped individuals, as well as others who may want to enjoy the park. Property owners feel that the road has become a part of the park system. It will need to be paved in the near future and the twelve property owners want the City to know that they cannot afford to pave the roadway.

A map of the park and subdivision was provided. The property owners will pave the portion of road that is their subdivision, which is about 2,000 feet long. They feel that the 3,000 feet in the park is the City's obligation, since it provides access to City property. Mr. Ricks stated that several City trucks travel that roadway every day into their subdivision. In year 2000, Mr. Vogel told the property owners that the City was going to construct a turn-around at the end of the City property. That did not happen. He believes the role of the road has changed, it is an access to the City park.

Mr. Sobers stated that the City is abiding by the court order. The City does not plow it or fix potholes. He does not necessarily agree that if Trestle Bend was not there that the City would build a road to the end of their park property. There are a lot of streets and alleys in town that need to be paved, of which the City has jurisdictional responsibility to pave.

Mr. Williams explained that the City owns the property through the park, subject to an easement right, which is a right of access to travel over the City property. Part of the easement right by the property owners includes the obligation to maintain it, and the opportunity to pave it.

Mayor Warba summarized that the property owners of Trestle Bend access their property by way of the consent judgment. The easement allows permission to use City property to get to their development. The City owned their property before the residential development occurred. The private property was landlocked. The City did not create that condition. There has been no change in what was bargained for. He does not believe it is an obligation of the City taxpayers to pay for a road that the property owners have an easement over. A possible option is the possibility of a 425 agreement or for property owners to talk to their township officials. City vehicles going off the easement and into the Trestle Bend area will be addressed and discouraged.

## **PUBLIC COMMENT**

Rose Mary Jennings, 606 Bjornson St., expressed concern regarding the recent attack

on the two City Police Officers. She continues to thank the Public Safety employees for what they do and states they are greatly appreciated.

Mr. Sobers complimented Mrs. Jennings on the beautiful Christmas decorations at their Bjornson Street location.

The City took a ten-minute break.

**PUBLIC HEARING** – none

**RESOLUTION NO. 15-04**

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

**RESOLUTION ACCEPTING AGREEMENT BETWEEN THE  
CITY OF BIG RAPIDS DIAL-A-RIDE (DART) AND  
FERRIS STATE UNIVERSITY**

WHEREAS, per Resolution No. 13-94, dated July 15, 2013 Ferris State University contracted with the City's DART bus transit system to provide free transportation for their students during their renovation project of the Rankin Center, and

WHEREAS, this route became so popular that it is being continued for the next 18 months, whereby Ferris State University agrees to pay the City \$36.00 per vehicle hour.

NOW, THEREFORE, BE IT RESOLVED that the City Commission accepts the Service Agreement between the City of Big Rapids Dial-A-Ride (DART) and Ferris State University and authorizes the Mayor to sign said agreement.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 20, 2015

**RESOLUTION NO. 15-05**

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

**RESOLUTION REFERRING TO THE CITY PLANNING COMMISSION FOR  
DETERMINATION OF SURPLUS REAL PROPERTY AND REZONING OF 906 N.  
STATE STREET (HANCHETT MANUFACTURING)**

WHEREAS, whenever the City has property that may not be needed, the City Commission has asked the Planning Commission to review this excess property and make a recommendation on its disposition, and

WHEREAS, there is a parcel of land located at 906 N. State Street (Parcel #54-17-11-120-001) that appears to be surplus property and may be of interest to a developer, and

WHEREAS, Hanchett Manufacturing at 906 N. State Street has been demolished and the site is ready for redevelopment, and

WHEREAS, the current property is zoned Industrial, but the future vision is to incorporate residential and/or commercial to the 5.2 acre waterfront site.

NOW, THEREFORE, BE IT RESOLVED that the City Commission refer this piece of land at 906 N. State Street to the City Planning Commission for a recommendation on its disposition and to conduct a public hearing on the rezoning of said land and to provide the Commission with a recommendation for action.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 20, 2015

### **RESOLUTION NO. 15-06**

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

#### **RESOLUTION OF DETERMINATION OF SURPLUS REAL PROPERTY AND REFERRAL TO PLANNING COMMISSION**

WHEREAS, whenever the City has property that may not be needed, the City Commission has asked the Planning Commission to review this excess property and make a recommendation on its disposition, and

WHEREAS, the following parcels of land appear to be surplus property and may be of interest to a developer, they include:

- Parcel #54-17-11-100-003 acquired from the DNR in November 2014, 1.75 acres
- Parcel #54-17-11-194-003 603 Bjornson Street Ball field property, 12.08 acres
- Parcel #54-17-11-193-001 602 N. Fourth Avenue, acquired from the DNR in November 2014, 1.0 acres
- Parcel #54-17-15-200-001 610 Rust Avenue, 6.33 acres

NOW, THEREFORE, BE IT RESOLVED, that the City Commission refer these land parcels to the Planning Commission for a recommendation on their disposition.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 20, 2015

**RESOLUTION NO. 15-07**

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

**RESOLUTION ON MAYORAL APPOINTMENTS  
TO BOARDS AND COMMISSIONS**

BE IT RESOLVED, that the City Commission hereby confirms the following Mayoral appointment/recommendation:

**BROWNFIELD REDEVELOPMENT AUTHORITY**

Carol Betts appointed to a full term ending January 2016

Emily Coles appointed to a term effective as of July 2015, and ending January 2017

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 20, 2015

**ORDINANCE NO. 685-01-15**

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

**CITY OF BIG RAPIDS  
MECOSTA COUNTY, MICHIGAN  
ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS  
OF THE STATE CONSTRUCTION CODE**

Community Name: City of Big Rapids, County: Mecosta

An ordinance to affirm the designation of an enforcing agency to discharge the responsibility of the City of Big Rapids located in Mecosta County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The City of Big Rapids ordains:

**Section 1. AGENCY DESIGNATED.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the County of Mecosta designated as the enforcing agency to discharge the responsibility of the City of Big Rapids under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Mecosta assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

**Section 2. CODE APPENDIX ENFORCED.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

**Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.** The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Mecosta County, Michigan (All Jurisdictions)" and dated 2/4/2015 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26107C; 0134C, 0151C, 0153C, 0154C, 0161C, and 0162C dated 2/4/2015 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

**Section 4. REPEALS.** All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**Section 5. PUBLICATION.** This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the Ordinance adopted.

Dated: January 20, 2015

Published: January 28, 2015

This ordinance duly adopted on 1/20/2015 at a regular meeting of the Big Rapids City Commission will become effective upon publication.

Signed on \_\_\_\_\_ by \_\_\_\_\_  
(Signature)

Roberta Cline  
Clerk of the City of Big Rapids

**RESOLUTION NO. 15-08**

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

**A RESOLUTION AUTHORIZING AN  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE  
CITY AND MECOSTA COUNTY REGARDING FEMA'S  
NATIONAL FLOOD INSURANCE PROGRAM AND  
ENFORCEMENT TO THE STATE CONSTRUCTION CODE  
ACT IN FLOOD PLAIN AREAS**

WHEREAS, the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) requires communities to confirm enforcement of the Michigan Construction Code Act with regard to flood plain development and management, and

WHEREAS, a sample intergovernmental agreement between the City of Big Rapids and Mecosta County has been provided by FEMA and the statewide coordinator in Michigan, by which Mecosta County will administer and enforce the construction code act in accordance with the terms and conditions of the agreement, and the City of Big Rapids will continue its participation in the National Flood Insurance Program, and

WHEREAS, the City Commission desires to continue the City's participation in the National Flood Insurance Program because the Muskegon River and associated flood plain areas are located within this City of Big Rapids, NOW THEREFORE,

BE IT RESOLVED that the Intergovernmental Agreement with Mecosta County to Manage Floodplain Development for the National Flood Insurance Program is approved, and Mayor Mark Warba is authorized to sign the agreement on behalf of the City of Big Rapids.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 20, 2015

**UNSCHEDULED BUSINESS**

Mr. Sobers stated the following:

- January 25<sup>th</sup> at 3:30 p.m. is "Skate with the Mayor" at the ice rink.
- The Library fundraising has raised \$361,828 in private donations.

Mayor Warba commented on the following:

- Commissioners were presented a copy of the summary of current City contracts and their renewal status.
- Ferris' University Center is open and is a showcase.

- Owners of the Blue Cow have opened a restaurant in Manistee called the Blue Fish.
- Lorraine James received a certificate for her assistance to the Downtown Business Association as their accountant.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:06 p.m.

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Mayor Mark J. Warba

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Roberta R. Cline, City Clerk