

City Commission  
March 16, 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; and City Manager Steve Sobers.

Absent: None

There were 15 persons in the audience.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA** – Due to the absence of City Treasurer Jon Locke, the Park/Recreation and Library Bills and the Resolution Amending Fiscal Year 2014/2015 General Appropriations were pulled from the agenda. The City Assessor appointment resolution is amended to add a performance review process.

**APPROVAL OF MINUTES**

Commissioner Anderson moved, seconded by Commissioner Hogenson that the minutes of March 2, 2015 meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

**SPECIAL ORDERS OF THE DAY** - none

**STUDY SESSION** - none

**PUBLIC COMMENT**

Ferris State Student Government Representative Kate Williams briefed the City Commission on the following:

- The Women Invested in Leadership and Learning Conference will be this Thursday. Guest speaker is Vivian Pickard of General Motors Foundation. There will be five breakout sessions.
- April 18<sup>th</sup> is the Big Event. So far there are 224 houses and 85 volunteers. There are 32 days until the event. The goal is 2,000 volunteers and 300 houses.
- The candidates for the new President of Student Government are starting to actively compete for that position.
- The Blues and BBQ event is scheduled for April 19<sup>th</sup>. They are still looking for businesses to be involved, but everything is progressing smoothly.

Mr. Kevin McBride, 614 Woodward Avenue, stated he was one of three houses in a row whose water line froze. The City told him the line was his responsibility. He paid \$750 to a steam company who spent five hours running their hose all the way to the water shut off valve, of which his water line was open to that point.

Mr. McBride referred to City Ordinances:

- Section 51.06 (d): The service pipe, from the water main to the curb box is maintained by the City. His water main is on the far side of the street, across the street from the shut off valve which is maintained by the City.
- Section 51.06 (e): Any contractor hired shall not interfere with any service pipe installed by the department. This section says that the pipe installed under the road, he cannot have a contractor thaw; that it belongs to the City.
- In Section 51.99 – Penalty – the owner is responsible for all repairs of the service line from the water main to the structure.

He believes the City is contradicting itself. Who is responsible for the pipe under the road? Obviously, as a homeowner, he cannot hire an excavator to come in and dig up the road to thaw the line. There is not a steam business that has a hose long enough to reach across the road, at the service box, to the main, which is the part that froze. He believes that if he was the only house out of the three that froze, he would not have an argument, that it was probably his line. He was thankful that the City could come in and help thaw him out, but the other two neighbors could not be helped.

He believes that the City should have some sort of ownership in helping the residents get their lines unfrozen if they are able to. Who pays the bill for the line under the roadway that was frozen? It was not frozen in his yard. The City Manager and Street Superintendent stated that they know what is wrong, but they cannot fix it now. It appears there is some sort of City liability and if there is a problem, why does he have to pay the bill. This needs to be better addressed.

Mark Gifford, Director of Public Works, stated that it is theorized that when the road was reconstructed (around 2000) and the new storm sewer was installed, the water line services were placed over the 36" storm sewer line instead of under the line. This placed the water line somewhere about 5 feet from the surface, and this is where the frost line was in some areas this year. The Street Superintendent is going to get a depth on that line.

Mayor Warba stated that there appears there may be some conflicts in the City's Code sections. He asked the City Attorney to look at those sections. It is probably too late for any legal recourse if a contractor did something he should not have during the utility installation, but it is worth looking into. He asked the City Attorney to research and express an opinion on any exposure to liability the City may have on a claim like that. If there is any, he would like a report back if there is any insurance coverage on such a claim.

Mr. Sobers stated that just because the water line is in the street right-of-way does not follow in terms of ownership. There is sidewalk in the right-of-way and the City expects the property owners to maintain that. With water and sewer, there is the understanding that the public portion begins at the second tap. It is at that point, with sewer, where multiple people are putting things into the line. The same with water; it is the homeowners responsibility until it hooks into the main.

This matter will be reviewed. The policy for frozen water lines will also be looked at before next winter to address some of the frozen lines.

**RESOLUTION NO. 15-25**

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

**RESOLUTION RECOMMENDING CITY REPRESENTATIVE  
ON THE MECOSTA/OSCEOLA TRANSIT AUTHORITY BOARD**

BE IT RESOLVED, that the City Commission hereby recommends Mary Vogt be appointed as the City Representative on the Mecosta/Osceola Transit Authority Board by the Mecosta County Board of Commissioners.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2015

**RESOLUTION NO. 15-26**

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

**RESOLUTION APPROVING PURCHASE OF METER REPLACEMENTS  
FROM THE BADGER COMPANY**

WHEREAS, the City of Big Rapids is embarking on a meter replacement program for its old meters, eventually replacing approximately all 2,300 customers meters, and

WHEREAS, the capability exists to have all meters installed using wireless technology, eliminating the need for door to door manual meter reading, thus converting the reading process to an 'over the internet' system which will permit reading more easily and accurately in any weather, and

WHEREAS, a team from the Department of Public Works, Technology and Finance employees received applications and presentations on advanced wireless technology and selected the Badger Meter as the best option for the City of Big Rapids, and

WHEREAS, it is therefore the expectation that meter replacement over the next several years will be with the Badger Company, and

WHEREAS, the City and Big Rapids Township have reviewed the technology and have agreed on the replacement of Township meters with the same system as the City, and

WHEREAS, the Township has approved the purchase and replacement of all of their meters and approved the bills forwarded to them for \$45,848.24, and

WHEREAS, the City did neither anticipate nor appropriate for the 2014/15 budget to purchase meters at this accelerated rate.

NOW, THEREFORE, BE IT RESOLVED, that the City purchase and install Badger meters for the Big Rapids Township and other City customers, according to the recommendation of the Department of Public Works, Technology and Finance team, beginning with the township according to the agreement with Big Rapids Township.

BE IT FURTHER RESOLVED, that the City Commission shall appropriate funds for this purpose from the fund balance and shall amend both the income and expense items for meters in the following manner:

**Water Fund**

Account Number	Account Type	Account Description	Current Budget	Change	Amended Budget
591-000-677.107	Revenue	Wireless Meter Reading	\$0	\$22,900	\$22,900
591-561-977.107	Expense	Wireless Meter Reading	\$0	\$22,900	\$22,900

**Wastewater Fund**

Account Number	Account Type	Account Description	Current Budget	Change	Amended Budget
590-000-677.107	Revenue	Wireless Meter Reading	\$0	\$22,900	\$22,900
590-561-977.107	Expense	Wireless Meter Reading	\$0	\$22,900	\$22,900

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2015

**ORDINANCE NO. 687-03-15**

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

**ORDINANCE AMENDING THE WATER RATES TITLE V,  
SECTION 54.11 OF THE  
BIG RAPIDS CITY CODE OF ORDINANCES**

WHEREAS, the City is at the forefront of a wireless meter upgrade that will allow computerized meter readings over the internet, rather than door to door manual reading, and

WHEREAS, this new system starts the meter size at ¾” rather than the “old” style 5/8” meter size, and

WHEREAS, to accommodate this change in meter technology without raising rates on residential customers, the City wishes to modify the water and sewer billing ordinance to allow residential customers to have the new ¾” meters at the same charge as the old 5/8” meter rate base rate, and

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Title V, Section 54.11 is hereby amended to read:

§ 54.11 WATER RATES.

Effective February 1, 2015, the rates to charge monthly for water service shall consist of a base rate without regard to usage, and a commodity charge based on water usage.

INSTITUTIONAL CUSTOMERS

<u>Meter Size (Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$10.00	\$6.10 per 1,000 gallons
¾	\$16.80	\$6.10 per 1,000 gallons
1	\$27.67	\$6.10 per 1,000 gallons
1 ½	\$59.87	\$6.10 per 1,000 gallons
2	\$115.17	\$6.10 per 1,000 gallons
3	\$197.07	\$6.10 per 1,000 gallons
4	\$374.87	\$6.10 per 1,000 gallons
6	\$606.57	\$6.10 per 1,000 gallons

COMMERCIAL/INDUSTRIAL CUSTOMERS

<u>Meter Size (Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$4.00	\$5.25 per 1,000 gallons
¾	\$16.62	\$5.25 per 1,000 gallons
1	\$23.24	\$5.25 per 1,000 gallons
1 ½	\$36.71	\$5.25 per 1,000 gallons

2	\$121.52	\$5.25 per 1,000 gallons
3	\$221.70	\$5.25 per 1,000 gallons
4	\$309.80	\$5.25 per 1,000 gallons
6	\$397.48	\$5.25 per 1,000 gallons

RESIDENTIAL CUSTOMERS

<u>Meter Size</u> <u>(Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$4.00	\$5.25 per 1,000 gallons
3/4	\$4.00	\$5.25 per 1,000 gallons
1	\$4.00	\$5.25 per 1,000 gallons

Section 2: Residential customers include single family residence and rentals of 4 living units or less.

Section 3. This ordinance shall be effective upon publication.

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

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the Ordinance adopted.

Dated: March 16, 2015

Published:

**ORDINANCE NO. 688-03-15**

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

**ORDINANCE AMENDING THE SEWER RATES, TITLE V,  
SECTION 54.12 OF THE BIG RAPIDS CITY CODE OF ORDINANCES**

WHEREAS, the City is at the forefront of a wireless meter upgrade that will allow computerized meter readings over the internet, rather than door to door manual reading, and

WHEREAS, this new system starts the meter size at 3/4" rather than the "old" style 5/8" meter size, and

WHEREAS, to accommodate this change in meter technology without raising rates on residential customers, the City wishes to modify the water and sewer billing ordinance to allow residential customers to have the new 3/4" meters at the same charge as the old 5/8" meter rate base rate, and

NOW, THEREFORE BE IT RESOLVED, the City of Big Rapids hereby ordains:

Section 1. Title V, Section 54.12, is hereby amended to read:

Effective February 1, 2015 the rates to charge monthly for sewer service shall consist of a base rate without regard to usage and a commodity charge based on sewer usage.

COMMERCIAL/ INDUSTRIAL CUSTOMERS, INSTITUTIONAL CUSTOMERS

<u>Meter size (inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$3.30	\$6.17 per 1,000 gallons
¾	\$15.48	\$6.17 per 1,000 gallons
1	\$26.93	\$6.17 per 1,000 gallons
1 ½	\$64.38	\$6.17 per 1,000 gallons
2	\$144.14	\$6.17 per 1,000 gallons
3	\$246.35	\$6.17 per 1,000 gallons
4	\$466.29	\$6.17 per 1,000 gallons
6	\$857.60	\$6.17 per 1,000 gallons

RESIDENTIAL CUSTOMERS

<u>Meter size (inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$3.30	\$6.17 per 1,000 gallons
¾	\$3.30	\$6.17 per 1,000 gallons
1	\$3.30	\$6.17 per 1,000 gallons

Section 2: Residential customers include single family residence and rentals of 4 living units or less.

Township customers:

The sewer rates charged to customers in Big Rapids Township and Green Township shall be determined by the current User Charge Report.

Industrial Pretreatment Program (IPP):

Commercial, Industrial, and Institutional users shall be charged an additional amount per 1,000 gallons of use for the Industrial Pretreatment Program (IPP) as determined by the current User Charge Report.

Single customer facilities:

Sewer lift stations, facilities, or other services on the system which serve only one customer shall be individually charged the cost of that private service.

Section 3. This Ordinance shall be effective upon publication.

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

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2015

Published:

**ORDINANCE NO. 689-03-15**

Commissioner Rothstein moved, supported by Commissioner Anderson, 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 EXPIRATION DATE OF PROHIBITED ON STREET  
ALL NIGHT PARKING FROM MARCH 1 TO MARCH 15**

WHEREAS, the Big Rapids Code of Ordinances Section 70.04, sub-section 8.26, All Night Winter Parking, was revised by Ordinance No. 673-03-14 on March 3, 2012, which changed the expiration date of the all night winter on-street parking prohibition from March 1 to March 15, 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 March 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 15                      \$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: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: March 16, 2015

Published:



**RESOLUTION NO. 15-27**

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

**RESOLUTION APPROVING TRAFFIC CONTROL ORDER NO. 508  
FOR NO PARKING AT THE BIG RAPIDS ROLLER RINK**

WHEREAS, in accordance with the provisions of Act 32, Public Acts of 1956, Section 2.53, the Department of Public Safety has authorized the following traffic control order:

*There will be designated "No Parking Here to Corner" area on Michigan Avenue south of Hemlock Street on the east side of the Big Rapids Roller Rink. The sign would be placed at the end of the existing yellow curb marking. See attached diagram.*

BE IT RESOLVED, that the City Commission hereby approves the above Traffic Control Order.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2015

The City Commission took a seven minute break.

**PUBLIC HEARING – 7:30 p.m.**

The public hearing to consider objections to the 2014/2015 sidewalk improvement program Special Assessment Roll 15-518 was opened at 7:30 p.m. by Mayor Warba.

There were no public comments or written communications received. The Mayor closed the public hearing at 7:31 p.m.

**RESOLUTION NO. 15-28**

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

**A RESOLUTION ACCEPTING THE PLANNING  
COMMISSION RECOMMENDATION AND APPROVING A  
TAX EXEMPTION AND PAYMENTS IN LIEU OF TAXES  
(PILOT) FOR BIG RAPIDS HOUSING COMMISSION AND  
MEADOW PARK APARTMENTS**

WHEREAS, Big Rapids Housing Commission, 9 Parkview Village, Big Rapids, Michigan 49307, "Sponsor/Owner" requested a tax exemption and payment in lieu of taxes for Meadow Park Apartments, 1835 Milton Avenue, Big Rapids, Michigan 49307 pursuant to MCL 125.1401 et seq., and Chapter 155 of Title 15 of the Big Rapids City Code, and

WHEREAS, the Planning Commission reviewed and discussed the request at its meeting and recommended granting of the tax exemption and acceptance of a payment in lieu of taxes as allowed by law, and

WHEREAS, in order to meet the requirement of Section 155.07(f) of the City's ordinance for tax exemption, which requires the housing developer to rehabilitate or remove some dilapidated or substandard housing stock within the City, Big Rapids Housing Commission agreed to contribute twenty thousand (\$20,000) dollars to the City of Big Rapids for the rehabilitation and renovation of a residential structure to be determined in the future, and

WHEREAS, it has been determined that all requirements of the Act and the ordinance have been met and fulfilled,

NOW, THEREFORE, BE IT RESOLVED that the City Commission approves and grants the tax exemption for the Big Rapids Housing Commission and Meadow Park Apartments, 1835 Milton Avenue, Big Rapids, Michigan 49307, #54-17-11-200-022 and

The City of Big Rapids acknowledges that the Big Rapids Housing Commission (the "Sponsor") has offered in anticipation of the receipt of a Low Income Housing Tax Credit Reservation from the Michigan State Housing Development Authority, to own, rehabilitate, and operate a housing development identified as Meadow Park Apartments, #54-17-11-200-022, (the "Housing Development") on certain property located at 1835 Milton Avenue in the City of Big Rapids to serve persons of low and moderate income and that the Big Rapids Housing Commission has offered to pay the City of Big Rapids on account of this housing development a payment in lieu of taxes (PILOT).

It is determined that the class of Housing Development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be that portion of a development which is for low and moderate income persons and which is financed or assisted pursuant to the Act. It is further determined that Meadow Park Apartments are of this class.

The Housing Development identified as Meadow Park Apartments, 1835 Milton Avenue, Big Rapids, Michigan 49307, #54-17-11-200-022 and the property on which it is constructed shall be exempt from all property taxes from and after the commencement of rehabilitation. The City of Big Rapids, acknowledging that the Big Rapids Housing Commission, Rural Development and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Resolution and the qualification of the Housing Development for exemption from all property taxes and a Payment In Lieu Of Taxes (PILOT) as established in this

Resolution, and in consideration of the Big Rapids Housing Commissions' offer, in anticipation of the receipt of a Low Income Housing Credit Reservation from the Authority or a Mortgage Loan from Rural Development, to own, rehabilitate, and operate the Housing Development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 4% of the Annual Shelter Rents actually collected less Utilities.

The service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the City of Big Rapids except that the annual payment shall be paid on or before April 1<sup>st</sup> of each year.

The Sponsor/Owner shall contribute twenty thousand (\$20,000) dollars to the City of Big Rapids for the rehabilitation and renovation of a residential structure to be determined in the future, and in satisfaction of §155.07(F) of the Big Rapids City Code, according to the terms of the Contribution Agreement, which the Mayor and Clerk are authorized to sign.

The tax exempt status shall remain in effect for thirty years or so long as the mortgage loan remains outstanding and unpaid or the Authority, or Rural Development has any interest in the property, whichever is less, provided, that rehabilitation or renovation of the housing development commences within one year from the effective date of the resolution, and the Sponsor/Owner continues to make the PILOT payments as required.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: March 16, 2015

### **RESOLUTION NO. 15-29**

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

#### **A RESOLUTION ACCEPTING THE PLANNING COMMISSION RECOMMENDATION AND APPROVING A MUNICIPAL SERVICES AGREEMENT FOR BIG RAPIDS HOUSING COMMISSION AND MEADOW PARK APARTMENTS**

WHEREAS, Big Rapids Housing Commission, 9 Parkview Village, Big Rapids, Michigan 49307, "Sponsor/Owner" requested a tax exemption and a payment in lieu of taxes (PILOT) for Meadow Park Apartments at 1835 Milton Avenue, Big Rapids, Michigan 49307 pursuant to MCL 125.1401 et seq., and Chapter 155 of Title 15 of the Big Rapids City Code, and

WHEREAS, in order to meet the requirement of Section 155.07(f) of the City's ordinance for tax exemption, which requires the housing developer to rehabilitate or remove some dilapidated or substandard housing stock within the City, the Big Rapids Housing Commission agreed to contribute twenty thousand (\$20,000) dollars to the City of Big Rapids for the rehabilitation and renovation of a residential structure to be determined in the future, and

WHEREAS, the Planning Commission reviewed and discussed the request at its meeting and recommended granting of the tax exemption and PILOT as allowed by law, and

WHEREAS, the Sponsor/Owner requested a municipal services agreement for Meadow Park Apartments pursuant to the approval of the tax exemption and PILOT and MCL 125.1401 et seq., and

WHEREAS, it has been determined that all requirements of the Act and the ordinance have been met and fulfilled,

NOW, THEREFORE, BE IT RESOLVED that the City Commission approves and authorizes the municipal services agreement for the Big Rapids Housing Commission and Meadow Park Apartments, 1835 Milton Avenue, Big Rapids, Michigan 49307, #54-17-11-200-022, in the form that is attached, and

The Municipal Services Agreement is approved by which the Sponsor/Owner shall pay a municipal services fee of one and one half (1.5) times the amount of the PILOT payment, payable on the same date as the PILOT, and the Mayor and Clerk are authorized to sign the Municipal Services Agreement. The municipal service charge shall be payable in the same manner as general property taxes are payable to the City of Big Rapids, except that the annual payment shall be paid on or before April 1<sup>st</sup> of each year.

The municipal services agreement shall remain in effect as long as the PILOT remains in effect and shall end when the PILOT agreement ends pursuant to the terms determined in the resolution granting the tax exemption and approving the PILOT.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: March 16, 2015

### **RESOLUTION NO. 15-30**

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

### **RESOLUTION ADOPTING SPECIAL ASSESSMENT ROLL NO. 15-518 FOR 2014/2015 SIDEWALK IMPROVEMENT PROJECT**

WHEREAS, Special Assessment Roll No. 15-518 has been submitted for the construction of sidewalk under the City of Big Rapids 2014/2015 Sidewalk Improvement Project, and

WHEREAS, the City Commission held a public hearing on Monday, March 16, 2015, 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. 15-518 to be spread over a three (3) year term payable in three (3) annual installments with interest at the rate of five percent (5%) per annum due each February 1<sup>st</sup> hereafter, beginning February 1, 2015, 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: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2015

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 16, 2015.

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:

### **RESOLUTION NO. 15-31**

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

### **RESOLUTION ACCEPTING BIDS FOR 2014/2015 SIDEWALK IMPROVEMENT PROGRAM**

WHEREAS, the Big Rapids City Commission has approved the sidewalk improvement program for the year 2014/2015 in which the City will address the rehabilitation of existing walks, accessible ramping, and detectable warning, and

WHEREAS, bids were solicited for the project, whereby three bids were received, and review of the bids by staff has resulted in a recommendation to accept the lowest and best bid of Olsson Concrete, LLC in the amount of \$ 27,615.00.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Olsson Concrete LLC be accepted in an amount of \$27,615.00 for the 2014/2015 Sidewalk Improvement Program and Mayor authorized to sign contract.

BE IT FURTHER RESOLVED, that the cost be expensed as follows:

101-442-967.703 (sidewalk program)	\$ 23,765.00
101-442-967.702 (alley approach, alley sidewalk)	\$ 3,850.00

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2015

### **RESOLUTION NO. 15-32**

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

#### **RESOLUTION APPOINTING CITY ASSESSOR AND ESTABLISHING COMPENSATION**

WHEREAS, dictated by State law and City Charter, the City Commission is the authority to appoint a City Assessor, and

WHEREAS, L. Gail Dolbee has obtained her Level III designation.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby designates Gail Dolbee as the Big Rapids City Assessor, effective April 1, 2015.

BE IT FURTHER RESOLVED, that the compensation for this Division Head position be set at Level 6, Step 4 of the Non-Bargaining Pay and Classification scale.

BE IT FURTHER RESOLVED, that in keeping with new employment of individuals in critical positions, personnel reviews will be completed in 30 days, 60 days, six months and one year from her appointment date to provide positive guidance for her position.

Yeas: Anderson, Hogenson, James, Rothstein, Warba  
Nays: None  
The Mayor declared the resolution adopted.  
Dated: March 16, 2015

**RESOLUTION NO. 15-33**

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

**RESOLUTION ADOPTING TITLE VI PROGRAM  
FOR THE CITY OF BIG RAPIDS DIAL-A-RIDE**

WHEREAS, as the sub-recipient of federal transportation funds for its Dial-a-Ride program, the City of Big Rapids must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location, and

WHEREAS, to adhere to these requirements, a Title VI Program for the City of Big Rapids Dial-A-Ride has been developed according to the FTA requirements, copy attached, and

WHEREAS, the City's Plan Title VI Program for the City of Big Rapids Dial-A-Ride has been approved by the personnel of the Michigan Department of Transportation, Office of Passenger Transportation.

NOW, THEREFORE, BE IT RESOLVED that the Big Rapids City Commission hereby adopts the attached required Title VI Program for the City of Big Rapids Dial-A-Ride.

Yeas: Anderson, Hogenson, James, Rothstein, Warba  
Nays: None  
The Mayor declared the resolution adopted.  
Dated: March 16, 2015

**RESOLUTION NO. 15-34**

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

**RESOLUTION ADOPTING UPDATED  
PUBLIC GRIEVANCE PROCEDURE FOR  
PROGRAMS, SERVICES AND ACTIVITIES  
UNDER THE AMERICANS WITH DISABILITIES ACT**

WHEREAS, the City adopted the Public Grievance Procedure for Programs, Services and Activities Under the Americans with Disability Act on December 2, 2013 by Resolution No. 13-140, and

WHEREAS, the Michigan Department of Transportation (MDOT) required that the policy include additional elements in order to keep the City compliant to receive Dial-A-Ride Federal and State funding, and

WHEREAS, MDOT has reviewed the revised policy, copy attached, and finds it to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby adopts the attached ADA Policy pertaining to Public Grievance Procedure for Programs, Services and Activities Under the Americans with Disabilities Act, and hereby directs that it be incorporated into the City's Policy Book.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2015

### **RESOLUTION NO. 15-35**

#### **RESOLUTION AUTHORIZING LEASE-PURCHASE AGREEMENT**

##### **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 in said City on the 16th day of March, 2015, at 6:30 p.m., prevailing Eastern Time.

PRESENT: Members: Anderson, Hogenson, James, Rothstein, Warba

ABSENT: Members: None

The following preamble and resolution were offered by Member James and supported by Member Hogenson.

WHEREAS, the City Commission of the City of Big Rapids, County of Mecosta, State of Michigan (the "City") determines it to be necessary for the public health, safety and welfare of the City and its residents to acquire police/fire radios, as detailed in Schedule A (the "Equipment") of the Equipment Lease-Purchase Agreement between the City and Motorola Solutions, Inc. (the "Vendor") attached hereto at Exhibit A (the "Contract"); and

WHEREAS, under the provisions of Act 99, Public Acts of Michigan, 1933, as amended ("Act 99"), the City is authorized to enter into any contracts or agreements for



the purchase of property or equipment for public purposes, to be paid for in installments over a period of not to exceed the useful life of the property acquired as determined by resolution of the City Commission; and

WHEREAS, the City shall acquire the Equipment for the price of \$278,491 (the "Financed Amount"); and

WHEREAS, the outstanding balance of all purchases by the City under Act 99, exclusive of interest, shall not exceed one and one quarter percent (1-1/4%) of the taxable value of the real and personal property in the City at the date of such contracts or agreements; and

WHEREAS, purchase of the Equipment pursuant to the Contract will not result in the outstanding balance of all such purchases in excess of the limitation contained within Act 99 as set forth above.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Contract is hereby approved substantially in the form attached hereto at Exhibit A. The City shall incur the debt described in the Contract through execution of the Contract by the officers authorized below which debt shall consist of the Financed Amount of not to exceed \$278,491 which shall be payable in five (5) annual installment payments of principal and interest on April 1 of each year, commencing April 1, 2016, through April 1, 2020, inclusive, with interest on the unpaid principal at the rate of 3.274% per annum.

2. The Mayor and City Clerk are hereby authorized and directed to execute the Contract and deliver it to the Vendor, substantially in the form attached hereto with such additions, changes and modifications as shall be approved by the City's Bond Counsel.

3. The useful life of the Equipment is hereby determined to be not less than five (5) years.

4. The Mayor, City Clerk, City Manager and Treasurer are each hereby directed and authorized to execute such additional documentation and open such accounts as shall be necessary to effectuate the closing of the Contract and any assignment thereof.

5. The City hereby recognizes and approves the Vendor's right to assign its rights, title and interest in the Contract, the Equipment and any documents executed with respect to the Contract, in whole or in part.

6. The City hereby agrees to include in its budget for each year during the term of the Contract, a sum which will be sufficient to pay the principal of and interest on the Contract coming due before the next fiscal year. In addition, the City hereby pledges to

levy ad valorem taxes on all taxable property in the City each year in an amount necessary to make its debt service payments under the Contract, subject to applicable constitutional, statutory and charter tax rate limitations.

7. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exemption of the interest on the obligations under the Contract from general federal income taxation (as opposed to alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of proceeds of the Contract and moneys deemed to be proceeds.

8. The City hereby designates the Contract as a “qualified tax-exempt obligation” for purposes of deduction of interest expense by financial institutions under the provisions of the Internal Revenue Code of 1986, as amended.

9. The City Manager and Treasurer are hereby authorized to adjust the final details set forth herein to the extent necessary or convenient to complete the transactions authorized herein, and in pursuance of the foregoing are authorized to make determinations regarding the principal and interest payment dates, maturity, and redemption provisions. The final terms of the Contract shall be evidenced through execution of the Contract by the Mayor and City Clerk.

10. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES:           Members:   Anderson, Hogenson, James, Rothstein, Warba  
ABSTAIN:       None  
NAYS:           Members:   None

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
City Clerk

CERTIFICATE

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, Michigan, at a regular meeting held on March 16, 2015 and that said meeting was conducted and public notice of said 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 said meeting were kept and will be or have been made available as required by said Act.

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 15-36**

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

**A RESOLUTION APPROVING A CONTRACT WITH  
MOTOROLA SOLUTIONS FOR  
COMMUNICATIONS EQUIPMENT**

WHEREAS, the City of Big Rapids needs to acquire updated communications equipment for use in the Department of Public Safety, which equipment will be acquired from Motorola Solutions,

BE IT RESOLVED that the Communications Products Agreement with Motorola Solutions Inc. with a contract price of \$278,491.00 is hereby approved, and the Mayor is authorized to sign the contract in the general form as attached.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2015

**UNSCHEDULED BUSINESS**

Commissioner Hogenson informed the group of the WISE dinner theater on March 27<sup>th</sup> at the Holiday Inn.

Mayor Warba stated the following:

- Monday, March 30<sup>th</sup> will be a City Commission Retreat to discuss Wastewater Treatment Issues and the Status of the Historic District. The meeting will start at 6:00 p.m.
- Mr. Williams will comment on the purchasing revisions at the April 6th meeting, allowing the City Commission to approve selected purchases without going through the bidding process.
- There appeared to be no interest on the part of the City Commission to consider a resolution supporting Proposal 1.
- The budget request for zinnias submitted by Mrs. Beadle will be submitted at the next budget input session.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:03 p.m.

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Mayor Mark J. Warba

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Roberta R. Cline, City Clerk