

City Commission
March 2, 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 16 persons in the audience.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA: Addition of a resolution on the purchase of blower parts for Wastewater Treatment Plant.

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Hogenson that the minutes of February 16, 2015 meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

SPECIAL ORDERS OF THE DAY - none

STUDY SESSION

a. Public Input Session for Obtaining Input and Ideas for Projects to be Included in the 2015/2016 City Budget.

City Manager Steve Sobers stated that staff is in the process of formulating the budget. This is the opportunity for the citizens to tell the City Commission what they would like to see in the budget. There will be an opportunity again in April for the citizens to offer input.

City Treasurer Jon Locke stated that the budget will be presented to the City Commission the first meeting in May with adoption at the first meeting in June.

There was no public input.

b. Capital Improvement Program Prioritization Plan

Neighborhood Services Director Mark Sweppenheiser presented the Fiscal Year 15/16 Capital Improvement Program. The list includes items that have a useful life of at least

three years and an acquisition cost of at least \$5,000. The items are reviewed by the CIP committee consisting of three members of the Planning Commission. They review the proposed project sites with staff. After that, the committee meets with the department heads.

Mr. Sweppenheiser reviewed this year's Planning Commission recommendations for funding, for a total of \$1,464,000.

Commissioner James would like to see \$25,000 each for the fire engine replacement and sidewalk program. Mr. Sobers stated that what is presented in the program is not the budget, it is a recommendation. As the budget is put together, fund balance will be considered for items to be included. At that time, items included in the budget can be discussed.

c. Music Industry Management Association Presentation.

Shawn White and Josh Olszewski, representatives of the Music Industry Management Association, presented plans for their 'Music on the Muskegon' event on October 3, 2015. The event will include a main music stage, a local talent stage, inflatables, food, beer vendors, novelty vendors, and a beer tent. The objective is to celebrate all of the cultures in Big Rapids and Michigan.

There will be a 5K. Various fraternities and sororities will take a different festival theme (example running of the bulls or a Japanese water festival) to be represented along the route. The runners would vote on the best festival presentation and a prize would be presented. Proceeds will go to World Vision. The Hemlock Park event will kick off when the runners are completing their run.

They presented a map of the event area, activity areas, and plans for security for the beer tent. They presented their financial plan and ideas for obtaining grants, sponsorships and financing.

Mayor Warba stated that the resolution of approval for the event contains the contingencies of a detailed written plan approved by the Park and Recreation Board pertaining to cleanup and management. The other contingency is the approval of a temporary liquor license by the Director of Public Safety. Ashley Adams, representative of the Big Rapids Jaycees, who will be obtaining the temporary liquor license for the event, explained the application process for a temporary license.

PUBLIC COMMENT

Student Government Representatives Hannah Burtt and Anton Saurini provided the following information:

- A written Student Government's Spring 2015 Report.
- The Women Invested in Leadership and Learning Conference will be March 19th. Guest speaker is Vivian Pickard of General Motors Foundation.

- The Blues and BBQ event is scheduled for April 19th, as a bridge between the community and Ferris.
- The Big Event activity currently has 193 housing applications. The due date has been extended to March 15th.

RESOLUTION NO. 15-17

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

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

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

ASSESSMENT BOARD OF REVIEW

Susan Burns appointed to a full term ending January 2016

COMPENSATION COMMITTEE

Donald Stephen appointed to an unexpired term ending May 2017

Richard Hansen re-appointed to a full term ending May 2020

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 2, 2015

The City Commission took a five-minute recess.

PUBLIC HEARING

The public hearing on estimates and diagrams for 2014/2015 sidewalk improvement program was opened at 7:30 p.m.

City Manager Steve Sobers provided the background of the property and streets on which the sidewalk improvements are scheduled. Affected property owners previously have been invited to an information session to hear about the project.

Steve Beilfuss, owner of 211 Maple Street spoke on the proposed improvements to his sidewalk on the alley side of his building. He stated that the entire sidewalk is on the list for replacement. He and others have looked at the sidewalk and he believes it is an

unnecessary expense to replace entire sidewalk. There is a rise in the sidewalk that needs to be taken out and the end where it goes into the public parking lot is cracked and should be replaced. The sections can be replaced without demolishing the entire sidewalk.

Deputy Director of Public Works Roger Schneidt stated that in the past some mud jacking of the area had been done. It was stated that staff will review the sidewalk again to see if it is feasible to replace only a portion of the sidewalk.

There being no further comments, the public hearing closed at 7:38 p.m.

RESOLUTION NO. 15-18

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

RESOLUTION DIRECTING CITY ASSESSOR TO PREPARE SPECIAL ASSESSMENT ROLL FOR 2014/2015 SIDEWALK IMPROVEMENT PROJECT

WHEREAS, the Big Rapids City Commission held a public hearing on Monday, March 2, 2015, on the estimates and diagrams for the construction of sidewalk under the City of Big Rapids 2014/2015 Sidewalk Improvement Project, and;

WHEREAS, the City Commission deems it to be in the public interest to make said improvements at the properties identified in the City of Big Rapids Sidewalk Improvement Project and that the said improvements shall be special assessed upon each lot, premise and parcel of land abutting the public improvement proportionately to 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 improvements under the 2014/2015 Sidewalk Improvement Project.

BE IT FURTHER RESOLVED, that the City Assessor or his/her designate is hereby directed to prepare a Special Assessment Roll for the improvements under the Sidewalk Improvement Project at the cost of \$3.75 per square foot for installation of four inch (4") thickness sidewalk, and \$4.75 per square foot for installation of six inch (6") thickness sidewalk, with 50% of the expense to be paid by the City of Big Rapids and 50% of the expense to be paid by special assessment by each property owner benefited, which will be levied in three (3) annual installments, 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, March 16, 2015, in the Commission room of City Hall, 226 N. Michigan Avenue, 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: Anderson, Hogenson, James, Rothstein, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: March 2, 2015

RESOLUTION NO. 15-19

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

**RESOLUTION ACCEPTING PROPOSAL FROM FLEIS & VANDENBRINK
FOR PROFESSIONAL ENGINEERING SERVICES FOR
CAPITAL IMPROVEMENT PROJECTS FOR WWTP**

WHEREAS, three approved Capital Improvement Projects remain to be completed during the 2014/15 budget year for the WWTP, and

WHEREAS, the City has retained Fleis and VandenBrink Engineering Inc. to provide engineering services, with the adoption of Resolution No. 10-169 dated December 6, 2010, and

WHEREAS, the City desires professional services to assist in the design phase, bid phase, and the construction phase, and

WHEREAS, Fleis and VandenBrink Engineering Inc. has submitted a proposal outlining the engineering tasks and services they will provide in the amount of \$21,850.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the proposal of Fleis and VandenBrink Engineering Inc. to provide engineering services for the three phases of design, bidding and construction in the amount of \$21,850 for the WWTP.

BE IT FURTHER RESOLVED, that the cost be expensed from the following Accounts Numbers:

- 598-560-967.052 (Connect Clarifier Pits to Plant Gravity Drain Line)
- 598-560-967.053 (Digester to Gravity Thickener Piping Modifications)
- 598-560-977.054 (Aeration Basin Automatic Valve Installation)

Yeas: Anderson, Hogenson, James, Rothstein, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: March 2, 2015

The City Commission requested that the 'Resolution in Support of Proposal 1 for Safer Roads' be brought back at a later date with additional information on the proposal. The Michigan Municipal League is asking for support.

RESOLUTION NO. 15-20

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

**RESOLUTION ACCEPTING PLANNING COMMISSION
2015/16 CAPITAL IMPROVEMENTS PROGRAM
PRIORITIZATION PLAN**

WHEREAS, Municipal Policy MIS-11 requires the City to develop a Capital Improvement Program, which is updated annually, and

WHEREAS, the City staff is required to provide the City Commission with the CIP (Capital Improvements Program) in advance of the budgetary process, and

WHEREAS, after soliciting input into the CIP, the Planning Commission makes an advisory recommendation to the City Commission, and

WHEREAS, at their February 18, 2015 public hearing, the Planning Commission made an affirmative recommendation as per the attached FY 2015/16 Capital Improvements Program Listing.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the Year 2015/16 Capital Improvement Program list as an advisory recommendation from the City Planning Commission.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 2, 2015

The City Commission reviewed proposed ordinance amendments on Water Rates and Sewer Rates, which will identify the cost for residential properties that receive new 3/4 inch wireless read water meters. The Commission requested that the two ordinances be revised and resubmitted with the clarified wording.

RESOLUTION NO. 15-21

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

**RESOLUTION ACCEPTING PLANNING COMMISSION
RECOMMENDATION PERTAINING TO
REVIEW OF 906 N. STATE STREET AS SURPLUS PROPERTY**

WHEREAS, the City Commission, per Resolution 15-05, dated January 20, 2015, referred 906 N. State Street, the former Hanchett building, to the Planning Commission to determine if it may be surplus property, and

WHEREAS, at its February 18, 2015 meeting, the Planning Commission held a public hearing and determined that 906 N. State Street shall be declared surplus property, and

WHEREAS, their recommendation of this as surplus property includes the conditions that the City shall retain the following: a 20 foot easement for city utilities, a strip of property along the Muskegon River for the Riverwalk, and the northern section along the Muskegon River for possible future Riverwalk development, and

WHEREAS, the easement will be presented for City Commission approval at a future date.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Planning Commission recommendation and declare 906 N. State Street surplus property which includes the retention of a utility easement and property for Riverwalk Development.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: March 2, 2015

RESOLUTION NO. 15-22

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

RESOLUTION ACCEPTING PLANNING COMMISSION RECOMMENDATION PERTAINING TO REVIEW OF FORMER DNR PROPERTY ON BJORNSON STREET (PARCEL 54-17-11-100-003) AS SURPLUS PROPERTY

WHEREAS, the City Commission, per Resolution 15-05, dated January 20, 2015, referred the former DNR property on Bjornson Street (Parcel 54-17-11-100-003) to the Planning Commission to determine if it may be surplus property, and

WHEREAS, the total DNR property included a parcel of land on each the East and West side of Bjornson Street, and

WHEREAS, at its February 18, 2015 meeting, the Planning Commission held a public hearing and determined that the portion of the DNR property located on the East

side of Bjornson Street should be split from the original parcel and become a new parcel number 54-17-11-200-025 and that it be declared as surplus property, and

WHEREAS, their recommendation of this as surplus property includes the following conditions: a 20 foot City easement be created for public utilities, and the remainder of the property on the west side of Bjornson (Parcel No. 54-17-11-100-003) be included as a part of 603 Bjornson with a 20 foot utility easement.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Planning Commission recommendation and declare the former DNR property on the East side Bjornson Street (new Parcel 54-17-11-200-025) as surplus property with the provision of a 20 foot utility easement, and the remaining property on the West be included as part of 603 Bjornson with a 20-foot utility easement created for all public utilities.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: March 2, 2015

RESOLUTION NO. 15-23

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

RESOLUTION ACCEPTING PARK AND RECREATION BOARD RECOMMENDATION PERTAINING TO THE REQUEST OF THE MUSIC INDUSTRY MANAGEMENT ASSOCIATION FOR A BEER TENT IN HEMLOCK PARK FOR A OCTOBER 3, 2015 MUSIC FESTIVAL

WHEREAS, the Ferris State University Music Industry Management Association has presented to the Park and Recreation Board a request for permission to serve alcohol during their proposed International Music Festival in Hemlock Park on October 3, 2015, and

WHEREAS, on February 12, 2015, the Park and Recreation Board met and approved the proposed Music Festival, and

WHEREAS, the City's Temporary Liquor Licenses policy requires that temporary liquor licenses, such as needed for this event, must be approved by the Director of Public Safety, as well as, if the temporary liquor license is for premises not owned or leased by the applicant, City Commission review and approval is needed, and

WHEREAS, City Commission approval of this request is contingent upon a detailed written plan submitted to and approved by the Park and Recreation Board pertaining to

cleanup and management (security, damages, music) and approval of the Temporary Liquor License by the Director of Public Safety per City policy.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves the Musical Industry Management Association request for use of Hemlock Park for their International Music Festival with alcohol based on the above contingencies.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 2, 2015

Mr. Sobers explained the resolution added to the agenda pertaining to the purchase of a blower at the Wastewater Treatment Plant. The replacement part is a specific brand replacement for the Kaeser brand equipment and is a \$10,884 cost, which as required by the purchasing ordinance requires that the part be bid.

The City Charter has the provision that states: "The City Commission may authorize the making of public improvements or the performing of any other City works by any City department or agency without competitive bidding". It would seem to imply that if staff brings something to the City Commission and the Commission agrees this is a necessary purchase, the bid process is not formally required. This is a classic example of replacement parts for specific brand equipment. The City Manager requested direction from the City Commission as to how they would like to handle the 'specialized brand' equipment purchases that do not fit within the present purchasing policy.

Mayor Warba believes that the current Charter wording allows for the purchase of needed brand name replacement parts without competitive bids. Mr. Sobers stated that the purchasing ordinance should be revised to include the intent of the Charter. The City Attorney advised the City Commission that they are permitted to interrupt the City Charter and its intent. Mayor Warba believes the power is in the Charter to allow for purchases without bidding. Mr. Williams was requested to look at an ordinance change to reflect City Charter language.

Commissioner Hogenson stated that the intent of the City Charter language was the realization that things will change over the next 20 years and allows the City Commission to be the final authority. It does not mean that Charter Revision Commission members were in favor of simply abridging the intent of bid process. He would not be against some type of finance committee that may periodically take up the review of purchases such as this to give recommendations.

RESOLUTION NO. 15- 24

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

**RESOLUTION AUTHORIZING PURCHASE
OF A KAESER OMEGA 63P UNIT BLOWER
FOR THE WASTEWATER TREATMENT PLANT**

WHEREAS, one of the Kaeser brand blowers purchased in 2009 at the Wastewater Treatment Plant is experiencing mechanical difficulties, and

WHEREAS, Professional Pump, Inc. of Byron Center Michigan, a Kaeser brand representative, advises the replacement of this non-warrantable unit costing \$10,884 and an installation cost of \$3,950.00, and

WHEREAS, the City Charter, Section 8.10 reads, "The City Commission may authorize the making of public improvements or the performing of any other City works by any City department or agency without competitive bidding", and

WHEREAS, Professional Pump is the only Kaeser representative in the State of Michigan.

NOW, THEREFORE, BE IT RESOLVED, the Commission authorizes the purchase of this replacement "OMEGA 63P UNIT" in order to keep the Wastewater Plant in good operating order and to avoid any potential wastewater treatment upset to the plant and violation of the City NPDES permit.

BE IT FURTHER RESOLVED, that the cost be expensed from Fund Balance and charged to Account No. 598-560-977.007.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 2, 2015

The Mayor requested input from Public Works Director Mark Gifford regarding the definition of surplus property. Mr. Gifford stated that Public Works recommendation and input is requested when property is going to the City Planning Commission for consideration for disposal. It is difficult for him to give a recommendation on disposal of the property prior to him knowing what the property will be used for. He feels the designation of 'surplus property' does not really fit when considering what to do with property the City may want to sell.

Mayor Warba felt there may be merit in asking other Boards and staff if there is merit for use of the land before the determination to sell is determined. He believes there is a need to go through the surplus declaration process before the City can decide what to do with

it. Once the property is determined to be surplus, the door can be opened to development.

Commissioner Hogenson believes there is a timing issue of preparing the property and making it salable and selling it immediately. Mr. Sobers stated that the real question is, what is the highest and best use. Is it really surplus if you don't know what the highest and best use is. Mr. Gifford does not believe property can be declared surplus without having an idea of what it will be sold for. Mayor Warba stated it is an interesting discussion to be considered at another time.

UNSCHEDULED BUSINESS

Commissioner Anderson stated that there are several frozen pipes around town. Mr. Sobers stated that at this time, an authorization to keep water running has not been issued. The increase in water flow adds a significant burden to the Wastewater Treatment Plant. If someone is frozen, the City will address it on an individual basis. Mayor Warba wants to make sure there is some relief for property owners who are frozen.

Mayor Warba reminded the City Commission of the Boards and Commissions dinner Thursday. March is reading month and he will participate in the program.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 9:02 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk